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FIRST DAY

NOON SESSION

House Chamber, Olympia, Monday, January 11, 1993

The House of Representatives of the 1993 Regular Session of the Fifty-Third Legislature was called to order at 12:00 Noon by the Chief Clerk of the Fifty-Third Legislature, Alan Thompson.

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

The flag was escorted to the rostrum by I Corps Command Color Guard of Fort Lewis.

Prayer was offered by Sister Joann Starr SNJM of Seattle.

Today you begin again in active session the work you have committed yourselves to do for the people of Washington. Many hearts are hopeful that what is needed to sustain life and promote human fullness will be the direction you set for yourself and the work you accomplish.

I would like to begin this prayer with a reading from Carter Heyward, from her book Our passion for Justice.

Your first reaction might be another reading on love. But I challenge you to listen closely to her words which can reinforce in you the commitment you begin again today for the people of our state.

"Love, like truth and beauty, is concrete. Love is not fundamentally a sweet feeling; not, at heart, a matter of sentiment, attachment, or being 'drawn toward'. Love is active, effective, a matter of making reciprocal and mutually beneficial relation with one's friends and enemies. Love creates righteousness, or justice, here on earth. To make love is to make justice. As advocates and activists for justice know, loving involves struggle, resistance, risk. People working today on behalf of women, blacks, lesbians and gay men, the aging, the poor in this country and elsewhere know that making justice is not a warm, fuzzy experience. I think also that sexual lovers and good friends know that the most compelling relationships demand hard work, patience and a willingness to endure tensions and anxiety in creating mutually empowering bonds.

For this reason loving involves commitment. We are not automatic lovers of self, others, world, or God. Love does not just happen. We are not love machines, puppets on the strings of a deity called "love: Love is a choice -- not simply, or necessarily, a rational choice, but rather a willingness to be present to others without pretense of guile. Love is a conversion to humanity -- a willingness to participate with others in the healing of a broken world and broken lives. Love is the choice to experience life as a member of the human family, a partner in the dance of life, rather than as an alien in the world or as a deity above the world, aloof and apart from human flesh."

Today we acknowledge that what you most sincerely must be about in this state is the love of our elders, our sisters and brothers, our children and grandchildren.

When we look around us or listen to the news we hear of the thousands of homeless in Washington; we hear about the multitudes of children who go hungry each day; we hear about those who do not have adequate healthcare and are without jobs or the opportunity for employment; we hear about the reality that almost 25% of our children never graduate from high school.

Yes, we have deep and serious problems in our state. But as Barbara Jordan said, it is the linkage of humanity which has to solve the problem. You have come together to link your individual talents and gifts to solve the problems of our people. It is by your love in its deepest and most profound meaning that you will serve our people and will deserve the honor bestowed on you by these same people.

I want to thank you for committing yourselves to the service of the people of our state.

In your dedication to this democracy we all find hope for the future.

In your commitment to honestly and justly meet the needs of our people we trust in a better world.

In your hard work and struggles with difficult decisions we find hope that our society with men and women, blacks, asians, hispanics, and whites can come to trust each other and work together for the benefit of all peoples.

May the God who sustains and nourishes all life comfort you in your struggles for justice, challenge you to always hold the common good in your heart and find you at the end of each day closer to that reality of love which Carter Heyward spoke of in her writings.

APPOINTMENT OF SPECIAL COMMITTEE

The Chief Clerk appointed Representatives Appelwick, Dellwo, Foreman and Sheahan to escort Chief Justice James A. Anderson and acting Chief Justice Barbara Durham of the Supreme Court of the State of Washington from the State Reception Room to the Rostrum.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. Speaker:

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

REPRESENTATIVES ELECTED NOVEMBER 3, 1992

DIST. NAME COUNTIES REPRESENTED

No. 1 Cothern (D) King (part), Snohomish (part)
Johnson, L. (D)

No. 2 Campbell (D) Pierce (part)
Dorn (D)

No. 3 Brown (D) Spokane (part)
Dellwo (D)

No. 4 Orr (D) Spokane (part)
Padden (R)

No. 5 Thomas (R) King (part)
Dyer (R)

No. 6 Silver (R) Spokane (part)
Mielke (R)

No. 7 Fuhrman (R) Ferry, Lincoln, Okanogan
Morton (R) (part), Pend Oreille,
Spokane (part), Stevens

No. 8 Bray (D) Benton (part)
Ludwig (D)

No. 9 Sheahan (R) Adams, Asotin (part),
Schoesler (R) Spokane (part), Whitman

No. 10 Karahalios (D) Island, Skagit (part),
Sehlin (R) Snohomish (part)

No. 11 Leonard (D) King (part)
Veloria (D)

No. 12 Ballard (R) Chelan, Douglas, Grant
Foreman (R) (part), Okanogan (part)

No. 13 Chandler (R) Benton (part), Grant (part),
Hansen (D) Kittitas, Yakima (part)

No. 14 Edmondson (R) Yakima (part)
Lemmon (D)

No. 15 Rayburn (D) Benton (part), Klickitat,
Lisk (R) Skamania (part), Yakima (part)

No. 16 Mastin (D) Asotin (part), Columbia,
Grant (D) Franklin, Garfield, Walla

No. 17 Peery (D) Clark (part), Skamania
Myers (D) (part)

No. 18 Morris (D) Clark (part), Cowlitz (part)
Springer (D) Lewis (part)

No. 19 Riley (D) Cowlitz (part), Grays Harbor
Basich (D) (part), Pacific, Wahkiakum

- No. 20 Chappell (D) Lewis (part), Pierce (part)
Brumsickle (R) Thurston (part)
- No. 21 Wood (R) Snohomish (part)
Shin (D)
- No. 22 Romero (D) Thurston (part)
Wolfe (D)
- No. 23 Zellinsky (D) Kitsap (part)
Schmidt (R)
- No. 24 Jones (D) Clallam, Grays Harbor (part),
Kessler (D) Jefferson
- No. 25 Casada (R) King (part), Pierce (part)
Tate (R)
- No. 26 Meyers (D) Kitsap (part), Pierce (part)
Pruitt (D)
- No. 27 Fisher (D) Pierce (part)
Wang (D)
- No. 28 Talcott (R) Pierce (part)
Flemming (D)
- No. 29 Franklin (D) Pierce (part)
Ebersole (D)
- No. 30 Eide (D) King (part), Pierce (part)
Brough (R)
- No. 31 Roland (D) King (part), Pierce (part)
Vance (R)
- No. 32 Rust (D) King (part)
Cole (D)
- No. 33 Hine (D) King (part)
Fisher (D)
- No. 34 Heavey (D) King (part)
Valle (D)
- No. 35 Holm (D) Grays Harbor (part), Kitsap
Sheldon (D) (part), Mason, Thurston (part)
- No. 36 Sommers (D) King (part)
Kohl (D)
- No. 37 Wineberry (D) King (part)
Locke (D)
- No. 38 King (D) Snohomish (part)
Scott (D)
- No. 39 Stevens (R) King (part), Snohomish (part)
Dunshee (D)
- No. 40 Quall (D) San Juan, Skagit (part),
Johnson, R. (D) Whatcom (part)
- No. 41 Horn (R) King (part)
Ballasiotes (R)
- No. 42 Linville (D) Whatcom (part)
Kremen (D)
- No. 43 Anderson (D) King (part)
Thibaudeau (D)
- No. 44 Long (R) Snohomish (part)
Johanson (D)
- No. 45 Finkbeiner (D) King (part)
Miller (R)
- No. 46 Appelwick (D) King (part)
Jacobsen (D)
- No. 47 Cooke (R) King (part)
Forner (R)
- No. 48 Reams (R) King (part)
Van Luven (R)
- No. 49 Carlson (R) Clark (part)
Ogden (D)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington at Olympia, this eleventh day of January, 1993.
(Seal)

Ralph Munro, Secretary of State.

ROLL CALL

The Clerk called the roll of the House.

OATH OF OFFICE

Acting Chief Justice Barbara Durham administered the oath of office to the Members-elect of the House of Representatives.

SPEAKER'S PRIVILEGE

The Speaker introduced the musicians Dr. Gary Nyberg, Trombone; Deena Martinsen, French Horn; Bob Pollack, Baritone Horn; Danny Murphy, Trumpet; John Swecker, Trumpet.

RESOLUTION

HOUSE RESOLUTION NO. 93-4600, by Representatives Hine and Ballard

BE IT RESOLVED, That the House Rules Committee shall meet no later than Friday, January 22, 1993, the twelfth legislative day, to consider and make a recommendation on permanent rules for the House of Representatives; and

BE IT FURTHER RESOLVED, That no later than Wednesday, January 27, 1993, the seventeenth legislative day, the House of Representatives shall meet to consider adoption of permanent rules for the Fifty-third Legislature; and

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

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES FIFTY-THIRD LEGISLATURE 1993-1994

HOUSE RULE NO.

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

Rule 22 Call of the House
Rule 23 Appeal from Decision of Chair
Rule 24 Standing Committees
Rule 25 Duties of Committees
Rule 26 Free Conference Committee Report
Rule 27 Vetoed Bills
Rule 28 Suspension of Compensation
Rule 29 Standing Rules Amendment
Rule 30 Smoking
Rule 31 Parliamentary Rules
Rule 32 Rules to Apply for Assembly

Definitions

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

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

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

"Committee" means any standing or select committee of the house as so designated by rule or resolution.

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

Chief Clerk to Call to Order

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

Election of Officers

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

Powers and Duties of the Speaker

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

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

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

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

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

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

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

(G) In appointing the committee members to standing committees, the speaker shall name members in the same ratio as the membership of the respective parties in the house. Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs. Members of the rules committee will be selected in the same manner and same ratio as provided above, and the speaker shall serve as the chair of the rules committee. Other committee memberships shall be selected by the respective caucuses, unless otherwise provided by law, on a basis of statutory and geographical representation; otherwise, the same ratio between the parties will prevail in the selection of other committee members.

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

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

Chief Clerk

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

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

Duties of Employees

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

Admittance to the Floor

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

(A) Except as provided otherwise in subsection (B) of this rule, the following persons shall be entitled to admittance to the third and fourth floor of the house chamber (excluding the galleries):

1. Senate officers and members of the senate.
2. Persons in the exercise of official duty directly connected with the business of the house.
3. Reporters who have been designated by the speaker and who have received press cards of admittance, subject to revocation.

4. Former members of the legislature not advocating any pending or proposed legislation, upon presentation of cards of admittance issued by the speaker and subject to revocation.

5. The immediate family of members, upon presentation of cards of admittance issued by the speaker or speaker pro tempore and subject to revocation, may be admitted when the house is not in session.

6. Other persons, upon presentation of cards of admittance issued by the speaker and subject to revocation, may be admitted except for one-half hour prior to the convening of each day's session and for one-half hour immediately following adjournment each day the house is in session.

(B) No lobbyist, Washington state employee or public official shall be admitted to the house chamber either when the house is in session or one-half hour immediately prior to convening and one-half hour following the adjournment of its daily session, except with the consent of the speaker.

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

Absentees and Courtesy

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

Bills, Memorials and Resolutions - Introductions

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

Any member or member-elect may prefile a bill with the chief clerk commencing thirty (30) days before any session. Prefiled bills shall be introduced on the first legislative day.

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

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

Amendatory Bills - Form

Rule 10. Bills intended to amend existing statutes shall have the words underlined which are amendatory to such existing statutes. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses. No bill shall be printed or acted upon until the provisions of this rule have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION.".

Reading of Bills

Rule 11. Every bill shall be read on three separate days: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution this rule may be suspended by a majority vote.

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

After the first reading the bill shall be referred to an appropriate committee or committees. Bills referred to more than one committee shall be considered consecutively by the committees in the order set forth in the referral motion.

Upon being reported out of committee, all bills shall be referred to the rules committee. However, bills referred to more than one committee, upon being reported out of committee, shall be transmitted to the next committee as set forth in the referral motion.

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

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No bill shall be considered for second reading unless a calendar of bills for second reading and copies of any amendment made by a committee have been distributed to each member no later than 8:00 p.m. on the second day preceding such consideration unless otherwise directed by the rules committee. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

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

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed.

A motion for the substitution shall not be in order until the second reading of the original bill.

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

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

(F) **FLOOR RESOLUTIONS.** Floor resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. The rules committee may adopt floor resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house.

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

Amendments

Rule 12. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

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

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

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to appropriate committee and shall take the same course as for original bills unless a motion to non-concur is adopted prior to the bill being referred to committee.

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

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

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

(G) TITLE AMENDMENTS. All amendments to the title of a bill, which do not amend the subject matter statement may be adopted by a single motion.

Final Passage

Rule 13. Rules relating to bills on final passage are as follows:

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

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

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

Hour of Meeting, Roll Call and Quorum

Rule 14. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 11:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

Rule 15. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. The rules committee shall have charge of the daily calendar of the house and shall direct the chief clerk of the order in which the business of the house shall be: PROVIDED, That:

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

(2) Messages from the senate, governor or other state officials may be read at any time.

(B) ORDER OF BUSINESS. Business shall be disposed of in the following order:

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

Motions

Rule 16. Rules relating to motions are as follows:

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

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

(1) Privileged motions:

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

(2) Subsidiary motions:

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

(3) Incidental motions:

Points of order and appeal
Method of consideration

Suspension of the rules
Reading papers
Withdraw a motion
Division of a question

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

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

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

Members Right to Debate

Rule 17. The methods by which a member may exercise his or her right to debate are as follows:

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

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with rule 19 (Previous Question).

Rules of Debate

Rule 18. The rules for debate in the house are as follows:

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

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

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

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

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

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

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

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

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

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

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

Ending of Debate - Previous Question

Rule 19. The previous question may be ordered on all recognized motions or amendments which are debatable by a two-thirds (2/3) vote of the members present.

The previous question is not debatable and cannot be amended.

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

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

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

Voting

Rule 20. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

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

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

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

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

(D) PRIVATE INTEREST. No member shall vote on any question in which that member is immediately or particularly interested*.

*"A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon." (Art. II § 30)

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

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

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

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

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

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

Reconsideration

Rule 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

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

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

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

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

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

Call of the House

Rule 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

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

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

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

(D) CALL OF HOUSE RAISED WHEN ABSENTEES RETURN. When the sergeant at arms shall make a report showing that all who were absent without leave are present, the call of the house may be dispensed with.

Appeal from Decision of Chair

Rule 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Agriculture & Rural Development 10
2. Appropriations 27
3. Capital Budget 15
4. Commerce & Labor 9
5. Corrections 9
6. Education 19
7. Energy & Utilities 9
8. Environmental Affairs 12
9. Financial Institutions & Insurance 16
10. Fisheries & Wildlife 9
11. Health Care 16
12. Higher Education 18
13. Human Services 11
14. Judiciary 17
15. Local Government 12
16. Natural Resources & Parks 11
17. Revenue 16
18. Rules 19
19. State Government 9
20. Trade, Economic Development & Housing 12
21. Transportation 25

Duties of Committees

Rule 25. House committees shall operate as follows:

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

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

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

Free Conference Committee Report

Rule 26. No floor vote may be taken on any free conference report within twenty-four (24) hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the house.

Vetoed Bills

Rule 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

Suspension of Compensation

Rule 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by

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

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

Standing Rules Amendment

Rule 29. Any standing rule or order of the house may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof.

Any standing rule of order or business may be suspended temporarily by a two-thirds (2/3) vote of the members present: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, bill reading may be advanced by majority vote. (Rule 11)

Smoking

Rule 30. Smoking of cigarettes, pipes or cigars shall not be permitted at any public meeting of any committee of the House of Representatives or within the House Chamber.

"No smoking" signs shall be posted in all committee rooms of the House of Representatives.

Parliamentary Rules

Rule 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Rules to Apply for Assembly

Rule 32. The permanent house rules adopted at the beginning of the assembly are to govern all acts of the house during the course of the assembly unless amended or repealed.

MOTION

Representative Hine moved adoption of House Resolution No. 93-4600. Representatives Hine and Ballard spoke in favor of the resolution.

House Resolution No. 93-4600 was adopted.

ELECTION OF SPEAKER

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

Representative Franklin: Thank you Mr. Chief Clerk, I place the name of Representative Brian Ebersole as nominated. Brian Ebersole came to the Legislature with the class of '82. Over the years as my representative from the Twenty-Ninth Legislative District I was able to observe and monitor his abilities and behavior in the district setting. He was always well versed, sensitive to others, and able to articulate the issues for those he represented in a clear manner. He was always open and listened carefully to what was being said. His educational background is that which deals with children. He has worked in Tacoma Public Schools with troubled youths and dropouts. He developed a keen sensitivity to the needs of our common schools as well as higher education. Brian has never shown a fear of accepting responsibility and a need for a firm and a consistently sensitive approach to resolving

conflicts. He is a good listener and a keen practitioner of consensus building. His calm approach at times may seem to be an error of aloofness; however, it is not, but rather someone who is digesting and dissecting and thinking about what can be done to correct the problem or resolve the issue at hand. He cares deeply about the people of his district and about the people of Washington State. Brian is a thinker, a consensus builder, and has a strong compassion for others. Brian has served as Chair of the House Education Committee, and the past five years, as Majority Leader. As we face the challenges of the future and the areas of health reform, education reform, the creation of jobs, the protection of our environment, meet the needs of our children, protect our communities, to name a few, I feel confident that with Representative Brian Ebersole at the helm and we as committed care-persons, this body will be in good hands.

Representative Wang: It is my privilege to rise to second the nomination of Representative Brian Ebersole as Speaker today. I've had the opportunity to know Brian for years starting with his role as counselor in the Tacoma Public Schools and you can see how he's developed that kind of soft spoken approach and made it work well over the years in working with people. Those kind of people skills. I also served with him on the Education Committee and after the first few years when he chaired the Education Committee and he's been Majority Leader since 1987 I believe. One of the things that is characteristic about Brian is his rapid rise through the process, education Chair in second term, Majority Leader after the term after that, and with his political skills people sometimes don't take notice and give recognition to the substitute issues and the way in which Representative Ebersole has been a leader on many important issues. When he first was elected, one of his first major bills was the Housing Finance Commission, the bill which was languishing for years where legislators were unable to pass it. Brian got it passed in his first term and ever since then it has done much to help people struggling to buy homes and to acquire housing throughout this state. He chaired the Education Committee. He worked in the whole area of kindergarten through twelfth grade education and was successful in many of the reforms and many efforts he put forth there. He was one of the first of leading pioneers in the application of the branch campuses consistently on a statewide basis for helping all parts of the state; and of course he worked on things like the drug bill dealing with the drug problems we've had; and last year an unsung kind of role working with the juvenile justice issue and spending a lot of time through the whole interim, attending meetings and working and developing that kind of substance issue. But, perhaps the best example is in vocational education. Vocational, meaning where Brian has been willing to take an area little recognized, where there's been relatively little glory and been willing to tackle a tough issue with entrenching interest, of tackling an issue which is important to our future and yet where there has been relatively little glory involved and a lot of controversy, and Brian has been successful in dealing with substance issues of that sort. It's significant that in one of the papers today Brian listed who his political hero would be, and he said "Al Gore Sr." the elder statesman, and I can see why. The former Senator Gore was a man of the people like Brian, who puts an uncommon degree of common sense, and yes, he was the type of person who could even get a C+ in bowling. He was the person, though, who had courage and who, as a matter of principle, would be willing to do what's right and stand up for what's right. It was the kind of thing, that kind of ability which made Al Gore Sr. a folk hero in Tennessee, where Brian is from. With his recent wife, Lillian, I hope that Brian has entered a new phase of life and will lead us well. I'm very proud and honored to second the nomination of Brian Ebersole for Speaker.

Representative Appelwick: Thank you Mr. Chief Clerk. I rise in great pride to offer a second for the nomination of Brian Ebersole. I've known Brian for ten years as freshman colleagues, as sometime roommates, as friends, I've served on the Education Committee when he chaired that committee and worked with him as Assistant Majority Leader so I've seen up close the roles he's played and how he's handled them. On the Education Committee he had a very charming manner and Representative Betrozoff isn't with us today to second my remarks, but I can assure you that his quick smile and openness were very disarming and he set an example of how to lead a bi-partisan committee rather than simply march a caucus across a political terrain. He has the tremendous sense of compassion and social justice and I don't think I've seen that any place better than the omnibus drug bill. You recall we went off with the gang of eight to decide how we were going to handle this very volatile topic and in that gang of eight which Brian was co-chairing he set the tenets that we would focus on prevention and intervention as well as punishment; that we would focus on education and treatment as well as incarceration. His tremendously broad point of view became critical to a national model in how to deal with the drug problem. It's that commitment to justice, that broadness in point of view that has served him so well. As Majority Leader no one can question the openness, the fairness, the candor, and the genuine compassion for other members of the human level of both sides of the isle in working with us. It's with great pride that I second the nomination of my friend, the gentleman from the 29th District, Brian Ebersole.

Representative Miller: Thank you Mr. Chief Clerk, I place the name of Clyde Ballard from the 12th District before you for Speaker of the House of Representatives. Thank you Mr. Chief Clerk and returning and new members of the House of Representatives. Now as you question the fact that I do not know how to count votes, I do know how to count votes and my members will tell you and I know I need to get just seventeen of you to go along with this proposal but I want to give you a reason why you should do it. First of all, this seems to be the year of change and certainly since 1982 we haven't seen such a large new numbers come, but Representative Ebersole, Representative Ballard and I were all members of that class of 1982, as was Representative Locke. Now I do remember that at one time we toyed with the idea, didn't follow it through, but we toyed with the idea of taking over; there we were forty-four of us out of ninety-eight. So I think that one of the things that we need in this year's change is experience, a steady

hand at the helm, and one thing that the new members may not be aware of is that Representative Ballard is the only top leader in the Legislature who is a returning leader, somebody who has served in the capacity of top leader before. In the Senate on both the Republican and the Democrat side we have new people and it appears as if I can't convince those seventeen people we will have a brand new Speaker, not someone who's unfamiliar with leadership. Brian and I have worked together very closely over the last two years and I agree with you that he is an easy person to work with, and somebody that looks for a consensus. But I think we need an experienced hand at the helm and I think the members of my caucus will tell you that Clyde is a very steady, very ethical person with a long history of patience in working with all different kinds of people, somebody who has the energy - it takes lots of energy to do this job, long hours, much work throughout the whole year - he certainly has that, he certainly has the support of his members and I know the support of many people on the other side of the aisle. Clyde has been a very responsible leader in working as a leader of the loyal opposition, as I hope you will feel, we have all been members of the loyal opposition, and have worked together very well with the majority party, and we certainly intend to do that in the future. But I think that Clyde has special qualities that would be very helpful to the leadership of this body. We have a lot of tough problems to deal with, and we need somebody with the experience, with the integrity, and with a genuine love of people and the issues of our state to carry us forward into the next two years. Once again, I seek your support for Representative Clyde Ballard for Speaker of the House of Representatives.

Representative Tate: Yes, Mr. Chief Clerk, I second the nomination. Thank you Mr. Chief Clerk, ladies and gentlemen of the House, distinguished guests, Mom and Dad. I move to second the nomination of Clyde Ballard for Speaker of the House of Representatives here in the State of Washington. Now, we've heard a lot of talk about legislative skills, but I'd like to talk about Clyde Ballard as a person. Now, I've gotten to know Clyde Ballard over the last four years, and as you can see, it's like roosters right up there in the gallery, and they are a team, they're always working together. And he's a good family man, and he's got a model marriage that we should all follow. He's a good father; he's raised three successful sons. But he's also been a business man, and I don't know how many of you know what business Clyde was in, but he ran an ambulance service, and medical services. And in that line of work, he learned to have certain kinds of skills; how to be calm under pressure when shots are going on around your head, and to be the one that shows up on time, gets the job done, not looking for glory, but just doing the job. And that's the kind of person Clyde Ballard is. Now, we're going to need those kinds of skills in the next two years, we're going to have all kinds of issues. We're going to have to balance the budget. We're going to have to reform our health care system and make it more accessible and affordable, get folks off of welfare and help them be responsible and break that cycle of dependency. There are a lot of test issues facing us. Clyde Ballard has those kinds of skills: calm, showing up, getting the job done, not looking for glory and working with everyone to make sure it gets done. That's the kind of person we need as the Speaker of the House, and I would urge you to follow my lead. I know it's kind of a done deal - it says, 'Speaker of the House' on here already, it says, 'Brian Ebersole,' but I hope you'll follow my lead, and those seventeen folks will vote their conscience. Thank You.

MOTION

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

ROLL CALL

The Clerk called the roll and Representative Ebersole was elected Speaker of the House by the following vote: Mr. Ebersole, 65; Mr. Ballard, 33.

Those voting for Representative Ebersole: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brown, Campbell, Chappell, Cole, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher G, Fisher R., Flemming, Franklin, Grant, Hansen, Heavey, Hine, Holm, Jacobsen, Johanson, Johnson L., Johnson R., Jones, Karahalios, Kessler, King, Kohl, Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers R., Morris, Myers H., Odgen, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky.

Those voting for Representative Ballard: Representatives Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Ebersole, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood.

COMMITTEE OF HONOR

The Chief Clerk appointed Representatives Franklin, Wang, and Appelwick to escort Speaker Ebersole to the rostrum.

Chief Justice Anderson administered the oath of office to Speaker Ebersole.

The Chief Clerk presented the gavel to the Speaker.

SPEAKER'S ACCEPTANCE SPEECH

The Speaker: Thank you Rosa, and Arthur, and Marlin, for your generous remarks. This is a humbling day for me.

A wise man once said that "democracy is based upon the conviction that there are extraordinary possibilities in ordinary people." Let's all hope that is true of me.

I would like to acknowledge my wife Lillian, her sister Sonja Reid, and Paul Shelton, my friend from high school and college who has come from Tennessee to be here today. I would also like to thank all of you for the confidence in me expressed by your vote.

This is a day for new beginnings. For you thirty-seven new members, today marks the beginning of a new adventure. We welcome you. We welcome your fresh ideas, and we welcome your commitment to change and improvement in our state's public life. But I think everyone should understand that today is the opening of a new era for all of us--veterans and newcomers alike.

For every one of us, today marks a new beginning that was mandated by this state's voters last November. They want change. They don't want excuses, delays, or partisan posturing. They want solutions. They know we can't go spending one out of every seven dollars generated in this state on health care. They believe that it is not morally acceptable to continue to deny health care to thousands of working people, or to take money away from education in order to pay for health care inflation.

They know that our public schools have been surpassed by our international competitors, and that we have to move heaven and earth to make our schools better than they have ever been before. They understand that the seventy percent of our young people who don't go to college have to have better job training if they're going to make wages that can support a family. And they know that our budget crisis is not just a problem of government, but a problem of people--a problem whose solution will affect us all. The people of this state expect us to solve these problems--not just talk about them. And the people of this state want each one of us to work for the common good--not the special interests, and not our own political interests.

The citizens of Washington want us to think in new ways, to be open to new ideas, and to put practical solutions ahead of partisan ideology. To live up to their expectations, we will have to give up the ideological preconceptions that have become a substitute for clear thinking. It has always been easier to pick an ideology than to think. And the unfortunate truth is that our political life has, in the past, been dominated by labels more than by real intellectual labor. The labels "conservative" and "liberal" are like package deals that include automatic steering, power locks, and cruise control. It doesn't take skill or intelligence to drive that car; all you do is just push buttons. It even comes with pre-set controls that give you automatic positions on every issue. But that kind of mechanical ideological response to problems has polarized American politics in a way that is neither useful nor sustainable-- and in a way that is simply not reflective of the real concerns of most citizens. In fact, it has driven American democracy perilously close to the edge of a cliff. Our constituents know this, and they want us to turn off the cruise control, get out of the car, and walk a mile or two in their shoes. They base their political judgements less on ideology, and more on personal values. And as a result, they are way ahead of us on many issues. The vast majority of them are not interested in hearing us have endless debates about the death penalty. They want us to craft policies that effectively prevent and reduce crime. The vast majority of them are also not interested in polarized debates about whether people on welfare deserve more help or less help from government. Our citizens almost universally want to help families in need -- but they want us to invest their tax dollars in ways that help people become self-sufficient, not just spend on endless dependency.

The vast majority of our citizens are not interested in theories about whether we should have more government or less government--they just want better government. They want government to be accountable, compassionate, efficient, and future-oriented. They want to know that every tax dollar that comes out of their pockets is spent wisely and well. And they want us to make decisions based on people's needs, not party affiliation. That's why I want to begin this session by making two specific requests of every House member. First, I want original, independent, and creative thinking from each of you. We can't solve today's problems if we are confined by last year's programmed responses. We have no choice but to search for new ideas and ways of doing things so that we can make our government more entrepreneurial, more responsive, more accountable, and more driven by results instead of rules and regulations. Second, I want all of us to reject polarization and political labels. Finding the balance -- the way that bring people together, solves the problems, and focuses on the values we hold in common -- is the way forward. Finding balance requires not less political courage, but more political courage. It requires us to reject false either/or choices. It requires acknowledging that on many issues, conservatives and liberals each have a piece of the truth, and neither has the whole truth. It requires finding new ways of making the pieces fit together. Most important, it requires a new set of navigational tools. In this session -- and in this new political era -- we have to navigate not by old ideological guideposts, but by the fundamental values of American democracy. What our constituents value is hard work, decency, compassion, honesty, openness, and appreciation of differences. And what the people value most of all is our children, and our shared responsibility to leave them a healthy natural world, a healthy, well-educated society, and a healthy economy. How well we represent the people of this state will be

measured by how well we embody those values in our relations with each other, and by how well we incorporate those values in our budget, and in our reforms of our health care and education systems. The people of this state -- and the budget crisis of this state -- have handed us enormous challenges. We have no time to waste, and no margin for error. That's why I am so delighted to see both the caliber and the diversity of the Members of this chamber. We have the largest proportion of women lawmakers of any state in this nation. We have our country's first Korean-American legislator, and our first Filipina-American legislator. We have breadth, and depth, and real representation of the people of our state. I know that you are a group of leaders who can be counted on to nourish and protect our democratic traditions, and I know that this group of human souls will struggle together to ensure that justice and opportunity belong to every citizen of our state. And I know that each of you has the intelligence, the knowledge, and the commitment to do this well. I am grateful for your willingness to serve, and I wish you all -- newcomers and veterans alike -- both success and satisfaction in the vital work we are about to begin. Thank you.

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: Thank you Mr. Speaker. May I offer congratulations from myself and the House Republican Caucus on your election to Speaker of the House.

I must admit that your election to Speaker comes as somewhat of a shock to me because last August I called Jeanne Dixon personally and she predicted that she and I were both going to be elected to new offices in the 1992 elections. Maybe it was the wrong Jeanne Dixon!

As we begin the Fifty-Third Legislature of the State of Washington, I would like to reflect for a moment on the dramatic changes that have occurred in just the last two years.

Washington State has become a leader in this country in election of women to Congress, statewide elected offices, and legislative offices. A new Governor, Speaker of the House, Auditor, Attorney General, Insurance Commissioner, Commissioner of Public Lands...and one of the largest freshmen classes in the history of the House of Representatives are taking office this week. And for the first time in half a century, the very distinguished John L. O'Brien did not answer the House roll call. This is an exciting time for all of us. But it is also a very challenging time for us.

Our state's economy is ailing, and there is no miracle cure. Unemployment rates continue to grow, as does the number of businesses filing for bankruptcy. Federal and state restrictions have unwittingly eliminated jobs in communities that are traditionally dependent on a single industry. Everything appears to be overcrowded: classrooms, colleges, prisons, highways, courts. Many senior citizens' benefits don't cover basic needs. Working citizens are expected to support more and more of the state's nonworking population.

I know that all of us, as we campaigned during the 1992 election cycle, heard the pleas of the citizens in our own districts. People want job opportunity. They want their children to receive quality education. They want their neighborhoods, their friends, their families, to be safe. They want their aging parents to be able to live with dignity and be assured quality of life.

They want to ensure that their children will inherit a world that is not drowning in unrealistic restrictions, that is not encumbered by debt that we have bequeathed to them. The people of this state listened to our election promises. They elected us because they believed that we were sincere in those promises.

As we move through the 105 days of this legislative session, I ask that all of us take time to step back from the rhetoric, step back from frantic rush to deadlines, step back from political one-up-man-ship, do a personal "reality check."

Ask yourself...'is this what I promised my constituents? Is this why I was really elected? Am I here to serve, or am I serving myself?' We hold the future in our hands, in our votes, in remembering, and fulfilling, our campaign promises.

I assure you, and the people of the State of Washington, that the House Republican Caucus members are here to work with you, to eliminate waste in government, to preserve and promote a healthy business climate, to honestly and judiciously evaluate our educational system, and to create a system that values the safety of law-abiding citizens over the comforts of criminals.

It will be no surprise that at times, we will not agree on solutions to particular problems. The House Republican Caucus will be presenting our positions. But, we will do so in a spirit of problem solving. We look forward to a challenging and rewarding session, and invite the House Democratic Caucus to work with us to accomplish mutual goals.

Congratulations once again to you, Mr. Speaker. Let's get to work.

ELECTION OF SPEAKER PRO TEMPORE

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

Representative Dorn: Thank You, Mr. Speaker. It gives me great honor and pleasure to place in nomination the name of Ron Meyers for the position of Speaker Pro Tempore. Members of the House, honored guests, and for

those unfortunate few in the rotunda, watching on the T.V. screen. Representative Meyers, as a colleague has been professional, in every means on the rostrum over the last two years. He was taught by a master, or should I say maybe the master of the rostrum in John O'Brien, who is not here with us today. His experience is exemplary. He's been fair in dealing with members on both sides of the aisle and on all issues. The one thing I like about Ron going to leadership is through his years in this House he's been willing to question leadership at times, and ask is that the true direction of all people in this House, and all people in the state of Washington? Also, at points, when there's stress on the floor, when we've needed a moment of humor, Ron has also been able to add the lightness of humor or a kind word when somebody has stepped to their microphone at the wrong time, and has been polite to those people also. Ron is a person who has been a close friend, who has been a decent human being, as when I've talked to him, he's been understanding when I've come to him with my point of view. Ron is not an easy-going person though, so to approach Ron in an aggressive manner, I would say to you approach Ron in a very casual manner, not an aggressive manner. That aggressive manner may be returned to you, in your face, as Ron would say. At this time, I would like all people to stand with me and support Ron as Speaker Pro Tempore.

Representative Ballard: Thank You, Mr. Speaker. I rise to second the nomination of Ron Meyers. Mr. Speaker, Honorable Justice, Ladies and Gentlemen of the House, and honored guests, it is my pleasure to second the nomination of Representative Ron Meyers for Speaker Pro Tempore. Representative Meyers has had considerable experience with the gavel during the past few sessions and I am pleased to say that his rulings are usually fair and impartial. Ron is a man of integrity, one who represents the Institution, and thus represents the rights of each and every member of the House to be heard. But he also recognizes the difference between debate and argument, and maintains control of the floor proceedings accordingly. His knowledge of parliamentary practice enables this body to perform its duties in a logical and expeditious fashion. Representative Meyers will serve admirably and fairly as Speaker Pro Tempore of the House of Representatives.

MOTIONS

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

On motion of Representative Hine, a unanimous ballot was cast for Representative R. Meyers as Speaker Pro Tempore of the House.

COMMITTEE OF HONOR

The Speaker appointed Representatives Dorn and Ballard to escort Speaker Pro Tempore R. Meyers to the rostrum.

Chief Justice Anderson administered the oath of office to Speaker Pro Tempore R. Meyers.

REMARKS BY SPEAKER PRO TEMPORE R. MEYERS

Representative R. Meyers: Mr. Speaker, Members of the House of Representatives, Acting Chief Justice, distinguished guests, family and friends. Thank you my friends for this honor. I will do my best. And thanks to my bride, Donna Lee, she truly believes that all things are possible.

Although our challenges are perhaps the greatest this state has faced since statehood - and although our many decisions on public policies - and allocation of scarce resources will be very difficult - I have no doubt that our efforts will make Washington State a better place for all who live here.

Our state has not seen a more capable, more energetic and more diversified group of legislators in its 104 years of statehood. That bodes well for Washington's future.

One person can make a difference. And many people working together can make a big difference.

I look forward to working together with you over the course of this Fifty-Third Legislative term. Thank you.

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

ELECTION OF CHIEF CLERK

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

Representative Morris: Thank you Mr. Speaker. It is a special treat for me today to place a nomination for the Chief Clerk of the House of Representatives, the man from my own 18th legislative district, Mr. Alan Thompson. Thank you again Mr. Speaker, ladies and gentlemen of the House, and members of the gallery. It is time when we're awash with change, with new members, with new leadership, with a changed electorate, with new voters. It is good

that we have some constancy and that is what we will find with Alan Thompson as our Chief Clerk. Alan has spent a number of years in the House and the Senate and six years as the Chief Clerk. He first came to Olympia from a small town in Washington, Castle Rock, in 1965. For those of you that are new and don't know the duties of the Chief Clerk, the Chief Clerk runs the mechanics of the place. If we didn't have the Chief Clerk we would find how ineffective we really are as a group. Mr. Thompson, who has performed this responsibility for the last six years with expediency and grace, is a man who is soft spoken, tough minded, even-handed and an able administrator, a man who generates respect from others and who himself has respect not only for the Legislature, but for the institution and the history of the Legislature. I urge your support for Alan Thompson.

Representative Padden: Thank you Mr. Speaker, ladies and gentlemen, and those in the galleries. It does give me great deal of pride to second the nomination of an individual who is from Castle Rock, Washington. As we mentioned, he has a long history in this institution on this side of the rotunda and on the other side of the rotunda. Actually he's running for re-election and I don't know, but Mr. Clerk, does term limits apply to the Chief Clerk or not? I don't know that, but as long as he is re-elected by this body he can hold that position. He has represented both the 18th and 19th Districts in the Legislature and has been an individual that does have a memory about what goes on here in these halls and I was doing a little research going back to check out his legislative career and I ran across a resolution that he was a number two sponsor on, Resolution 82-137. It has something to do with the murals and if you would like to get a copy of it, I have one here, but I won't go into the whole resolution right now. Seriously, Alan has always had an open door policy and while we have not always agreed on everything, he was always willing to hear out every member and he is the Chief Clerk not just for one side of the aisle but for the entire 98 members of this body; and I think he's proven that he has the ability to work very well with people and there's been a lot of changes this institution has gone through in recent years, just as we know now we can't (not that I ever did), we can't smoke in this institution, so there's a lot of changes that have gone on. I think he has done an admirable job and I'm happy to second his nomination.

MOTIONS

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

On motion of Representative Hine, a unanimous ballot was cast for Mr. Thompson as Chief Clerk of the House.

Chief Justice Anderson administered the oath of office to Chief Clerk Thompson.

REMARKS BY CHIEF CLERK THOMPSON

Mr. Thompson: Thank you, Justice Anderson. It might be known, but Justice Anderson once served here, but he was known as Jimmy in those days. Representative Morris and Padden, thank you very much for your nominating comments. You were unexpectedly kind. My thanks for the whole house for this opportunity and honor to continue to serve you. These acknowledgments must of course include some recognition of my wife, Barbara, for her approval of my continuing for yet another two years in this association and with your indulgence I would like to request that she and one of my four sons, Jim, rise and be recognized by the House. Other than this, I simply want you to know that I share in the wishes of our entire wonderful House staff in wishing you every success in dealing with the truly difficult matters that confront the Legislature and I share in their readiness to be tirelessly helpful to you. Thank you again.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Appelwick and Foreman to escort Chief Justice James A. Anderson and acting Chief Justice Barbara Durham of the Supreme Court from the House Chamber.

MOTION

On motion of Representative Hine, the house will advance to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 93-4601, by Representatives Hine and Ballard

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

MOTION

On motion of Representative Hine, House Resolution No. 93-4601 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives H. Myers, Cole, Lisk, and Long to notify the Senate that the House was organized and ready to conduct business.

MOTION

On motion of Representative Hine, the House reverted to the Fourth order of business.

INTRODUCTION AND FIRST READING

HB 1000 by Representatives Thibaudeau, Dellwo, Dyer, Brown, G. Cole, Morris, Locke, Eide, Wood, Cothorn, Sehlin, Mastin, Miller, Franklin, Chandler, Carlson, Vance, Peery, Veloria, Shin, J. Kohl, Pruitt, Grant, Anderson, Rust, Roland, Ballard, Appelwick, Flemming, Wang, Jones, Wolfe, Van Luven, Brough, Karahalios, Fuhrman, Zellinsky, Brumsickle, R. Johnson, Ludwig, Dorn, L. Johnson, R. Meyers, Long, Kremen, Tate, Mielke, Holm, Scott, Springer, Kessler, Basich, Dunshee, Sheldon, Wineberry, Ogden, Quall, Foreman, Schmidt, I. Ballasiotes, Forner, Cooke, Thomas, Schoesler, Morton, Stevens, Bray, Chappell, Leonard, Jacobsen, Rayburn, Horn, Silver, Hansen, H. Myers,

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

Referred to Committee on Health Care.

HB 1001 by Representatives Thomas, Dorn, Brough, G. Fisher, Jacobsen, Wood, Franklin, Rust, Dyer, Dunshee, Shin, Foreman, Ballard, Cooke, Roland, Brumsickle, R. Johnson, Ogden, Miller, Reams, Forner, Carlson and J. Kohl

AN ACT Relating to education; adding a new section to chapter 84.52 RCW; and adding a new section to chapter 28A.500 RCW.

Referred to Committee on Education.

HB 1002 by Representatives Riley, Brough, R. Johnson, Kremen, Jones, Kessler, Basich, Mastin, Chappell, Edmondson, Flemming and Pruitt

AN ACT Relating to hunting and fishing licenses; and amending RCW 77.32.230 and 75.25.110.

Referred to Committee on Fisheries & Wildlife.

HB 1003 by Representatives Riley and Wineberry

AN ACT Relating to involuntary commitment or detention; and adding a new section to chapter 70.96A RCW.

Referred to Committee on Local Government.

HB 1004 by Representative Riley

AN ACT Relating to the economic development finance authority; amending RCW 42.17.2401; reenacting and amending RCW 42.17.310; and repealing RCW 43.163.005, 43.163.010, 43.163.020, 43.163.030, 43.163.040, 43.163.050, 43.163.060, 43.163.070, 43.163.080, 43.163.090, 43.163.100, 43.163.110, 43.163.120, 43.163.130, 43.163.140, 43.163.150, 43.163.160, 43.163.170, 43.163.180, 43.163.190, 43.163.200, 43.163.900, and 43.163.901.

Referred to Committee on Trade, Economic Development & Housing.

HB 1005 by Representatives Jacobsen, Wood, Ogden, Schmidt, Dellwo, Miller, Sheldon, Basich, Franklin, Mielke, Ludwig, Morris, J. Kohl, Wineberry, Anderson, Orr, Brumsickle, Kremen, H. Myers, Pruitt, Romero, Van Luven, Long, King, Springer, Dyer, Brown, Quall, Veloria, Chappell, Leonard, Edmondson, Sehlin, Rayburn, Flemming, Roland, Karahalios, Shin and Hansen

AN ACT Relating to the governing board of the state's higher education institutions; amending RCW 28B.20.100, 28B.30.100, and 28B.35.100; and providing an effective date.

Referred to Committee on Higher Education.

HB 1006 by Representatives R. Fisher, Zellinsky, Brumsickle, Dorn, R. Meyers, Miller, Scott, Sheldon, Wineberry, Ogden, Wood, Schmidt, I. Ballasiotes, Forner, Cooke, Talcott, Chandler, Leonard, Jacobsen, Eide, Horn and Pruitt

AN ACT Relating to public-private initiatives in transportation; adding a new chapter to Title 47 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1007 by Representatives R. Fisher, Zellinsky, Brumsickle, R. Meyers, Miller, G. Cole, Scott, Basich, Dunshee, Wood, Schmidt, Forner, Jacobsen, Franklin, Eide, Flemming, Horn and J. Kohl

AN ACT Relating to state transportation planning; amending RCW 47.05.030; adding a new chapter to Title 47 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1008 by Representatives Romero, H. Myers and Springer

AN ACT Relating to hiring procedures by cities and towns; and amending RCW 35.24.020, 35.27.070, 35.27.130, 41.08.040, and 41.12.040.

Referred to Committee on Local Government.

HB 1009 by Representatives Appelwick and Riley

AN ACT Relating to notices of lis pendens; and adding a new section to chapter 4.28 RCW.

Referred to Committee on Judiciary.

HB 1010 by Representative Appelwick

AN ACT Relating to the Uniform Unincorporated Nonprofit Association Act; adding a new chapter to Title 24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1011 by Representatives Appelwick and Shin

AN ACT Relating to the uniform simultaneous death act; adding new sections to chapter 11.05 RCW; creating a new section; and repealing RCW 11.05.010, 11.05.020, 11.05.030, 11.05.040, 11.05.050, 11.05.900, and 11.05.910.

Referred to Committee on Judiciary.

HB 1012 by Representatives Appelwick, King and Jacobsen

AN ACT Relating to anatomical gifts; amending RCW 46.20.113, 68.50.106, and 68.50.500; adding new sections to chapter 68.50 RCW; repealing RCW 68.50.280, 68.50.340, 68.50.350, 68.50.360, 68.50.370, 68.50.380, 68.50.390, 68.50.400, 68.50.410, and 68.50.420; and prescribing penalties.

Referred to Committee on Health Care.

HB 1013 by Representatives Appelwick and Riley

AN ACT Relating to the Uniform Commercial Code--Bulk Sales; adding a new chapter to Title 62A RCW; and repealing RCW 62A.6-101, 62A.6-102, 62A.6-103, 62A.6-104, 62A.6-105, 62A.6-106, 62A.6-107, 62A.6-108, 62A.6-109, 62A.6-110, and 62A.6-111.

Referred to Committee on Judiciary.

HB 1014 by Representatives Appelwick and Riley

AN ACT Relating to the uniform commercial code; amending RCW 62A.1-201, 62A.1-207, 62A.3-101, 62A.3-102, 62A.3-103, 62A.3-104, 62A.3-105, 62A.3-106, 62A.3-107, 62A.3-108, 62A.3-109, 62A.3-110, 62A.3-111, 62A.3-112, 62A.3-113, 62A.3-114, 62A.3-115, 62A.3-116, 62A.3-117, 62A.3-118, 62A.3-119, 62A.3-201, 62A.3-202, 62A.3-203, 62A.3-204, 62A.3-205, 62A.3-206, 62A.3-207, 62A.3-301, 62A.3-302, 62A.3-303, 62A.3-304, 62A.3-305, 62A.3-306, 62A.3-307, 62A.3-401, 62A.3-402, 62A.3-403, 62A.3-404, 62A.3-405, 62A.3-406, 62A.3-407, 62A.3-408, 62A.3-409, 62A.3-410, 62A.3-411, 62A.3-412, 62A.3-413, 62A.3-414, 62A.3-415, 62A.3-416, 62A.3-417, 62A.3-418, 62A.3-419, 62A.3-501, 62A.3-502, 62A.3-503, 62A.3-504, 62A.3-505, 62A.3-601, 62A.3-602, 62A.3-603, 62A.3-604, 62A.3-605, 62A.4-101, 62A.4-102, 62A.4-103, 62A.4-104, 62A.4-105, 62A.4-106, 62A.4-107, 62A.4-108, 62A.4-201, 62A.4-202, 62A.4-203, 62A.4-204, 62A.4-205, 62A.4-206, 62A.4-207, 62A.4-208, 62A.4-209, 62A.4-210, 62A.4-211, 62A.4-212, 62A.4-213, 62A.4-214, 62A.4-301, 62A.4-302, 62A.4-303, 62A.4-401, 62A.4-402, 62A.4-403, 62A.4-405, 62A.4-406, 62A.4-407, 62A.4-501, 62A.4-502, 62A.4-503, and 62A.4-504; adding new sections to Title 62A RCW; creating a new section; and repealing RCW 62A.3-120, 62A.3-121, 62A.3-122, 62A.3-208, 62A.3-506, 62A.3-507, 62A.3-508, 62A.3-509, 62A.3-510, 62A.3-511, 62A.3-512, 62A.3-515, 62A.3-520, 62A.3-522, 62A.3-525, 62A.3-606, 62A.3-701, 62A.3-801, 62A.3-802, 62A.3-803, 62A.3-804, 62A.3-805, and 62A.4-109.

Referred to Committee on Financial Institutions & Insurance.

HB 1015 by Representatives Appelwick and Riley

AN ACT Relating to the Uniform Commercial Code; amending RCW 62A.1-105, 62A.1-201, and 62A.9-113; adding a new Article to Title 62A RCW; and providing an effective date.

Referred to Committee on Judiciary.

HB 1016 by Representatives Edmondson, Rayburn, Chandler, Zellinsky, Mielke, Kremen, Lisk, Sheahan, Ludwig, Dyer, Brough, R. Meyers, Long, Basich, Sheldon, Grant, Mastin, Wood, Foreman, I. Ballasiotes, Thomas, Jacobsen, Flemming and Roland

AN ACT Relating to motor vehicles; amending RCW 46.16.040, 46.16.210, and 46.30.040; and prescribing penalties.

Referred to Committee on Transportation.

HB 1017 by Representatives Forner, Dorn, Brough, Chandler, Brumsickle, Vance, Cooke, Thomas, Long, Reams, Van Luven, Kremen, Tate, Mielke, Miller, Ballard, Basich, Dyer, Sheldon, Wood, Foreman, I. Ballasiotes, Schoesler, Morton, Stevens, Carlson, Edmondson, Sehlin, Rayburn and Horn

AN ACT Relating to public employment; and amending RCW 9.96A.020.

Referred to Committee on Education.

HB 1018 by Representatives Springer, Morris, Chappell, Dunshee, Finkbeiner, Riley, Brough, R. Johnson, Carlson, Edmondson, Fleming, Orr and Hansen

AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010, 29.21.010, 29.21.015, and 29.21.070; and providing an effective date.

Referred to Committee on Local Government.

HB 1019 by Representatives Dunshee, H. Myers and Springer

AN ACT Relating to meetings by cities and towns; and amending RCW 35.24.180, 35.24.190, 35.27.270, 35.27.280, and 35A.39.010.

Referred to Committee on Local Government.

HB 1020 by Representatives Springer, H. Myers, Morris and Basich

AN ACT Relating to disposal of property by towns; and amending RCW 35.27.010.

Referred to Committee on Local Government.

HB 1021 by Representatives Springer, H. Myers and Morris

AN ACT Relating to ordinances of cities and towns; amending RCW 35.27.320; adding a new section to chapter 35.21 RCW; and prescribing penalties.

Referred to Committee on Local Government.

HB 1022 by Representatives Morris, Long, King and L. Johnson; by request of Sentencing Guidelines Commission

AN ACT Relating to sentencing guidelines commission membership; and amending RCW 9.94A.060.

Referred to Committee on Corrections.

HB 1023 by Representatives Valle and J. Kohl

AN ACT Relating to termination of employment; adding new sections to chapter 49.44 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1024 by Representatives Rayburn, Edmondson, Bray and Dunshee

AN ACT Relating to general obligation bonds issued by a fire protection district; and amending RCW 52.16.061.

Referred to Committee on Local Government.

HCR 4400 by Representatives Hine and Ballard

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

HCR 4401 by Representatives Hine and Ballard

Resolving that the House and Senate meet in Joint Session to receive the State of the State message from Governor Gardner and for the inauguration of the Governor-elect.

MOTION

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

MOTION

On motion of Representative Hine, the rules were suspended and House Concurrent Resolution No. 4400 was advanced to second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Hine and Ballard

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

MOTION

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

House Concurrent Resolution No. 4400 was adopted.

MOTION

On motion of Representative Hine, House Concurrent Resolution No. 4400 was transmitted immediately to the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Concurrent Resolution No. 4400, the Speaker appointed Representatives J. Kohl and Horn to notify the Governor that the Legislature was organized and ready to conduct business.

SPEAKER'S PRIVILEGE

The Speaker introduced the 1992-93 Lakefair Queen, Miss Jannette Wise, her parents, Jane and Bert Mckillip, Lakefair President Ron Walters and wife, Kay, Lakefair Royalty Chair Vicki Kammerer, Capitalarians Larry Kammerer and George Yantis. Jannette Wise briefly addressed the members of the House of Representatives.

MOTION

On motion of Representative Hine, the rules were suspended and House Concurrent Resolution No. 4401 was advanced to second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Hine and Ballard

Resolving that the House and Senate meet in Joint Session to receive the State of the State message from Governor Gardner and for the inauguration of the Governor-elect.

MOTION

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

House Concurrent Resolution No. 4401 was adopted.

MOTION

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

REPORT OF SPECIAL COMMITTEE FROM SENATE

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

The committee, consisting of Senators Spanel, Winsley, Hargrove, and Prince advised the House that the Senate was organized and ready to conduct business.

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

SPEAKER'S PRIVILEGE

The Speaker recognizes former Speaker of the House, Charlie Hodde.

MOTION

On motion of Representative Hine, the remaining bills and resolutions listed on today's introduction sheet under the fourth order of business be considered first reading and passed to the committees so designated.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Resolution No. 93-4601 appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

STANDING COMMITTEE ASSIGNMENTS

The Speaker announced the following standing committee appointments.

Member Assignments to House Standing Committees 1993

Anderson, Cal -- State Government, Chair; Revenue; Financial Institutions & Insurance.

Appelwick, Marlin J. -- Judiciary, Chair; Appropriations; Health Care.

Ballard, Clyde -- Rules.

Ballasiotes, Ida -- Appropriations; *Health Care; *Judiciary.

Basich, Bob -- Appropriations; Fisheries & Wildlife; Higher Education; Rules.

Bray, Lane -- Local Government, Vice Chair; Environmental Affairs; Higher Education.

Brough, Jean Marie -- Transportation; *Education; Capital Budget.

Brown, Lisa J. -- Transportation, Vice Chair; Revenue; Human Services.

Brumsickle, Bill -- Transportation; Education; *Higher Education.

Campbell, Tom -- State Government; Health Care; Judiciary.

Carlson, Don -- *Appropriations; Education; Higher Education.

Casada, Sarah -- *Energy & Utilities; Higher Education; Trade, Economic Development & Housing.

Chandler, Gary -- *Agriculture & Rural Development; **Commerce & Labor; **Trade, Economic Development & Housing.

Chappell, David J. -- Agriculture & Rural Development; Fisheries & Wildlife; Judiciary.

Cole, Grace -- Commerce & Labor, Vice Chair; Education; Corrections; Rules.

Cooke, Suzette -- Appropriations; Health Care; *Human Services.

Cothorn, Barbara S. -- Education, Vice Chair; Transportation; Revenue.

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

Dorn, Randy -- Education, Chair; Appropriations; Financial Institutions & Insurance.

Dunshee, Hans -- State Government; Local Government; Natural Resources & Parks.

Dyer, Philip E. -- State Government; *Health Care; **Financial Institutions & Insurance.

Ebersole, Brian -- Rules.

Edmondson, Betty L. -- **Corrections; *Local Government; Environmental Affairs.

Eide, Tracey J. -- Transportation; Education; Capital Budget.

Finkbeiner, Bill -- Energy & Utilities, Vice Chair; Transportation; Higher Education.

Fisher, Greg -- Revenue, Chair; Appropriations; Education.

Fisher, Ruth -- Transportation, Chair; Local Government; Capital Budget.

Flemming, Stan -- Health Care; Higher Education; Human Services.

Foreman, Dale -- Agriculture & Rural Development; *Revenue; Fisheries & Wildlife.

Forner, Elmira -- Transportation; Judiciary; *Trade, Economic Development & Housing.

Franklin, Rosa -- Health Care, Vice Chair; Commerce & Labor; Trade, Economic Development & Housing.

Fuhrman, Steve -- *Fisheries & Wildlife; **Revenue; Rules.

Grant, William A. -- Energy & Utilities, Chair; Agriculture & Rural Development; Financial Institutions & Insurance.

Hansen, Mick -- Transportation; Education; Environmental Affairs.

Heavey, Michael -- Commerce & Labor, Chair; Transportation; Capital Budget.

Hine, Lorraine -- Appropriations; Rules.

Holm, Barbara J. -- Revenue, Vice Chair; Education; Environmental Affairs.

Horn, Jim -- Transportation; Local Government; Commerce & Labor; *Environmental Affairs.

Jacobsen, Ken -- Higher Education, Chair; Appropriations; Capital Budget.

Johanson, Jim -- Transportation; Energy & Utilities; Judiciary.

Johnson, Linda -- Corrections, Vice Chair; Health Care; Environmental Affairs.

Johnson, Rob -- Natural Resources & Parks, Vice Chair; Health Care; Financial Institutions & Insurance.

Jones, Evan -- Transportation, Vice Chair; Education; Capital Budget; Rules.

Karahalios, Sue -- Agriculture & Rural Development; Education; Human Services.

Kessler, Lynn -- Energy & Utilities; Higher Education; Financial Institutions & Insurance.

King, Richard A. -- Fisheries & Wildlife, Chair; Commerce & Labor; State Government.

Kohl, Jeanne -- Environmental Affairs, Vice Chair; Transportation; Higher Education.

Kremen, Pete -- Agriculture & Rural Development, Vice Chair; Energy & Utilities; Financial Institutions & Insurance; Rules.

Lemmon, Dave -- Appropriations; Fisheries & Wildlife; Financial Institutions & Insurance.

Leonard, June -- Human Services, Chair; Appropriations; Revenue.

Linville, Kelli -- Appropriations; Natural Resources & Parks; Environmental Affairs.

Lisk, Barbara -- Agriculture & Rural Development; Health Care; *Commerce & Labor; Human Services.

Locke, Gary F. -- Appropriations, Chair; Judiciary.

Long, Jeanine H. -- *Corrections; Energy & Utilities; Judiciary.

Ludwig, Curtis -- Judiciary, Vice Chair; Energy & Utilities; Capital Budget; Rules.

Mastin, Dave -- Corrections; Health Care; Judiciary.

Meyers, Ron -- Rules, Vice Chair; Transportation; Financial Institutions & Insurance.

Mielke, Todd -- **Transportation; Health Care; Higher Education; *Financial Institutions & Insurance.

Miller, Louise -- Transportation; **Energy & Utilities; Rules.

Morris, Betty Sue -- Corrections, Chair; Health Care; Revenue Trade, Economic Development & Housing.

Morton, Bob -- Appropriations; *Natural Resources & Parks; **Capital Budget.

Myers, Holly -- Local Government, Chair; Transportation; Judiciary.

Ogden, Val -- Capital Budget, Vice Chair; Corrections; Higher Education.

Orr, George -- Fisheries & Wildlife, Vice Chair; Transportation; Higher Education.

Padden, Mike -- Corrections; *Judiciary; Human Services.

Peery, W. Kim -- Appropriations; Rules.

Pruitt, Wes -- Natural Resources & Parks, Chair; State Government; Education.

Quall, Dave -- Higher Education, Vice Chair; Transportation; Trade, Economic Development & Housing.

Rayburn, Margaret S. -- Agriculture & Rural Development, Chair; Local Government; Higher Education.

Reams, Bill H. -- *State Government; **Local Government; Financial Institutions & Insurance.

Riley, Mike -- Human Services, Vice Chair; Corrections; Judiciary; Rules.

Roland, Judi -- Agriculture & Rural Development; Education; Environmental Affairs; Rules.

Romero, Sandra Singery -- Local Government; Revenue; Capital Budget.

Rust, Nancy S. -- Environmental Affairs, Chair; Appropriations; Revenue.

Schmidt, Karen -- *Transportation; Judiciary; Financial Institutions & Insurance.

Schoesler, Mark G. -- **Agriculture & Rural Development; Natural Resources & Parks; Trade, Economic Development & Housing.

Scott, Pat -- Financial Institutions & Insurance, Vice Chair; Fisheries & Wildlife; Judiciary; Rules.

Sehlin, Barry -- Appropriations; **Fisheries & Wildlife; *Capital Budget.

Sheahan, Larry -- Appropriations; **Higher Education; Environmental Affairs.

Sheldon, Timothy -- Transportation; Natural Resources & Parks; Trade, Economic Development & Housing.

Shin, Paull H. -- Trade, Economic Development & Housing, Vice Chair; Transportation; Higher Education.

Silver, Jean -- *Appropriations; Revenue; Capital Budget.

Sommers, Helen -- Capital Budget, Chair; Appropriations; Education.

Springer, Jim -- Local Government; Commerce & Labor; Trade, Economic Development & Housing.

Stevens, Val -- Appropriations; Education; **Natural Resources & Parks.

Talcott, Gigi -- Appropriations; Revenue; **Human Services.

Tate, Randy -- Judiciary; Financial Institutions & Insurance; Rules.

Thibaudeau, Pat -- Health Care; Revenue; Human Services.

Thomas, Brian C. -- **Education; Natural Resources & Parks; Capital Budget.

Valle, Georgette -- Appropriations, Vice Chair; Natural Resources & Parks; Trade, Economic Development & Housing.

Van Luven, Steve -- Local Government; Revenue; **Environmental Affairs.

Vance, Christopher -- **State Government; Education; Rules.

Veloria, Velma R. -- State Government, Vice Chair; Health Care; Commerce & Labor.

Wang, Art -- Appropriations; Revenue; Capital Budget; Rules.

Wineberry, Jesse -- Trade, Economic Development & Housing, Chair; Appropriations; Judiciary.

Wolfe, Cathy -- Appropriations; Natural Resources & Parks; Human Services.

Wood, Jeannette -- Transportation; Higher Education; Rules.

Zellinsky, Sr., Paul -- Financial Institutions & Insurance, Chair; Transportation; Local Government.

MESSAGE FROM THE GOVERNOR

Booth Gardner
Governor

January 11, 1993

To the Honorable, the Senate
and House of Representatives
of the State of Washington

Ladies and Gentlemen:

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

Respectfully submitted,

Kaleen Cottingham
Legal Counsel to the Governor

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

MOTION

On motion of Representative Hine, the House adjourned until 11:30 a.m. Tuesday, January 12, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIRST DAY, JANUARY 11, 1993

JOURNAL OF THE HOUSE

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

SECOND DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 12, 1993

The House was called to order at 11:30 a.m. by the Speaker. The Clerk called the roll of the House.

The Speaker (Mr. R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jessie Robison and Lisa Johnston. Prayer was offered by Reverend Lee Forstrom from West Wood Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

January 11, 1993

Mr Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1025 by Representatives Ludwig, Padden, Riley, Kremen, Appelwick, Mielke, Romero, dyer, Jones, Kessler, Orr, Karahalios, R. Meyers, Brough, Carlson, Ballasiotes, Jacobsen, Forner, Silver, Dorn and Chappell

AN ACT Relating to the limitation of actions brought by prisoners; and amending RCW 4.16.190.

Referred to Committee on Judiciary.

HB 1026 by Representatives Ludwig, H. Myers, Chandler, Bray, Edmondson and Springer

AN ACT Relating to counties contracting for public defender services; and amending RCW 36.32.245.

Referred to Committee on Local Government.

HB 1027 by Representatives Bray, H. Myers, Edmondson and Rayburn

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

Referred to Committee on Local Government.

HB 1028 by Representatives H. Myers, Vance, Jones, Orr, Flemming, Springer, Shin, Dunshee and Chappell

AN ACT Relating to live-in care for tenants in mobile home parks; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1029 by Representatives H. Myers, Vance and Flemming

AN ACT Relating to consumer remedies for purchasers of manufactured homes; amending RCW 46.70.135 and 46.70.180; and adding new sections to chapter 46.70 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1030 by Representatives H. Myers, Bray, Edmondson, R. Fisher, Zellinsky, Rayburn, Brough and Shin

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

Referred to Committee on Local Government.

HB 1031 by Representatives H. Myers, Bray and Jacobsen

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

Referred to Committee on Local Government.

HB 1032 by Representatives Zellinsky, H. Myers, Rayburn, Bray, Edmondson, Springer and Campbell

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

Referred to Committee on Local Government.

HB 1033 by Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden

AN ACT Relating to city and county jail industries; and adding a new chapter to Title 36 RCW.

Referred to Committee on Corrections.

HB 1034 by Representatives Appelwick, Padden, Ludwig and Karahalios; by request of Law Revision Commission

AN ACT Relating to correcting an unconstitutional provision relating to claims for noneconomic damages limitations; and repealing RCW 4.56.250.

Referred to Committee on Judiciary.

HB 1035 by Representatives Appelwick, Padden and Ludwig; by request of Law Revision Commission

AN ACT Relating to correction of double amendments relating to support obligations; and reenacting and amending RCW 26.23.110.

Referred to Committee on Judiciary.

HB 1036 by Representatives H. Myers, Bray, Edmondson and Springer; by request of Law Revision Commission

AN ACT Relating to correcting a double amendment relating to funding bonds; and repealing RCW 85.07.080.

Referred to Committee on Local Government.

HB 1037 by Representatives Bray, H. Myers and Edmondson; by request of Law Revision Commission

AN ACT Relating to correcting a double amendment relating to auction sales of county property; and reenacting and amending RCW 36.34.080.

Referred to Committee on Local Government.

HB 1038 by Representative Dellwo; by request of Law Revision Commission

AN ACT Relating to correcting a double amendment relating to authorized functions of health care assistants; and reenacting and amending RCW 18.135.060.

Referred to Committee on Health Care.

HB 1039 by Representatives Riley, Leonard, Romero, Eide, Vance, Kremen, Chappell, Jones, Kessler, Orr, Tate, Mielke, Flemming, Brough, Miller, Jacobsen, Silver, L. Johnson, Dunshee and H. Myers

AN ACT Relating to law enforcement officers who die in the line of duty; and adding a new chapter to Title 41 RCW.

Referred to Committee on State Government.

HB 1040 by Representatives Riley, King, Kessler, R. Meyers and Springer

AN ACT Relating to razor clam hatcheries; adding a new section to chapter 75.24 RCW; creating a new section; and making an appropriation.

Referred to Committee on Fisheries & Wildlife.

HB 1041 by Representatives Zellinsky and Mielke

AN ACT Relating to family member coverage under group life insurance policies; and amending RCW 48.24.030.

Referred to Committee on Financial Institutions & Insurance.

HJM 4000 by Representatives Locke, R. Fisher, Horn, Anderson, Wineberry, Ballasiotes, Thibaudeau, Eide, Flemming, Jacobsen and Ogden

Honoring Homer M. Hadley.

Referred to Committee on Transportation.

MOTION

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

JOINT SESSION

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

The Speaker (Mr. R. Meyers presiding) instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate Joel Pritchard, President Pro Tempore Lorraine Wojahn, Vice-President Pro Tempore Al Williams, Majority Leader Marc Gaspard, and Minority Leader George Sellar to seats on the rostrum.

The Speaker (Mr. R. Meyers presiding) invited the Senators to seats within the House chamber.

The Speaker assumed the chair.

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

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

SPEAKER'S PRIVILEGE

The Speaker is pleased to introduce His Excellency, the Consul General of Korea, Mr. Hae Soon Lee, the former Consul of Chile, Mr. Kerry Monterey, and Mr. Donald Brody, Consul General from Malawi, and Mrs. Brody.

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

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

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

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

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

REMARKS BY THE SPEAKER

The Speaker called the Joint Session to order.

The Clerk of the House called the roll of the House.

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

The Speaker: This joint session has more than one purpose. It has been called to hear the State of the State Address of the Governor. This occasion also provides the legislature with the most appropriate opportunity to recognize retired and retiring state officials for their long and distinguished service to the state of Washington. The Joint Session also complies with the constitutional requirement to canvass the vote for the constitutional elective offices of the state of Washington.

For this latter purpose the clerk will read the message from the Secretary of State.

MESSAGE FROM THE SECRETARY OF STATE

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

Dear Mr. Speaker:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the initiatives which were submitted to the vote of the people at the state general election held on the 3rd day of November, 1992, that the total number of ballots cast at this state general election was 2,324,907 and that the total number of votes cast for and against each of these measures was as follows:

INITIATIVE TO THE PEOPLE 573

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

Yes

1,119,985

No

1,018,260

INITIATIVE TO THE LEGISLATURE 134

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

Yes	1,549,297
No	576,161

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 3rd day of November, 1992, for all federal, state-wide, and joint judicial offices, and that the votes cast for candidates to these offices are as follows:

Certification of Measures and Candidates (1992 General)

President/Vice-President of the United States

Clinton/Gore Democrat	993,037
Bush/Quayle Republican	731,234
Marrou/Lord Libertarian	7,533
Warren/DeBates Socialist Workers	515
Fulani/Munoz New Alliance	1,776
Gritz/Minett Populist	4,854
LaRouche/Bevel Independent	855
Perot/Stockdale Independent	541,780
Daniels/Tupahacne Independent	1,171
Phillips/Knight Washington Taxpayers	2,345
Hagelin/Tompkins Natural Law	2,456

U. S. Senate

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

U. S. Representatives, 1st District

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

	<u>U. S. Representative, 2nd District</u>	
Al Swift (D)		133,207
Jack Metcalf (R)		107,365
R. M. "Robin" Dexter (I)		8,702
Karen Leibrant (NL)		6,646
	<u>U. S. Representative, 3rd District</u>	
Jolene Unsoeld (D)		138,043
Pat Fiske (R)		108,583
	<u>U. S. Representative, 4th District</u>	
Jay Inslee (D)		106,556
Richard "Doc" Hastings (R)		103,028
	<u>U. S. Representative, 5th District</u>	
Thomas S. Foley (D)		135,965
John Sonneland (R)		110,443
	<u>U. S. Representative, 6th District</u>	
Norm Dicks (D)		152,933
Lauri J. Phillips (R)		66,664
Tom Donnelly (I)		14,490
Jim Horrigan (LB)		4,075
	<u>U. S. Representative, 7th District</u>	
Jim McDermont (D)		222,604
Glenn C. Hampson (R)		54,149
Paul Glumaz (I)		7,197
	<u>U. S. Representative, 8th District</u>	
George O. Tamblyn (D)		87,611
Jennifer Dunn (R)		155,874
Bob Adams (I)		14,686
	<u>U.S. Representative, 9th District</u>	
Mike Kreidler (D)		110,902
Pete von Reichbauer (R)		91,910
Brian Wilson (I)		

Timothy J. Brill (I)	6,585
	3,522
<u>Governor</u>	
Mike Lowry(D)	1,184,315
Ken Eikenberry (R)	1,086,216
<u>Lieutenant Governor</u>	
Richard Kelley (D)	862,063
Joel Pritchard (R)	1,072,968
Tom Isenberg (LB)	75,933
Absolutely Nobody (I)	148,021
<u>Secretary of State</u>	
Jeanne Dixon (D)	875,653
Ralph Munro (R)	1,206,414
Maurice Wiley (LB)	66,953
<u>State Treasurer</u>	
Dan Grimm (D)	1,237,527
Claude L. Oliver (R)	855,671
<u>State Auditor</u>	
Brian Sonntag (D)	1,042,229
Sam Reed (R)	946,621
Arthur D. "Art" Rathjen (LB)	92,818
<u>Attorney General</u>	
Christine Gregoire (D)	1,190,784
Norm Maleng (R)	946,946
Homer L.Brand (P)	32,124
<u>Commissioner of Public Lands</u>	
Jennifer M. Belcher (D)	1,112,389
Ann Anderson (R)	950,459
William L. McCord (LB)	77,949
<u>Superintendent of Public Instruction</u>	
Judith Billings (NP)	1,027,574
Teresa "Terry" Bergeson (NP)	

		938,885
	<u>Insurance Commissioner</u>	
Deborah Senn (D)		
		1,049,231
Richard G. "Dick" Marquardt (R)		
		894,551
Brian McCulloch (I)		
		148,280
	<u>State Supreme Court, Position 1</u>	
Barbara Madsen (NP)		
		900,614
Elaine Houghton (NP)		
		877,489
	<u>State Supreme Court, Position 2</u>	
James M. Dolliver (NP)		
		1,033,638
Kevin Patrick Dolan (NP)		
		639,168
	<u>State Supreme Court, Position 3</u>	
Robert F. Utter (NP)		
		1,350,834
	<u>Court of Appeals, Division 3, District 2</u> (Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, Whitman)	
Dennis J. Sweeney (NP)		
		95,301
	<u>Superior Court Judge, Position 1</u> (Asotin, Columbia, Garfield)	
John M. Lyden (NP)		
		8,046
	<u>Superior Court Judge, Position 1</u> (Benton, Franklin)	
Dennis D. Yule (NP)		
		41,831
	<u>Superior Court Judge, Position 3</u> (Benton, Franklin)	
Albert J. Yencopal (NP)		
		45,828
	<u>Superior Court Judge, Position 4</u>	
Carolyn A. Brown (NP)		
		42,676
	<u>Superior Court Judge, Position 5</u> (Benton, Franklin)	
Duane Taber (NP)		
		40,255
	<u>Superior Court Judge, Position 1</u> (Chelan, Douglas)	
Carol A. Wardell (NP)		
		23,552
	<u>Superior Court Judge, Position 2</u> (Chelan, Douglas)	
T.W. "Chip" Small (NP)		
		21,672
	<u>Superior Court Judge, Position 3</u>	

John E. Bridges (NP)	(Chelan Douglas)	20,797
	<u>Superior Court Judge, Position 1</u> (Island, San Juan)	
Alan R. Hancock (NP)		19,599
	<u>Superior Court Judge, Position 2</u> (Island, San Juan)	
Joan H. McPherson (NP)		15,013
Merle E. Wilcox (NP)		13,409
	<u>Superior Court Judge, Position 1</u> (Pacific, Wahkiakum)	
Joel Penoyar (NP)		8,474
	<u>State Senator, 1st District</u>	
Rosemary McAuliffe (D)		26,210
Marshall Paris (R)		19,978
	<u>State Representative, 1st District, Position 1</u>	
Barbara S. Cothorn (D)		24,316
Walter K. Backstrom (R)		19,607
	<u>State Representative, 1st District, Position 2</u>	
Linda S. Johnson (D)		24,840
Joyce Meyerson (R)		18,357
	<u>State Representative, 7th District, Position 1</u>	
John J. McLaughlin (D)		15,105
Steve Fuhrman (R)		27,542
Jack McLean (I)		2,052
	<u>State Representative, 7th District, Position 2</u>	
Lou Stone (D)		15,878
Bob Morton (R)		26,048
	<u>State Senator, 9th District</u>	
Bill Schmick (D)		17,891
Eugene A. Prince (R)		20,156
	<u>State Representative, 9th District, Position 1</u>	
Libby Walker (D)		17,039
Larry Sheahan (R)		19,513

John Gearhart (LB)	1,463
<u>State Representative, 9th District, Position 2</u>	
Chris Gorton (D)	15,468
Mark G. Schoesler (R)	21,626
<u>State Senator, 10th District</u>	
Mary Margaret Haugen (D)	26,744
Dick Caldwell (R)	18,936
<u>State Representative, 10th District, Position 1</u>	
Sue M. Karahalios (D)	21,337
Joan Houchen (R)	20,670
<u>State Representative, 10th District, Position 2</u>	
Helen Schoenfeld (D)	16,286
Barry Sehlin (R)	23,623
<u>State Senator, 12th District</u>	
Beverly Jagla (D)	19,979
George Sellar (R)	21,613
<u>State Representative, 12 District, Position 1</u>	
Rae M. Barnett (D)	15,231
Clyde Ballard (R)	24,999
<u>State Representative, 12 District, Position 2</u>	
Dale Foreman (R)	28,811
<u>State Senator, 13th District (Unexpired Term)</u>	
Eric Skaug (D)	17,385
Harold Hochstatter (R)	22,046
<u>State Representative, 13th District, Position 1</u>	
Gary Chandler (R)	31,382
<u>State Representative, 13th District, Position 2</u>	
Mick Hansen (D)	20,241
Joyce Mulliken (R)	18,878
<u>State Representative, 15th District, Position 1</u>	
Margaret Rayburn (D)	16,288
Jim Honeyford (R)	10,949
<u>State Representative, 15th District, Position 2</u>	

Forrest Baugher (D)	11,485
Barb Lisk (R)	15,708
<u>State Senate, 16th District</u>	
Valoria H. Loveland (D)	18,997
Dick Neher (R)	18,403
<u>State Representative, 16th District, Position 1</u>	
Dave Mastin (D)	18,930
Douglas L. Bayne (R)	17,455
<u>State Representative, 16th District, Position 2</u>	
Bill Grant (D)	23,544
Bonnie K. Reidt (R)	12,989
<u>State Senate, 17th District</u>	
Dean Sutherland (D)	23,898
Tim Heenan (R)	18,970
<u>State Representative, 17th District, Position 1</u>	
Kim Peery (D)	25,016
Bud Quinn (R)	16,399
<u>State Representative, 17th District, Position 2</u>	
Holly Myers (D)	24,266
Chris Lucia (R)	16,218
Jim B. Becker (LB)	1,681
<u>State Senate, 18th District</u>	
Ireda Grohs (D)	18,680
Linda A. Smith (R)	25,793
<u>State Representative, 18th District, Position 1</u>	
Betty Sue Morris (D)	25,272
Don Lynch (R)	18,409
<u>State Representative, 18th District, Position 2</u>	
Jim Springer (D)	22,765
Tim Young (R)	20,484
<u>State Senate, 19th District</u>	
Sid Snyder (D)	33,184

	<u>State Representative, District 19, Position 1</u>	
Mike Riley (D)		28,547
Mark R. Obtinario (R)		9,345
	<u>State Representative, District 19, Position 2</u>	
Bob Basich (D)		32,102
	<u>State Senate, 20th District</u>	
Tim Nogler (D)		16,822
Neil Amondson (R)		26, 215
	<u>State Representative, 20th District, Position 1</u>	
Dave Chappell (D)		21,730
Rose Bowman (R)		21,602
	<u>State Representative, 20th District, Position 2</u>	
Chris Hansen (D)		18,907
Bill Brumsickle (R)		23,557
	<u>State Senate, 24th District</u>	
Jim Hargrove (D)		26,087
Jean Fairchild (R)		18,263
John Pitts (I)		1,408
Anne Forest (I)		3,609
	<u>State Representative, 24th District, Position 1</u>	
Evan Jones (D)		25,984
Ellen Pickell (R)		23,203
	<u>State Representative, 24th District, Position 2</u>	
Lynn Kessler (D)		25,868
Jim Buck (R)		21,243
	<u>State Senate, 25th District</u>	
Marc Gaspard, (D)		26,726
Joyce McDonald (R)		17,661
	<u>State Representative, 25th District, Position 1</u>	
Dale T. Mitchell (D)		21,216
Sarah Casada (R)		22,887
	<u>State Representative, 25th District, Position 2</u>	
Art Wall (D)		

Randy Tate (R)	19,240
	24,759
<u>State Representative, 26th District, Position 1</u>	
Ron Meyers (D)	25,813
Tom Schneider (R)	19,467
	19,467
<u>State Representative, 26th District, Position 2</u>	
Wes Pruitt (D)	25,975
Alan Coleman (R)	15,323
Karen A. Allard (LB)	3,696
	3,696
<u>State Representative, 30th District, Position 1</u>	
Tracy Eide (D)	21,386
Maryann Mitchell (R)	20,706
	20,706
<u>State Representative, 30th District, Position 2</u>	
Mark Miloscia (D)	21,255
Jean Marie Brough (R)	21,637
	21,637
<u>State Representative, 31st District, Position 1</u>	
Judi Roland (D)	22,671
Les Thomas (R)	16,766
	16,766
<u>State Representative, 31st District, Position 2</u>	
Lee Valenta (D)	17,740
Chris Vance (R)	21,026
	21,026
<u>State Representative, 35th District, Position 1</u>	
Barbara Holm (D)	21,985
Peggy Johnson (R)	21,917
	21,917
<u>State Representative, 35th District, Position 2</u>	
Tim Sheldon (D)	27,239
	27,239
<u>State Senate, 39th District</u>	
Kevin Quigley (R)	26,268
John Wynne (R)	18,612
	18,612
<u>State Representative, 39th District, Position 1</u>	
Dennis Lebow (D)	20,876
Val Stevens (R)	23,017
	23,017
<u>State Representative, 39th District, Position 2</u>	

Hans Dunshee (D)	22,423
Kirk Pearson (R)	20,159
<u>State Senate, 40th District</u>	
Harriet Spanel (D)	28,051
Ted W. Anderson (R)	22,574
<u>State Representative, 40th District, Position 1</u>	
Dave Quall (D)	28,151
John Milnor (R)	20,040
<u>State Representative, 40th District, Position 2</u>	
Rob Johnson (D)	27,454
Carolann Wheeler (R)	20,849

IN WITNESS WHEREOF, I have set my hand, and affixed the Seal of the state of Washington, this 11th day of January, 1993.
(Seal)

Ralph Munro, Secretary of State.

Mr. Speaker: In view of the election results just read, certified by the Secretary of State, and to which there have been no protests, this joint session now declares the following qualified citizens to be elected in accordance with the constitution of the State of Washington:

Mike Lowry Governor
 Joel Pritchard Lt. Governor
 Ralph Munro Secretary of State
 Dan Grimm State Treasurer
 Brian Sonntag State Auditor
 Christine Gregoire Attorney General
 Judith Billings Supt. of Public Instruction
 Jennifer Belcher Commissioner of Public Lands
 Deborah Senn Insurance Commissioner

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

The Speaker presented the gavel to President Pritchard.

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

For this part of the program I am going to call upon Secretary of State Ralph Munro to join me and the speaker in making presentations to these distinguished individuals.

Secretary Munro, will you please make the first introduction.

Secretary Munro: Mr. President and Mr. Speaker, long time Insurance Commissioner for our state, Mr. Dick Marquardt, former Senator from north Seattle and the Director of the Washington State Selective Service Commission. Commissioner Marquardt was first elected in 1976. Under his leadership, Washington became the first state to outlaw low benefit, high-cost life insurance, including the so-called funeral plans. The rules survived all court challenges by insurance companies, even to the state supreme court. The Commissioner's crusade against deceptive television advertising and misleading cold-lead insurance mail marketing to get prospect's names has won national acclaim from consumer groups in 1987 and 1988. The Commissioner's senior health insurance benefit's advisors, commonly called SHIBA, a volunteer program of the first of the kind in the Nation, and it's a model for a new federal grant program establishing similar ideas and plans in 49 states. Mr. President and Mr. Speaker, I give you the Insurance Commissioner of the State of Washington, the Honorable Richard Marquardt.

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

Secretary Munro: Mr. President and Mr. Speaker, He studied at the Montana School of Mines and earned his tuition each summer working as a hard rock miner himself. He went on to the University of Portland and then to the University of Chicago. Mr. Brian Boyle, formerly a Cowlitz county commissioner, was elected as our Public Lands Commissioner in 1980. Under his leadership, the department of Natural Resources has achieved many milestones, including the Timber, Fish, Wildlife Agreement, the Commission on old-growth alternatives, and the Olympic experimental state forest. Establishing a network of natural area preserves and natural resource conservation areas created the aquatic lands enhancement account which gives us aquatic lands lease payments for public access trails, restoration of estuaries, and improvement of beaches and boater access. And lastly, a state landscape which will be better because of his work. Mr. President and Mr. Speaker, I present to you our Washington State Commissioner of Public Lands, Mr. Brian Boyle.

Mr. Boyle: Thank you, Mr. Speaker and Mr. President. It's interesting to be here twelve years later, and realize how I sat there, kind of in awe of this room in 1980 as the new state elected officials are today. It's also interesting, and I think it's a mark of progress, that a Commissioner of Public Lands could show up wearing canary yellow. And there is a substantial difference in the make-up, and I suspect, in the temperament of the new elected officials, and I wish you well. I think it's a mark of progress that those of us who recognize our time has passed, step aside, and make room for other progressive ideas. And you should remember that Voltaire, when asked to eulogize someone that he detested, said that he was a great writer, a statesman, a wonderful husband and father, and I'll say that all, presuming that he's actually dead. And we should remember that those of us who claim that we've accomplished things through leadership sometimes have had to step aside, because it's really the followers that provide the leadership, and we've had to step aside to make room for them. And one of the things that I have enjoyed, and I hope you as new legislators do, is that the caliber of people in state government as state employees is incredibly high, and they're incredibly dedicated to the quality of living in the state of Washington. Thank you.

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

Mr. Eikenberry: Well, thank you for this handsome memento, and this occasion. It's nice of the legislature and the officers to do this. I should start out by addressing Mr. Speaker, Mr. President, members of this joint session and ladies and gentlemen. I hope Mr. President, you don't mind, I'm not being disrespectful, but as a former House member, I always address the Speaker first. It has been a high honor and privilege to serve as the Attorney General for the people of our state, and to serve with you during the past twelve years. As a former House member, I do appreciate the pressures and the challenges that confront this body, and as you hammer out legislation designed to benefit the citizens of our state. And it's in that spirit that I want to comment and express appreciation for the attention and the amendments you've given to the consumer, and fair business practices of our state, to the attention you've given to improving the law on crime, particularly as it relates to sex predators, and to victims of crime, culminating in the amendment to our Constitution in 1989 on behalf of crime victims. And I'd like to close on the thought of the authority that was placed in the Office of the Attorney General by this body in 1981, giving it the responsibility of prosecuting certain kinds of crimes and offenses and investigating them. That has been a

demonstration project for this body since that time, expanding into especially difficult kinds of prosecutions, such as murder cases in several counties, crimes against government agencies, like the reformatory at Monroe, racketeer influence in corrupt organization prosecutions, labor and industries, medical provider fraud cases, and that sort of thing. And I do suggest to you that this will be an area that you will look at expanding into as criminal activity does become more sophisticated and more difficult to prosecute in the future. But for today again, my appreciation to you, for the opportunity to work with you in crafting and designing these items of legislation, designed to benefit the citizens of our state. I thank you again for this occasion.

Secretary Munro: Mr. President and Mr. Speaker, Since statehood in 1889, our Washington state has only had seven constitutional Auditors. Robert E. Graham is the seventh, and was first elected to this position in November 1964. Previously he worked for Labor & Industries and the Budget office. This is his 47th year of state service. He received his education at Moclips High School in the Pacific Coast and Grays Harbor College. He and his lovely wife Loydine have been married for 47 years. Among his many accomplishments Auditor Bob Graham is developing nationally recognized fraud prevention and investigation programs. He has led the states in auditing electronic data processing systems and applying computer assistance audit techniques. He's provided direct leadership in the production of the state's first audited financial statements (in 1982, in 1987,) and each year since. The state has received a certificate of achievement for excellence in financial reporting from the Government Finance Officers Association which does comprehensive annual financial reports. Mr. Speaker and Mr. President, I present to you our Washington State Auditor for the last 28 years, the Honorable Bob Graham.

Mr. Graham: Well, Mr. Speaker, Mr. President and all of you esteemed elected officials and citizens present here, and family present here, I just want to say I can't really believe I'm hanging up a 50 year career at this particular point in time. But they do say that time passes swiftly when you're having fun and so that's been the case. As a matter of fact 28 years ago tomorrow I stood here and was sworn in as the seventh state Auditor of the state of Washington by Judge Ott and that seems phenomenal being in that position for 28 years. The interesting thing is the first four auditors served for just 16 years total, though there's been three of us old birds that have served for 88 years, which I think is probably a national precedent winning championship, as far as tenure in office. I really have a few thank yous I want to make today; one is to the people who have given me the opportunity to fulfill a youthful desire. I wrote in my high school annual that what I hoped to do when I graduated was to go to college and finish my education in either accounting or law and apply it in government. Nothing could have fit more than the office of state auditor, so that even in my youth I looked upon the possibility of my vocation being public service. The second thank you should go to the legislative body. I have maintained an office continuously in this building since May 1, 1948. The legislature has been a good host to allow me to keep an office here in the legislative building for all those years. I'm going to share a little secret with you. Not everybody believes that this is the legislative building. There are some here today in the Gallery, over here mainly, my children and my grand-children, who for a number of years thought this building was Daddy's Capital. In more contemporary history this building was known as Grandpa's Capital. So you have been good hosts. It's been said in the introduction that we have really brought accountability in full financial disclosure to the state of Washington during my tenure, and that's true. It's a good thing we did that with the Auditor's financial statements, because 2 years after we did that, (standard Employees's duties) came out with the ruling that unless the state had audited financial statement that they would do one of two things: either they wouldn't rate bonds at all or they would lower the ratings. So that bodes well for us in our bond rating in the state of Washington. I've always run the office feeling that I'm responsible to the people of this state who have elected me. I've been equally responsive to the state legislative body. The audits that we provide have been, I feel, tools to help this body do the work of managing the public purse and setting public policy. That is your role, and the state has been the beneficiary of the national recognition of the office of Auditor. We have that strong recognition of the financial audit area. But there's one area not yet addressed, however. The state of Washington is the only state in the nation where the auditor is precluded from doing performance audits. I think that is something that the legislature should look at and actually change the law preventing the auditor from performing that function. The law says that I can give information to this body at any time or make recommendations. So I'll use this parting shot to say that my recommendation is that you amend the law prohibiting the state auditor from doing performance audits because in so doing you will enhance the tool kit you need to do your work in the role that you have to play. You'll also be giving the citizens and taxpayers of this state the biggest bang for their buck. Let me just say in concluding that my career has been fulfilling. It most certainly has been satisfying and it has been satisfying because I think that the citizens of this state - one thing that they want most is the accountability of their government and that is what the office of auditor is all about. The late President, John Kennedy said something I'll paraphrase. He said, 'The most important thing that a government can have is the confidence of their people.' And it is my belief that the accountability role

that the office of auditor plays in this state has given the citizens of this state some confidence in their government. So therein lies the satisfaction of my career and I just want to thank the people of the state for the opportunity to fill my youthful desire. And finally, I want to thank my family who have borne with me over these years, and particularly my wife Loydine to see that I've kept in line and to carry out the role of state auditor. It's been a great thing and I've enjoyed it very much. Thank you.

Secretary Munro: Mr. President, Mr. Speaker, The Governor of the State of Washington the Honorable Booth Gardner and his wonderful wife Jean, have led our state for the last eight years. Governor Gardner will be remembered for: Strong environmental legislation that will keep Washington livable far into the future, as in growth management, water resource management, oil-spill prevention, cleaner air, Puget sound clean-up, Hanford clean-up, hazardous waste clean-up, a plan to save the salmon. Improving education, as in early childhood education for all 4-year-olds, smaller class sizes, improved funding, school choice, and leadership toward educational reform. Setting the stage for health care reform to create the Department of Health to focus on health efforts; establishing the Basic Health Plan to expand access; spearheading health care reform at the state and national levels as Chair of the National Governors' Association;

Making Washington a safer and healthier place for children, as in more health care and better nutrition for poor children, more CPS workers, tougher penalties for child abuse, cracking down on dead-beat dads and the finest of service to our state's disabled and handicapped children;

Fostering an attitude of openness and cooperation in state government so that it's now more accessible to citizens, more welcoming of women and minorities, on good terms with our Native American tribes, and more efficient and better managed.

Mrs. Gardner will be remembered for her fine work as the Co-Chair of our state's 100th birthday celebration, the 1989 Centennial. She has been an active and involved supporter of our state heritage programs. Known for her ready smile and warm personality, Jean Gardner has been an absolutely first-rate first lady.

Mr. President, Mr. Speaker, I give you Governor and Mrs. Gardner, affectionately known by the citizens of our state as Booth and Jean.

The Speaker introduced the Governor of the State of Washington.

It's a great honor for me to join with Secretary of State Munro and President of the Senate Pritchard in introducing one of the most popular governors this state has ever had and one of the finest human beings many of us have ever known. I know that the press has been full of articles lately discussing and dissecting Booth's administration and his achievements but none of them have really focused on the role that Booth and Jean have played as first citizens of this great state. In that role both Jean and Booth have set a new standard. They are both people who have led by example. As the chief organizer of this state's Centennial celebration, Jean Gardner brought new depth to our understanding of our cultural diversity and history of Washington State. Without preaching, she taught us a lot about who we are as a state, and about how important it is to recognize the contributions of every ethnic group in every community. As first lady Jean has been independent, involved, willing to take risks, and at the same time fully devoted to her family. Booth has been every bit her equal. His openness to people of every walk of life and his ability to make friends are legendary. I am convinced that there are at least 10,000 people across this state who count Booth among their very best friends and what's even more extraordinary, they really are. Booth is a man who can connect with people genuinely, honestly, and with real concern for their well being. This is a governor who has had time for every man and women in this state, unless of course there were children around. If you have ever been in a room and watched Booth at a public event you will know of what I speak. We know that when Booth spots a child, he will snub Supreme Court Justices, political big shots and CEOs of major corporations and make a beeline to that child. When this governor says children come first, he means it and he lives it. We've all learned a great deal from him and we all know that today we are about to learn something more. Please join me in again welcoming the 19th governor of the state of Washington, the Honorable Booth Gardner.

STATE OF THE STATE ADDRESS
BY GOVERNOR BOOTH GARDNER

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

I want to begin today by talking about the timber town of Hoquiam, in Grays Harbor County. For longer than anyone can remember, the Grays Harbor area has been one of the largest timber producing regions in the country. For several generations, trees meant jobs for Grays Harbor.

There are plenty of trees left in those forests -- but no longer many jobs. Supply, demand, and environmental issues have conspired against Hoquiam. I've been there many times -- most recently this past fall, just after a permanent mill closure put another 900 people out of work.

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

When I looked out at those young women and men, just embarked on adulthood, full of hope for their future, but perplexed and scared by what was happening to their parents, I was moved.

I told them that nothing is permanent -- not even the town where they had been born, or the woods and mills that give it life. I told them that while their parents and grandparents had lived good and productive lives in Hoquiam, that same life might not be available to all of them. I advised them to look ahead, and not cling to the past. I urged them to continue their education, and to look, perhaps, beyond Hoquiam, beyond the mills they could see and the trees that surrounded them toward the more prosperous economies on I-5.

I thought it was a pretty good speech. It was honest, and it made sense. It had hope. It was doable. Apparently it was heard, because at least one student went home and told her parents. At the community forum that evening, one of the parents asked me to share what I had told the students.

When I was finished, a man rose from the crowd. You could see 25 years of working in the woods on his face and hands -- 25 years that had ended a month before with a pink slip. He said, "Governor, what you say is all right for my kids, but what about me? I'm 45. I have a wife and four children. My mother is sick. Do you really think I can start over again?"

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

For the past eight years, I have had a perspective on this state shared by only seventeen other people. The view from the Governor's office is different than any other.

From that corner office, you inevitably come to see the big picture, the distant horizon of the future, and the oncoming rush of history. It is a pinnacle of power -- and it is also a daily lesson in humanity. It is a daily lesson in the limits of what government can do, the inevitability of change, and the challenge of passing democratic values from one generation to the next.

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

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

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

The essential point about change is this: our ability to sustain a stable, democratic, and prosperous society depends on our capacity to change. It depends on all of us having the courage to change -- even when change is

uncomfortable, even when there is resistance to change, and even when some of the consequences of change are unknown. We cannot cling to the past. In a democratic society, the status quo is the enemy of stability, not its friend.

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

And so, for all of us, to lead is to learn. To be governor is simply to be the premier student of this state. To be governor is to know that the more we differ from each other, the more we have to learn from each other. And to be governor is to know that if this state is to prosper, all of us -- of every age and in every community -- must become more diligent students.

I leave this office after eight years with a profound affection and respect for the people of this state, and for the thousands of public servants who make our state government work. I am grateful for all you've taught me, and I will never forget what I have learned.

Thank you.

The President of the Senate instructed the special committee to escort the Governor and his wife to his chambers.

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

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

The President of the Senate has been asked to announce that following the Joint Session there will be a receiving line outside the State Reception Room for outgoing State Elected Officials. All Legislators and members of the public are cordially invited to attend.

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

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

MOTION

On motion of Representative Hine the Joint Session was dissolved.

POINT OF PERSONAL PRIVILEGE

January 12, 1993

The Honorable Booth Gardner
Governor
Office of the Governor
Legislative Building
Olympia, WA 98504

Dear Governor Gardner:

Having accepted a position in Governor-Elect Lowry's office, I am herein tendering my resignation as State Representative, 33rd District, effective at midnight on January 13, 1993.

Sincerely,

Lorraine A. Hine
State Representative
33rd District

MOTION

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

MOTION

On motion of Representative Hine, the House adjourned until 11:30 a.m. Wednesday, January 13, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SECOND DAY, JANUARY 12, 1993

JOURNAL OF THE HOUSE

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

THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 13, 1993

The House was called to order at 11:30 a.m. by the Speaker. The Clerk called the roll of the House.

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

The Speaker declared the House to be at ease.
The Speaker called the House to order.

The Sergeant at Arms announced the arrival of the Senate at the bar of the House.
The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Joel Pritchard, President Pro Tempore Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marc Gaspard, and Minority Leader George Sellar to seats on the rostrum.

The Speaker invited the Senators to seats within the House Chamber.

The Speaker presented the gavel to President Pritchard.

The President introduced the distinguished guests with us today, former Governor Al Rosellini, Congressman Al Swift, and Congresswoman Jolene Unsoeld.

The President appointed Representatives Roland, Heavey, Brough and Talcott and Senators Hargrove, Loveland, Amondson and Erwin as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Representatives G. Fisher, Rust, Stevens and Fuhrman and Senators Drew, McDonald, Hochstatter and Deccio as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President introduced the Supreme Court Justices, the State Elected Officials and the Congressional Delegation.

The Clerk of the House called the roll of the House.

The Clerk of the Senate called the roll of the Senate and all members were present except Senators Pelz and Vognild, who were absent.

The President appointed Representatives Rayburn and Reams and Senators Prentice and Cantu as a special committee to advise His Excellency, Governor Lowry, that the Joint Session has assembled and to escort him to the House of Representatives.

The President of the Senate introduced Governor and Mrs. Lowry

The President introduced Congressman Mike Kreidler.

The flag was escorted to the rostrum by I Corps Command of Fort Lewis.

Prayer was offered by Reverend Samuel McKinney of Mt. Zion Baptist Church of Seattle.

Let us pray. We gather O God, to seek your blessings on all the elected officials who shall be sworn in this day. We're grateful for the excellence and the diversity they represent. We gather also God to seek your blessing upon Mike Lowry, the 20th Governor of the State of Washington. Smile, we pray upon all the inhabitants of this state, all elected and appointed officials and those who reside within all state institutions. May your creative, compassionate, beneficent, understanding spirit encompass our governor and all those sworn in this day, be a shining light before him, be a protective hovering cloud over him, a wall of strength behind him, solid unyielding ground underneath him as he leads us into a future which in spite of human tears and fears will be undimmed. May Governor Mike Lowry be blessed with an understanding and cooperative legislature and may a sensitive Supreme Court surround him with cooperative elected officials and may be upheld by a helpful and knowledgeable staff and employees. Be it, O God, our commitment to education so that we support and sustain a system of educational opportunities for all the populace of all ages and levels, open doors in trade and commerce and production so full employment might be enjoyed by all. Enable each of us to participate with creation in the preservation of our environment including the majestic mountains, burning valleys, towering trees, clean, clear waters laid in many varieties of fish. Remove from this state and nation all symbols of many acts of racism, sexism, elitism, ageism, and all otherism's. May the many splendid varieties of the human family residing in this state signal to the rest of the world how we could all live together as brothers and sisters. Now send your presence to the governor's family, that they might enjoy his successes with him so it strengthens and encourages him at those times when he and his conscience must stand alone. Grant him wisdom, grant him courage, for the facing of this hour, for the living of these days that he fail not humanity, nor thee. Amen

President of the Senate: The purpose of this Joint Session is to administer the Oath of Office to the constitutionally elected state officials of the State of Washington and receive the Inaugural Address of Governor Mike Lowry.

THE OATH OF OFFICE TO ELECTED OFFICIALS

Justice Barbara Madsen administered the oath of office to Deborah Senn, Insurance Commissioner, and the President of the Senate presented her the Certificate of Office.

Justice Charles Smith administered the oath of office to Jennifer Belcher, Commissioner of Public Lands, and the President of the Senate presented her the Certificate of Office.

Acting Chief Justice Barbara Durham administered the oath of office to Judith Billings, Superintendent of Public Instructions, the President of the Senate presented her the Certificate of Office.

Justice Richard Guy administered the oath of office to Christine Gregoire, Attorney General, and the President of the Senate presented her the Certificate of Office.

Justice Charles Johnson administered the oath of office to Brian Sonntag, State Auditor, and the President of the Senate presented him the Certificate of Office.

Justice Robert Brachtenbach administered the oath of office to Ralph Munro, Secretary of State, and the President of the Senate presented him the Certificate of Office.

Justice Charles Smith administered the oath of office to Dan Grimm, Treasurer, and the President of the Senate presented him the Certificate of Office.

Justice Robert Utter administered the oath of office to Joel Pritchard, Lieutenant Governor, and the President of the Senate presented him the Certificate of Office.

Justice James Andersen administered the oath of office Governor, Mike Lowry, and the President of the Senate presented him the Certificate of Office.

The President of the Senate introduced our new First Lady, Mary Lowry.

The Speaker: Thank you Mr. President, this is indeed an honor.

This is a week for sharp contrasts. Yesterday, we said goodbye to a governor who was known to be soft-spoken, quiet, and often perplexed by the twists and turns of legislative politics. He was a man of many interests--a serious tennis player, a regular at the local gym, a diligent piano student, and a philanthropist.

Today, we welcome a new governor--a man who eats, breathes and sleeps politics and public policy. Our new governor is a man who revels in the rough and tumble of the legislative arena--a man whose passionate and vocal devotion to the democratic process is legendary.

Among our new governor's passions are health care reform, education reform, and the creation of government budgets that invest in opportunity and promote economic vitality. We look forward to working closely

with him to achieve these goals. But his overriding concern is bringing people together across all the lines of difference of color, of gender, of geography, and of party loyalty.

And he devotes every ounce of his considerable energy to these tasks. In fact, when our new governor needs a thorough, aerobic workout, he doesn't go to a gym--he gives a speech.

So now, let me clear away the water pitchers, get out of harm's way, and ask you all to join me in giving a joyous and rousing welcome to the Twentieth Governor of the State of Washington, the Honorable Mike Lowry.

INAUGURAL ADDRESS BY MIKE LOWRY

Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature and elected officials, Reverend McKinney, dedicated public employees, honored guests, and fellow citizens of the state of Washington.

Before I begin my remarks, let me acknowledge two more people who have joined us today--Governor Booth Gardner and Jean Gardner.

Our goal in moving forward will be all the more achievable due to the innovative and courageous contributions of Governor Gardner. Thank you, Booth, for leaving behind such a solid foundation on which we may build the future progress of Washington State.

And thank you, Jean, for your leadership in so many fields and especially in fostering the arts and appreciating the heritage of our state. You may trust that your legacy will be in good hands, and we can only hope to equal the vision and dedication you brought to our state.

It is a great honor to serve as governor of our beautiful state and I want to thank all who have made today possible, especially my friends and family. It is, of course, impossible to thank everyone individually but grant me the privilege of acknowledging my best friend and closest advisor, Mary Lowry, our daughter Diane, my niece and nephew Ann and Keith Ventress, my sister Suellen Lowry Hibschman, and my mother Helen Lowry. Thank you all.

Finally, let me thank the voters of Washington State for the privilege to stand here before you in this, the people's house. My pledge to them and to you is never to forget that within these walls I am a servant--not a master.

Many have asked why I am so optimistic about our state's future. The answer is simple: it is the tremendously positive attitude of the people and their desire to work together for progress--Democrat, Republican, Independent, one state working together for the good of all. And I know that is the attitude of the elected officials in this room, to all work together to get the job done.

Certainly, we face a difficult budget problem, but it is one we can and will solve--without IOU's, without gimmicks, without smoke and mirrors. We will write fair and fiscally sound budget that lays a solid foundation for a better future.

A better future for all of our state's families and businesses because with your leadership and cooperation we will begin the task of reining in the run-away costs for health care, and we will begin to reap the benefits of preventative health care and healthy people. If we had passed health care reform in 1981, we would not be facing a state budget deficit in 1993. We must and we will pass health care reform this year.

A better future for our children and our economy because with your leadership and cooperation we will build an education system second to none--from preschool through high school, from our community colleges and technical institutes through our four-year and research universities. We must and we will provide the caliber of education we need to train the very best professionals and workers that we need to attract and keep creative investment and innovative businesses, and that we need to secure our economic vitality for decades to come. We must not make the penny wise and pound foolish mistake of serious cuts in our education system. We must and we will pass education reform.

Education reform that includes "readiness to learn." I believe the most important education issue of all is the effect of the living conditions of the child outside the classroom. It must be almost impossible to learn if you are hungry or sick or homeless, and yet in our great state we have thousands of children hungry and sick and homeless. That is wrong, and we must commit ourselves to change that.

And we must get to the roots of why our prisons and jails are bursting at the seams at the cost of \$27,000 per person per year. We spend six times more per year on a prisoner than a community college student. We need to put more judgment back into our justice system, and we must offer more opportunity and hope for a well-paying job for all our people. Let's give education and opportunity and hope a chance.

Let us build a solid foundation with a more streamlined state government, consolidated functions, and all agencies more accountable to the people they serve. We must and we will make state government more efficient, and we extend the hand of partnership to the private sector to meet our responsibilities in building a strong economy.

A better future for today's citizens and all the generations to come because with your leadership and cooperation we will set new standards for environmental stewardship and community investment. We must commit ourselves to protecting our natural beauty and resources and meeting community needs in ways that will strengthen our economic opportunities; improve the quality of our air and water; safeguard our wilderness and scenic areas; and provide a modern transportation system and sound infrastructure for the balance of this decade, well into the Twenty-First century. Good environmental policy, and good economic policy go hand in hand.

With your leadership and cooperation we must and we will accomplish all of these things--because that's why the people sent us here. The voters went to the polls last November not to promote an ideology but to solve real problems in the community and their daily lives.

We must not disappoint the voters. If we fail to meet their expectations, if we fall back into the old habits of partisan rancor and institutional gridlock, more than just our reputations will suffer. We will undermine the whole cause of public investment and service, and thereby, deprive the people of their rightful due.

So I pledge to all of you in this room and to all who might hear or read my words that I will join with the Legislature and the judiciary and with all the institutions of the state, public and private, as a partner and a fellow worker. I will roll up my sleeves, loosen my tie, and put my shoulder to the wheel with all of you to deliver the goods that our people need, expect and deserve.

The test of our success in this enterprise will not be an abstract measure of new laws or politics. It will be counted in concrete results in the vitality of the economy and the quality of daily life for our citizens.

Before I end this speech--and yes, it will end--let me add a word about the ethics of public service.

The most important political issue in America and in our state today is to rebuild the credibility of our political system. This great democracy depends upon integrity.

That is why I insisted on a totally positive campaign. I wanted to prove that the good people of Washington State would support a totally positive campaign, and they did. I placed campaign contribution limits on our campaign, because I wanted to prove the good people of the state of Washington would support a campaign that strictly limited special interest financing by participating with their small contributions, and they did in record breaking fashion. Please join with me to reject once and for all the destructiveness of negative campaigns. Please join with me in the further pursuit of comprehensive campaign finance reform, until we get the job done.

I believe that being a servant of the people, whether as an employee, an elected official, a member of a commission or board, or a consultant, is the highest honor an individual can attain. To be entrusted with the public's interest also imposes the most demanding standards and expectations for professional conduct.

To this end, one of my first official acts as Governor of the state of Washington shall be to issue an Executive Order directing all officials and employees to employ the highest standards of professional conduct. That order will include a mission statement of open government, citizen participation, and the elimination of all discrimination.

All citizens are entitled to equal service, protection and opportunity regardless of race, sex, age, national origin, religion--and sexual orientation.

On this last point, let me add that the wonderful people of Washington will tolerate many things, but intolerance is not one of them. We must remain a leader in fighting discrimination in all its forms, and that happens to be good business, too.

A few moments ago I noted the mood--or moods--of the electorate last fall. I found them to be both anxious and hopeful about the future and about the role of government in helping to solve the problems facing our state.

That is where we begin the work of this administration in partnership with this Legislature and the public. But let us imagine how our work might end. Envision for a moment a time four years hence when we look back and take pride in a state government--

That met its responsibilities in providing for a vibrant and healthy economy...

That approved a comprehensive reform of our health care system that guaranteed every citizen uniform access to the highest quality health service...

That reinvented public education by mandating the highest caliber of instruction, by restoring local control and innovation, by assuring sufficient state resources to meet each school district's needs, and by expanding access to quality colleges and universities...

That moved our state into the Twenty-first Century with an integrated transportation system...

That opened new doors through which citizens can pass from dependency to independence...

That created exciting opportunities for public-private partnerships like the Washington Wildlife and Recreation Coalition...

That made the strategic investments in human resources and facilities to transform Washington into a magnet for new investment and international trade...

That tackled the long overdue challenges of collective bargaining and of reforming the civil service system for the good of our valued public employees and all our state's citizens...

That cultivated the arts, safeguarded the historic landmarks, and protected the heritage of the diverse cultures which make Washington whole and unique...

That secured a legacy of productive farms and fisheries, new recreational opportunities, healthy wildlife, protected wilderness, clean air and water, and rational growth management for future generations...

That freed our political system from the blight of special interest campaign financing and negative campaigns...

And that pounded a stake through the ugly heart of prejudice and bigotry once and for all...

If we can achieve these goals, we will earn the trust invested in us by the voters. And the people will be able to say: They did the job we elected them to do.

Which, for a public servant, is the highest praise possible. Thank you.

The President of the Senate instructed the special committee to escort the Governor back to his office.

The President of the Senate instructed the special committee to escort the Supreme Courts from the House Chambers.

The President of the Senate instructed the special committee to escort the Elected Officials to the State Reception Room.

The President: The Governor of the Supreme Court and the Elected Officials will receive congratulations in the State Reception Room.

MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort President of the Senate Joel Pritchard, President Pro Tempore Lorraine Wojhan, Vice-President Pro Tempore Al Williams, Majority Leader Mark Gaspard and Minority Leader George Sellers from the House Chambers.

INTRODUCTIONS AND FIRST READING

HB 1042 by Representatives King, Jacobsen, Orr, Springer and Lemmon

AN ACT Relating to ballast discharge; amending RCW 88.46.010; adding new sections to chapter 88.46 RCW; creating a new section; and making an appropriation.

Referred to Committee on Fisheries & Wildlife.

HB 1043 by Representatives Schmidt, Appelwick, Morris, Long, Ballasiotes, Riley, Springer, Shin, Brough, Eide, Johanson, Fuhrman, Silver and J. Kohl

AN ACT Relating to method of execution; amending RCW 10.95.180; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1044 by Representatives Carlson, Shin, Ballard, Brumsickle, Thomas, Ballasiotes, Miller, Foreman, Schoesler, Dyer, Quall, Basich, Morris, Springer, Brough, Chandler, Chappell and Kessler

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

Referred to Committee on State Government.

HB 1045 by Representatives Orr, Mastin, Riley, Zellinsky, Roland, Sheldon, Dorn, R. Meyers, Grant, Kremen, Ludwig, R. Fisher, Morris, R. Johnson, Scott, Bray, Talcott, Campbell, Rayburn, Padden, Foreman, Dyer, Sheahan, Ballasiotes, Long, Springer, Stevens, Brumsickle, Horn, Forner, Miller, Schmidt, Sehlin, Edmondson, Hansen, Lemmon, Schoesler, Morton, Fuhrman, Tate, Vance, Thomas, Mielke, Chandler, Lisk, Wood, Cooke, Sommers and Silver

AN ACT Relating to working hours for minors; and amending RCW 49.12.121 and 49.30.030.

Referred to Committee on Commerce & Labor.

HB 1046 by Representatives Basich, Sheldon, Kessler, Holm, Riley, Jones and L. Johnson; by request of Office of Financial Management

AN ACT Relating to Grays Harbor Community College; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1047 by Representatives Rust, Horn, Valle, Long, Springer, Brough, Forner, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl

AN ACT Relating to solid waste received from outside the state; adding a new section to chapter 70.95 RCW; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1048 by Representatives Rust, Horn and Springer; by request of Law Revision Commission

AN ACT Relating to correcting a double amendment relating to orders issued by the pollution control hearings board; and repealing RCW 70.94.222.

Referred to Committee on Environmental Affairs.

HB 1049 by Representatives Riley, Kremen, G. Fisher, King, Orr, Brumsickle, Dorn, Romero, Appelwick, Springer and Sheldon

AN ACT Relating to video reproduction games; amending RCW 9.46.0311, 9.46.0325, 9.46.070, and 9.46.110; reenacting and amending RCW 9.46.230; and adding new sections to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1050 by Representatives Scott, Orr and Roland

AN ACT Relating to obstructing a public servant; amending RCW 9A.76.020; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1051 by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Forner, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland

AN ACT Relating to emergency management; amending RCW 9.95.210 and 38.52.010; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1052 by Representatives Scott, G. Cole, Wineberry, Eide, Wang, Franklin, Anderson and Thibaudeau

AN ACT Relating to handgun control; reenacting and amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1053 by Representatives Heavey and Johanson

AN ACT Relating to the registration of athlete agents; and amending RCW 18.175.020 and 18.175.030.

Referred to Committee on Commerce & Labor.

HB 1054 by Representatives King, Heavey, Lisk, R. Meyers, Springer, Chandler, G. Cole, Horn, Dyer, Basich and Thomas

AN ACT Relating to the minimum rate of compensation for recreational vessel and recreational vessel trailer salespeople; and amending RCW 49.46.130.

Referred to Committee on Commerce & Labor.

HB 1055 by Representatives Franklin, Edmondson, Brough, Eide, Roland, Ogden and J. Kohl

AN ACT Relating to property tax exemptions for nonprofit character- building, benevolent, protective, or rehabilitative social service agencies; amending RCW 84.36.030, 84.36.031, and 84.36.810; reenacting and amending RCW 84.36.805; and creating a new section.

Referred to Committee on Revenue.

HB 1056 by Representatives Franklin, Zellinsky, Thibaudeau, Quall, Wineberry, Ludwig, Campbell, Romero, Jones, Springer, Shin, Wolfe, Karahalios, Ogden, J. Kohl and Anderson

AN ACT Relating to housing; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1057 by Representatives Franklin, Zellinsky, Campbell and Springer

AN ACT Relating to correction of double amendments relating to regulation of mobile and manufactured homes; reenacting and amending RCW 46.12.290; and reenacting RCW 46.04.302.

Referred to Committee on Trade, Economic Development & Housing.

HB 1058 by Representatives Franklin, Zellinsky, Campbell, Kremen, Padden and L. Johnson

AN ACT Relating to public hospital districts; adding a new section to chapter 70.44 RCW; and providing a contingent effective date.

Referred to Committee on Local Government.

HB 1059 by Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang

AN ACT Relating to the possession of weapons in court facilities; amending RCW 9.41.300 and 9.41.290; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

HB 1060 by Representatives Franklin, Scott, Thibaudeau, Jacobsen, G. Cole, Appelwick, Eide, Johanson, Karahalios, Leonard, R. Johnson, Pruitt, Roland, Wang, J. Kohl and Anderson

AN ACT Relating to forfeiture of firearms; and amending RCW 9.41.098.

Referred to Committee on Judiciary.

HB 1061 by Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton

AN ACT Relating to irrigation districts; amending RCW 87.03.530; adding new sections to chapter 87.03 RCW; and adding a new section to chapter 36.93 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1062 by Representatives Rayburn, Chandler, Schoesler, Kremen, Grant, Roland, Sheahan, Lemmon, Morton and Lisk

AN ACT Relating to the repeal of the sunset provisions for the international marketing program for agricultural commodities and trade; and repealing RCW 43.131.329 and 43.131.330.

Referred to Committee on Agriculture & Rural Development.

HB 1063 by Representatives Rayburn, Chandler, Chappell, Grant, Roland, Ludwig, Riley, Padden, Hansen, Lemmon and Lisk

AN ACT Relating to the Washington wine commission; and amending RCW 66.12.180 and 66.24.210.

Referred to Committee on Agriculture & Rural Development.

HB 1064 by Representatives G. Cole, Van Luven, G. Fisher, Cothorn, Dorn, Holm, Leonard, Jones, Rust, R. Fisher, Jacobsen, King, Dellwo, Scott, Morris, Wang, Thibaudeau, Romero, Valle, Pruitt, Appelwick, Basich, J. Kohl, Anderson, Ogden, H. Myers, Wineberry, Riley, Brown, Long, Orr, Shin, Horn, Forner, Eide, Wolfe, Johanson, Kessler and Veloria

AN ACT Relating to corporal punishment; amending RCW 9A.16.100; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1065 by Representatives G. Cole, Campbell, G. Fisher, Dorn, Jones, Jacobsen, Lemmon, Johanson, Roland, L. Johnson, Cothorn, J. Kohl and Franklin

AN ACT Relating to student pedestrian safety; adding new sections to chapter 28A.160 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1066 by Representatives Bray, Edmondson and H. Myers

AN ACT Relating to awarding contracts by water or sewer districts; and amending RCW 56.08.070 and 57.08.050.

Referred to Committee on Local Government.

HB 1067 by Representatives Orr, Mielke, Dellwo, King, Franklin, Ludwig, Riley, Brown, Jones, Holm, Chappell, Pruitt and J. Kohl

AN ACT Relating to public employee collective bargaining; amending RCW 41.56.460; and reenacting and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

HB 1068 by Representatives Padden, Appelwick, Ludwig, Riley, Chappell, Campbell, Schmidt, Long, Tate, Ballasiotes, Dyer, Johanson and Thomas

AN ACT Relating to registration of transfer on death securities; and adding a new chapter to Title 21 RCW.

Referred to Committee on Judiciary.

HB 1069 by Representatives Ludwig, Mielke, Riley, Mastin, Bray, Orr, Vance, H. Myers, Lisk, R. Johnson, Grant, Basich, Edmondson, Schmidt, Campbell, Van Luven, Rayburn, Foreman, Ballasiotes, Long, Kremen, Brough, Brumsickle, Horn, Forner, Karahalios, Chandler, Wood, Cooke, Roland and Silver

AN ACT Relating to seizure of property; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

HB 1070 by Representatives Ludwig, Mastin, Orr, Chandler, Basich, R. Johnson, Foreman, Grant, Kremen, Lisk, Edmondson, Riley, Chappell, Campbell, Scott, Wineberry, Van Luven, Talcott, Rayburn, Padden, Dyer, Sheahan, Ballasiotes, Flemming, Long, Springer, Holm, Brumsickle, Horn, Forner, Miller, R. Meyers, Lemmon, Schoesler, Morton, Johanson, Tate, Vance, Thomas, Karahalios, Mielke, Wood, Cooke, Roland and Silver

AN ACT Relating to sentencing persons for crimes committed while armed with a firearm; amending RCW 9.94A.310, 9A.36.041, 9A.36.070, 9A.52.100, 9A.56.050, 9A.76.020, 9A.76.130, and 9.94A.370; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1071 by Representatives Ludwig, Orr, Riley, R. Johnson, Van Luven, Foreman, Ballasiotes, Long, Kremen, Springer, Brough, Horn, Forner, Basich, Jacobsen, Edmondson, Lemmon, Tate, Vance, Mielke, Chandler, Lisk, Wood, Cooke and Silver

AN ACT Relating to concurrent and consecutive sentences of adult offenders; amending RCW 9.94A.400; and prescribing penalties.

Referred to Committee on Corrections.

HB 1072 by Representatives Appelwick, Ludwig, Johanson and Ogden

AN ACT Relating to guardians ad litem; and amending RCW 26.09.220, 26.10.130, 26.12.060, and 26.12.175.

Referred to Committee on Judiciary.

HB 1073 by Representatives Appelwick and Johanson

AN ACT Relating to judges; and amending RCW 4.12.050.

Referred to Committee on Judiciary.

HB 1074 by Representatives Ludwig, Padden, Appelwick and Johanson

AN ACT Relating to corporations; amending RCW 18.100.120, 50.04.165, and 23B.14.300; and adding a new section to chapter 23B.07 RCW.

Referred to Committee on Judiciary.

HB 1075 by Representatives Padden, Appelwick, Ludwig and Johanson

AN ACT Relating to references to the Internal Revenue Code; amending RCW 11.02.005, 11.108.010, 11.108.020, 11.108.025, 11.108.050, 11.110.200, 11.110.210, 11.110.220, 83.100.020, 83.110.010, and 83.110.050; and repealing RCW 11.110.240.

Referred to Committee on Judiciary.

HB 1076 by Representatives Ludwig, Padden, Appelwick, Orr and Johanson

AN ACT Relating to the distribution of income earned during administration of a decedent's estate; and amending RCW 11.104.050.

Referred to Committee on Judiciary.

HB 1077 by Representatives Ludwig, Padden, Appelwick, Orr, Johanson and Karahalios

AN ACT Relating to the revocation of nonprobate asset arrangements for divorce or invalidation of marriage; amending RCW 11.02.005; and adding a new chapter to Title 11 RCW.

Referred to Committee on Judiciary.

HB 1078 by Representatives Appelwick, Padden, Ludwig, Orr and Johanson

AN ACT Relating to nontestamentary characterization of interests passing at death; adding new sections to chapter 11.02 RCW; and repealing RCW 11.02.090.

Referred to Committee on Judiciary.

HB 1079 by Representatives Appelwick, Padden, Ludwig, Orr, Basich and Johanson; by request of Law Revision Commission

AN ACT Relating to review of eminent domain judgments; amending RCW 8.12.200; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1080 by Representatives Valle, Quall, Franklin, Flemming, G. Cole, Eide, Roland and Veloria

AN ACT Relating to contracts for admission to nursing homes; and adding new sections to chapter 18.51 RCW.

Referred to Committee on Health Care.

HB 1081 by Representatives Heavey and Eide

AN ACT Relating to public employee collective bargaining; amending RCW 41.56.460 and 41.56.123; reenacting and amending RCW 41.56.030; and repealing RCW 41.56.495.

Referred to Committee on Commerce & Labor.

HB 1082 by Representatives Heavey, Veloria, G. Cole, Springer, Padden, Valle, Scott, Brough, Jacobsen, Wineberry, Lemmon, Karahalios, Pruitt and Roland

AN ACT Relating to alcohol abuse and underage drinking among college and university students; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HJR 4200 by Representatives Franklin, Zellinsky, Campbell and Kremen

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

Referred to Committee on Local Government.

HJR 4201 by Representatives Ludwig, Padden, Appelwick, Foreman and Johanson

Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity.

Referred to Committee on Judiciary.

HCR 4402 by Representatives Heavey, Veloria, Wineberry, Lemmon, Chappell and Pruitt

Encouraging brewers to adopt voluntary advertising standards and creating a joint select committee on alcohol advertising.

Referred to Committee on Commerce & Labor.

HCR 4403 by Representatives Heavey, Veloria, Long, Shin, Forner, Schmidt, R. Meyers, Johanson, Leonard, Chandler, Lisk, Pruitt, Ballasiotes and Morris

Advocating the creation of a task force to study issues on gambling.

Referred to Committee on Commerce & Labor.

MOTION

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

ANNOUNCEMENTS

The Speaker: As you know, on January 13 we are going to lose a colleague, Representative Lorraine Hine, who will be resigning from her House seat in order to assume her new responsibilities as Governor-elect Mike Lowry's legislative liaison.

Although Lorraine will be back with us in a different capacity, it is appropriate that we honor her tremendous service to this state. Lorraine has accomplished a great deal in her twelve years in Olympia, and it has been a pleasure for all of us to serve with her. Today she becomes the first woman to serve as House Majority Leader, a service that will regrettably last only three days.

Representative R. Fisher: Thank you Mr. Speaker. Lorraine I'm going to miss you. This institution is going to miss you. But you'll not be far away. My ten years here have been made more enjoyable, more meaningful, and more productive because of you. Good luck on your new journey and remember that every Governor and every Governor's agent needs to recognize that transportation is important in this state. So as the songs go, "So long; it's been good to know you and we'll meet again."

Representative Brough: Thank you Mr. Speaker. Following the previous speaker, this may be our last chance to lobby her. Since the shoe will be on the other foot and she will be lobbying us. It's been my pleasure to be lobbying Lorraine for ten years. I think that Governor Lowry has chosen well. We have a local newspaper who usually calls women bright and articulate when they give an endorsement and I think that bright and articulate are certainly two terms that appropriately apply to Representative Hine. She understands local government, she understands the legislative process, and she understands budgeting better than most anybody else in here, especially that particular combination. She's remarkably well suited for the job that Lowry has chosen her for. But, I also want to put in my plugs. I hope, Lorraine, that you carry your opposition to the third runway at Sea-Tac into the governor's office. I've been lobbying for my colleague here about Moses Lake. The issue that we worked most closely together on over the past few years was the Metro reorganization. It took us about three or four runs at the Senate before we gave it up. The ACLU fortunately picked it up and it came to pass, finally through the courts and through the vote of the public in King county. But the results were positive and I know that we both feel good about that. I also want to publicly thank her again for her support for the wetlands and hope that when she goes into the governor's office she recognizes that the Interpretive Center is not yet built and additional funding is needed. So, I wish you well, and like I say, it has been my pleasure to lobby you for the last few years. It has been my pleasure to call you friend. Good luck.

Representative Rust: Thank you Mr. Speaker. Lorraine and I were one of the smallest classes on record in this Legislature. There were only four of us but gender ratio was very good. There were two women and two men and that's the way it ought to be. Even though there were only four of us we have this wonderful record of togetherness because we sat together for twelve long years. And this year Joe King decided not to run for election and so there are only three. But for a short time we really had a wonderful gender ratio, two women and only one man. Now Lorraine is leaving us and Art and I are going to be left to work together and we've shown a pretty good gender ratio but it is a ratio we need to have for the whole House of Representatives. I know that Mike has already committed himself to protecting the environment and I really appreciate your help in that arena over the years. I don't think I need to lobby you. I'm just going to continue to ask for your support and I'm going to support the governor's efforts to protect the environment. Thanks.

Representative Miller: Thank you Mr. Speaker, members of the House. Well, Lorraine you should have consulted me before you made this decision because I was really looking forward to working with Lorraine as the Majority Leader. When I'd heard that she became the Majority Leader and I managed to be re-elected as floor leader I thought, 'piece of cake, this is going to be great.' There will be no problems, no surprises, everything will be

smooth. However I congratulate you and I congratulate Governor Lowry because it was a real smart move on his part. You'll be a wonderful Legislative liaison. You're well respected not only by people on both sides of the aisle here but also by people in the Senate. We've worked on enough joint committees together that I know that they respect you and that you will be able to work with them. I want to tell you a story that Lorraine told to me the first day that we had together on the floor as freshmen here. That was 1983 and we were having school and Lorraine as a leader of her caucus was participating in this school. She took me aside and she said "Look around this room; you're going to make very close friends here. That you will work very closely together; they will be like family but look around again because in a few days the same people may not all be here. Lorraine, you will be missed.

Representative Wang: Thank you Mr. Speaker. I too want to rise in just recognizing and celebrating Lorraine, and state how much I too have enjoyed our years together here. We came in, in a very tough year with only four of us on this side. There are only, I believe now, going to be four of us in the entire Legislature from that group from 1980, considering both sides of the aisle here, but over the years we were successful in achieving a lot of different things. One message though, that I think is important to consider, something I'm not going to lobby you on, but one message that is important, that when we first got here, Denny Heck would always come around and walk up to these little name plates here and would illustrate the point about how easily they slide in and out. Lorraine we will miss you.

Representative Leonard: Thank you Mr. Speaker. Lorraine has been a neighbor and a mentor of mine from way back and we definitely are going to miss you, Lorraine, but I'm awfully glad you're going where you're going. I know we think alike on a lot of the human services issues that we're going to be asking the governor's support on and I know the governor has some ideas about a lot of the things he was talking about today that we're going to have to support here. So, we're going to look forward to continuing to work with you and assuming you're still going to be a neighbor and we really congratulate you. The Governor made a marvelous selection; he could not have done better. Our prayers and thoughts and goodwill go with you and we'll see a lot of you. Thank you for your mentorship, for your goodwill and for all the lessons you've taught us. Thank you.

Representative Wineberry: Thank you Mr. Speaker. It gives me great honor and even a misty moment to stand and to say to Lorraine that we are going to miss her. I am, in the company of most of you, we were not of Representative Hine's class and many of us will always remember her as the person that gathered our caucus together. For years all of us have served as the mentees under this mentor as we have strived to get on her list. We have strived to get on her list so that we could be recognized to give our two cents in the caucus discussions. She is an executive's executive. Many who may not know should take note that this is a woman who has been a mayor before she was a legislator. Mayor of Des Moines. And now she comes full circle in moving back into the executive branch and certainly a higher level of government. Now we will be doing everything in our power to not be on this woman's list, especially the bad list. But we certainly look forward to working with you. I'm not going to say so long but to use a CD vernacular-later.

Representative Edmondson: Thank you Mr. Speaker, members of the House. Lorraine, we go back a long way. You were mayor of Des Moines and I was mayor of Yakima and I discovered your wit, your charm, your fairness, and certainly enjoyed serving with you and after achieving the national level also when you were mayor. But I came to the House as a freshman last term and I saw your smiling face and you came up and gave me a warm welcome and I thought, 'good' because you're an asset wherever you are. We'll miss you in the House but you're not far away and once again you'll be an asset wherever you serve. Nice knowing you.

Representative Padden: Thank you Mr. Speaker. Ladies and gentlemen of the House. I guess I'm one of the four that's left in our class. The thing that I'm going to miss most about Lorraine on the floor, and what really hasn't been mentioned, is her great ability in debate, to represent either side of the aisle on so many issues and representing so well. I've always admired your articulateness. I remember one time we were debating, and I do remember the issue but no need going into it, Representative Hine proudly indicated that she was a do-gooder. She was always really quick and did do an excellent job so you'll miss that part of it but I wish you well in your new position and congratulations.

Representative Kohl: Lorraine, I'm a relatively new member of the Legislature and I'd like to extend my appreciation to you. One year ago when I was appointed you were really one of the instrumental ones in helping me make the adjustment to the Legislature. And even though your tenure as Majority Leader was rather brief you're still the first woman as Majority Leader and what you're doing is paving the way for many women to follow you. I think you have been very instrumental in making Washington State the number one state in the country with women in the Legislature. So, thank you.

Representative Long: Thank you Mr. Speaker. My memories of you, Lorraine, go back to the Association of Washington Cities and I believe the first time I heard you, you made a presentation to Puget Sound Council of Governments in Snohomish County and you were impressive and we followed your lead. And then when I came to Olympia and you welcomed the class of freshmen, you said "Welcome to Fantasy Island." I'll never forget that. You called it correctly. I think one of the things that hasn't been said about you, a lot of wonderful things, is that you're very perceptive and that you really know and understand people. And that will bode well for you in whatever role you play. Certainly anyone who can raise six children has to be good at that. It's been a pleasure to know you and I just look forward to seeing you more in the future.

Representative Silver: Yes Lorraine, we will all miss you. I remember being called into Lorraine's office numerous times and she would say, "We've got a little problem here. Do you want to come for a little while." And there were several of us that would join with Lorraine. And the one thing that I appreciated about it is that she went right to the heart of the problem. You didn't have to waste a lot of detail, you knew right where she was coming from and where the problem existed. And we sat there and worked out a lot of things that made you feel kind of proud of all of us. I appreciate the work you did on the pension policy commission. That very easy committee, very easy. But she did a good job there, we worked hard, we worked together and it's a delight to have you here. I'm glad I had the opportunity to know you and I'll look forward to dealing with you from now on. That will be very much fun. Good luck to you Lorraine, you deserve it.

Representative Heavey: Thank you Mr. Speaker, the most beautiful district in this state. Lorraine I wasn't going to say anything, but I thought about our relationship and at times I felt, most times, felt like one of your students or one of your children. I had a feeling you were kind of an iron-handed person and I tried to remember some bit of wisdom you might have given me or story you might have told me but I couldn't think of any. But one thing I've noticed about you, in my opinion, the quality that I hope you will take down to the governor's office, is that you have time and time again, looked at both sides and understood both sides of the issue and have respected both sides of the issue, whether or not you've agreed with that issue and that is a quality around here that is sometimes very lacking. I always appreciated that about you and wish you luck in the Governor's office.

Representative Thibaudeau: Thank you Mr. Speaker. My admiration for this lady is outweighed by my apprehension at standing up here but I do know, how many of us know, that the parents and children of this state owe Representative Hine a great, great debt. A few years ago during the waning days of the session, probably the last day actually, prenatal care was in great doubt. It was Representative Hine who went over to that other body and worked out a compromise and prenatal passed on the last day of the session. So I, and the other parents of this state, say thank you and we look forward to working with you.

Representative G. Fisher: Thank you Mr. Speaker. One part mentor. The first time I ran for office she gave me the best political advice I've ever received. She said "Greg, you're too young, don't tell jokes on the campaign trail. They'll think you're cocky." And I didn't tell a single joke and here I am. One part friend. In good times and bad you've always been there. And on occasion, one part Mother. Most of the time that's been appreciated too. There's been a lot of talents and abilities assessed to you today whether it be the acerbic wit or the brutal honesty or the legislative prowess and the list goes on and on. But I think your greatest gift is your ability to treat everyone with dignity. No matter how powerful you got or how busy you were you always had time to say something kind to somebody else and that will always be remembered. But I thought today was going to be sad but having heard the governor's speech I figured I was going to see you a lot in revenue this year. God bless, and we love you.

Representative Valle: Thank you Mr. Speaker. I've known Lorraine as a neighbor, as a political figure, and I must say I didn't think very much of local government until you came and then you really impressed me. But one thing that really hasn't been said here is, that under the King speakership this was our second speaker, and you had only to listen to her in our meetings, in our local meetings, in our own districts, and I've had the pleasure of serving with you. I look forward to it. I think you've got a big, big job, after listening to our new governor; I'm willing to help. Thank you very much for being here.

Representative Ballard: Thank you Mr. Speaker. Representative Lorraine Hine. You are a class act. You've been a delight to work with. We've had some great debates. We've not always agreed but it has been challenging and fun. We've appreciated as a caucus working with you. You've been fair, at times a little tough, but we look forward to a continuing relationship and wish you the very best. And it has been a pleasure.

Representative Peery: Thank you Mr Speaker. Last week with Lorraine's announcement, it was pretty emotional for a lot of us and personally, I guess, would have to admit it, kind of took me back to some emotions I felt when my sister first let me know that she was going on to college. I knew it would be best for her. I knew I was going to miss her and then I realized I got a car. With or without the car, Lorraine, you have indeed been the model of a modern major general when it comes to leadership in the House of Representatives. She's been, as all of you know, the leader in caucus, chair for our caucus for the past ten years. She not only served in that role; she carved and made that role into what it is and will continue to be. Her loyalty, her appreciation of this institution, is shared by all of us. It's very understandable that Mike Lowry would make the decision he made; it's unfortunately understandable that Representative Hine would decide to honor that request by the governor to serve in that capacity. I would only ask you one other thing, as we have been going through a lot of traditions lately here on the floor. There seems to be a tradition from the governor's office of the individuals coming from the Legislature to serve in a capacity of legislative liaison. And so if we can change one tradition, beginning perhaps tomorrow, could that be that we maybe have a limit of one legislative story per member visit. Thank you very much.

Representative Hine: Thank you Mr. Speaker. Some lag of the past once said there are three things you should never do. Try to climb a wall that is leaning towards you or try to kiss a girl that is leaning away from you or be the last speaker before lunch. I am trying to be that big brave speaker you have all described and so you'll bear with me and I'll try to keep it all together. Mr Speaker, I thank you for your generous words, I thank you for the opportunity to serve with you as I have in a leadership role, and I sincerely regret that I will not be continuing in this capacity. I'm truly torn because I believe that you are going to do a fine job and that the leadership team assembled with Representative Peery and Representative Sommers will carry on with you in good stead. My dear colleagues, the

new people haven't heard me say this before, the old ones have but allow me one more time. This is the most exclusive marvelous club that you will ever belong to. You will have no closer relationships in anything you do in your entire lives. We work together, we fight together, and we come out with good service for the state of Washington. We have to fight like everything to get here and I don't know sometimes how we do it but the caliber of individuals who serve in this legislative assembly, the House of Representatives, is an organization that I hold dear to me. I was torn to think of leaving it, but we all have to go on. There is life after the Legislature and I intend to do that. My sincere thanks for all the kind remarks made by so many of you; I feel like I was presiding at my own wake. The kind of respect and the kind of friendships that I've had with Representative Ballard, Miller, Brough, and all the rest on that side and all of you on this side, my very close relationship with my good friends the Representatives Fishers. You really all have been so supportive and great. I leave the district in good hands with my dear friend and colleague Greg. He's been the most wonderful district-mate. Frankly, I think, Greg, we've been the envy of this House. Not too many district-mates get along as well as you and I do and I didn't know you didn't like some of that mothering or I'd probably put it on anyway. If I may be permitted to make a couple of other thank yous. One doesn't give twelve years to this institution without a lot of people making that possible and for me, my husband Bill, how many years is it? Thirty-seven, thirty-eight, something like that. We have a fifty-five Chevy so how many years ago is fifty-five? Oldsmobile, sorry about that. Of my six children my one daughter Wendy is here today. You know they have to give up a lot for me to be here. And I sincerely appreciate that. I hope that they have been able to learn and take something from the experience that makes up for some of the holes in the lives, where a mom and a wife usually are and were unable to be and I really appreciate that from them. I want to mention are the people who work here with the Legislature - the staff. Martha Payne, when she was caucus secretary, now she's got a more high falutin' management kind of job as coordinator or something or other, has been everybody's friend but my friend in particular. She has helped make tough moments lighter with her outrageous, irreverent humor and I sincerely appreciated that. To the members of my own personal staff, Jim and Val, Val's been with me ten years or eleven I guess it is, who simply made my office run smoothly and gave me the kind of support I needed. That being said there are a lot of people to thank and appreciate, all of the staff. That being said this is one of the hardest moments in my life. I sincerely thank you all. I wish you well. You are a wonderful group. Believe me, when I'm downstairs I'll be coming to you talking about what the governor wants, but you better know I'm going to be telling him what you want, because you're the important part of getting anything done. Thank you all so much for doing me this honor today; thank you for being there with me and I wish you well in the Session. I won't be far and I wish you well, Kim, in your new car. Mr. Speaker and all of you, I appreciate your spending some time here when you all have meetings and lunch to go to. Thank you; it's been wonderful, an experience of a lifetime will not ever be forgotten. You are all super and I appreciate it, and am over-whelmed by your generosity. Mr. Speaker, Thank you.

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

MOTION

On motion of Representative Hine, the House adjourned until 10:00 a.m., Friday, January 15, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

THIRD DAY, JANUARY 13, 1993

JOURNAL OF THE HOUSE

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

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 15, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Devlin McGill and Jasmine Deatherage. Prayer was offered by Reverend Lee Forstrom, Minister of West Wood Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

January 14, 1993

Mr Speaker:

The Senate has passed:

SENATE BILL NO. 5000,
SENATE CONCURRENT RESOLUTION NO. 8401,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READINGS

HB 1083 by Representatives Scott and G. Cole

AN ACT Relating to electrical contractors; amending RCW 19.28.120 and 19.28.350; adding a new section to chapter 19.28 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1084 by Representatives Wineberry, Padden, Appelwick, Vance, Wang, Pruitt, Campbell, Johanson, Orr and Anderson

AN ACT Relating to jury source lists; amending RCW 2.36.010, 2.36.055, 2.36.063, 2.36.065, 2.36.095, 29.04.160, and 29.07.220; adding new sections to chapter 2.36.RCW; adding new sections to chapter 46.20 RCW; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1085 by Representatives R.Fisher, Jacobsen, Pruitt, Romero, J. Kohl, Leonard, Basich, Shin, Wood, Dunshee, R. Meyers, Brough, Kessler, Johanson and Wolfe

AN ACT Relating to reducing single-occupancy vehicle travel by students to college campuses; and adding a new chapter to Title 28B RCW.

Referred to Committee on Transportation.

HB 1086 by Representatives Valle, Edmondson, Rust and Kremen

AN ACT Relating to penalties for lettering; amending RCW 70.93.060, 70.93.070, and 70.95.240; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1087 by Representatives Valle, G. Fisher, Brough, Leonard, Jacobsen, Eide, Veloria and Anderson

AN ACT Relating to airport noise barriers; and adding a new section to chapter 14.08 RCW.

Referred to Committee on Local Government.

HB 1088 by Representatives Rust, Horn, J. Kohl and Bray; by request of Department of Ecology

AN ACT Relating to the solid waste collection tax; amending RCW 82.18.100; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1089 by Representatives J. Kohl, Horn Rust and Pruitt; by request of Department of Ecology

AN ACT Relating to fee structures of the air quality stationary source permit programs; amending RCW 70.94.015, 70.94.030, 70.94.151, 70.94.152, 70.94.161, 70.94.331, and 70.94.431; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Environmental Affairs.

HB 1090 by Representative Scott

AN ACT Relating to privileged communications; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 1091 by Representatives King, Orr, G. Cole and Basich; by request of Department of Fisheries

AN ACT Relating to fishing licenses; amending RCW 75.25.005, 75.25.080, 75.25.110, 75.25.120, 75.25.140, 75.25.150, 75.25.180, 75.50.100, and 82.27.020; adding new sections to chapter 75.25 RCW; creating a new section; and repealing RCW 75.25.015, 75.25.040, 75.25.090, 75.25.100, and 75.25.126.

Referred to Committee on Fisheries & Wildlife.

HB 1092 by Representatives Romero, Wang, Casada, Jones, Leonard, Sheldon, Rust, Pruitt, Franklin, Basich, Campbell, R. Meyers, Thibaudeau, Brough, Long, Karahalios, Brown, Holm, L. Johnson, Eide, Orr, Veloria, Mielke, Tate, Cooke, Ogden and J. Kohl

AN ACT Relating to sales and use taxation of prescription drugs for family planning; amending RCW 82.08.0281 and 82.12.0275; creating a new section; providing an effective date' and declaring an emergency.

Referred to Committee on Revenue.

HB 1093 by Representatives Zellinsky, R. Fisher, Bray, Springer, Rayburn, Dunshee, Edmondson, Foreman, Brough, Miller and Forner

AN ACT Relating to compensation for local officials; amending RCW 35.17.108, 35.18.220, 35.22.205, 35.22.220, 35.24.090, 35.27.130, 35A.12.070, 35A.13.040, 36.17.020, and 53.12.260; and repealing RCW 53.12.005.

Referred to Committee on Local Government.

HB 1094 by Representatives Orr, Jacobsen, Brumsickle, Rayburn, J. Kohl, Brough, Van Luven, Karahalios, Kessler, Silver, Quall, Miller and Springer

AN ACT Relating to class availability at institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1095 by Representatives Orr, Zellinsky, Mastin and Springer

AN ACT Relating to waiving employee health care benefits; amending RCW 41.05.050; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care.

HB 1096 by Representatives Dunshee, H. Myers, Springer and Lemmon

AN ACT Relating to cities and towns; amending RCW 3.38.010, 29.07.105, 35.01.010, 35.01.020, 35.01.040, 35.06.010, 35.06.070, 35.06.080, 35.07.010, 35.13.180, 35.13.190, 35.13.200, 35.13.210, 35.13.280, 35.23.170, 35.23.270, 35.23.352, 35.23.440, 35.23.455, 35.23.460, 35.23.470, 35.23.570, 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160, 35.23.180, 35.23.190, 35.23.250, 35.23.280, 35.23.530, 35.24.020, 35.24.050, 35.24.080, 35.24.100, 35.24.142, 35.24.160, 35.24.190, 35.24.200, 35.24.210, 35.24.305, 35.24.306, 35.24.330, 35.24.370, 35.24.400, 35.24.410, 35.24.420, 35.24.440, 35.24.455, 35.27.010, 35.27.550, 35.31.050, 35.34.040, 35.55.010, 35.55.130, 35.56.010, 35.61.010, 35.69.010, 35.70.020, 35.70.100, 35.86A.020, 35.86A.050, 35A.01.070, 35A.02.130, 35A.06.020, 35A.06.030, 35A.10.010, 35A.12.010, 35A.13.010, 35A.29.150, 36.94.050, 39.36.040, 41.44.050, 42.23.030, 54.16.110, 54.16.180, 56.04.090, 57.04.100, 57.08.010, 68.52.210, 81.48.030, 81.48.040, 84.52.020, 84.52.070, 90.28.010, and 90.28.020; adding new sections to chapter 35.23 RCW; recodifying RCW 35.24.020, 35.24.050, 35.24.070, 35.24.080, 35.24.090, 35.24.100, 35.24.110, 35.24.120, 35.24.130, 35.24.140, 35.24.142, 35.24.144, 35.24.146, 35.24.148, 35.24.160, 35.24.180, 35.24.190, 35.24.200, 35.24.210, 35.24.220, 35.24.250, 35.24.260, 35.24.300, 35.24.305, 35.24.306, 35.24.310, 35.24.330, 35.24.370, 35.24.400, 35.24.410, 35.24.420, 35.24.430, 35.24.440, 35.24.455, 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160, 35.23.180, 35.23.190, 35.23.250, 35.23.280, and 35.23.530; and repealing RCW 35.01.030, 35.06.020, 35.06.030, 35.06.040, 35.06.050, 35.06.060, 35.23.030, 35.23.050, 35.23.070, 35.23.090, 35.23.100, 35.23.110, 35.23.130, 35.23.132, 35.23.140, 35.23.200, 35.23.210, 35.23.220, 35.23.230, 35.23.240, 35.23.260, 35.23.300, 35.23.310, 35.23.320, 35.23.370, 35.23.450, 35.23.500, 35.23.510, 35.23.540, 35.23.550, 35.23.595, 35.24.010, 35.24.030, 35.24.060, 35.24.230, 35.24.274, 35.24.275, 35.24.290, 35.24.340, 35.24.350, 35.24.380, 35.24.390, 35.61.320, 35.61.330, and 35.61.340.

Referred to Committee on Local Government.

HB 1097 by Representatives Jacobsen, Brumsickle, R. Fisher, Anderson, Ogden, Basich, Sheldon, Romero, Vance, Wang, Leonard, Shin, Edmondson, Foreman, Wood, Ballard, Brough, Long, Kessler, Miller, Talcott, Wolfe, Sommers, Tate, Cooke, Springer and Forner; by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association

AN ACT Relating to consolidation of the state capital historical association and the Washington state historical society; amending RCW 27.34.010, 27.34.020, 27.34.040, 27.34.250, 27.34.90, and 43.03.028; creating new section; repealing RCW 27.34.090; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1098 by Representatives Franklin, Casada, Heavey, Morton, G. Cole, Ogden, Leonard, Pruitt, Campbell, Shin, Wood, R. Meyers, Brough, Van Luven, Finkbeiner, Kessler, Quall, Jones, Holm, Eide, Miller, Veloria, Roland and Forner

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

Referred to Committee on Revenue.

HB 1099 by Representatives Franklin, Casada, Heavey, Ogden, Morton, Rayburn, Leonard, Pruitt, Campbell, Shin, Zellinsky, R. Meyers, Brough, Van Luven, Kessler, Quall, Jones, Holm, Eide, Miller, Kremen, Orr, Veloria and Roland

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

Referred to Committee on Revenue.

HB 1100 by Representatives Bray, J. Kohl, Rust and Leonard

AN ACT Relating to the containment of waste materials; and adding a new section to chapter 70.93 RCW.

Referred to Committee on Environmental Affairs.

HB 1101 by Representatives Brough, Dorn, Thomas, Karahalios, Vance, Cothorn, Brumsickle, Hansen, Carlson, G. Fisher, Roland, Eide, G. Cole, Jones, Pruitt, Franklin, Foreman, Wood, Ballard, Van Luven, Miller and Forner

AN ACT Relating to the priority processing of permits for public school facilities; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 1102 by Representatives Bray, H. Myers and Rayburn

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

Referred to Committee on Local Government.

HB 1103 by Representatives R. Fisher, Brown, Schmidt, Wood, Jones, Franklin and Johanson

AN ACT Relating to the model traffic ordinance; amending RCW 46.90.005, 46.90.010, 46.90.406, and 46.90.427; reenacting and amending RCW 46.90.300; repealing RCW 46.90.100, 46.90.103, 46.90.106, 46.90.109, 46.90.112, 46.90.115, 46.90.118, 46.90.121, 46.90.124, 46.90.127, 46.90.130, 46.90.133, 46.90.136, 46.90.139, 46.90.142, 46.90.145, 46.90.148, 46.90.151, 46.90.154, 46.90.157, 46.90.160, 46.90.163, 46.90.166, 46.90.169, 46.90.172, 46.90.175, 46.90.178, 46.90.181, 46.90.184, 46.90.187, 46.90.190, 46.90.200, 46.90.205, 46.90.210, 46.90.215, 46.90.220, 46.90.225, 46.90.230, 46.90.235, 46.90.240, 46.90.245, 46.90.250, 46.90.255, 46.90.260, 46.90.265, 46.90.270, 46.90.275, 46.90.300, 46.90.335, 46.90.340, 46.90.345, 46.90.375, 46.90.400, 46.90.403, 46.90.406, 46.90.409, 46.90.412, 46.90.415, 46.90.418, 46.90.421, 46.90.427, 46.90.430, 46.90.433, 46.90.436, 46.90.439, 46.90.442, 46.90.445, 46.90.448, 46.90.451, 46.90.454, 46.90.457, 46.90.460, 46.90.463, 46.90.466, 46.90.469, 46.90.472, 46.90.475, 46.90.478, 46.90.481, 46.90.500, 46.90.505, 46.90.510, 46.90.515, 46.90.520, 46.90.525, 46.90.530, 46.90.535, 46.90.540, 46.90.545, 46.90.550, 46.90.555, 46.90.560, 46.90.565, 46.90.600, 46.90.610, 46.90.620, 46.90.630, 46.90.640, 46.90.650, 46.90.660, 46.90.700, 46.90.705, 46.90.710, 46.90.720, 46.90.730, 46.90.740, 46.90.900, 46.90.910, 46.90.920, 46.90.930, 46.90.940, and 46.90.950; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1104 by Representatives Dorn, Brumsickle, G. Cole, Brough, G. Fisher, Thomas, Roland, Eide, Appelwick, Lisk, Jacobsen, Chandler, Voloria, Quall, Talcott, Flemming, Campbell, Vance, Rayburn, Leonard, Pruitt, Franklin, Basich, Silver, Johanson, Miller, Orr, Linville and J. Kohl

AN ACT Relating to preservice internship training for principals; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 1105 by Representatives Wineberry, Edmondson, Wang, Pruitt, J. Kohl, Franklin, Mielke, Jones, Brough, Vance, Voloria, Jacobsen, Valle, Basich and Springer

AN ACT Relating to security in schools; and making an appropriation.

Referred to Committee on Appropriations.

HB 1106 by Representatives R. Fisher, Leonard, Pruitt, Franklin, Scott, Basich, Heavey, Dunshee, Brown, Talcott, Linville and Ogden

AN ACT Relating to political campaign signs; amending RCW 47.36.180; adding new sections to chapter 42.17 RCW; adding a new section to chapter 47.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government.

HB 1107 by Representatives R. Fisher and Jacobsen

AN ACT Relating to right of way for transit vehicles; and adding a new section to chapter 46.61 RCW.

Referred to Committee Transportation.

HB 1108 by Representatives Vance, Reams and Anderson

AN ACT Relating to nonpartisan elections; amending RCW 29.15.129, 29.15.150, 29.15.200, and 29.15.015; and adding a new section to chapter 29.15 RCW.

Referred to Committee on State Government.

HB 1109 by Representatives Vance, Dorn, Brough, Peery, Thomas, Brumsickle and Kremen

AN ACT Relating to parental involvement in education; amending RCW 28A.630.885; adding a new section to chapter 28A.630 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1110 by Representatives Vance, Leonard, Cooke, Sheldon, Basich, Foreman, Brough, Long, Karahalios, Miller, Brumsickle and Kremen

AN ACT Relating to sexually aggressive youth; amending RCW 26.44.020, 74.13.075, 13.34.030, and 13.34.130; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services.

HB 1111 by Representatives Van Luven, Heavey, Schmidt, Riley, Forner, Finkbeiner, Johanson, Campbell and Wood

AN ACT Relating to pedestrian crosswalks; amending RCW 46.61.235, 46.61.055, and 46.61.060; and creating a new section.

Referred to Committee on Transportation.

HB 1112 by Representatives Van Luven, Scott, Fuhrman, Dellwo, Reams, Mielke, Schmidt, Zellinsky, Franklin, Foreman, Wood, Brough and Miller

AN ACT Relating to cancellation and nonrenewal of individual health insurance policies; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1113 by Representatives Appelwick, G. Cole, Johanson, Horn, Thibaudeau, Wood and Brumsickle

AN ACT Relating to going out of business sales; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1114 by Representatives King, Valle, Dellwo, Campbell, Franklin, Brough, J. Kohl, Appelwick and Quall

AN ACT Relating to the health of child motor vehicle passengers exposed to secondhand smoke; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1115 by Representatives Riley, Mielke, R. Johnson, Jones, Brough, Van Luven and Karahalios

AN ACT Relating to abuse of children; and amending RCW 26.44.030.

Referred to Committee on Human Services.

HB 1116 by Representatives Riley, Mielke, Vance, Jones, Franklin, Campbell, Foreman, Ballard, Thomas, Brough, Long, Van Luven, Scott, Silver, Miller, Brumsickle and Tate

AN ACT Relating to confidentiality of addresses of law enforcement officers and certain public employees; and adding new section to chapter 46.08 RCW.

Referred to Committee on State Government.

HB 1117 by Representatives Riley, Mielke, Jones, Leonard, Franklin, Scott, Basich, Campbell, Wood, R. Meyers, Brough, Van Luven, Quall, Brown, Eide, Johanson and Orr

AN ACT Relating to the definition of employer for purposes of the law enforcement officers' and fire fighters' retirement system plan II; and amending RCW 41.26.030.

Referred to Committee on Appropriations.

HB 1118 by Representatives Orr, Scott, Shin, Dunshee, Silver, Mielke, Schoesler, Sheahan, Riley, Tate, Vance, Chappell, Ludwig, Forner, H. Myers, Johanson and Springer

AN ACT Relating to the unlawful use of explosives; amending RCW 70.74.010, 70.74.022, 70.74.160, 70.74.191, 70.74.270, and 70.74.295; adding new sections to chapter 70.74 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1119 by Representatives Fuhrman, G. Fisher, King, Van Luven, Anderson, Foreman, Reams, G. Cole, Lisk, Jones, Sheldon, Wang, Sheahan, Kremen, Quall, Riley, Appelwick, Leonard, Valle, Chandler, Ballard, Schmidt, Chappell, Basich, Morton, Heavey, Rust, Silver, Carlson, Padden, Vance, Mielke, Wood, Brumsickle, Tate, Forner, Cooke, Long, Rayburn, Zellinsky, Brown, Brough, Franklin, J. Kohl, Edmondson, Springer, Holm, R. Fisher, Horn, Talcott, Shin, Romero, Karahalios, Kessler, Johanson and Miller

AN ACT Relating to advertising in state publications; adding a new section to chapter 40.07 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1120 by Representatives Edmondson and Rayburn

ANA CT Relating to cities and counties; and amending RCW 67.28.240.

Referred to Committee on Local Government.

HB 1121 by Representatives King, Orr, Chappell and Ludwig

AN ACT Relating to the departments of wildlife and fisheries; amending RCW 77.08.010, 77.12.010, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.101, 77.12.325, 77.16.020, 77.16.040, 77.16.050, 77.16.060, 77.16.090, 77.16.095, 77.16.100, 77.16.110, 77.16.120, 77.16.150, 77.16.190, 77.16.250, 77.16.260, 77.16.310, 77.21.010, 77.21.020, 77.21.030, 77.32.010, 77.32.211, and 77.32.350; reenacting and amending RCW 9A.82.010; adding new sections to chapter 77.16 RCW; adding new sections to chapter 77.21 RCW; adding a new section to chapter 75.10 RCW; repealing RCW 77.12.105, 77.16.130, 77.16.160, 77.16.180, 77.16.320, and 77.16.330; and prescribing penalties.

Referred to Committee on Fisheries & Wildlife.

HB 1122 by Representatives Pruitt, Schmidt, Zellinsky, H. Myers, Thomas, Dunshee, Valle R. Meyers, Basich, Brough and Quall

AN ACT Relating to parks; amending RCW 36.69.140 and 36.69.145; and creating a new section.

Referred to Committee on Local Government.

HB 1123 by Representatives Schmidt, Zellinsky, Franklin, Heavey, Brough and Van Luven

AN ACT Relating to furnishing abstracts of driving records to judges; and amending RCW 46.52.130.

Referred to Committee on Judiciary.

HB 1124 by Representatives Heavey and Zellinsky

AN ACT Relating to vehicles boarding ferries; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 1125 by Representatives Heavey, Pruitt and G. Cole

AN ACT Relating to prohibiting certain lottery activities; and amending RCW 67.70.010 and 67.70.040.

Referred to Committee on Commerce & Labor.

HB 1126 by Representatives Dunshee, H. Myers, Springer and Veloria

AN ACT Relating to fines for violation of emergency water use restrictions; and amending RCW 57.08.170.

Referred to Committee on Local Government.

HB 1127 by Representatives R. Fisher, Brumsickle, Brown, Horn, Long, Quall, Carlson and Johanson; by request of Washington State Patrol

AN ACT Relating to the evasion of a tax or license fee when licensing a vehicle; amending RCW 46.16.010, 47.68.240, 88.02.118, 82.48.020, 82.49.010, and 82.50.200; adding a new section to chapter 47.68 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1128 by Representatives G. Fisher, Holm, Silver, Vance, Edmondson, Heavey, Foreman, Ballard, Brough, Long, Miller and Brumsickle; by request of Washington State Patrol

AN ACT Relating to fees to fund blood and breath alcohol content testing; amending RCW 46.61.515; and prescribing penalties.

Referred to Committee on Revenue.

HB 1129 by Representatives R. Fisher, Brown, Schmidt, Brough and Mielke; by request of Washington State Patrol

AN ACT Relating to the release of background information by the state patrol; and amending RCW 43.43.745.

Referring to Committee on Transportation.

HB 1130 by Representatives Kremen, Grant, Hansen, Basich, Brough and Orr

AN ACT Relating to ground water rights; and amending RCW 90.44.050.

Referred to Committee on Corrections.

HB 1131 by Representatives Kremen, Grant, Hansen and Basich

AN ACT Relating to ground water rights; and amending RCW 90.44.050.

Referred to Committee on Natural Resources & Parks.

HB 1132 by Representatives Kremen, Linville and Zellinsky

AN ACT Relating to the sale of electrical equipment; and amending RCW 19.28.010.

Referred to Committee on Commerce & Labor.

HB 1133 by Representatives Kremen, Ballasiotes, Ludwig, Long, Riley, H. Myers, Zellinsky, Schmidt, Padden, Fuhrman and Johanson

AN ACT Relating to assignment of claims for unlawful conversion and unlawful leaving without paying; and amending RCW 4.24.230.

Referred to Committee on Judiciary.

HB 1134 by Representatives Kremen, Ludwig, Zellinsky, Padden and Linville

AN ACT Relating to the creation of the adult family home advisory council; and adding new sections to chapter 70.128 RCW.

Referred to Committee on Health Care.

HB 1135 by Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson

AN ACT Relating to alternative livestock; amending RCW 77.08.010, 77.32.010, 77.32.211, 77.12.570, 77.12.580, 77.12.590, 77.12.600, and 16.57.010; adding a new section to chapter 77.04 RCW; adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1136 by Representatives Reams, Wineberry, Leonard, Brough, Sommers, Forner, Ludwig, Wolfe, Springer, Chandler, Shin, Silver, Mielke, Ballard, Karahalios, Foreman, Miller, Brumsickle, Vance, Thibaudeau, Horn, Wood, Quall, Kremen, Morton, Talcott, Tate, Cooke and Ogden

AN ACT Relating to home matching; adding new sections to chapter 43.63A RCW; and making an appropriation.

Referred to Committee on Trade, Economic Development & Housing.

HJR 4202 by Representatives Zellinsky, R. Fisher, Bray and Springer

Amending the Constitution to revise the method of altering county boundaries.

Referred to Committee on Local Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 15, 1993

HB 1000 Prime Sponsor, Representative Thibaudeau: Removing the sunset provisions from the basic health plan.
Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; Franklin, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Cooke; Flemming; L. Johnson; R. Johnson; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representative Lisk

Passed to Committee on Rules for second reading.

The Speaker (Representative Meyers presiding) declared the House to be at ease.
The Speaker called the House to order.

On motion of Representative G. Cole, Representatives Wineberry, King, Kremen and Orr were excused.
On motion of Representative Wood, Representative Casada was excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,

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

MOTION

On motion of Representative Peery, the rules were suspended and Senate Concurrent Resolution No. 8401 was advanced to second reading.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Gaspard; Jesernig; Snyder; Seller; Newhouse; and Anderson

Establishing legislative cut-off dates.

The resolution was read the second time. On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representative Miller spoke in favor of adoption of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8401, and the resolution passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Foreman, Forner, Franklin, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luvan, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Absent: Representative Fisher, G. - 1.

Excused: Representatives Casada, Flemming, King, Locke and Wineberry - 5.

Representative Miller spoke in favor of adoption of the resolution.

Senate Concurrent Resolution No. 8401 was adopted.

MOTION

On motion of Representative Peery, the rules were suspended and Senate Bill No. 5000 was advanced to second reading.

SECOND READING

SENATE BILL NO. 5000, by Senators Gaspard; Talmadge; Snyder; Prentice; Skratek; Drew; Fraser; Owen; Sheldon; Pelz; Rinehart; McAuliffe; M. Rasmussen; Wojahn; Williams; A. Rasmussen; A. Smith; Loveland; Vognil; Hargrove; Jesernig; Bauer; Spanel; Sutherland; Winsley; West; Moyer; Erwin; Quigley; von Reichbauer; Haugen; Sellar; Hochstatter; Newhouse; Oke; McDonald; and Roach

Repealing the basic health plan sunset termination.

The bill was read the second time. On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo, Dyer, Thibaudeau, Mielke, and Morton spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5000, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Franklin, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehl, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Casada, Flemming, King, Locke and Wineberry - 5.

Senate Bill No. 5000, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Monday January 18, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTH DAY, JANUARY 15, 1993

JOURNAL OF THE HOUSE

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

EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 18, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Chappell presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelli Clawson and April Uskoski. Prayer was offered by Reverend Peter Mans, Minister of the Olympia Reformed Church.

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

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

January 18, 1993

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1137 by Representatives Zellinsky, Schmidt, Riley, Chappell, Springer and Karahalios

AN ACT Relating to information on drivers' licenses; and amending RCW 46.20.161.

Referred to Committee on Transportation.

HB 1138 by Representatives Zellinsky, Schmidt, Riley, Chappell, Karahalios and Roland

AN ACT Relating to information on drivers' licenses; and amending RCW 46.20.161.

Referred to Committee on Transportation.

HB 1139 by Representatives Campbell, Ballasiotes, Chappell, Johanson, Mielke, Dorn, Lemmon, Mastin, R. Meyers, Padden, Vance, Ballard, Holm, Kremen, Brough, Jones, Quall, Basich, Sheldon, Brumsickle, H. Myers, Van Luven, Talcott, Lisk, Edmondson, Casada, Thomas, Schoesler, Shin, Reams, Cooke, Springer, Miller, Karahalios, Morton, Wood, Tate, Foreman, Sehlin, Roland, Silver, J. Kohl and Forner

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.120 and 9.94A.030; creating new sections; and prescribing penalties.

Referred to Committee on Corrections.

HB 1140 by Representatives Locke, Horn, H. Myers, Eide, Valle, Rust, Leonard, Basich, Franklin, Shin, Valle, Springer and J. Kohl

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

Referred to Committee on Local Government.

HB 1141 by Representatives Riley, King, Romero, Campbell, Brough, Kessler, Long, Basich, R. Meyers, Karahalios, Silver and Locke

AN ACT Relating to driving under the influence of intoxicating liquor or drugs; and amending RCW 46.61.515 and 46.61.5151.

Referred to Committee on Judiciary.

HB 1142 by Representatives Zellinsky, Mielke, R. Meyers and Tate; by request of Dept of General Administration, Div of Banking

AN ACT Relating to requiring a bond or other security from persons seeking a license to sell checks, drafts, or money orders; amending RCW 31.45.030; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1143 by Representatives Van Luven, G. Fisher, Reams, Bray, Edmondson, Brough and Springer

AN ACT Relating to community councils in cities and towns; amending RCW 35.14.010;

Referred to Committee on Local Government.

HB 1144 by Representatives Rust, Linville, Leonard, H. Myers, Campbell, Jacobson, Valle, R. Fisher, Ogden, J. Kohl and Locke; by request of Office of Marine Safety

AN ACT Relating to marine safety field operations; amending RCW 82.23B.020; adding a new section to chapter 88.46 RCW; adding a new section to chapter 88.44 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1145 by Representatives Veloria, G. Cole, Heavey, King, Franklin, Orr, Scott, Jones, Basich, Quall, Karahalios, J. Kohl and Ludwig

AN ACT Relating to construction contracts; adding a new section to chapter 39.04 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.32 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1146 by Representatives Heavey, King, G. Cole, Veloria, Orr, Quall, Dunshee, Franklin, Scott, Ludwig, Jones, Basich, Springer and J. Kohl

AN ACT Relating to public contracts; adding a new section to chapter 39.04 RCW; creating a new section; and repealing RCW 43.82.015.

Referred to Committee on Commerce & Labor.

HB 1147 by Representatives King, G. Cole, Veloria, Orr, Heavey, Franklin, Scott, Ludwig, Jones, Basich, Quall and J. Kohl

AN ACT Relating to public works contracts; amending RCW 28B.10.350, 28B.10.355, 28B.50.330, 35.22.620, 35.23.352, 35.56.270, 35.82.075, 36.32.250, 36.77.040, 39.04.015, 39.04.150, 39.04.155, 39.04.220, 39.19.070, 43.19.1911, 47.28.090, 47.28.100, 47.28.170, 53.08.120, 53.08.130, 54.04.070, 54.04.080, 56.08.070, 57.08.050, 70.44.140, 72.01.120, 85.24.070, 86.09.178, 87.03.435, 87.03.436, 89.30.154, and 91.08.530; and adding a new section to chapter 39.30 RCW.

Referred to Committee on Commerce & Labor.

HB 1148 by Representatives G. Cole, Franklin, Scott, Veloria, Jones, Quall and J. Kohl

AN ACT Relating to public works contracts; and amending RCW 28A.335.190, 35.22.620, 35.23.352, 36.32.250, 39.04.015, and 39.04.155.

Referred to Committee on Commerce & Labor.

HB 1149 by Representatives King, G. Cole, Heavey, Orr, Franklin, Scott, Jones, Basich, Quall, Kessler, R. Meyers and J. Kohl

AN ACT Relating to prevailing wages on public works projects; amending RCW 39.12.042; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1150 by Representatives Anderson, Veloria, Pruitt, King, Brough, Vance, Forner, Valle, Eide and Jacobson

AN ACT Relating to repealing the sunset provisions for the regulation of counselors; and repealing RCW 18.19.910 and 18.19.911.

Referred to Committee on State Government.

HB 1151 by Representatives G. Cole, Lisk, Heavey and Springer

AN ACT Relating to registration for kegs or other similar containers for malt liquor; and amending RCW 66.24.360, 66.28.200, and 66.28.220.

Referred to Committee on Commerce & Labor.

HB 1152 by Representatives Thibaudeau, Heavey, King, Vance, Veloria, G. Cole, Riley and J. Kohl

AN ACT Relating to public employees' collective bargaining; and amending RCW 41.56.020.

Referred to Committee on Commerce & Labor.

HB 1153 by Representative R. Johnson

AN ACT Relating to property divisions; and amending RCW 58.17.040.

Referred to Committee on Local Government.

HB 1154 by Representatives R. Johnson, Appelwick, Jacobsen, Quall, Miller and Foreman

AN ACT Relating to insurance coverage for insurance agents and brokers; and amending RCW 48.17.150.

Referred to Committee on Financial Institutions & Insurance.

HB 1155 by Representatives H. Myers, Appelwick, Ludwig, Chappell, Johanson, Scott, Brough, Horn, Long, Campbell, Karahalios, Wood, Foreman and Silver

AN ACT Relating to alcohol and drug evaluation and treatment for persons convicted of vehicular homicide or vehicular assault; amending RCW 9.94A.150; reenacting and amending RCW 9.94A.120; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Corrections.

HB 1156 by Representatives H. Myers, Ludwig, Scott, Riley, Cothorn, R. Meyers, L. Johnson and Ogden

AN ACT Relating to transfer of county sheriff's office employees; amending RCW 41.12.050; and adding new sections to chapter 35.13 RCW.

Referred to Committee on Local Government.

HB 1157 by Representatives Ludwig, Riley, Chappell, Johanson, Foreman, Appelwick, H. Myers, Scott, Jones, Leonard, Franklin, Springer and Karahalios

AN ACT Relating to the emancipation of minors; amending RCW 49.12.121; adding a new chapter to Title 13 RCW; and providing an effective date.

Referred to Committee on Human Services.

HB 1158 by Representatives Romero, H. Myers and Edmondson

AN ACT Relating to the power to acquire property by eminent domain; amending RCW 57.08.010; and reenacting and amending RCW 56.08.010.

Referred to Committee on Local Government.

HB 1159 by Representatives H. Myers, Edmondson, Ludwig, Scott, Campbell, Kremen, Rayburn and Johanson

AN ACT Relating to improper governmental action; amending RCW 42.41.020; and adding a new section to chapter 42.41 RCW.

Referred to Committee on Local Government.

HB 1160 by Representatives R. Johnson, Ballasiotes, Padden, Long, Fuhrman, Campbell, Kremen, Brough, Jones, Quall, Pruitt, Rayburn, Sheahan, Horn, Brumsickle, Van Luven, Talcott, Lisk, Edmondson, Mielke, King, Miller, Wood, Foreman, Sehlin and Silver

AN ACT Relating to crime victims; and amending RCW 7.69.030 and 7.69A.030.

Referred to Committee on Judiciary.

HB 1161 by Representatives Schoesler, Rayburn, Chandler, Kremen, Grant, Foreman, Sheahan, Morton, R. Johnson, Mielke, Jacobsen, Hansen, Fuhrman, Padden, Shin, Miller, Wood and Silver

AN ACT Relating to agricultural products; adding new sections to chapter 70.95C RCW; and making an appropriation.

Referred to Committee on Agriculture & Rural Development.

HB 1162 by Representatives Peery, Brough, Dorn, Thomas, Cothorn, Karahalios, Roland, Eide, Vance, Quall, H. Myers, Springer, Miller, Wood, Cooke and J. Kohl

AN ACT Relating to education; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1163 by Representatives Jones, Miller, Orr, Kessler, Basich, Kremen, Scott, Holm, Quall, Pruitt, H. Myers, Dellwo, Mielke, Jacobsen, Shin, Karahalios and Roland

AN ACT Relating to public pension contributions for members with more than thirty years of service credit; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HJM 4001 by Representatives Kessler, Jones, Riley, Basich, Kremen, R. Meyers, Sheldon, Holm, Johanson, Finkbeiner, Campbell, Linville, Jacobsen, Quall, Chappell, Rayburn, Leonard, Fuhrman, Cothorn, Long, Brumsickle, Thibaudeau, Springer, Miller, Morton, Wood, Ogden, Morris and Locke

Requesting a Northwest forest summit.

Referred to Committee on Natural Resources & Parks.

MOTION

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

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4602, by Representatives Wineberry, Franklin, Quall, Sommers, Heavey, J. Kohl, Thibaudeau, Leonard, Johanson, L. Johnson, Dunshee, Dyer, Lisk, Lemmon, Bray, Ludwig, Ballard, Sheahan, Schoesler, Talcott, Appelwick, Wood, Anderson, Ogden, Eide, Linville, Rust, Roland, G. Fisher, Orr, Valle, Silver, Horn, Dorn, Brown, R. Meyers, Pruitt, Karahalios, Hansen, Jacobsen, Ballasiotes, Cooke, Mastin, Romero, Edmondson, Miller, R. Johnson, Cothorn, Zellinsky, Schmidt, Wang, Kessler, Morris and G. Cole

WHEREAS, January 18, 1993, is the observance of the Reverend Dr. Martin Luther King, Jr.'s birthday as both a federal holiday and Washington state legal holiday; and

WHEREAS, 1993 marks the twenty-fifth year since Dr. King was assassinated; and

WHEREAS, We, the members of the House of Representatives, are honored to pay tribute to what would have been the 64th birthday of Dr. King, who set an example of world leadership for all of us to follow; and

WHEREAS, Dr. King demonstrated his love of mankind by devoting his life to fighting discrimination and violence and by endeavoring to help all human beings live in freedom and with dignity; and

WHEREAS, Dr. King was internationally acclaimed and awarded the Nobel Peace Prize in recognition of his leadership in and dedication to achieving economic, educational, and social equality for all persons; and

WHEREAS, This noble laureate by his memory continually reminds us to fulfill his dream, a dream depicting a world of human equality and global peace; and

WHEREAS, This great American champion of the oppressed was assassinated while espousing his principles of pacifism and the assassination deeply grieved every citizen of this nation; and

WHEREAS, The Congress of the United States has honored Dr. King by creating a permanent federal holiday to commemorate the anniversary of his birth; and

WHEREAS, The Washington State Legislature has seen fit to honor this man as has the Congress and other states by declaring his birthday a legal, paid state and school holiday; and

WHEREAS, We applaud the Puget Sound television and newspaper community for launching the annual media celebration of Dr. King's life and legacy; and

WHEREAS, We urge more Washington corporations and businesses to join the nation and our state in officially commemorating the holiday;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the members of the House of Representatives of the State of Washington, pause in our endeavors to pay homage to one of America's most honorable and honored citizens, the Reverend Dr. Martin Luther King, Jr., in order to call to the attention of all Washingtonians Dr. King's wisdom and accomplishments and to rededicate ourselves to the pursuit of his principles; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit a copy of this resolution to the various organizations throughout the state which are dedicated to the achievement of racial equality.

Representative Wineberry moved adoption of the Resolution. Representatives Wineberry, Miller, Kohl, Franklin and Basich spoke in favor of adoption of the resolution.

House Resolution No. 93-4602 was adopted.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Wednesday, January 20, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTH DAY, JANUARY 18, 1993

JOURNAL OF THE HOUSE

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

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 20, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Dunshee presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Felicia Knight and Rick Lockhart. Prayer was offered by Reverend Peter Mans of Olympia Christian Reformed Church.

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

The Speaker (Representative R. Meyers presiding) assumed the chair.

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

INTRODUCTIONS AND FIRST READING

HB 1164 by Representatives Silver, Brown, Mielke, Dellwo, Schoesler, Orr, Padden, Sheahan, Linville, Talcott and Spring

AN ACT Relating to elections; and amending RCW 29.64.015.

Referred to Committee on State Government.

HB 1165 by Representatives Riley, Cooke, Leonard, Appelwick and Johanson

AN ACT Relating to guardians ad litem; amending RCW 13.34.030 and 13.34.100; reenacting and amending RCW 26.44.053; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 1166 by Representatives Forner, Dyer, Thomas, Riley, Vance, R. Johnson, Cooke, Reams and Padden

AN ACT Relating to new counties; amending RCW 36.09.010; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 53.04 RCW; adding a new section to chapter 54.08 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 36.57A RCW; adding new sections to chapter 36.09 RCW; adding a new section to chapter 43.63A RCW; creating a new section; recodifying RCW 36.09.010; and repealing RCW 36.09.020, 36.09.035, 36.09.040, and 36.09.050.

Referred to Committee on Local Government.

HB 1167 by Representatives King, Fuhrman, Brough, Horn, Wood and Basich

AN ACT Relating to private sector enhancement of gamefish; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1168 by Representatives King, Chappell, Basich, Orr, Fuhrman, Flemming, Springer and Wood

AN ACT Relating to leasing beds of tidal waters; and amending RCW 79.96.010.

Referred to Committee on Fisheries & Wildlife.

HB 1169 by Representatives King, Basich, Orr, Fuhrman, Chappell and Wood

AN ACT Relating to marine finfish rearing facilities; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1170 by Representatives King, Fuhrman, Johanson, Horn, Springer, Wood and Basich

AN ACT Relating to salmon enhancement; and amending RCW 75.08.420 and 75.08.450.

Referred to Committee on Fisheries & Wildlife.

HB 1171 by Representatives King, Basich, Fuhrman, Chappell, G. Cole, Springer and Wood

AN ACT Relating to surplus salmon eggs; adding a new section to chapter 75.08 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1172 by Representatives Jacobsen, Brumsickle, Ogden, G. Cole, R. Fisher, Johanson, Shin, Jones, Cothorn, J. Kohl, Flemming, Wood, Leonard and Kessler

AN ACT Relating to students with disabilities; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1173 by Representatives Jacobsen, Dellwo, Brumsickle, G. Cole, J. Kohl, R. Fisher, Ogden, Linville, Dunshee, Pruitt, Van Luven, Sheldon, Wood, Leonard and Kessler

AN ACT Relating to American Indians; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1174 by Representatives Jacobsen, Dellwo, Brumsickle, Ogden, J. Kohl, G. Cole, R. Fisher, Dunshee, Pruitt, Van Luven, Johanson, Wood, Leonard and Basich

AN ACT Relating to higher education; and amending RCW 28B.10.710 and 28B.80.350.

Referred to Committee on Higher Education.

HB 1175 by Representatives Jacobsen, Dellwo, Dorn, J. Kohl, Brumsickle, Linville, Dunshee, Pruitt, Johanson, Wood, Leonard and Basich

AN ACT Relating to education; amending RCW 28A.150.220, 28A.150.220, and 28A.600.060; reenacting and amending RCW 28A.230.090; and providing a contingent effective date.

Referred to Committee on Education.

HB 1176 by Representatives Jacobsen, Dellwo, J. Kohl, Dunshee, Pruitt, Johanson, Leonard and Kessler

AN ACT Relating to education; and amending RCW 28A.505.050 and 28A.505.060.

Referred to Committee on Education.

HB 1177 by Representatives Jacobsen, R. Fisher, Dunshee, King, Johanson, R. Meyers, J. Kohl, Springer and Orr

AN ACT Relating to wildlife enhancement projects; and creating a new section.

Referred to Committee on Transportation.

HB 1178 by Representatives Jacobsen, Ogden, J. Kohl, G. Cole, R. Fisher, Dunshee, Valle, Appelwick, Pruitt, Johanson and Leonard

AN ACT Relating to the release of lighter-than-air balloons; adding new sections to chapter 70.94 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1179 by Representatives Jacobsen, Ogden and Ludwig

AN ACT Relating to accountability and collaboration in higher education and K-12 education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1180 by Representatives Jacobsen, Ogden, G. Cole, R. Fisher, J. Kohl, Anderson, Appelwick, Thibaudeau, King, Johanson and Locke

AN ACT Relating to urban wildlife management areas; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1181 by Representatives Valle, Reams, Pruitt, Jacobsen, Brough, Jones, Ballard, Roland, Long, Horn, Wood and Foreman

AN ACT Relating to the state investment board; amending RCW 43.33A.020, 43.33A.030, 43.33A.040, 43.33A.150, and 43.33A.010; and adding a new section to chapter 43.33A RCW.

Referred to Committee on State Government.

HB 1182 by Representatives Brumsickle, Karahalios, Dorn, Chandler, Peery, G. Cole, Zellinsky, Chappell, Jacobsen, Basich, Carlson, Wood, Thomas, Brough, Cothorn, Van Luven, Johanson, Shin, Jones, Morton, Ballard, Padden, Fuhrman, Sheahan, Talcott, Schoesler, Long, Wang, Horn, Mielke, Tate, Springer, Cooke, Dyer, Leonard, Foreman, Vance, Pruitt and Finkbeiner

AN ACT Relating to pension payments to retired teachers; amending RCW 41.32.570; and creating a new section.

Referred to Committee on Education.

HB 1183 by Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance

AN ACT Relating to persons under age twenty-one who are under the influence of intoxicating liquor or drugs in public; amending RCW 13.40.0357; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1184 by Representatives Edmondson, Mastin, Sehlin, Bray, Ludwig and Grant

AN ACT Relating to formation of less than county-wide port districts; and amending RCW 53.04.023.

Referred to Committee on Local Government.

HB 1185 by Representatives Romero, Riley, Foreman, Appelwick, Forner, J. Kohl, L. Johnson, Karahalios, Chappell, Hansen, G. Cole, Wolfe, Ballasiotes, Long, King, Brough, Johanson, Shin, Jones, Cothorn, Sheahan, Roland, Holm, Tate, Wood, Leonard, Basich, Kremen, Vance, Pruitt and Finkbeiner

AN ACT Relating to restricting residential time and visitation rights of parents who have sexually abused their children; amending RCW 26.10.160; and reenacting and amending RCW 26.09.191.

Referred to Committee on Judiciary.

HB 1186 by Representatives Valle, Romero and Cothorn

AN ACT Relating to municipal employees; amending RCW 42.21.020; adding a new section to chapter 42.23 RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1187 by Representatives Valle, H. Myers, Edmondson, Pruitt, Thomas, Dyer and Locke

AN ACT Relating to unincorporated area councils; amending RCW 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, and 36.105.100; and adding a new section to chapter 36.105 RCW. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: Sec. RCW 36.105.010 and 1991 c 363 s 99 are each amended to read as follows: Voters of the unincorporated areas of the state are authorized to establish ((community)) unincorporated area councils as provided in this chapter. It is the purpose of this chapter to provide voters of unincorporated areas ((in counties with a population of over thirty thousand that are made up entirely of islands)) with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt ((proposed community comprehensive plans and)) a proposed community zoning ordinance((s)) for a community that ((are)) is consistent with the county's comprehensive plan and an ((overall guide and framework)) ordinance adopted by the county legislative authority establishing a guide and framework for community zoning ordinances. In addition, it is the purpose of this chapter to have ((community)) unincorporated area councils serve as forums for the discussion of local issues.

Referred to Committee on Local Government.

HB 1188 by Representatives Morton, Appelwick, Padden, Ballasiotes, Ludwig, Sheahan, Tate, Fuhrman, Silver, Johanson, Long, Flemming, Mielke and Springer

AN ACT Relating to liens; and amending RCW 60.68.015.

Referred to Committee on Judiciary.

HB 1189 by Representatives Anderson, Reams and Dyer

AN ACT Relating to ballot issues; amending RCW 29.27.060, 29.79.040, 29.79.110, 29.27.065, 29.27.067, and 35A.29.120; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 1190 by Representatives Anderson, Reams, Wang, Rust, J. Kohl, Thibaudeau, G. Cole, Appelwick, Leonard, Johanson and Pruitt

AN ACT Relating to voter registration; amending RCW 29.10.180; adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; and prescribing penalties.

Referred to Committee on State Government.

HB 1191 by Representatives Anderson and Leonard

AN ACT Relating to concealed pistols; amending RCW 9.41.070, 9.41.090, and 9.41.095; repealing RCW 9.41.093; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1192 by Representatives Anderson, Leonard, Sommers, Rust, Thibaudeau, J. Kohl, G. Cole, Appelwick, Karahalios, Johanson, Shin, Cothorn, Linville, Roland, Eide, Holm, L. Johnson, Wang, Basich, Orr and Carlson

AN ACT Relating to weapons on government building and school premises; amending RCW 9.41.280; adding a new section to chapter 9.41 RCW; repealing RCW 9.41.300; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1193 by Representatives Anderson, Sommers, Thibaudeau, Rust, J. Kohl, G. Cole, Appelwick, Leonard, Karahalios, Johanson, Shin, Roland, L. Johnson, Wang, Locke and Finkbeiner

AN ACT Relating to disposal of forfeited firearms; and amending RCW 9.41.098.

Referred to Committee on Judiciary.

HB 1194 by Representatives Anderson, Thibaudeau, Jacobsen, Sommers, Rust, J. Kohl, G. Cole, Appelwick, Leonard, King, Johanson, R. Meyers, Linville, Franklin, Locke and Pruitt

AN ACT Relating to public campaign financing; and amending RCW 42.17.128.

Referred to Committee on State Government.

HB 1195 by Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard

AN ACT Relating to the right of a person to control the disposition of a person's remains; and amending RCW 68.50.160.

Referred to Committee on Judiciary.

HB 1196 by Representative Riley

AN ACT Relating to the department of corrections; amending RCW 43.17.210; and creating a new section.

Referred to Committee on Corrections.

HB 1197 by Representatives Leonard, Cooke, Riley, Flemming, Valle, Brown, G. Cole, Mielke, Veloria, Wineberry, Dorn, Anderson, J. Kohl, Karahalios, H. Myers, Vance, Ogden, King, Jones, Eide, Johanson, R. Meyers, Cothorn, Roland, Holm, Wolfe, Franklin, Thibaudeau, Springer, Basich, Foreman, Kessler, Campbell, Dunshee, Lemmon, Linville and Pruitt

AN ACT Relating to public assistance; amending RCW 74.04.300; reenacting and amending RCW 74.04.005; adding a new chapter to Title 74 RCW; creating a new section; and making appropriations.

Referred to Committee on Human Services.

HB 1198 by Representatives Leonard, Padden, Appelwick, Long, Brough, Johanson, Jones, Roland, Long, G. Cole, Veloria, Horn, Karahalios, Springer, Wood, Flemming, Kessler, Lemmon and Pruitt

AN ACT Relating to recommendations of the juvenile issues task force; amending RCW 13.40.020; adding a new section to chapter 71.34 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 13.40 RCW; and providing an effective date.

Referred to Committee on Human Services.

HB 1199 by Representatives Anderson, Veloria and Wolfe

AN ACT Relating to state civil and higher education employees; adding a new section to chapter 28B.16 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 1200 by Representatives Anderson, Romero and Wolfe

AN ACT Relating to state employees; and amending RCW 43.01.040 and 43.01.044.

Referred to Committee on State Government.

HB 1201 by Representatives Romero, Wolfe, Veloria, Karahalios, R. Meyers, Cothorn, L. Johnson, Basich, Orr, Kessler, Pruitt

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on State Government.

HB 1202 by Representatives Romero, Wolfe, Veloria, Cothorn, Long, Basich, Orr and Pruitt

AN ACT Relating to shared leave; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

HB 1203 by Representatives Leonard, Cooke, Riley and Wood

AN ACT Relating to the department of social and health services' jobs training program; and amending RCW 74.25.020.

Referred to Committee on Human Services.

HB 1204 by Representatives Leonard, Cooke, Riley, Karahalios, Brough, Long, Horn and Wood; by request of Department of Social and Health Services

AN ACT Relating to at-risk juvenile sex offenders; and amending RCW 74.13.075.

Referred to Committee on Human Services.

HB 1205 by Representatives Leonard, Cooke, Riley, King, Brough and Horn; by request of Department of Social and Health Services

AN ACT Relating to aid to families with dependent children payment to children living in unsuitable homes; and amending RCW 74.12.330.

Referred to Committee on Human Services.

HB 1206 by Representatives Leonard, Cooke, Riley, Chappell, Brough, Horn and Wood; by request of Department of Social and Health Services

AN ACT Relating to updating statutes for rehabilitation services for individuals with disabilities pursuant to changes in federal law and regulations; amending RCW 74.29.005, 74.29.010, 74.29.020, 74.29.080, and 74.29.037; and repealing RCW 74.29.105, 74.29.100, 74.29.110, and 74.29.025.

Referred to Committee on Human Services.

HB 1207 by Representatives Sommers, Silver and Wood; by request of Joint Committee on Pension Policy

AN ACT Relating to teachers' retirement; amending RCW 41.32.520; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1208 by Representatives Sommers, Silver and Wood; by request of Joint Committee on Pension Policy

AN ACT Relating to the effect of payments based on retirement agreements on calculation of pension benefits; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Appropriations.

HB 1209 by Representatives Peery, Ballard, Dorn, Jones, Brough, R. Meyers, Cothorn, Sheldon, Brumsickle, Roland, Eide, Holm, Jacobsen, Thomas, J. Kohl, Franklin, G. Cole, Veloria, Wang, H. Myers, Horn, Scott, Karahalios, L. Johnson, Thibaudeau, Locke, Basich, Orr Kessler, Campbell, Linville, Pruitt and Wineberry; by request of Council on Education Reform and Funding

AN ACT Relating to education; amending RCW 28A.630.884, 28A.630.885, and 28A.225.220; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.240 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.105 RCW; adding new a section to chapter 28B.15 RCW; creating new sections; decodifying RCW 28A.215.904; repealing RCW 28A.415.250; and providing an effective date.

Referred to Committee on Education.

HB 1210 by Representatives Ludwig, Padden, Long, Forner and Johanson

AN ACT Relating to attorneys' fees; and amending RCW 12.20.060.

Referred to Committee on Judiciary.

HB 1211 by Representatives Ogden, Brumsickle, Franklin, Jacobsen, Carlson, Springer, Orr, Leonard, H. Myers and Basich

AN ACT Relating to educational service districts; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Education.

HB 1212 by Representatives Dorn, Brumsickle, Hansen, Chappell, Lisk, Grant, Riley, Rayburn, Rust and Kremen

AN ACT Relating to youth shows and fairs; and amending RCW 15.76.120.

Referred to Committee on Education.

HB 1213 by Representatives J. Kohl, Brough, G. Cole, Miller, Anderson, Eide, Wineberry, Riley, Romero, Rust, G. Fisher, Flemming, Leonard, Basich and Pruitt

AN ACT Relating to violence-prevention curricula; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Education.

HB 1214 by Representative Appelwick

AN ACT Relating to public health; and amending RCW 70.02.010 and 70.02.080.

Referred to Committee on Health Care.

HB 1215 by Representative Appelwick

AN ACT Relating to state agencies; amending RCW 66.16.040; and adding a new section to chapter 43.17 RCW.

Referred to Committee on State Government.

HB 1216 by Representatives Veloria, Heavey, Horn and King; by request of Liquor Control Board

AN ACT Relating to the acceptance and disbursement of funds and grants by the liquor control board; and amending RCW 66.08.050.

Referred to Committee on Commerce & Labor.

HB 1217 by Representatives Springer, Heavey, Chandler, King and Shin; by request of Liquor Control Board

AN ACT Relating to providing seized liquor for training and investigations; amending RCW 66.32.040 and 66.32.090; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Commerce & Labor.

HB 1218 by Representatives Ludwig, Edmondson, Mastin, Reams, Scott, Bray, Riley, R. Fisher, Grant, Rayburn, Dellwo, Van Luven, Chandler, Zellinsky, Appelwick, Roland, Fuhrman, Kremen and Johanson

AN ACT Relating to claims against local governmental entities; amending RCW 4.96.010, 4.96.020, 36.16.134, 6.17.080, 35.31.020, 35.31.040, 35A.31.030, 36.45.010, 54.16.110, and 87.03.440; adding new sections to chapter 4.96 RCW; creating a new section; recodifying RCW 36.16.134; and repealing RCW 35.31.010, 35.31.030, 36.45.020, 36.45.030, and 53.34.210.

Referred to Committee on Local Government.

HB 1219 by Representatives Orr, Locke, Heavey, Basich, Jones, Dellwo, Dunshee, Bray, Wang, Jacobsen, R. Meyers, Springer, Veloria, G. Cole, King, Johanson and Franklin

AN ACT Relating to creating the public works administration account; amending RCW 39.12.070; adding a new section to chapter 39.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1220 by Representatives Chappell, Brumsickle, Campbell, Mastin, Ludwig, H. Myers, Johanson, Riley, Romero, Karahalios, Jones, Padden, Roland, Long, L. Johnson and Flemming

AN ACT Relating to revoking drivers' licenses; and amending RCW 46.20.285.

Referred to Committee on Judiciary.

HB 1221 by Representatives G. Cole, Ballard, Flemming, Jacobsen, Veloria, Cothorn, Dellwo, Thibaudeau, Appelwick, Johanson, Orr, Scott, Ballasiotes, Silver, Lisk, Leonard, Cooke, J. Kohl, L. Johnson, Mielke and Kremen

AN ACT Relating to poison information centers; amending RCW 18.76.010, 18.76.030, and 18.76.060; adding new sections to chapter 18.76 RCW; repealing RCW 18.76.040; and declaring an emergency.

Referred to Committee on Health Care.

HB 1222 by Representatives Ludwig, Jacobsen, Wood, Ogden, R. Johnson, Bray, Basich, Quall, Franklin and Shin

AN ACT Relating to salaries of employees classified by the higher education personnel board; and amending RCW 28B.16.100.

Referred to Committee on Higher Education.

HB 1223 by Representatives Sheldon, Forner, Dorn, Shin, Jones, Linville, Roland, Flemming and Springer; by request of Employment Security Department

AN ACT Relating to employment and training; amending RCW 50.16.010, 50.16.020, and 50.29.025; adding new sections to chapter 50.16 RCW; adding new sections to chapter 50.24 RCW; adding new sections to chapter 50.29 RCW; creating new sections; and making appropriations.

Referred to Committee on Trade, Economic Development & Housing.

HB 1224 by Representatives Dellwo, King, Jones, L. Johnson, Flemming and Springer; by request of Department of Social and Health Services

AN ACT Relating to medical assistance coverage of hospice care and services; amending RCW 74.09.520; and reenacting and amending RCW 74.09.700.

Referred to Committee on Health Care.

HB 1225 by Representatives Zellinsky, Dellwo, Anderson and Mielke

AN ACT Relating to the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures; and amending RCW 31.04.105.

Referred to Committee on Financial Institutions & Insurance.

HB 1226 by Representatives Zellinsky, Dellwo, Anderson and Mielke

AN ACT Relating to the amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans; and amending RCW 31.04.115.

Referred to Committee on Financial Institutions & Insurance.

HB 1227 by Representatives R. Johnson, Chandler and Rayburn

AN ACT Relating to misbranding and adulteration; and amending RCW 16.49A.600 and 16.74.570.

Referred to Committee on Agriculture & Rural Development.

HB 1228 by Representatives Jones, Miller, Riley, Vance, Kessler, Basich, Karahalios and Leonard

AN ACT Relating to the definition of a juvenile justice or care agency; and amending RCW 13.50.010.

Referred to Committee on Human Services.

HB 1229 by Representatives Romero, H. Myers, Riley, R. Fisher, Brumsickle, Wolfe, Chappell, Holm, Grant, Dunshee, Sheldon, Johanson, Springer and Orr

AN ACT Relating to state government compliance with growth management; amending RCW 36.70A.103; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Local Government.

HB 1230 by Representatives Ballard, Cooke, Edmondson, Schoesler, Dyer, Fuhrman, Long, Forner, Ballasiotes, Sehlin, Brumsickle, Schmidt, Chandler, Brough, Morton, Padden, Sheahan, Horn, Mielke, Tate, Wood and Foreman

AN ACT Relating to housing affordability and regulatory reform; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Economic Development and Housing.

HB 1231 by Representatives Valle, Chandler, Wineberry, Pruitt, Bray and Jones

AN ACT Relating to procurement of architectural and engineering contracts; and creating new sections.

Referred to Committee on State Government.

HB 1232 by Representatives Foreman, Mielke, Tate, Ballard, Padden, Horn, Sheahan, Chandler, Reams, R. Meyers, Morton, Lisk, Silver, Cooke, Fuhrman, Thomas, Talcott, Schoesler, Brumsickle, Long, Sehlin, Ballasiotes, Dyer, Wood, Vance and Edmondson

AN ACT Relating to employment of minors; adding new sections to chapter 42.12 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1233 by Representatives R. Meyers, Zellinsky, Dellwo, R. Johnson, Scott, Riley, Kessler, Dunshee, Dorn, Foreman, Grant, Kremen and Johanson

AN ACT Relating to mandatory offering of personal injury protection insurance; adding new sections to chapter 48.22 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1234 by Representative Anderson

AN ACT Relating to sick leave; and amending RCW 41.04.340.

Referred to Committee on State Government.

HB 1235 by Representatives Appelwick, Padden, Ludwig and Johanson

AN ACT Relating to partnerships; adding a new chapter to Title 25 RCW; and providing an effective date.

Referred to Committee on Judiciary.

HB 1236 by Representatives Rust, Pruitt and Sheldon; by request of Department of Ecology

AN ACT Relating to fees for water rights and related approvals; and amending RCW 90.03.470.

Referred to Committee on Natural Resources & Parks.

HB 1237 by Representatives G. Fisher and Rust; by request of Department of Ecology

AN ACT Relating to well drilling; and adding a new section to chapter 18.104 RCW.

Referred to Committee on Environmental Affairs.

HB 1238 by Representatives R. Johnson, Ballasiotes, Ludwig, King, Karahalios, Johanson, Jones, Sheahan, Schoesler, Brumsickle, Roland, Long, Flemming, Horn, Mielke, Tate, Wood, Kremen, Foreman and Pruitt; by request of Department of Social and Health Services

AN ACT Relating to notification to victims, witnesses, and the community of a change in the confinement status of juvenile offenders; and amending RCW 13.40.215.

Referred to Committee on Corrections.

HB 1239 by Representatives Casada, Ludwig, Padden, Morton, Franklin, Forner, Shin, Campbell, Sheldon, Silver, Lisk, Van Luven, Chandler, Cooke, Tate, Karahalios, Brough, Ballard, Brumsickle, Long, Flemming, Mielke, Foreman and Carlson

AN ACT Relating to revocation of juveniles' driving privileges; amending RCW 13.40.265 and 46.20.265; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

HB 1240 by Representatives Foreman, Carlson, Stevens, Ballasiotes, Forner, Chandler, Mastin, Padden, Ballard, Brough, Morton, Fuhrman, Brumsickle, Long, Flemming, Horn and Vance

AN ACT Relating to changing the blood and breath alcohol standards for intoxication; amending RCW 46.61.502, 46.61.504, 46.61.506, and 9.41.098; and reenacting and amending RCW 88.12.100.

Referred to Committee on Judiciary.

HB 1241 by Representatives Jones, Heavey, King, Franklin, G. Cole, Romero, Brown, Veloria and Kessler

AN ACT Relating to the economic adjustment and assistance act; adding a new chapter to Title 49 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1242 by Representatives King, Heavey, Franklin, G. Cole, Jones, Springer and Veloria

AN ACT Relating to compensation during industrial insurance appeals; and amending RCW 51.52.060.

Referred to Committee on Commerce & Labor.

HB 1243 by Representatives King, Heavey, Franklin, G. Cole, Jones and Veloria

AN ACT Relating to reconsideration of department of labor and industries' industrial insurance orders; and amending RCW 51.52.050.

Referred to Committee on Commerce & Labor.

HB 1244 by Representatives Franklin, Heavey, King, G. Cole, Springer, Jones and Veloria

AN ACT Relating to payments for time lost from work while attending a medical examination for industrial insurance; and amending RCW 51.32.110.

Referred to Committee on Commerce & Labor.

HB 1245 by Representatives Veloria, Heavey, King, Franklin and G. Cole

AN ACT Relating to workplace safety bonus programs; and adding a new section to chapter 51.28 RCW.

Referred to Committee on Commerce & Labor.

HB 1246 by Representatives G. Cole, Heavey, King, Franklin, Jones, Veloria and Johanson

AN ACT Relating to employee compensation and benefits during return to work; amending RCW 51.32.090; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1247 by Representatives King, Heavey, Franklin, Jones, G. Cole and Johanson

AN ACT Relating to reopening of industrial insurance claims; and amending RCW 51.32.160.

Referred to Committee on Commerce & Labor.

HB 1248 by Representatives King, Heavey, Franklin, Orr, Jones, G. Cole, Veloria and Johanson

AN ACT Relating to increasing industrial insurance death and disability benefits; amending RCW 51.32.050, 51.32.060, and 51.32.090; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1249 by Representatives Heavey, King, Franklin, Orr, G. Cole, Jones, Veloria, Johanson and R. Meyers

AN ACT Relating to industrial insurance permanent partial disability awards; and amending RCW 51.32.080.

Referred to Committee on Commerce & Labor.

HB 1250 by Representatives J. Kohl, Miller, Ogden, Brough, Jacobsen, Pruitt, Quall, Cothorn, Jones and Leonard

AN ACT Relating to athletic leadership positions for women; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1251 by Representatives J. Kohl, Miller, Jacobsen, Quall, Pruitt, Jones, Kremen and Carlson

AN ACT Relating to gender equity; and amending RCW 28B.15.460 and 28B.15.740.

Referred to Committee on Higher Education.

HB 1252 by Representatives Rayburn, Edmondson, Bray, Padden and Ludwig

AN ACT Relating to sheriffs' fees; and amending RCW 36.18.040.

Referred to Committee on Local Government.

HB 1253 by Representatives Dellwo, Morris, Dyer and Wood; by request of Department of Health

AN ACT Relating to licensure of physician assistants; and amending RCW 18.71A.020, 18.71A.040, and 18.71A.050.

Referred to Committee on Health Care.

HB 1254 by Representatives Dellwo, Morris, Dyer, Springer and Wood; by request of Department of Health

AN ACT Relating to controlled substances definitions, standards, and schedules; amending RCW 69.50.201, 69.50.203, 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211, 69.50.212, 69.50.213, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.308, and 69.50.403; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1255 by Representatives Dellwo, Morris, Dyer, Flemming and Wood; by request of Department of Health

AN ACT Relating to eligibility requirements for podiatric physicians and surgeons; amending RCW 18.22.040; and adding a new section to chapter 18.22 RCW.

Referred to Committee on Health Care.

HB 1256 by Representatives Dellwo, Morris and Dyer; by request of Department of Health

AN ACT Relating to the disciplining of health professionals; amending RCW 18.130.040, 18.130.160, 18.130.175, 18.130.185, 18.130.186, 18.130.300, 18.135.070, 18.64.160, 18.64A.050, 18.72.340, 18.72.380, 18.130.190, 18.130.165, and 18.130.050; adding a new section to chapter 18.135 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.64A RCW; repealing RCW 18.135.080, 18.64.260, and 18.71A.070; and prescribing penalties.

Referred to Committee on Health Care.

HB 1257 by Representatives Wolfe, Romero, Veloria, Sommers, Brown and Leonard

AN ACT Relating to child care; and making an appropriation.

Referred to Committee on Appropriations.

HB 1258 by Representative Rayburn

AN ACT Relating to claim of right to withdraw, divert, or use ground or surface waters; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1259 by Representatives Locke, Appelwick, J. Kohl, Wang, Reams, Veloria, Johanson, L. Johnson, Flemming and Pruitt

AN ACT Relating to forfeiture of firearms; and amending RCW 9.41.098.

Referred to Committee on Judiciary.

HB 1260 by Representatives Linville, Horn and Rust; by request of Utilities & Transportation Commission

AN ACT Relating to the review of solid waste collection company tariff filings by the utilities and transportation commission; and amending RCW 81.04.130 and 81.28.050.

Referred to Committee on Environmental Affairs.

HB 1261 by Representatives Sommers, Dellwo, R. Fisher, Jacobsen, Brough, Wang, Brown, Thibaudeau, Johanson and J. Kohl

AN ACT Relating to portability of public retirement benefits; amending RCW 41.54.061 and 41.54.040; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1262 by Representatives Basich, Padden, Zellinsky, Foreman, Sheldon, Ludwig, Springer, Forner, Holm, Johanson and Kessler

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

Referred to Committee on Trade, Economic Development and Housing.

HB 1263 by Representatives R. Fisher, Schmidt, R. Meyers and Zellinsky

AN ACT Relating to Washington state patrol examinations for promotion; and amending RCW 43.43.330.

Referred to Committee on State Government.

HB 1264 by Representatives Heavey and R. Meyers

AN ACT Relating to third party recoveries in workers' compensation cases; amending RCW 4.22.070 and 51.24.060; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1265 by Representatives Morris, Foreman, Grant, Fuhrman, Leonard, Talcott, Cooke, Riley, Sheldon, Long, Ogden, H. Myers, Dunshee, Kremen, Springer, Brumsickle, Carlson, Sheahan, Heavey, Silver, Holm, Johanson, Morton, Ballard, Thomas, Padden, Schoesler, Sehlin, Ballasiotes, Mielke, Vance and Edmondson

AN ACT Relating to compensating retailers for collecting sales tax; and amending RCW 82.08.050.

Referred to Committee on Revenue.

HB 1266 by Representatives Campbell, Dyer, R. Johnson, Cooke, Riley, Lisk, Morris, Dellwo and Ballasiotes

AN ACT Relating to veterinary medicine; amending RCW 18.92.015, 18.92.030, 18.92.060, 18.92.125, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1267 by Representatives Zellinsky, Mielke, Dorn, Scott, Reams, R. Meyers, Dellwo, Sheldon, Eide, King, Franklin and L. Johnson

AN ACT Relating to liability insurance for motorcycles; and amending RCW 46.30.020.

Referred to Committee on Financial Institutions & Insurance.

HB 1268 by Representatives Dunshee, Wolfe, Linville, Riley, Quall, Grant, Pruitt, Romero, R. Meyers, Zellinsky, Eide, Veloria, Karahalios, Brough, Brown, Kessler, Edmondson and Finkbeiner

AN ACT Relating to spending in election campaigns; adding a new section to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1269 by Representatives Dunshee, Wolfe, Riley, Linville, Pruitt, Quall, R. Meyers, Zellinsky, Eide, Veloria, Karahalios, Brough, Talcott and Schoesler

AN ACT Relating to the public disclosure commission; and amending RCW 42.17.350.

Referred to Committee on State Government.

HB 1270 by Representatives Dunshee, Pruitt and R. Meyers

AN ACT Relating to spending in election campaigns; amending RCW 29.80.010 and 29.80.020; adding a new section to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1271 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood; by request of Department of Transportation

AN ACT Relating to lawful vehicle lengths; and amending RCW 46.44.030.

Referred to Committee on Transportation.

HB 1272 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood; by request of Department of Transportation

AN ACT Relating to maximum gross weight tire factors; and amending RCW 46.44.042.

Referred to Committee on Transportation.

HB 1273 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood; by request of Department of Transportation

AN ACT Relating to overweight permits for trucks; amending RCW 46.16.070, 46.16.160, 46.44.0941, 46.44.095, 46.44.096, and 46.68.035; reenacting and amending RCW 46.44.041; and repealing RCW 46.44.160.

Referred to Committee on Transportation.

HB 1274 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood; by request of Department of Transportation

AN ACT Relating to scenic and recreational highways; amending RCW 47.39.020, 47.42.025, and 47.42.140; adding a new section to chapter 47.39 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1275 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Shin and Horn; by request of Department of Transportation

AN ACT Relating to the exclusion of site exploration as a substantial shoreline development; and amending RCW 90.58.030.

Referred to Committee on Environmental Affairs.

HB 1276 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Johanson, Cothorn, J. Kohl, Horn and Wood; by request of Department of Transportation

AN ACT Relating to development of a public transportation policy plan; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 1277 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Johanson, Horn, Wood and Dunshee; by request of Department of Transportation

AN ACT Relating to transit development plans; amending RCW 35.58.2795, 35.58.2796, 36.57A.070, and 36.57.070; and repealing RCW 36.57A.060.

Referred to Committee on Transportation.

HB 1278 by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Johanson, Franklin, Horn and Wood; by request of Department of Transportation

AN ACT Relating to transit funding; amending RCW 82.44.180; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

HB 1067 Prime Sponsor, Representative Orr: Providing for correctional employees collective bargaining. Reported by Committee on Commerce & Labor
January 29, 1993

MAJORITY recommendation: Do pass with the following amendments:
On page 3, beginning on line 1, after "other inmates" strike ", or of supervising those functions"

Signed by Representatives Heavey, Chair; G. Cole; Vice Chair; Franklin; King; Springer and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member and Horn.

Excused: Representative Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

HB 1081 Prime Sponsor, Representative Heavey: Redefining uniformed personnel for public employee collective bargaining. Reported by Committee on Commerce & Labor
January 29, 1993

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Franklin; Horn; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Springer.

Excused: Representative Chandler, Assistant Ranking Minority Member

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative King, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

MESSAGE FROM THE SECRETARY OF STATE

January 20, 1993

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

Mr. Speaker:

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

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

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 11th day of January, 1993.

(Seal)

Ralph Munro, Secretary of State.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Representative R. Meyers presiding) announced the following committee appointments:

Representative H. Sommers is removed from the Committee on Education and assigned to the Committee on Rules.

Representative Wang is removed from the Committee on Rules and assigned as Chair to the Committee on Capital Budget.

Representative Dunshee is removed from the Committee on State Government and assigned to the Committee on Appropriations.

MESSAGE FROM THE SENATE

January 15, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5000,

Marty Brown, Secretary

MESSAGE FROM THE SENATE

January 18, 1993

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,

Marty Brown, Secretary

There will be no audio for this day due to power outage.

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

MOTION

On motion of Representative Sheldon, the House adjourned until 10:00 a.m., Friday, January 22, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

TENTH DAY, JANUARY 20, 1993

JOURNAL OF THE HOUSE

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

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 22, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Felicia Knight and Rick Lockhart. Prayer was offered by Reverend Peter Mans of Olympia Christian Reformed Church.

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

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

INTRODUCTIONS AND FIRST READING

HB 1279 by Representatives Ballasiotes, Campbell, Mielke, Chappell, Vance, Ballard, Brough, Basich, Scott, Jones, Forner, Kessler, Johanson, Foreman, Talcott, Wood, Casada, Edmondson, Chandler, Jacobsen, Morton, Silver, Brumsickle, Reams, Schoesler, Rayburn and Sheahan

AN ACT Relating to crimes involving minors; adding a new section to chapter 9A.40 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1280 by Representatives Mielke, Campbell and Chappell

AN ACT Relating to firearms; and amending RCW 9.41.060.

Referred to Committee on Judiciary.

HB 1281 by Representatives Riley, Brumsickle, Basich, Tate, Sheldon, Quall, Springer, Scott, Grant, Chappell, Padden, Long, Johanson, Fuhrman and Mielke

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

Referred to Committee on Judiciary.

HB 1282 by Representatives Riley, Brumsickle, Basich, Tate, Ludwig, Sheldon, Quall, Springer, Scott, Grant, Padden, Johanson, Casada and Mielke

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

Referred to Committee on Judiciary.

HB 1283 by Representatives Riley, Padden, Sheldon, Forner, Basich, Tate, Scott, Grant, Johanson and Chandler

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

Referred to Committee on Judiciary.

HB 1284 by Representatives Appelwick, Brough, Karahalios, G. Cole, Riley and J. Kohl

AN ACT Relating to firearms dealers; amending RCW 9.41.090, 9.41.093, 9.41.098, 9.41.100, and 9.41.110; reenacting and amending RCW 9.41.010; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1285 by Representatives Appelwick, Brough, Scott, Long, Karahalios, Johanson, Foreman, Campbell and Leonard

AN ACT Relating to elimination of termination dates for taxes enacted in chapter 271, Laws of 1989, known as the Omnibus Alcohol and Controlled Substances Act; amending RCW 66.24.210, 66.24.290, 82.08.150, and 82.24.020; repealing RCW 82.64.900; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1286 by Representatives Appelwick, Brough and Long

AN ACT Relating to elimination of termination date for the carbonated beverage tax enacted in chapter 271, Laws of 1989, known as the Omnibus Alcohol and Controlled Substances Act; repealing RCW 82.64.900; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1287 by Representatives Heavey, Thibaudeau, Franklin, Flemming, G. Cole, Riley and H. Myers

AN ACT Relating to agricultural labor relations; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1288 by Representatives Heavey, Brough, Jones, Long, Shin, Karahalios, Foreman, Springer, Cooke, Wood, Casada and Quall

AN ACT Relating to increasing penalties for furnishing of liquor to minors; amending RCW 66.44.270; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1289 by Representatives Chappell, Campbell, Kessler, Lemmon, Johanson and Rayburn

AN ACT Relating to driving violations; amending RCW 46.61.525 and 46.61.515; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1290 by Representatives Rust, Horn and Linville

AN ACT Relating to appeals of orders of an air pollution control authority; and repealing RCW 70.94.222.

Referred to Committee on Environmental Affairs.

HB 1291 by Representatives Heavey, G. Cole, King, Veloria, Franklin, Jones, J. Kohl, Orr, Jacobsen, Valle, Vance, Anderson, Springer, Basich and Karahalios

AN ACT Relating to leaves of absence by members of the Washington public employees' retirement system; reenacting and amending RCW 41.40.010; adding new sections to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1292 by Representatives Anderson, G. Cole, Chandler, Heavey, Veloria, Wood, Franklin, Springer, King and J. Kohl

AN ACT Relating to defining "employment" for unemployment compensation; adding a new section to chapter 50.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1293 by Representatives R. Meyers, Orr, R. Fisher, Scott, Quall, Ludwig, Grant, R. Johnson, Riley, Mastin, Franklin, Jacobsen, Basich, Jones, Johanson and Wood

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.115, 41.26.211, and 41.26.221.

Referred to Committee on Appropriations.

HB 1294 by Representatives Locke, Mielke, Orr, Heavey, Scott, Quall, Chappell, R. Fisher, R. Meyers, Ludwig, R. Johnson, Wood, Grant, Riley, King, Mastin, Forner, Franklin, Karahalios, Jacobsen, Zellinsky, Romero, Johanson, Morris, Flemming, Leonard, Brown, Finkbeiner, Holm, Eide, G. Cole, Ogden, Jones, Wang, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, H. Myers, Vance, Brough, Dorn, Hansen, Schmidt, Cooke, Casada, Edmondson, Carlson and Brumsickle

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.430, 41.26.470, and 41.26.510.

Referred to Committee on Appropriations.

HB 1295 by Representatives Orr, Mielke, Heavey, Scott, Quall, Chappell, R. Meyers, R. Fisher, Zellinsky, Ludwig, R. Johnson, Wood, Grant, Riley, Mastin, Johanson, Franklin, Locke, Flemming, Jacobsen, H. Myers, Romero, King, Morris, Forner, Leonard, Brown, Wang, Finkbeiner, Holm, Eide, Karahalios, G. Cole, Ogden, Jones, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, Cothorn, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, Vance, Brough, Schmidt, Cooke and Brumsickle

AN ACT Relating to recodifying RCW 41.26.281 related to law enforcement officers and fire fighters; creating a new section; and recodifying RCW 41.26.281.

Referred to Committee on Appropriations.

HB 1296 by Representatives Morris, Peery, Ogden, Dellwo, H. Myers, Carlson and Springer

AN ACT Relating to charity care requirements for health maintenance organizations; and adding new sections to chapter 48.46 RCW.

Referred to Committee on Health Care.

HB 1297 by Representatives Ludwig and Bray

AN ACT Relating to transfer of retirement service credit; and amending RCW 41.40.058.

Referred to Committee on Appropriations.

HB 1298 by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Pruitt, Rust, Cothorn, Jones, Long, Chappell, Holm, Eide, Linville, Johanson, Foreman, Riley, J. Kohl, Springer Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Carlson, Brumsickle, Thomas, H. Myers, Rayburn and Orr; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

AN ACT Relating to school district and library district elections; amending

Referred to Committee on Education.

HB 1299 by Representatives Pruitt, Forner, J. Kohl, Shin, Flemming, Carlson, Peery, Basich, Scott, Cothorn, Thibaudeau, Kessler, Holm, Karahalios, Eide, Linville, Johanson, G. Cole, Riley, Van Luven, Jacobsen, Wang, Leonard, Quall, Silver, Brumsickle, Thomas, H. Myers, Rayburn and L. Johnson; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

AN ACT Relating to student safety and discipline; amending RCW 9.41.280, 9.41.300, 28A.225.210, 28A.225.215, 28A.225.225, 28A.175.090, and 28A.635.060; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1300 by Representatives Appelwick, Padden, J. Kohl, Riley, Forner, Ballasiotes, Schmidt, Brough, Long, Thibaudeau, Karahalios, Franklin, Johanson, G. Cole, Wood, Casada, Jacobsen, Leonard and H. Myers

AN ACT Relating to discrimination; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.174, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.205, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.230, 49.60.240, 49.60.250, 49.44.090, and 70.124.060; and reenacting and amending RCW 49.60.040 and 49.60.215.

Referred to Committee on Judiciary.

HB 1301 by Representatives R. Fisher and Johanson; by request of Department of Transportation

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

HB 1302 by Representatives R. Fisher and Johanson; by request of Department of Transportation

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

HB 1303 by Representatives R. Fisher and Johanson; by request of Department of Transportation

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

HB 1304 by Representative R. Fisher; by request of Department of Transportation

AN ACT Relating to the tax exemption and tax credit for alcohol used as fuel; and repealing RCW 82.36.225.

Referred to Committee on Transportation.

HB 1305 by Representatives R. Fisher and Johanson

AN ACT Relating to state highway bonds; and amending RCW 47.10.761 and 47.10.762.

Referred to Committee on Transportation.

HB 1306 by Representative Franklin

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

Referred to Committee on Trade, Economic Development & Housing.

HB 1307 by Representatives Locke, Eide, Silver, Dunshee, L. Johnson, Pruitt, Brough, Sheldon, Jones, Long, Franklin, Talcott, J. Kohl, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Rayburn and King

AN ACT Relating to the Washington service corps; amending RCW 50.65.030, 50.65.040, 50.65.060, and 50.65.080; adding new sections to chapter 50.65 RCW; repealing RCW 50.65.138 and 50.65.900; providing an effective date; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1308 by Representatives Kremen, Tate and Jacobsen

AN ACT Relating to the beef commission; and amending RCW 16.67.040 and 16.67.050.

Referred to Committee on Agriculture & Rural Development.

HB 1309 by Representatives King, Orr, Scott, G. Cole, Basich, Lemmon, Morris, Jones, Rust, Holm, R. Meyers, Johanson, J. Kohl, Jacobsen and Leonard

AN ACT Relating to fish and wildlife management; amending RCW 90.03.360, 43.20.230, 43.21A.064, and 90.42.010; adding a new section to chapter 75.28 RCW; adding a new section to chapter 79.01 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.99E RCW; adding a new section to chapter 90.22 RCW; adding a new chapter to Title 28A RCW; and creating new sections.

Referred to Committee on Fisheries & Wildlife.

HB 1310 by Representatives Pruitt, Ludwig, Brough, Padden, Long, Johanson, Foreman, Talcott, Cooke, Wood, Casada, Leonard, Morton and Fuhrman

AN ACT Relating to the state lottery; amending RCW 67.70.010; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 1311 by Representatives Jacobsen, Wood, Ogden, R. Fisher, Basich and Johanson

AN ACT Relating to fossil collection on state lands; amending RCW 79.01.651; adding a new section to chapter 43.51 RCW; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1312 by Representatives Jacobsen, Orr, Quall and Johanson

AN ACT Relating to Spokane State University; amending RCW 28B.10.020, 28B.10.140, 28B.25.030, 28B.35.751, 28B.80.310, and 34.05.010; reenacting and amending RCW 28B.16.020; and creating a new section.

Referred to Committee on Higher Education.

HB 1313 by Representatives Jacobsen, Brumsickle, Appelwick, Leonard, G. Cole, Franklin, Rayburn, Kessler, Rust, Shin, Karahalios, J. Kohl and L. Johnson

AN ACT Relating to property of institutions of higher education and the common schools; adding a new section to chapter 28A.335 RCW; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1314 by Representatives Appelwick, Johanson and Riley

AN ACT Relating to fees for juvenile diversion services; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1315 by Representatives H. Myers and Springer

AN ACT Relating to cities and counties under five thousand in population; and amending RCW 82.46.010.

Referred to Committee on Local Government.

HB 1316 by Representatives Springer, H. Myers and Thomas

AN ACT Relating to members of city and town legislative bodies serving the city or town in additional part-time capacities; and amending RCW 35.21.770 and 35A.11.110.

Referred to Committee on Local Government.

HB 1317 by Representatives Pruitt, Ballard, Morton, Sheldon, Jones, Wolfe, Schoesler, R. Johnson, Kessler, Johanson and Chandler

AN ACT Relating to the state parks' volunteer organizations; and amending RCW 43.51.060.

Referred to Committee on Natural Resources & Parks.

HB 1318 by Representatives Pruitt, Ballard, Morton, Sheldon, Wolfe, Schoesler, R. Johnson and Jones

AN ACT Relating to boating safety; amending RCW 7.84.010, 7.84.020, 88.02.110, 88.12.010, 88.12.020, 88.12.330, 88.12.040, 88.12.050, 88.12.080, 88.12.130, 88.12.160, 88.12.170, 88.12.180, 88.12.190, 88.12.200, 88.12.210, 88.12.220, 88.12.230, 88.12.250, 88.12.260, 88.12.280, 88.12.290, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.440, and 88.12.450; reenacting and amending RCW 88.12.100; adding new sections to chapter 88.12 RCW; creating a new section; recodifying RCW 88.12.010, 88.12.020, 88.12.100, 88.12.110, 88.12.120, 88.12.330, 88.12.040, 88.12.050, 88.12.130, 88.12.140, 88.12.150, 88.12.160, 88.12.170, 88.12.180, 88.12.190, 88.12.200, 88.12.210, 88.12.220, 88.12.230, 88.12.260, 88.12.280, 88.12.290, 88.12.300, 88.12.320, 88.12.350, 88.12.360, 88.12.380, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.430, 88.12.440, 88.12.450, 88.12.460, and 88.12.470; repealing RCW 88.12.030, 88.12.240, 88.12.270, 88.12.310, 88.12.340, and 88.12.480; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1319 by Representatives Pruitt, Morton, R. Johnson, R. Meyers, Flemming, G. Cole and Romero

AN ACT Relating to the land bank; and amending RCW 79.66.090.

Referred to Committee on Natural Resources & Parks.

HB 1320 by Representatives Pruitt and R. Johnson

AN ACT Relating to forest fire protection; and amending RCW 76.04.610 and 76.04.630.

Referred to Committee on Natural Resources & Parks.

HB 1321 by Representatives Pruitt and R. Johnson

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

Referred to Committee on Natural Resources & Parks.

HB 1322 by Representatives Sheldon, Morton, R. Johnson and Pruitt

AN ACT Relating to trespass or waste of public lands; and amending RCW 79.01.760.

Referred to Committee on Natural Resources & Parks.

HB 1323 by Representatives Sommers, Brough, Dorn, Thomas, G. Cole, Brumsickle, Karahalios, Vance, G. Fisher, Jones, Roland, Fuhrman, Cothorn, Holm, Eide, Valle, Rust, Pruitt, Jacobsen, Ballasiotes, Foreman, Talcott, Cooke, Wood, Casada, Edmondson, Van Luven, Silver, Carlson, Schoesler, Thomas, Rayburn and Tate

AN ACT Relating to English language instruction; amending RCW 28A.180.010, 28A.180.020, 28A.180.030, 28A.180.040, 28A.180.050, 28A.180.060, 28A.180.080, 28A.150.370, 28A.630.180, 28A.630.830, 28A.630.840, and 84.52.0531; and providing expiration dates.

Referred to Committee on Education.

HB 1324 by Representatives Cothorn, Wood, G. Cole, Horn, Wang, Brumsickle, Ogden, Miller, Leonard, Brough, J. Kohl, Ludwig, Dellwo, Kremen, Basich, Jones, Chappell, Shin, Johanson, Rayburn and Mielke

AN ACT Relating to property tax exemptions for organizations distributing funds for character-building, benevolent, protective, or rehabilitative social services directed at persons of all ages; amending RCW 84.36.800 and 84.36.810; reenacting and amending RCW 84.36.805; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Revenue.

HB 1325 by Representatives Bray, Edmondson, Orr, H. Myers, Long and Springer

AN ACT Relating to giving local governments the option to acquire services or goods under purchasing arrangements made by state agencies; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Local Government.

HB 1326 by Representatives Finkbeiner, Grant, Miller, Casada, R. Meyers, Ludwig, Heavey, Long and Johanson

AN ACT Relating to conservation tariffs allowing transfer of payment obligations to successive property owners; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy & Utilities.

HB 1327 by Representatives Heavey, Ludwig, Jones, Chappell, Johanson, Ballasiotes, Foreman, Flemming, G. Cole, Springer, Jacobsen, Wang, Brown, Quall and Locke

AN ACT Relating to telephone solicitations; and amending RCW 80.36.390.

Referred to Committee on Energy & Utilities.

HB 1328 by Representatives Heavey, Riley and King

AN ACT Relating to the minimum rate of compensation for salespeople of recreational vessels and trailers, recreational vehicle trailers and campers, and manufactured housing; and amending RCW 49.46.130.

Referred to Committee on Commerce & Labor.

HB 1329 by Representatives Dellwo, Dyer, Flemming, Pruitt and R. Meyers

AN ACT Relating to health care reform; amending RCW 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.100, 70.170.110, 7.70.070, 43.70.050, 43.70.060, 43.70.070, and 18.19.160; reenacting and amending RCW 18.64.080; adding a new section to chapter 43.70 RCW; adding new sections to Title 51 RCW; adding new sections to chapter 7.70 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 70 RCW; creating a new section; recodifying RCW 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.100, and 70.170.110; repealing RCW 19.68.010, 19.68.020, 19.68.030, 19.68.040, 48.20.002, 48.20.012, 48.20.013, 48.20.015, 48.20.022, 48.20.032, 48.20.042, 48.20.050, 48.20.052, 48.20.062, 48.20.072, 48.20.082, 48.20.092, 48.20.102, 48.20.112, 48.20.122, 48.20.132, 48.20.142, 48.20.152, 48.20.162, 48.20.172, 48.20.192, 48.20.202, 48.20.212, 48.20.222, 48.20.232, 48.20.242, 48.20.252, 48.20.262, 48.20.272, 48.20.282, 48.20.292, 48.20.302, 48.20.312, 48.20.322, 48.20.340, 48.20.350, 48.20.360, 48.20.380, 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.414, 48.20.416, 48.20.420, 48.20.430, 48.20.450, 48.20.460, 48.20.470, 48.20.480, 48.20.490, 48.20.500, 48.20.510, 48.20.520, 48.20.530, 48.21.010, 48.21.015, 48.21.020, 48.21.030, 48.21.040, 48.21.045, 48.21.050, 48.21.060, 48.21.070, 48.21.075, 48.21.080, 48.21.090, 48.21.100, 48.21.110, 48.21.120, 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.150, 48.21.155, 48.21.160, 48.21.180, 48.21.190, 48.21.195, 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.260, 48.21.270, 48.21.280, 48.21.290, 48.21.300, 48.21.310, 48.21.320, 48.21.330, 48.41.010, 48.41.020, 48.41.030, 48.41.040, 48.41.050, 48.41.060, 48.41.070, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.130, 48.41.140, 48.41.150, 48.41.160, 48.41.170, 48.41.180, 48.41.190, 48.41.200, 48.41.210, 48.41.900, 48.41.910, 48.44.010, 48.44.011, 48.44.015, 48.44.020, 48.44.023, 48.44.026, 48.44.030, 48.44.033, 48.44.035, 48.44.037, 48.44.040, 48.44.050, 48.44.055, 48.44.057, 48.44.060, 48.44.070, 48.44.080, 48.44.090, 48.44.095, 48.44.100, 48.44.110, 48.44.120, 48.44.130, 48.44.140, 48.44.145, 48.44.150, 48.44.160, 48.44.164, 48.44.166, 48.44.170, 48.44.180, 48.44.200, 48.44.210, 48.44.212, 48.44.220, 48.44.225, 48.44.230, 48.44.240, 48.44.245, 48.44.250, 48.44.260, 48.44.270, 48.44.290, 48.44.299, 48.44.300, 48.44.309, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.350, 48.44.360, 48.44.370, 48.44.380, 48.44.390, 48.44.400, 48.44.410, 48.44.420, 48.44.430, 48.44.440, 48.44.450, 48.44.460, 48.44.470, 48.45.005, 48.45.010, 48.45.020, 48.45.030, 48.46.010, 48.46.020, 48.46.023, 48.46.027, 48.46.030, 48.46.040, 48.46.060, 48.46.066, 48.46.070, 48.46.080, 48.46.090, 48.46.100, 48.46.110, 48.46.120, 48.46.130, 48.46.135, 48.46.140, 48.46.150, 48.46.160, 48.46.170, 48.46.180, 48.46.200, 48.46.210, 48.46.220, 48.46.225, 48.46.235, 48.46.240, 48.46.243, 48.46.245, 48.46.247, 48.46.250, 48.46.260, 48.46.270, 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.300, 48.46.310, 48.46.320, 48.46.340, 48.46.350, 48.46.355, 48.46.360, 48.46.370, 48.46.375, 48.46.380, 48.46.390, 48.46.400, 48.46.410, 48.46.420, 48.46.430, 48.46.440, 48.46.450, 48.46.460, 48.46.470, 48.46.480, 48.46.490, 48.46.500, 48.46.510, 48.46.520, 48.46.530, 48.46.540, 48.46.900, 48.46.905, 48.46.910, 48.46.920, 70.38.015, 70.38.025, 70.38.095, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 70.38.155, 70.38.156, 70.38.157, 70.38.158, 70.38.220, 70.38.905, 70.38.910, 70.38.911, 70.38.914, 70.38.915, 70.38.916, 70.38.918, 70.38.919, 70.38.920, 70.43.010, 70.43.020, 70.43.030, 70.170.060, 70.170.070, 70.170.080, 70.170.090, 18.06.190, 18.22.082, 18.25.040, 18.29.045, 18.32.215, 18.34.115, 18.35.085, 18.36A.120, 18.50.065, 18.52.130, 18.53.035, 18.55.105, 18.57.130, 18.59.070, 18.71.090, 18.74.060, 18.78.072, 18.83.170, 18.88.150, 18.108.095, 18.138.050, 51.48.280, and 74.09.240; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to committee on Health Care.

HJM 4002 by Representatives Franklin, Brown, Ludwig, Romero, Dorn, J. Kohl, Springer, Campbell, Jacobsen and H. Myers

Requesting Congress and the President to amend the Hatch Act to allow greater political participation by federal workers.

Referred to Committee on State Government.

HJR 4203 by Representatives Heavey, Brough, Riley, Van Luven and Appelwick

Amending the Constitution to limit elected officials' terms.

Referred to Committee on State Government.

HJR 4204 by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Rust, Sheldon, Jones, Chappell, Holm, Shin, R. Johnson, Johanson, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Brumsickle, Thomas, H. Myers, Rayburn and King; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction.

Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district levies and bonds.

Referred to Committee on Education.

MOTION

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

The Speaker (Representative R. Meyers presiding) declared the House at ease.
The Speaker (Representative R. Meyers presiding) called the House to order.

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

MOTION

On motion of Representative Sheldon, the House adjourned until 10:00 a.m., Monday, January 25, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

TWELFTH DAY, JANUARY 22, 1993

JOURNAL OF THE HOUSE

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

FIFTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 25, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Flemming presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elena Grassl and Andrew Griffin. Prayer was offered by Reverend Dan Mac donald, Minister of the Westside Alliance Church of Olympia.

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

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

INTRODUCTIONS AND FIRST READING

HB 1330 by Representatives Horn, Heavey, G. Cole and Johanson; by request of Liquor Control Board

AN ACT Relating to liquor licenses; amending RCW 66.24.010, 66.24.025, 66.24.380, 66.24.490, 66.28.010, 66.28.040, 66.28.070, 66.28.150, 66.28.155, and 66.44.310; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1331 by Representatives Flemming, Veloria, Dellwo, Thibaudeau, Leonard, Pruitt, Karahalios and L. Johnson

AN ACT Relating to dietitians and nutritionists; amending RCW 18.138.010, 18.138.020, 18.138.030, 18.138.040, 18.138.050, 18.138.060, 18.138.070, 18.138.080, 18.138.090, and 18.138.110; and adding a new section to chapter 18.138 RCW.

Referred to Committee on Health Care.

HB 1332 by Representatives Locke, Ballard, Edmondson, Casada, Franklin, King, Johanson, Mielke, Shin, Brough, R. Johnson, Appelwick, Morris, Lisk, Wang, Scott, Springer, Dyer, Jones, R. Meyers, Dorn, L. Johnson and Wineberry

AN ACT Relating to acupuncture; and amending RCW 4.24.240, 4.24.290, 7.70.020, 18.06.010, 18.06.020, 18.06.045, 18.06.080, 18.06.090, 18.06.110, 18.06.120, 18.06.130, 18.06.140, 18.06.170, 18.06.190, 18.06.200, 18.120.020, and 18.130.040.

Referred to Committee on Health Care.

HB 1333 by Representatives Flemming, Leonard, Veloria, Chappell, R. Fisher, Dunshee, Linville, Eide, Franklin, Ludwig, Roland, Rayburn, Pruitt, Finkbeiner, Holm, Basich, Lemmon, Johanson, Karahalios, Jones, H. Myers, Morris, L. Johnson, Ogden and J. Kohl

AN ACT Relating to youth gang violence reduction; adding a new chapter to Title 43 RCW; and a creating new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1334 by Representatives Karahalios, Sehlin, Zellinsky, Hansen and Morris

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

Referred to Committee on State Government.

HB 1335 by Representatives Karahalios, Sehlin, Dunshee, Jones and Valle

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

Referred to Committee on Revenue.

HB 1336 by Representatives Karahalios, Sehlin, Orr, Zellinsky, Dellwo, Hansen, Sheldon, Rayburn, Grant, Bray, Riley, Mastin, Linville, Basich, Campbell, Lemmon, Kremen, Flemming and Ogden

AN ACT Relating to property taxation of real or personal property owned by nonprofit organizations, associations, and corporations; and amending RCW 84.36.037 and 84.36.030.

Referred to Committee on Revenue.

HB 1337 by Representatives Locke, Silver, Roland, Long, Karahalios and Wineberry; by request of Department of Social and Health Services

AN ACT Relating to family planning services; and amending RCW 74.09.790 and 74.09.800.

Referred to Committee on Human Services.

HB 1338 by Representatives Thibaudeau, Appelwick, Ballasiotes, H. Myers, Flemming, Dyer, Eide, Cooke, Zellinsky, Johanson, Romero, Forner, Reams, Rust, Schmidt, Riley, Dunshee, Brough, Ogden, J. Kohl, Locke, Anderson, Ludwig, Edmondson, Horn, Heavey, Cothorn, R. Johnson, King, Veloria, Rayburn, Bray, Orr, Pruitt, Karahalios, Lemmon, Carlson, Kessler, Wolfe, R. Fisher, Hansen, Jacobsen, Morris, Quall, Franklin, L. Johnson, Leonard, Jones, Valle, G. Cole, Holm, Wang, Grant, Dorn, Sheldon, Sommers, Miller, Finkbeiner, Brown, Scott, Roland, Shin, R. Meyers, Springer, Basich, Campbell, Wood, Long, Wineberry and Dellwo

AN ACT Relating to prohibiting interference with access to health care, health care providers, and health care service delivery; amending RCW 10.31.100 and 10.97.070; adding a new chapter to Title 9A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1339 by Representatives Pruitt, R. Meyers, Brumsickle, Zellinsky and Schmidt

AN ACT Relating to court commissioners in municipal court; and adding a new section to chapter 3.50 RCW.

Referred to Committee on Judiciary.

HB 1340 by Representatives Rayburn, H. Myers, Springer, Edmondson, Lemmon and Hansen

AN ACT Relating to public facilities districts; and amending RCW 36.100.010.

Referred to Committee on Local Government.

HB 1341 by Representatives Romero, Wolfe, Shin, Chappell and Holm

AN ACT Relating to port district airports; amending RCW 14.07.010, 14.08.030, 14.08.070, and 14.08.190; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 1342 by Representative R. Meyers

AN ACT Relating to standard court forms; and amending RCW 26.18.220.

Referred to Committee on Judiciary.

HB 1343 by Representatives Morris, Ballasiotes, Brough, Leonard, Heavey, Scott, G. Cole, R. Fisher, Kremen, Long, Rust, Carlson, Veloria, Dellwo, Karahalios, Wang, Grant, Jones, Wolfe, Franklin, Forner, Jacobsen, Appelwick, Campbell, H. Myers, Kessler, Springer, Miller, Locke, Roland, Valle, Basich, Wood, Quall, King, Johanson, Hansen, L. Johnson, Ogden, J. Kohl, Wineberry and Anderson

AN ACT Relating to reducing the sentence of a person convicted of murder who alleges that the murder was in response to the victim's continuing pattern of physical or sexual abuse of the person or the person's children; amending RCW 9.95.011 and 9.95.040; adding new sections to chapter 9.95 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 72.02 RCW; and declaring an emergency.

Referred to Committee on Corrections.

HB 1344 by Representative Jones

AN ACT Relating to vehicle axles; and reenacting and amending RCW 46.44.041.

Referred to Committee on Transportation.

HB 1345 by Representatives Scott, R. Fisher, Edmondson, Zellinsky, R. Meyers, Ballasiotes, Grant, Orr, Ludwig, Heavey, Mastin, Wood and Wineberry

AN ACT Relating to designated indoor smoking areas in certain public buildings; and adding a new section to chapter 70.160 RCW.

Referred to Committee on Environmental Affairs.

HB 1346 by Representatives G. Cole, Heavey, King, Veloria, Holm, J. Kohl, Brough, Sommers, Zellinsky, R. Fisher, Wang, Ogden, Wolfe, Valle, Riley, H. Myers, Wood, Jones, Leonard, Karahalios and Wineberry

AN ACT Relating to repealing enforcement and right of action prohibitions for family leave; and repealing RCW 49.78.210.

Referred to Committee on Commerce & Labor.

HB 1347 by Representatives Forner, Rayburn, Dyer, Thomas, Wood, Morton and Silver

AN ACT Relating to camelids; amending RCW 15.65.020 and 15.66.010; adding a new section to chapter 16.36 RCW; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 1348 by Representatives Romero, Wolfe and Brumsickle

AN ACT Relating to eliminating the property tax exemption for public buildings under financing contracts; amending RCW 84.36.010; and creating a new section.

Referred to Committee on Revenue.

HB 1349 by Representatives Rust, Talcott, Leonard, Foreman, Linville, Fuhrman, Wang, Holm, Brown, Romero, Thibaudeau, Roland, Cothorn, Vance, Pruitt, Jacobsen, Ballasiotes, Edmondson, Campbell, Brough, Chandler, Wood, Horn, Miller, King, Kremen, Wolfe, Long, Sheahan, Forner, Cooke, R. Meyers, Morton, Flemming, Morris, Reams, Sehlin, Thomas, Casada and Basich

AN ACT Relating to taxation of property affected by growth management regulations; and amending RCW 84.40.030.

Referred to Committee on Revenue.

HB 1350 by Representatives King, Fuhrman, Basich, Wood, Orr, Tate, Johanson and Foreman

AN ACT Relating to commercial shrimp fishing licenses; amending RCW 75.30.050; adding new sections to chapter 75.30 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1351 by Representatives Veloria, Heavey, King and Lisk; by request of Department of Labor & Industries

AN ACT Relating to the definition of hospital in regard to self-insurers; and amending RCW 51.14.150.

Referred to Committee on Commerce & Labor.

HB 1352 by Representatives Veloria, G. Cole and Franklin; by request of Department of Labor & Industries

AN ACT Relating to fee schedules for industrial insurance medical aid; and amending RCW 51.04.030, 51.36.080, and 51.36.085.

Referred to Committee on Commerce & Labor.

HB 1353 by Representatives G. Cole, Franklin, Heavey and King; by request of Department of Labor & Industries

AN ACT Relating to asbestos disease benefits; amending RCW 51.12.102; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1354 by Representatives G. Cole, Franklin and King; by request of Department of Labor & Industries

AN ACT Relating to industrial insurance death benefits; amending RCW 51.32.050; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1355 by Representatives R. Fisher, Brough, R. Meyers, Edmondson, H. Myers and Van Luven

AN ACT Relating to increasing the nonvoter-approved debt limitation for metropolitan park districts; and amending RCW 35.61.100.

Referred to Committee on Local Government.

HB 1356 by Representatives Rust, Horn, Roland and Valle; by request of Department of Health

AN ACT Relating to enforcement of public water system requirements; amending RCW 70.119A.030, 70.119A.040, and 70.119A.050; adding a new section to chapter 70.119A RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1357 by Representatives Rust, Horn, Roland and Valle; by request of Department of Health

AN ACT Relating to public water supply system operators; amending RCW 70.119.150; and adding a new section to chapter 70.119 RCW.

Referred to Committee on Environmental Affairs.

HB 1358 by Representatives Appelwick, Ludwig, Johanson, Campbell, H. Myers, R. Meyers, Wineberry and Dellwo

AN ACT Relating to the civil liability of joint tortfeasors; and amending RCW 4.22.070.

Referred to Committee on Judiciary.

HB 1359 by Representatives Appelwick, Campbell, Riley, R. Meyers, Johanson, Chappell, Ludwig, H. Myers, Kessler, Eide, Locke, Roland, Pruitt, Jacobsen, Mastin, Long, Karahalios, Jones, L. Johnson, J. Kohl, Wineberry, Basich, Dellwo and G. Cole

AN ACT Relating to full disclosure of civil court proceedings relating to public hazards; adding new sections to chapter 4.24 RCW; adding a new section to chapter 4.16 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1360 by Representatives Bray, H. Myers, Springer, Rayburn, Ludwig and Franklin

AN ACT Relating to local improvement districts; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.73 RCW; adding a new section to chapter 36.83 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 39.46 RCW; adding a new section to chapter 52.20 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; adding a new section to chapter 87.03 RCW; adding a new chapter to Title 39 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1361 by Representatives H. Myers, Ballasiotes, Forner, Riley, Ludwig, Padden, Chappell, Johanson, Appelwick, Long, Tate, Vance, Roland, Pruitt, Jones, Edmondson, Campbell, Lemmon, Brough, Chandler, Wood, Horn, Quall, Miller, Sheahan, Karahalios, Silver, Flemming, Morris, Talcott, Reams, L. Johnson, Ogden, Casada and Wineberry

AN ACT Relating to statute of limitations for sexual offenses; amending RCW 9A.04.080; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1362 by Representatives H. Myers and Bray

AN ACT Relating to lien foreclosure; amending RCW 84.64.050, 84.64.070, 84.64.080, 84.64.120, 84.64.180, 84.64.360, 84.64.380, 84.64.390, 84.64.420, 84.64.460, 35.50.010, 35.50.030, 35.50.220, 35.50.230, 87.03.265, 87.03.270, 87.03.271, 87.03.272, 87.03.445, 87.06.020, 87.06.080, 87.06.090, 87.06.100, 87.80.180, 56.20.120, and 57.16.150; adding new sections to chapter 84.64 RCW; creating new

sections; and repealing RCW 84.64.040, 84.64.060, 84.64.200, 35.50.225, 35.50.240, 35.50.250, 35.50.260, 87.06.010, 87.06.030, 87.06.040, 87.06.050, 87.06.060, 87.06.070, 87.06.110, and 87.06.120.

Referred to Committee on Local Government.

HB 1363 by Representatives Peery, H. Myers, Springer, Dunshee, Romero, Zellinsky and Wineberry

N ACT Relating to building permit verification; amending RCW 36.21.080 and 19.27.140; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

HB 1364 by Representatives Jacobsen, Brumsickle, Wood, Dunshee, Ludwig, Basich, L. Johnson, Fuhrman, Johanson, Rayburn, Grant, Quall, Morton, Morris, Bray, Finkbeiner, Kessler, Flemming, J. Kohl, Shin, Ogden, Sheahan, King and Wineberry

AN ACT Relating to student organizations' access to higher education institutions' registration and student account systems; and adding new sections to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1365 by Representatives Appelwick, King, Edmondson, Johanson, Orr, R. Meyers, Schmidt, Heavey, Springer, Basich, Ballasiotes, Brough, Wood, Miller, Wang and Long

AN ACT Relating to employee privacy; and adding new sections to chapter 49.44 RCW.

Referred to Committee on Commerce & Labor.

HB 1366 by Representatives Jones, Reams, Dorn, Kessler, Karahalios, Kremen, Miller, R. Fisher, Pruitt, H. Myers, Eide, Roland, Springer, Campbell, Johanson and Basich

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

Referred to Committee on Judiciary.

HB 1367 by Representatives Jones, Reams and Kessler

AN ACT Relating to mandatory election recounts; and amending RCW 29.64.015.

Referred to Committee on State Government.

HB 1368 by Representatives Padden, Appelwick, Johanson, Basich, Jacobsen, Ludwig, Fuhrman, Morris, Morton, Grant, Campbell, Long and Silver

AN ACT Relating to traffic infractions; amending RCW 46.63.060, 46.63.070, and 46.63.100; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Judiciary.

HB 1369 by Representatives Jacobsen, Brumsickle, Quall, Pruitt, Wood, Basich, G. Cole, Carlson, Orr, Bray, Rayburn, Finkbeiner, Flemming, Kessler, J. Kohl, Shin, Campbell, Lemmon, Johanson, Jones and L. Johnson

AN ACT Relating to vocational education; amending RCW 28C.10.020, 28C.10.070, 28C.10.084, and 28C.10.120; adding a new section to chapter 28C.10 RCW; and repealing RCW 28C.10.910.

Referred to Committee on Higher Education.

HB 1370 by Representatives Ludwig, Heavey, Orr, Bray, Veloria, King and G. Cole

AN ACT Relating to public works subletting and subcontracting; amending RCW 18.27.200; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1371 by Representatives Fuhrman, H. Myers, Morton, Grant, Sehlin, Ludwig, Edmondson, G. Cole, Ballard, Thomas, Vance, Wood, Ballasiotes, Brough, Chandler, Horn, Miller, Franklin, Long, Sheahan, Forner, Cooke, Talcott, Reams and Casada

AN ACT Relating to the privacy of information collected for emergency communications networks; adding a new section to chapter 38.52 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Local Government.

HB 1372 by Representatives Pruitt, R. Fisher, Mielke, Sheldon, Dorn, Long, Veloria, Roland, Romero, Shin, R. Meyers, Finkbeiner, Jones, Dunshee, Jacobsen, Riley, Holm, Mastin, Kessler, Linville, Springer, Wolfe, Franklin, Kremen, Johanson, Karahalios, Flemming, Tate, L. Johnson, J. Kohl, Dellwo, G. Cole and Anderson; by request of State Auditor

AN ACT Relating to accountability in state government; amending RCW 43.88.090, 43.09.050, 43.88.160, and 44.28.085; adding a new section to chapter 43.06 RCW; adding a new section to chapter 43.88 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HJM 4003 by Representatives Mastin, Rayburn, Lisk, Sheahan, Grant, Bray, Ludwig, Chandler, Schoesler, Ballard, Foreman, Roland, Edmondson, Lemmon and Hansen

Concerning the preservation of salmon.

Referred to Committee on Agriculture & Rural Development.

HCR 4404 by Representatives R. Meyers, Sommers, Tate, Jacobsen, Basich, Wood, Leonard, Long, J. Kohl and Wineberry

Honoring former legislators who have recently passed away.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5000,
SENATE CONCURRENT RESOLUTION NO. 8401,

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

MOTIONS

On motion of Representative Peery, House Bill No. 1070 was referred from Committee on Judiciary to Committee on Corrections.

On motion of Representative Peery, House Bill No. 1123 was referred from Committee on Judiciary to Committee on Financial Institutions & Insurance.

On motion of Representative Peery, House Bill No. 1295 was referred from Committee on Appropriations to Committee on Commerce & Labor.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Wednesday, January 27, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTEENTH DAY, JANUARY 25, 1993

JOURNAL OF THE HOUSE

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

SEVENTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 27, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Zellinsky presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ben Jackson and Jaime Meyer. Prayer was offered by Reverend Dan Mac Donald, Minister of Westside Alliance Church of Olympia.

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

MESSAGE

January 26, 1993

Honorable Mike Lowry
Legislative Building
Olympia, WA 98504

Dear Governor Lowry:

I submit this letter of resignation from my House Seat to accept the appointment to the Senate representing the 29th Legislative District. My two years in the House of Representatives has been that of growth and understanding of what it takes to develop good public policy. I cannot overstate the help that I have received and the warmth from leadership, my colleagues, staff and all who are a part of this process.

I leave the House with the knowledge that I am across the rotunda on what was learned in the past two years. I will remain committed to working together to help solve problems facing our state and pursuing the development of good public policy.

Sincerely,
Rosa Franklin
Washington State Representative
29th Legislative District

MESSAGE FROM PIERCE COUNTY COUNCIL

Resolution No. R93-9. A resolution of the Pierce County Council appointing Steve Conway to the Washington State House of Representatives. Representing the 29th district.

WHEREAS, a vacancy for the position of Washington state House of Representatives, 29th district, occurred with the appointment of Rosa Franklin to the Washington State Senate; and

WHEREAS, as prescribed by law, the Pierce County Democratic Central Committee has submitted to the Pierce County Council a list of three names of nominees for appointment to the Washington State House of Representatives representing the 29th District; and

WHEREAS, the council has met and interviewed the three nominees; NOW, THEREFORE,

BE IT RESOLVED by the Council of Pierce County:

Section 1. Steve Conway is one of the three individuals on the list submitted by the Pierce County Democratic Central Committee, and is highly qualified to fill the vacancy in the Washington State House of Representatives representing the 29th District.

Section 2. Steve Conway is hereby appointed to the position of the Washington State House of Representatives representing the 29th District.

PASSED this 26th day of January, 1993.

Representative-elect Steve Conway was escorted to the rostrum and administered the oath of office by Supreme Court Justice Charles Johnson.

Representative Conway was escorted to his seat on the floor.

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

INTRODUCTIONS AND FIRST READING

HB 1373 by Representative Appelwick

AN ACT Relating to controlled substances; amending RCW 69.50.201, 69.50.203, 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211, 69.50.212, 69.50.213, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.306, 69.50.307, 69.50.308, 69.50.403, 18.64.011, 18.130.040, 18.130.175, 18.64.160, and 18.64A.050; reenacting and amending RCW 69.50.101 and 69.41.010; adding new sections to chapter 69.50 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.64A RCW; creating new sections; repealing RCW 18.64.260; and prescribing penalties.

Referred to Committee on Health Care.

HB 1374 by Representatives Brough and Peery

AN ACT Relating to the admission to practice examination for teacher candidates; and amending RCW 28A.410.030.

Referred to Committee on Education.

HB 1375 by Representatives Brough, Appelwick, Padden, Heavey, Ballard, Ludwig, Vance, Forner, Wineberry, Jones, Roland, Horn, Casada, Sheahan, Long, Foreman, Rayburn, Brumsickle, Van Luven, Springer, Wood, Johanson, Miller, Schoesler, Reams and Silver

AN ACT Relating to liability for furnishing liquor to minors; amending RCW 5.40.050 and 66.44.270; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1376 by Representatives Brough, Shin, Forner, Franklin, Casada, Ballard, Vance, Leonard, Chappell, Wineberry, Carlson, Roland, Long, Campbell, Cothorn, G. Cole, Flemming, H. Myers and Jacobsen

AN ACT Relating to political and tenant meetings in mobile home parks; and amending RCW 59.20.070.

Referred to Committee on Trade, Economic Development & Housing.

HB 1377 by Representatives Basich, Jones, Kessler, Campbell, Sheldon, Morris, Riley, Dunshee, Rayburn, Locke, Quall, Kremen, Zellinsky, H. Myers, King, Wineberry, Roland, Linville, Pruitt, Holm, Springer, Johanson, Finkbeiner and Jacobsen

AN ACT Relating to timber programs under chapters 314 and 315, Laws of 1991; amending RCW 43.31.611, 43.31.621, 43.31.631, 43.160.200, and 50.22.090; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); amending 1991 c 315 s 2 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1378 by Representatives R. Fisher, Schmidt, Jones, Brumsickle, Horn, Quall, Brown and Orr; by request of Department of Licensing

AN ACT Relating to fuel taxes; and amending RCW 82.36.010, 82.36.030, 82.36.110, 82.36.230, 82.37.020, 82.38.090, and 46.10.170.

Referred to Committee on Transportation.

HB 1379 by Representatives R. Fisher, Schmidt, Jones, Brumsickle, Horn, Quall, Brown, Brough, Orr and Wood; by request of Department of Licensing

AN ACT Relating to motor vehicles; amending RCW 46.12.050, 46.68.010, 82.44.120, 46.70.021, 46.70.023, 46.70.041, 46.70.051, 46.70.083, 46.70.140, 46.70.290, 46.70.300, 46.87.020, 46.87.030, 46.87.080, 46.87.310, and 46.87.340; adding a new section to chapter 46.87 RCW; adding new sections to chapter 46.70 RCW; recodifying RCW 46.12.120 and 46.12.140; repealing RCW 46.70.150 and 46.87.160; and prescribing penalties.

Referred to Committee on Transportation.

HB 1380 by Representatives Morton, Ballasiotes, Tate, Vance, Fuhrman, Silver, Schoesler, Sheahan, Thomas, Stevens, Reams, Dyer, Horn, Sehlín, Padden, Casada, Foreman, Brumsickle, Brough, Roland, Springer and Lisk

AN ACT Relating to appropriations based on revenue received; adding a new section to chapter 43.88 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1381 by Representatives Rayburn, Tate, Grant, Riley, Lisk, Vance, Ballasiotes, Fuhrman, Basich, Jones, Roland, Mielke, Brough, Casada, Sheahan, Campbell, Chandler, Foreman, Brumsickle, Ballard, Van Luven, Talcott, Springer, Wood, Kremen, Padden, Former, Morris, Cooke, Schoesler, Reams, Morton and Silver

AN ACT Relating to property owners' damages for governmental actions; amending RCW 64.40.010 and 64.40.020; and repealing RCW 64.40.030.

Referred to Committee on Judiciary.

HB 1382 by Representatives King, Lisk and Scott

AN ACT Relating to real estate broker licenses for auctioneers of real estate; and amending RCW 18.85.010.

Referred to Committee on Commerce & Labor.

HB 1383 by Representatives Valle, Reams, Sheldon, Morton, Heavey, Van Luven, Jones, Vance, Roland, Brough, Long and L. Johnson

AN ACT Relating to personal service contracts; amending RCW 39.29.003 and 39.29.018; adding new sections to chapter 39.29 RCW; and adding a new section to chapter 39.80 RCW.

Referred to Committee on State Government.

HB 1384 by Representatives Chandler, Hansen, Karahalios, Dorn, Brough and Foreman

AN ACT Relating to school district employment contracts; and amending RCW 42.23.030.

Referred to Committee on Local Government.

HB 1385 by Representatives Chandler, Lisk, Hansen, Van Luven, Mielke, Foreman, Sheldon, Valle, Vance, Ballasiotes, Roland, Shin, Brough, Casada, Sheahan, Campbell, Rayburn, King, Brumsickle,

Ballard, Holm, Talcott, Wood, Flemming, Kremen, Miller, Tate, Cooke, Schoesler, Reams, Morton and Silver

AN ACT Relating to penalties for driving under the influence of liquor or drugs; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1386 by Representatives Chandler, Hansen, Van Luven, Mielke, Valle, Ludwig, Padden, Foreman, Shin, Brough, Campbell, Edmondson, Springer, Flemming and Tate

AN ACT Relating to tobacco products; adding new sections to chapter 26.28 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1387 by Representatives Riley, Ogden, Roland, Brown, Campbell, Dunshee, Cothorn, G. Cole, Flemming, Kremen, Locke, Sheldon, Orr, J. Kohl, Lisk and Jacobson

AN ACT Relating to driving while under the influence of intoxicating liquor or drugs; amending RCW 46.12.270; adding new sections to chapter 46.61 RCW; adding new sections to chapter 46.12 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1388 by Representatives Riley, Mielke, Pruitt, Horn, Edmondson, Talcott, Flemming, Padden, Vance, Lisk and Jacobson

AN ACT Relating to prohibiting mandatory child support for postsecondary education of adult children; and amending RCW 26.09.225, 26.18.210, 26.19.035, 26.19.075, and 26.19.090.

Referred to Committee on Judiciary.

HB 1389 by Representative Riley

AN ACT Relating to work crews for offenders; and reenacting and amending RCW 9.94A.030.

Referred to Committee on Corrections.

HB 1390 by Representative Riley

AN ACT Relating to major industrial development; adding a new section to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1391 by Representatives Tate, Riley, Ballasiotes, Chappell, Dyer, Edmondson, Vance, Lemmon, Fuhrman, Sehlin, Long, Sheahan, Padden, Ludwig, Bray, Roland, Mielke, Horn, Brough, Casada, Chandler, Foreman, Brumsickle, Ballard, Van Luven, Talcott, Wood, Thomas, Forner, Cooke, Schoesler, Reams, Morton, Silver and Lisk

AN ACT Relating to the department of corrections; adding new sections to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Corrections.

HB 1392 by Representatives Quall, Schmidt, R. Fisher, Talcott, Pruitt, Brumsickle, H. Myers, Johanson, Wolfe, Shin, Dunshee, Carlson, Veloria, Bray, Flemming, R. Johnson, Thibaudeau, Grant, Romero, Hansen, Ogden, Basich, Jacobsen, Long, Springer, Horn, Van Luven, Foreman, Vance and Forner

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

Referred to Committee on Transportation.

HB 1393 by Representatives G. Cole, Heavey, King, Franklin, Jones, Dunshee, Romero, Quall, Thibaudeau, Veloria, Appelwick, R. Johnson, Wolfe, Wood, Rust, Pruitt, Leonard, Basich, Wineberry, Ogden, R. Meyers, Wang, Scott, Cothorn, Kessler, Flemming, Johanson, Conway, J. Kohl and Anderson

AN ACT Relating to periodic adjustments of the state minimum wage; amending RCW 49.46.020; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1394 by Representatives R. Fisher, R. Meyers, Pruitt, Campbell and Jacobsen

AN ACT Relating to enforcement of high-occupancy vehicle lane violations; amending RCW 46.61.165, 46.52.130, and 46.65.020; adding a new section to chapter 46.90 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1395 by Representatives Scott, Long, G. Cole, Riley, Johanson, Leonard, Ogden, King and Locke

AN ACT Relating to marriage license fees for funding family services; and amending RCW 26.04.160.

Referred to Committee on Human Services.

HB 1396 by Representatives Anderson, Zellinsky, Mielke, Reams, Wineberry and Dellwo

AN ACT Relating to the creation of the department of financial institutions; amending RCW 43.17.010, 43.17.020, 43.19.010, 43.19.020, 43.19.030, 43.19.050, 43.19.080, 43.19.090, 43.19.095, and 43.19.112; adding a new chapter to Title 43 RCW; repealing RCW 43.19.040, 43.19.100, and 43.19.110; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1397 by Representative G. Cole

AN ACT Relating to the registration of travel agents; and adding a new chapter to Title 18 RCW.

Referred to Committee on Commerce & Labor.

HB 1398 by Representatives Ogden, Jacobsen, Hansen, Springer, Chandler, Edmondson, Grant, Ludwig, Rayburn, Basich, Wineberry, Shin, Brough, Finkbeiner and J. Kohl

AN ACT Relating to literacy in mathematics, science, and technology; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

HB 1399 by Representatives Orr, Grant, Long, Schoesler, Ludwig and Casada

AN ACT Relating to liquefied petroleum gas containers; adding a new section to chapter 78.52 RCW; and prescribing penalties.

Referred to Committee on Energy & Utilities.

HB 1400 by Representatives Heavey and Franklin; by request of Department of Licensing

AN ACT Relating to real estate appraisers; amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.040, 18.140.060, 18.140.070, 18.140.080, 18.140.090, 18.140.100, 18.140.110, 18.140.120, 18.140.130, 18.140.140, 18.140.150, 18.140.160, 18.140.170, 18.140.180, 18.140.190, and 18.140.900; adding new sections to chapter 18.140 RCW; creating a new section; and repealing RCW 18.140.911.

Referred to Committee on Commerce & Labor.

HB 1401 by Representatives Dunshee, Horn, R. Fisher and H. Myers

AN ACT Relating to the sale of tax foreclosed property; and amending RCW 84.64.270 and 84.64.320.

Referred to Committee on Local Government.

HB 1402 by Representatives Springer and Heavey; by request of Department of Licensing

AN ACT Relating to cemetery fees, funeral directors and embalmers account created; amending RCW 68.05.100, 68.05.205, and 18.39.290; and adding a new section to chapter 18.39 RCW.

Referred to Committee on Commerce & Labor.

HB 1403 by Representatives Silver, Sommers, Chandler, Fuhrman, Locke and Ogden; by request of Legislative Budget Committee

AN ACT Relating to the economic development finance authority; amending RCW 42.17.2401; reenacting and amending RCW 42.17.310; and repealing RCW 43.163.005, 43.163.010, 43.163.020, 43.163.030, 43.163.040, 43.163.050, 43.163.060, 43.163.070, 43.163.080, 43.163.090, 43.163.100, 43.163.110, 43.163.120, 43.163.130, 43.163.140, 43.163.150, 43.163.160, 43.163.170, 43.163.180, 43.163.190, 43.163.200, 43.163.900, and 43.163.901.

Referred to Committee on Trade, Economic Development & Housing.

HB 1404 by Representatives Ogden, Silver, Chandler, Sommers, Fuhrman, Locke, Valle, Ballasiotes, Jones, Roland, Brough, Long, Foreman, Ballard, Wood, Miller, Forner, Tate, Schoesler, Reams Morton and J. Kohl; by request of Legislative Budget Committee

AN ACT Relating to personal service contracts; amending RCW 39.29.003 and 39.29.006; and adding new sections to chapter 39.29 RCW.

Referred to Committee on State Government.

HB 1405 by Representatives Chandler, Ogden, Silver, Fuhrman, Sommers, Locke, Jones and Hansen; by request of Legislative Budget Committee

AN ACT Relating to hospice agencies; and amending RCW 70.127.050.

Referred to Committee on Health Care.

HB 1406 by Representatives Silver, Sommers, Chandler, Fuhrman, Locke and Ogden; by request of Legislative Budget Committee

AN ACT Relating to changing the name of the legislative budget committee to the joint committee on performance audits; and amending RCW 19.02.885, 26.23.0401, 28A.630.830, 28B.15.766, 28B.20.382, 28B.102.900, 39.29.016, 39.29.018, 41.06.070, 42.48.060, 43.09.310, 43.79.270, 43.79.280, 43.88.020, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.136.030, 43.136.040, 43.136.050, 43.163.900, 43.250.080, 44.28.010, 44.28.050,

44.28.060, 44.28.085, 44.28.086, 44.28.087, 44.28.140, 44.40.025, 44.70.010, 49.78.210, 67.70.310, 70.95E.070, 70.127.901, 74.09.415, 74.21.070, 74.21.140, 79.01.006, 88.46.920, and 90.48.465.

Referred to Committee on State Government.

HB 1407 by Representatives Sommers, Silver, Chandler, Fuhrman, Locke, Ogden and Brough; by request of Legislative Budget Committee

AN ACT Relating to duties of the legislative auditor and the attorney general; and amending RCW 43.88.310.

Referred to Committee on State Government.

HB 1408 by Representatives Sommers, Leonard, Cooke, Thibaudeau, Brough, Riley, Wolfe, Thomas, Karahalios, Ballasiotes, Forner, Long, Schmidt, Flemming, Silver, Eide, Wood, Shin, Linville, R. Meyers, J. Kohl, Ogden, Valle, Ludwig, Bray, Basich, Wineberry, Jones, Roland, Mielke, Wang, Heavey, Pruitt, Brown, Dellwo, Scott, Rayburn, King, Cothorn, Kessler, G. Cole, Rust, Springer, Kremen, Johanson, L. Johnson, Locke, Sheldon, Morris, H. Myers, Jacobsen and Anderson

AN ACT Relating to teen pregnancy prevention; adding a new chapter to Title 70 RCW; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Human Services.

HB 1409 by Representatives Flemming, Mielke, Leonard, Dyer, R. Johnson, Thibaudeau, Cooke, King, H. Myers, Ballasiotes, Wineberry, Jones, Roland, Romero, Campbell, Rayburn, Orr and J. Kohl

AN ACT Relating to health treatment for individuals with developmental disabilities; amending RCW 18.88A.020; and adding new sections to chapter 71A.10 RCW.

Referred to Committee on Health Care.

HB 1410 by Representatives Morton and Appelwick

AN ACT Relating to descent and distribution; and amending RCW 11.04.015.

Referred to Committee on Judiciary.

HB 1411 by Representatives Pruitt, Morton, R. Johnson, Brown and Brough

AN ACT Relating to metropolitan park districts; and amending RCW 84.34.210 and 84.34.220.

Referred to Committee on Natural Resources & Parks.

HB 1412 by Representatives R. Meyers, Padden, Dellwo and Scott

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; adding a new section to chapter 4.56 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1413 by Representatives Zellinsky and R. Meyers

AN ACT Relating to liquor liability insurance; adding a new section to chapter 66.28 RCW; adding a new section to chapter 48.30 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1414 by Representatives R. Fisher and Wang

AN ACT Relating to the additional local sales and use tax for criminal justice purposes; amending RCW 81.104.170; and reenacting and amending RCW 82.14.340.

Referred to Committee on Local Government.

HB 1415 by Representative G. Cole

AN ACT Relating to over-the-counter medication; amending RCW 69.60.030, 69.60.070, and 69.60.090; and declaring an emergency.

Referred to Committee on Health Care.

HB 1416 by Representatives Pruitt, Morton, R. Johnson, Jones, Roland, Linville and Kremen

AN ACT Relating to tax status of privately owned property included on the natural heritage information system; amending RCW 84.34.055 and 84.34.060; and creating a new section.

Referred to Committee on Natural Resources & Parks.

HB 1417 by Representatives Dellwo, Padden, H. Myers, Foreman, Riley, Orr, Fuhrman and Sheahan

AN ACT Relating to district court civil filing fee surcharges; and amending RCW 7.75.035.

Referred to Committee on Judiciary.

HB 1418 by Representatives Ogden, H. Myers, Casada, Morris, Carlson and Jones; by request of Washington State School for the Blind and Washington State School for the Deaf

AN ACT Relating to state schools for the blind, deaf, and sensory impaired; amending RCW 72.40.022, 72.40.024, 72.40.040, 72.40.080, 72.40.090, 72.40.110, 72.41.020, 72.41.070, 72.42.020, and 72.42.070; and repealing RCW 72.41.080 and 72.42.080.

Referred to Committee on Education.

HB 1419 by Representatives G. Fisher, Horn and Rust; by request of Department of Ecology

AN ACT Relating to investment earnings of the water pollution control revolving fund; and amending RCW 90.50A.020 and 43.84.092.

Referred to Committee on Environmental Affairs.

HB 1420 by Representatives Roland, Dorn, Riley, Brough, Hansen, Vance, Eide, Dunshee, Cooke, Forner, Karahalios, Ludwig, Jones, Rayburn and J. Kohl

AN ACT Relating to a model curriculum for conflict resolution and creative problem solving; adding a new section to chapter 28A.300 RCW; and making an appropriation.

Referred to Committee on Education.

HB 1421 by Representatives J. Kohl, Horn, Rust and Bray

AN ACT Relating to residential underground heating oil tanks; adding new sections to chapter 19.27 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 80.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1422 by Representatives King, Padden, Appelwick, Brough, Casada and Sheldon

AN ACT Relating to erotic material; and amending RCW 9.68.060.

Referred to Committee on Judiciary.

HB 1423 by Representatives Veloria and Lisk; by request of Department of Labor & Industries

AN ACT Relating to health care provider industrial insurance coverage in violation of medical aid rules; and amending RCW 51.36.110.

Referred to Committee on Commerce & Labor.

HB 1424 by Representatives Heavey, G. Cole and Franklin; by request of Department of Labor & Industries

AN ACT Relating to industrial insurance assessments; and amending RCW 51.16.200, 51.48.120, and 51.48.150.

Referred to Committee on Commerce & Labor.

HB 1425 by Representatives Morris, Brumsickle, Sheldon, Springer, Ogden, Riley and Rayburn

AN ACT Relating to health and safety standards for residential construction; amending RCW 49.17.050; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

HB 1426 by Representatives Morris, King, Orr, Basich, Karahalios, Brumsickle, Morton, Ogden, Bray, Shin, Pruitt, Brown, G. Cole, Rust, Springer, Kremen, J. Kohl and Jacobsen

AN ACT Relating to preservation of wildlife lands; adding a new chapter to Title 77 RCW; and making an appropriation.

Referred to Committee on Fisheries & Wildlife.

HB 1427 by Representatives Sehlin, Karahalios and Edmondson

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

Referred to Committee on Local Government.

HB 1428 by Representatives Grant, Casada, Finkbeiner, Long, King and Jacobsen

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.36.450; repealing 1990 c 170 s 8 (uncodified) and 1987 c 229 s 12 (uncodified); and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1429 by Representatives Rayburn, Chandler, Orr and Lisk

AN ACT Relating to exempting domestic wineries from chapter 20.01 RCW; and reenacting and amending RCW 20.01.030.

Referred to Committee on Agriculture & Rural Development.

HB 1430 by Representatives R. Fisher, R. Meyers and Horn; by request of Office of Financial Management

AN ACT Relating to transportation appropriations; adding a new section to Title 47 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

HB 1431 by Representatives R. Fisher, R. Meyers and Horn; by request of Office of Financial Management

AN ACT Relating to transportation appropriations; amending 1992 c 166 s 8 (uncodified); amending 1992 c 166 s 9 (uncodified); amending 1992 c 166 s 20 (uncodified); amending 1992 c 166 s 21 (uncodified); amending 1992 c 166 s 22 (uncodified); and amending 1991 sp.s. c 15 s 37 (uncodified).

Referred to Committee on Transportation.

HB 1432 by Representatives Wang, Ogden, R. Meyers and Dellwo; by request of Office of Financial Management

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for the capital improvements; creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1433 by Representatives Jacobsen, Sommers and Heavey; by request of Office of Financial Management

AN ACT Relating to the establishment of Cascade State University; amending RCW 28B.10.016, 28B.10.020, 28B.10.140, 28B.15.005, 28B.15.910, 28B.35.010, 28B.35.050, 28B.35.200, 28B.35.205, 28B.35.370, 28B.35.710, 28B.35.751, 28B.45.020, 28B.80.310, 34.05.010, 42.17.2401, and 43.84.092; reenacting and amending RCW 28B.16.020; adding new sections to chapter 28B.35 RCW; creating new sections; and providing an effective date.

Referred to Committee on Higher Education.

HB 1434 by Representative Jacobsen; by request of Office of Financial Management

AN ACT Relating to higher education tuition; amending RCW 28B.15.031, 28B.15.100, 28B.15.202, 28B.15.225, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.515, 28B.15.520, 28B.15.522, 28B.15.527, 28B.15.543, 28B.15.545, 28B.15.556, 28B.15.615, 28B.15.620, 28B.15.628, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.50.259, 28B.70.050, 28B.80.580, and 82.33.020; and repealing RCW 28B.15.824 and 28B.15.910.

Referred to Committee on Higher Education.

HB 1435 by Representatives Wang and Ogden; by request of Office of Financial Management

AN ACT Relating to the capital budget; adding a new section to chapter 233, Laws of 1992 (uncodified); and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1436 by Representatives Wang and Ogden; by request of Office of Financial Management

AN ACT Relating to general obligation bonds; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1437 by Representatives R. Meyers, Dorn, Pruitt and Campbell

AN ACT Relating to audits of services for veterans; amending RCW 43.88.160; adding a new section to chapter 43.60A RCW; adding a new section to chapter 72.36 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1438 by Representatives Springer, Chandler, Kremen, Horn, Brumsickle, R. Johnson and Chappell

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

Referred to Committee on Judiciary.

HB 1439 by Representatives Leonard, Riley, Karahalios, Brown, Flemming, Wolfe, Veloria, Thomas, Pruitt and King

AN ACT Relating to management of cases administered through community action agencies; and making an appropriation.

Referred to Committee on Human Services.

HB 1440 by Representatives Dellwo, Mielke, Orr, G. Fisher, Brown and Silver

AN ACT Relating to retail sales and use taxes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1441 by Representatives R. Johnson, Rust, Quall, Linville, Dunshee, Basich, Finkbeiner, Karahalios, J. Kohl, R. Meyers, Roland, Romero and Johanson

AN ACT Relating to flood damage reduction; amending RCW 86.12.200, 86.16.025, 86.16.041, 86.16.045, 86.26.105, 75.20.100, 75.20.103, 90.58.030, 86.26.050, 86.26.007, 86.15.030, 86.15.050, 86.15.160, 58.19.055, and 86.16.031; adding new sections to chapter 86.16 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 75.20 RCW; adding new sections to chapter 64.04 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1442 by Representatives R. Johnson, Roland and J. Kohl

AN ACT Relating to integrated and coordinated water resource management; and creating a new section.

Referred to Committee on Natural Resources & Parks.

HB 1443 by Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller

AN ACT Relating to the jurisdiction of the Washington state human rights commission with respect to the elimination and prevention of discrimination in employment, housing, public accommodations, credit, insurance, and commercial transactions; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.222, 49.60.223, 49.60.224, 49.60.225 and 48.30.300; reenacting and amending RCW 49.60.040 and 49.60.215; and adding a new section to chapter 49.60 RCW.

Referred to Committee on State Government.

HB 1444 by Representatives Schmidt, Sheldon, Anderson, R. Fisher, Ballasiotes, Horn, Brough, Sheahan, Long, Campbell, Brumsickle, Ballard, Wood, Miller and Forner

AN ACT Relating to identification requirements for driver's licenses and identicards; amending RCW 46.20.116 and 46.20.117; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1445 by Representatives J. Kohl, Brough, Wineberry, Romero, Veloria, Ogden, G. Cole, Thibaudeau, Anderson, Sheldon, Leonard, Shin, Wang and Heavey

AN ACT Relating to expanding the state law against discrimination; amending RCW 49.60.010; reenacting and amending RCW 49.60.040; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 1446 by Representatives Wang, Riley, Orr, Locke, Anderson, Miller, Mielke, Schmidt, Flemming, Wineberry, Jacobsen, Shin, Veloria and King

AN ACT Relating to citizenship requirements; and amending RCW 41.08.070, 41.12.070, and 41.14.100.

Referred to Committee on State Government.

HB 1447 by Representatives Appelwick and Padden

AN ACT Relating to foreign judgments; and amending RCW 6.36.025, 6.36.035, and 6.36.045.

Referred to Committee on Judiciary.

HB 1448 by Representatives Zellinsky, Scott, Schmidt and Sheldon

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

Referred to Committee on Commerce & Labor.

HB 1449 by Representatives Edmondson and Rayburn

AN ACT Relating to the additional special excise tax on lodging imposed in a county of less than one million population where the county is not required to provide a credit for city taxes under the original local special excise tax on lodging; and amending RCW 67.28.240.

Referred to Committee on Local Government.

HB 1450 by Representative Pruitt; by request of Office of Financial Management

AN ACT Relating to natural resources conservation areas; and repealing 1991 c 352 s 10 (uncodified).

Referred to Committee on Natural Resources & Parks.

HB 1451 by Representative Pruitt; by request of Office of Financial Management

AN ACT Relating to forest fire protection assessments; amending RCW 76.04.610; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 1452 by Representatives Riley, Heavey, Brown, Flemming, Karahalios, Cooke, Wineberry, Valle, Romero, Leonard, G. Cole, Mielke, Anderson and Ballard

ACT Relating to adoption; and amending RCW 26.33.020, 26.33.340, 26.33.345, 26.33.380, and 26.33.390.

Referred to Committee on Human Services.

HJM 4004 by Representatives Sehlin, Tate, Zellinsky, Padden, Brumsickle, Schmidt, Johanson, Franklin, Fuhrman, Stevens, Schoesler, Van Luven, Campbell, Casada, Foreman, Mielke, Edmondson, Morton, Dyer, Forner, Horn, Reams, Sheahan, Chandler, Basich, Jones, Hansen and Sheldon

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

Referred to Committee on State Government.

HJM 4005 by Representatives Basich, Linville, Kessler, Riley, Romero, Orr, Brumsickle, Chappell, Leonard, Quall, Jacobsen, Ballard, Dunshee, Miller, Heavey, Sheldon, Anderson, Eide, Bray, Lemmon, G. Cole, Kremen, Vance, Wineberry, Pruitt, Sheahan, Campbell, King, Cothorn, Flemming, Johanson, Padden, Schoesler, J. Kohl and Lisk

Asking the White House to condemn rape and ethnic cleansing in Bosnia and create a war crimes tribunal.

Referred to Committee on State Government.

HCR 4404 by Representatives R. Meyers, Sommers, Tate, Jacobsen, Basich, Wood, Leonard, Long, J. Kohl, Wineberry, Hansen, Roland, Horn, Sheahan, Chandler, Cothorn, Kessler, Padden, Sheldon, Cooke, Schoesler and Anderson

Held on first reading from 1/25/93

HCR 4405 by Representative G. Cole

Creating a task force on automobile repair industry regulation.

Referred to Committee on Commerce & Labor.

HCR 4406 by Representatives J. Kohl, Jacobsen, Dorn, Kessler, Flemming, Wood, Shin, Basich, Ogden, Quall, Peery, G. Cole, Brough, Franklin, Thibaudeau, Brown, Veloria, Johanson, Romero, Miller and Wineberry

Creating a Joint Legislative Task Force on Educational Equity.

Referred to Committee on State Government.

HCR 4407 by Representatives Wang, Locke, Peery, Shin, Ballard, Horn, Forner, Miller, Flemming, Wineberry, Jacobsen, Veloria, Scott, Chandler, Foreman, Cothorn, Kessler, Johanson, Padden, Sheldon and J. Kohl

Declaring a sister state relationship with the Province of Taiwan.

Referred to Committee on State Government.

HCR 4408 by Representatives Jacobsen, Brumsickle, Quall, Shin, Flemming, Carlson, Rayburn, Kessler, J. Kohl, Bray, Ogden, Wood, Horn and L. Johnson

Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education.

Referred to Committee on Higher Education.

HCR 4409 by Representatives Peery, Sommers, Miller, Ballard, Tate, Vance, Carlson, R. Meyers, Horn, Long, Foreman, Springer, Wood and L. Johnson

Adopting the joint rules.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 27, 1993

HB 1008 Prime Sponsor, Representative Romero: Revising hiring procedures for cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Vice Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1019 Prime Sponsor, Representative Dunshee: Changing provisions relating to the conduct of meetings in cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Van Luven.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1021 Prime Sponsor, Representative Springer: Changing provisions relating to municipal ordinances. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; Horn; Rayburn; Romero; and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1024 Prime Sponsor, Representative Rayburn: Extending the maturity date for general obligation bonds issued by fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1030 Prime Sponsor, Representative H. Myers: Revising incorporation procedures for cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Van Luven.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1036 Prime Sponsor, Representative H. Myers: Correcting a double amendment relating to funding bonds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1037 Prime Sponsor, Representative Bray: Correcting a double amendment relating to auction sales of county property. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1053 Prime Sponsor, Representative Heavey: Making technical changes to the statute governing athlete agents. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Franklin; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1063 Prime Sponsor, Representative Rayburn: Modifying provisions regarding the Washington wine commission. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1151 Prime Sponsor, Representative G. Cole: Changing the definition of keg for purpose of the state liquor code. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Franklin; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

January 27, 1993

HB 1290 Prime Sponsor, Representative Rust: Correcting a double amendment relating to appeals of orders of an air pollution control authority. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; J. Kohl, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Hansen; Holm; L. Johnson; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Peery, the rules were suspended and House Concurrent Resolution No. 4404 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives R. Meyers, Sommers, Tate, Jacobsen, Basich, Wood, Leonard, Long, J. Kohl and Wineberry

Honoring former legislators who have recently passed away.

MOTION

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

Representative R. Meyers spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4404 was adopted.

On motion of Representative Peery, the rules were suspended and House Concurrent Resolution No. 4409 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Peery and Sommers

Adopting the joint rules.

Representative Ballard moved adoption of the following amendment, by Representative Ballard:

On page 17, line 31, strike "a majority of the conference committee members of each house" and insert "five of the six members of the committee"

On page 18, line 14, strike "a majority of the members of the committee appointed from each house" and insert "five of the six members of the committee"

Representative Ballard spoke in favor of adoption of the amendment. Representative Peery spoke against adoption of the amendment.

Representative Vance demanded electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 17, line 31, and page 18, line 14, by Representative Ballard to House Concurrent Resolution No. 4409, and the amendment was not adopted by the following vote: Yeas - 33, Nays - 64, Absent - 0, Excused - 0.

Voting yea: Representatives Ballasiotes, Ballard, Brough, Brumsickle, Carlson, Casada, Chandler, Cothorn, Edmondson, Eide, Forner, Franklin, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 33.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Cooke, Dellwo, Dorn, Dunshee, Dyer, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

MOTION

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

Representatives Peery and Miller spoke in favor of adoption of House Concurrent Resolution No. 4409.

House Concurrent Resolution No. 4409 was adopted.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Thursday, January 29, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SEVENTEENTH DAY, JANUARY 27, 1993

JOURNAL OF THE HOUSE

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NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 29, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brian Lawrence and Reed Henderson. Prayer was offered by Reverend Dan Mac Donald, Minister of Westside Alliance Church of Olympia.

The Speaker assumed the chair.

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

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

INTRODUCTIONS AND FIRST READING

HB 1453 by Representatives King, G. Cole, Horn, R. Johnson, Chandler, Vance, Brough, Miller, Ballasiotes, Foreman, Brumsickle, Wood, Van Luven, Springer, Silver, Cooke, Long, Morton, Sheahan, Talcott and Sehlin

AN ACT Relating to the definition of "acting in the course of employment" for industrial insurance; and amending RCW 51.08.013.

Referred to Committee on Commerce & Labor.

HB 1454 by Representatives King, G. Cole, Horn, Foreman, R. Johnson, Sheahan, Chandler, Vance, Brough, Miller, Ballasiotes, Brumsickle, Wood, Van Luven, Springer, Silver, Cooke, Long, Dyer, Morton, Talcott and Sehlin

AN ACT Relating to the definition of acting in the course of employment; and amending RCW 51.08.013.

Referred to Committee on Commerce & Labor.

HB 1455 by Representatives King, G. Cole, Lisk, Horn, Chandler and Springer

AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.100.

Referred to Committee on Commerce & Labor.

HB 1456 by Representatives King, G. Cole, Lisk, R. Johnson, Horn, Foreman, Sheahan and Chandler

AN ACT Relating to self-insured employers; and amending RCW 51.32.055.

Referred to Committee on Commerce & Labor.

HB 1457 by Representatives Peery, Dorn, Brough, Brumsickle, Chappell, Leonard, Jones, Pruitt, Ogden, Basich, Rayburn, Karahalios, G. Cole, Springer, Locke, Eide, Mastin, Cothorn, G. Fisher, Morris and H. Myers

AN ACT Relating to school district competitive bidding; and amending RCW 28A.335.190.

Referred to Committee on Education.

HB 1458 by Representatives Zellinsky, Mielke, Dorn, R. Johnson and Fuhrman

AN ACT Relating to regulating the assignment of retail charge agreements; amending RCW 63.14.010; adding a new section to chapter 63.14 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1459 by Representatives Heavey, Wood, Lisk, G. Cole, Appelwick, Jacobsen, Basich, Ludwig, Morton, Dunshee, Grant, Thibaudeau, Franklin, R. Johnson, Brumsickle, Springer, Orr, Cooke, Veloria, Flemming, Dyer, Quall, Chandler, Dellwo, Ballasiotes, Pruitt, Karahalios, J. Kohl, Eide and Finkbeiner

AN ACT Relating to athletic trainers; amending RCW 18.130.040 and 7.70.020; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1460 by Representatives Zellinsky, Mielke and R. Meyers; by request of Department of Licensing

AN ACT Relating to performance-based compensation of investment advisers; and amending RCW 21.20.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1461 by Representatives Kremen, Miller, Jacobsen and Long

AN ACT Relating to extending the prohibition on mandatory local measured service; and amending RCW 80.04.130.

Referred to Committee on Energy & Utilities.

HB 1462 by Representatives Wang, Sommers, Jones, Ludwig, Morton, Basich and Quall

AN ACT Relating to the eligibility of solid waste projects in the public works trust fund; and amending RCW 43.155.010 and 43.155.020.

Referred to Committee on Capital Budget.

HB 1463 by Representatives Sheldon, King, Fuhrman, Holm, Foreman, Zellinsky, Orr, Chappell, Sehlin, Schmidt and Johanson

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

Referred to Committee on Fisheries & Wildlife.

HB 1464 by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer

AN ACT Relating to local government; amending RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.200, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240, 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100, 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060, 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440, 52.14.010, 52.14.015, 52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020, 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045, and 70.44.053; adding a new section to chapter 42.12 RCW; adding a new section to chapter 29.15 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35A.29 RCW; adding a new section to chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; and repealing RCW 35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057.

Referred to Committee on Local Government.

HB 1465 by Representatives Kessler, Wineberry, Sheldon, Basich, Linville, Riley, Jones, Holm, Miller, Roland, Quall and Mastin

AN ACT Relating to continuing tax deferral programs; amending RCW 82.60.050, 82.61.040, 82.62.040, 82.60.020, 82.61.010, 82.61.070, and 82.62.010; and creating a new section.

Referred to Committee on Revenue.

HB 1466 by Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero

AN ACT Relating to motorized wheelchair warranties; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

HB 1467 by Representative Heavey

AN ACT Relating to establishing pension credit for law enforcement officers who are qualified under a prior pension system; adding a new section to chapter 41.26 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1468 by Representatives King, Heavey, Dellwo, Brumsickle, Quall, Carlson, Jacobsen, Miller, Long, Locke, Bray, Leonard, Basich, Conway, Wood, Van Luven and Springer

AN ACT Relating to labor relations in institutions of higher education; amending RCW 41.58.020; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1469 by Representatives L. Johnson, Morris, Long and Thibaudeau

AN ACT Relating to reimbursement of medical costs for care provided to confined persons; amending RCW 70.48.130; and declaring an emergency.

Referred to Committee on Corrections.

HB 1470 by Representatives Wood, Brumsickle, Mielke, Johanson, Schmidt, Jones, Zellinsky, J. Kohl, Miller, R. Johnson, Kessler, Brough, Romero, Scott, R. Meyers, Quall, G. Cole, Carlson, Wineberry and Anderson

AN ACT Relating to suicide prevention; creating new sections; and making an appropriation.

Referred to Committee on Appropriations.

HB 1471 by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole

AN ACT Relating to non-Puget Sound coastal commercial crab fishery; amending RCW 75.30.050; adding new sections to chapter 75.30 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Fisheries & Wildlife.

HB 1472 by Representatives J. Kohl, G. Cole, Thibaudeau, Leonard, Anderson, Sommers, Wineberry, Wang, Appelwick, Jacobsen, Rust, Pruitt, Scott, L. Johnson and Valle

AN ACT Relating to handgun safety; amending RCW 9.41.090; adding new sections to chapter 9.41 RCW; and providing an effective date.

Referred to Committee on Judiciary.

HB 1473 by Representatives J. Kohl, Wang, G. Cole, Romero, Leonard, Thibaudeau, Wineberry, Appelwick, Jacobsen, Anderson, Rust, Pruitt, Scott, Springer, L. Johnson and Cothorn

AN ACT Relating to handgun safety; amending RCW 9.41.070; adding new sections to chapter 9.41 RCW; and providing an effective date.

Referred to Committee on Judiciary.

HB 1474 by Representatives Pruitt, Vance, Anderson, Miller, King, Van Luven, Valle, Reams, Wineberry, Wood, Dellwo, Edmondson, Scott, Basich, Leonard, Rayburn, G. Cole, Ogden, Dunshee, Jacobsen, Kremen, Jones and J. Kohl

AN ACT Relating to citizen participation in the discussion of public issues; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on State Government.

HB 1475 by Representatives Locke, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, G. Cole, Dellwo, Dunshee, Edmondson, Eide, Forner, Grant, Heavey, Holm, Jacobsen, Jones, J. Kohl, Leonard, Ogden, Pruitt, Quall, Reams, Riley, Schoesler, Sheldon, Shin, Silver, Sommers, Springer, Valle, Wang, Wineberry, Wood, Kessler, Campbell, Bray, King, Hansen, Kremen, Roland, Dorn, Thibaudeau, Rayburn, Miller, Karahalios, Ballasiotes, Foreman, L. Johnson, Horn, Johanson, G. Fisher, Cooke, Long, H. Myers, Talcott, Lisk and Anderson; by request of Employment Security Department

AN ACT Relating to the Washington service corps; amending RCW 50.65.040; repealing RCW 50.65.900; providing an effective date; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1476 by Representatives Wineberry, Ballard, Shin, G. Cole, Brough, Ogden, Forner, J. Kohl, Vloria, Vance, Leonard, Casada, Miller, Ballasiotes, Foreman, Chandler, Wood, Cooke, H. Myers and Lisk; by request of Human Rights Commission

AN ACT Relating to meeting federal fair housing act requirements for housing equivalency; amending RCW 49.60.030, 49.60.120, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.227, 49.60.230, 49.60.240, 49.60.250, 49.60.260, and 49.60.330; reenacting and amending RCW 49.60.040; adding new sections to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Trade, Economic Development & Housing.

HB 1477 by Representatives Wood, Schmidt, R. Fisher, Mielke, Brumsickle, Ludwig, Casada and Shin

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

Referred to Committee on Transportation.

HB 1478 by Representatives Schmidt, Zellinsky, R. Fisher, Orr and R. Meyers

AN ACT Relating to pilots' quarterly reports; and amending RCW 88.16.110.

Referred to Committee on Transportation.

HB 1479 by Representatives G. Fisher, Foreman, Wang and Anderson; by request of Department of Revenue

AN ACT Relating to the administration of the uniform unclaimed property act; and amending RCW 63.29.010, 63.29.130, 63.29.020, 63.29.165, 19.150.060, 19.150.080, 63.29.170, 63.29.190, 63.29.180, and 63.29.220.

Referred to Committee on Revenue.

HB 1480 by Representatives G. Fisher, Foreman, Wang and Springer; by request of Department of Revenue

AN ACT Relating to taxation of travel trailers and campers; amending RCW 82.50.530; and creating a new section.

Referred to Committee on Revenue.

HB 1481 by Representatives G. Fisher, Foreman, Wang and Quall; by request of Department of Revenue

AN ACT Relating to taxation of ships and vessels; amending RCW 82.49.060, 84.40.065, 84.40.150, 84.40.190, and 84.40.200; adding a new section to chapter 84.56 RCW; making an appropriation; prescribing penalties; and providing an effective date.

Referred to Committee on Revenue.

HB 1482 by Representatives Pruitt and R. Johnson; by request of Office of Financial Management

AN ACT Relating to imposing fees for certain forest practices; amending RCW 76.09.010, 76.09.040, 76.09.050, and 76.09.060; adding a new section to chapter 76.09 RCW; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 1483 by Representatives Pruitt, R. Johnson and Kremen; by request of Office of Financial Management

AN ACT Relating to mines; adding new sections to chapter 78.44 RCW; repealing RCW 78.44.110; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 1484 by Representatives King, Orr and Fuhrman; by request of Department of Wildlife

AN ACT Relating to the wildlife violator compact; adding a new section to chapter 77.21 RCW; adding a new section to chapter 75.10 RCW; and adding a new chapter to Title 77 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1485 by Representatives Brough, Holm, Forner, Sheldon, Vance, Schmidt, Talcott, Peery, Brumsickle, Ballard, Cooke, Wood, Casada, Stevens, Foreman, Schoesler, Eide, Miller, Campbell, Roland, Quall, Ballasiotes, Chandler, Van Luven, Horn, Dyer, Reams and Sehlin

AN ACT Relating to limiting property tax valuation increases for owner-occupied residences; adding a new chapter to Title 84 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 1486 by Representative Brough

AN ACT Relating to electrical certificates of competency; amending RCW 19.28.540, 19.28.560, and 19.28.570; and repealing RCW 19.28.520 and 19.28.530.

Referred to Committee on Commerce & Labor.

HB 1487 by Representatives Sheahan, Rayburn, Chandler, Morton, Sheldon, Basich, Fuhrman, Horn, Padden, Long, Schoesler, Thomas, Schmidt, Forner, Edmondson, Foreman, Silver, Brumsickle, Stevens, Cooke, Van Luven, Reams, Dyer, Vance, Chappell, Kessler, Campbell, Brough, Hansen, Roland, Ballasiotes, Wood and Lisk

AN ACT Relating to requiring the mapping of regulated wetlands; adding new sections to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1488 by Representatives Sheahan, Sheldon, Brumsickle, Basich, Morton, Fuhrman, Schmidt, Schoesler, Padden, Edmondson, Stevens, Dyer, Vance, Chappell, Casada, Hansen, Ballasiotes, Foreman, Chandler, Wood, Van Luven, Morris and Lisk

AN ACT Relating to regulatory takings of private property; adding a new chapter to Title 8 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Judiciary.

HB 1489 by Representatives Sheahan, Sheldon, Stevens, Basich, Tate, Edmondson, Forner, Rayburn, Ballasiotes, Sehlin, Schoesler, Morton, Van Luven, Foreman, Dyer, Brumsickle, Schmidt, Reams, Cooke, Silver, Mielke, Casada, Vance, Chappell, Kessler, Brough, Kremen, Roland, Chandler, Wood and Carlson

AN ACT Relating to driving while intoxicated; amending RCW 46.61.515; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1490 by Representatives Wineberry, Forner, Shin, Sheldon, King, Karahalios, J. Kohl and Anderson

AN ACT Relating to child care; amending RCW 74.13.0903; creating a new section; and declaring an emergency.

Referred to Committee on Human Services.

HB 1491 by Representatives Wineberry, Scott, G. Cole, Heavey, Wood, R. Johnson, Karahalios, Quall, Ballasiotes, Conway, Foreman, Chandler, Edmondson, Brumsickle, Silver, Locke, Horn, J. Kohl, Johanson, Cothorn, Cooke, Long, Carlson, Valle, Talcott, Lisk, Finkbeiner and Anderson

AN ACT Relating to tax credits for employer-sponsored child care facilities; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Revenue.

HB 1492 by Representatives Wineberry, Forner, Sheldon, Kremen, Pruitt, Linville, Springer, J. Kohl, Morris and Valle

AN ACT Relating to including economic development in growth management planning; and amending RCW 36.70A.070.

Referred to Committee on Trade, Economic Development & Housing.

HB 1493 by Representatives Wineberry, Forner, Shin, Sheldon, Leonard, Basich, Locke, J. Kohl, Morris and Anderson

AN ACT Relating to minority and women-owned businesses; amending RCW 43.31.085, 43.31.055, and 39.19.030; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1494 by Representatives Wineberry, Sheldon, Springer, Morris, Schoesler, Chandler, Casada, Quall, Forner, Foreman, Hansen, Shin, Locke, Brough, Roland, Fuhrman, Miller, Ballasiotes, Edmondson, Van Luven, Silver, Cooke, Long, Dyer, Sheahan, Talcott, Lisk and Rayburn

AN ACT Relating to review of administrative rules; adding new sections to chapter 19.85 RCW; and creating a new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1495 by Representatives Dorn, Brough, Ogden, Rayburn, G. Cole, Springer and G. Fisher

AN ACT Relating to distribution of local effort assistance funds; and amending RCW 28A.500.010.

Referred to Committee on Education.

HB 1496 by Representatives Dellwo and Rayburn

AN ACT Relating to employment agencies; and amending RCW 19.31.020, 19.31.030, 19.31.040, 19.31.150, 19.31.170, 19.31.190, and 19.31.245.

Referred to Committee on Commerce & Labor.

HB 1497 by Representatives Dellwo and Rayburn

AN ACT Relating to accredited foreign branch campuses; and adding a new chapter in Title 28B RCW.

Referred to Committee on Higher Education.

HB 1498 by Representatives Dellwo and Rayburn

AN ACT Relating to motor vehicles transporting lightweight packages; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

HB 1499 by Representatives Jacobsen, R. Fisher, Rayburn, Quall, J. Kohl and Anderson

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

Referred to Committee on Higher Education.

HB 1500 by Representatives R. Johnson, Dyer, L. Johnson, Mastin and Rayburn

AN ACT Relating to hearing aids; amending RCW 18.35.010, 18.35.050, 18.35.060, 18.35.110, 18.35.140, 18.35.150, 18.35.161, 18.35.170, 18.35.185, 18.35.220, and 18.35.240; and adding a new section to chapter 18.35 RCW.

Referred to Committee on Health Care.

HB 1501 by Representatives Silver, Jacobsen, Ballasiotes, Brumsickle, Carlson, Mielke, Talcott, Dyer, Cooke, Hansen, Jones, Rayburn, Quall, Padden and Wood

AN ACT Relating to higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1502 by Representatives Silver, Horn, Long, Foreman, Cooke, Stevens, Vance, Brough, Casada, Rayburn, Miller, Chandler, Padden, Edmondson, Brumsickle, Wood, Sheldon, Morton, Schoesler, Sheahan and Lisk

AN ACT Relating to greater fiscal responsibility and accountability during the budget adoption process by providing for a modified zero-base budget review; adding new sections to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1503 by Representatives Ogden, Long, Carlson, G. Cole, Wolfe, L. Johnson, J. Kohl, Wood, R. Johnson, Brough, Casada, Jones, Thibaudeau, Rayburn, Cothorn and Anderson

AN ACT Relating to the instruction in Braille reading and writing to blind students; and adding new sections to chapter 28A.155 RCW.

Referred to Committee on Education.

HB 1504 by Representatives Wang, Jacobsen, Romero, Wolfe, Rayburn and Morris; by request of Evergreen State College

AN ACT Relating to disposition of certain normal school fund revenues; and amending RCW 28B.35.751.

Referred to Committee on Capital Budget.

HB 1505 by Representatives Heavey, Kremen, King, Lisk, G. Cole, Linville, Springer, Vance, R. Johnson and Rayburn

AN ACT Relating to registration of contractors; amending RCW 18.27.010, 18.27.100, 18.27.102, and 18.27.110; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1506 by Representatives Silver, Talcott, Mielke, Brumsickle, Dyer, Morton, Ballasiotes, Forner, Casada, Foreman and Rayburn

AN ACT Relating to the legislative budget committee; and amending RCW 43.88.160.

Referred to Committee on State Government.

HB 1507 by Representatives Zellinsky, Ballard, Chappell, Van Luven, R. Johnson, Campbell, R. Meyers, Rayburn, Springer and Sheldon

AN ACT Relating to abandoned, unauthorized, or junk vehicles; adding a new section to chapter 46.55 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1508 by Representatives Zellinsky, Pruitt and Rayburn

AN ACT Relating to prescription claims insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new chapter to 48.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1509 by Representatives Locke, Sommers, Silver, Jacobsen, Ludwig, Bray and Rayburn

AN ACT Relating to increasing flexibility of institutions of higher education to manage personnel, construction, purchasing, printing, and tuition; amending RCW 43.19.190, 43.19.1906, 43.78.030, 43.78.100, 43.78.110, 28B.50.330, 28B.10.350, 28B.10.355, 39.04.020, 39.04.150, 28B.15.031, 28B.15.067, 28B.15.070, 28B.15.202, 28B.15.402, 28B.15.502, 41.56.100, 28B.16.040, 28B.16.100, and 28B.16.200; reenacting and amending RCW 41.56.030; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.78 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 41.56 RCW; adding a new section to chapter 28B.16 RCW; creating new sections; repealing RCW 28B.15.824 and 28B.16.230; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1510 by Representatives Romero, H. Myers, Edmondson, Bray and Rayburn

AN ACT Relating to the use of charge cards by officers and employees of municipal corporations and political subdivisions; and amending RCW 42.24.115.

Referred to Committee on Local Government.

HB 1511 by Representatives Heavey, Dorn, Miller, Karahalios, King, Carlson, Locke, Appelwick, Jones, Ogden, Thibaudeau, Rayburn, Van Luven and G. Fisher

AN ACT Relating to restoring local control of educational employees' salaries; reenacting and amending RCW 28A.400.200; and repealing RCW 41.59.935.

Referred to Committee on Commerce & Labor.

HB 1512 by Representatives Brough, Leonard, Chappell, Romero, Veloria, Riley, Karahalios, Horn, Wolfe, Ballasiotes, Talcott, G. Cole, Flemming, Rayburn and J. Kohl

An act relating to dependant children; and amending RCW 13.34.130, 13.34.145, 13.34.180, and 13.34.232.

Referred to Committee on Human Services.

HB 1513 by Representatives Zellinsky, Eide, Sheldon, Schmidt and Rayburn; by request of Department of Licensing

AN ACT Relating to vessel dealer registration; amending RCW 88.02.010 and 88.02.050; adding a new chapter to Title 88 RCW; recodifying RCW 88.02.230; repealing RCW 88.02.023, 88.02.060, 88.02.078, 88.02.112, 88.02.115, 88.02.118, 88.02.125, 88.02.184, 88.02.188, 88.02.210, and 88.02.220; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1514 by Representatives Kessler, Jacobsen, Basich, Jones, Holm, Sheldon, Riley and Rayburn

AN ACT Relating to the Olympic natural resources center; adding new sections to chapter 76.12 RCW; adding a new section to chapter 28B.20 RCW; and repealing RCW 76.12.220.

Referred to Committee on Natural Resources & Parks.

HB 1515 by Representatives Ludwig, Jacobsen, L. Johnson, Ogden, Sehlin, Hansen, Wood, Eide, Rayburn, Lisk, Bray, Edmondson, Grant, Basich, G. Fisher, Quall, Sheldon, Mastin and Long

AN ACT Relating to higher education; and amending RCW 28B.15.031.

Referred to Committee on Higher Education.

HB 1516 by Representatives Ludwig, Rayburn, Mastin, Lisk, Bray, Kremen, Dorn, Flemming, Basich, Morris, Kessler, Schmidt, Vance, Mielke, Ballasiotes, Johanson, Finkbeiner, Chandler, Hansen, Orr, Grant, Lemmon, Romero, Chappell, Forner, Tate, Campbell, Van Luven, Edmondson, G. Fisher, Sehlin, Holm, Brough, Casada, Scott, R. Meyers, Fuhrman, Miller, Karahalios, Foreman, Brumsickle, Wood, Silver, Long, Holm, Cothorn, Valle and Talcott

AN ACT Relating to sentencing for crimes committed by gang members; amending RCW 9.94A.390; reenacting and amending RCW 9.94A.030; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1517 by Representatives Valle and Rayburn

AN ACT Relating to the organization of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.020, 66.08.030, 66.08.050, 66.08.150, 10.93.020, 19.02.050, 43.03.028, 43.17.010, 43.17.020, 42.17.2401, and 43.82.010; adding new sections to chapter 66.08 RCW; creating new sections; repealing RCW 66.08.016; and providing an effective date.

Referred to Committee on State Government.

HB 1518 by Representatives Valle, Dunshee, Pruitt, Rust, J. Kohl, Holm, Jacobsen, Linville, Rayburn and Eide

AN ACT Relating to the water trail recreation program; adding new sections to chapter 43.51 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1519 by Representatives Ballard and Rayburn

AN ACT Relating to housing affordability and regulatory reform; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1520 by Representatives Holm, Brumsickle, Wolfe, Chappell, Sheldon, Romero, Dorn, Basich, Kessler, Jones, Zellinsky, Pruitt, Brough, Cothorn, Riley, King, R. Meyers, Rayburn and Quall; by request of Superintendent of Public Instruction

AN ACT Relating to skill centers; and adding a new chapter to Title 28C RCW.

Referred to Committee on Education.

HB 1521 by Representative Valle; by request of Office of Financial Management

AN ACT Relating to funding for the state auditor's office; amending RCW 43.09.230 and 43.09.270; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1522 by Representatives Holm, Kessler, Jones, Basich, Rayburn and Quall; by request of Office of Financial Management

AN ACT Relating to community economic development; adding new sections to chapter 43.63A RCW; and repealing RCW 43.165.020, 43.165.030, 43.165.040, 43.165.050, 43.165.060, 43.165.070, 43.165.080, 43.165.090, 43.165.100, 43.165.900, 43.165.901, 43.31.097, 43.63A.075, 43.63A.078, 43.63A.230, 43.63A.440, 43.63A.450, and 43.63A.560.

Referred to Committee on Trade, Economic Development & Housing.

HB 1523 by Representatives Locke, Silver and Valle; by request of Office of Financial Management

AN ACT Relating to adjusting pension contribution rates to reflect the state actuary's 1991 valuations; amending RCW 41.45.0601 and 41.45.060; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1524 by Representatives Locke, Silver and Valle; by request of Office of Financial Management

AN ACT Relating to fiscal matters; amending 1991 sp.s. c 16 ss 126, 201, 221, 225, 317, and 802 (uncodified); amending 1992 c 232 ss 112, 117, 118, 129, 136, 141, 152, 201, 202, 203, 205, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 222, 224, 228, 229, 230, 303, 306, 307, 311, 312, 313, 314, 402, 502, 503, 504, 508, 517, 518, 520, 613, 706, 707, 708, and 802 (uncodified);

Referred to Committee on Appropriations.

HB 1525 by Representatives Locke, Silver and Valle; by request of Office of Financial Management

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995; amending RCW 43.08.250 and 43.51.280; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1526 by Representatives Locke, Silver and Valle; by request of Office of Financial Management

AN ACT Relating to the budget stabilization account; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1527 by Representatives Linville and Locke; by request of Office of Financial Management

AN ACT Relating to funding of the dependent care program; amending RCW 41.04.615 and 41.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1528 by Representatives Dunshee, Locke and R. Meyers; by request of Office of Financial Management

AN ACT Relating to cash management; amending RCW 43.41.040, 43.79A.040, 43.84.092, 43.88.160, 43.88.195, and 67.40.020; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.08 RCW; creating a new section; repealing RCW 41.04.240, 43.08.085, and 28B.10.290; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1529 by Representatives Springer, Morton, Chappell, Holm, Campbell, King, Jones, Basich, Rayburn, Sheldon and Kessler; by request of Office of Financial Management

AN ACT Relating to the reauthorization of timber programs under chapters 314 and 315, Laws of 1991; amending RCW 43.160.200, 50.22.090, 43.31.611, 43.31.621, 43.31.631, and 50.12.270; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); and amending 1991 c 315 s 2 (uncodified).

Referred to Committee on Trade, Economic Development & Housing.

HB 1530 by Representatives Morris, Foreman, Springer, Ogden, Carlson, Riley, Silver, Leonard, Chappell, H. Myers, Rayburn, Mastin, Thibaudeau, Anderson, Holm, Campbell, Brough, King, Hansen, Jones, Basich, Quall, Conway, Van Luven, Cothorn, Long and Finkbeiner

AN ACT Relating to property tax exemptions for retired persons confined to hospitals and nursing homes; amending RCW 84.36.381; creating a new section; and declaring an emergency.

Referred to Committee on Revenue.

HB 1531 by Representatives Veloria, Lisk, R. Johnson, Jacobsen, King, Jones, Pruitt, Karahalios, Quall, Van Luven, Valle, Eide and Anderson

AN ACT Relating to licensure of physical therapist assistants who are supervised by physical therapists; amending RCW 18.74.010, 18.74.020, 18.74.027, 18.74.060, 18.74.070, and 18.74.090; reenacting and amending RCW 18.74.023; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care.

HB 1532 by Representatives Veloria, Lisk, R. Johnson, Jacobsen, King, Pruitt, Karahalios, Quall, Van Luven, Long, Eide and Anderson

AN ACT Relating to interim permits for applicants for physical therapist licenses; and adding a new section to chapter 18.74 RCW.

Referred to Committee on Health Care.

HB 1533 by Representatives H. Myers, Jacobsen, Ogden, Brumsickle, Wood and Quall

AN ACT Relating to classification as a resident student; and reenacting and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

HJM 4006 by Representatives R. Johnson, Ballasiotes, Kessler, Linville, Johanson, Orr, Bray, Rust, Zellinsky, Sheldon, Chappell, Campbell, Brough, Jacobsen, King, Jones, Kremen, R. Meyers, Pruitt, Quall, Van Luven, J. Kohl, Wineberry, Finkbeiner and Anderson

Requesting that Victoria, British Columbia adopt a plan for treating its sewage.

Referred to Committee on Environmental Affairs.

HJM 4007 by Representatives Bray, Ludwig, Lisk, Grant, Mastin and Rayburn

Petitioning Congress and the Secretary of Energy to name the Hanford and Lands Ecology Reserve after Richard Fitzner and Les Eberhardt.

Referred to Committee on Energy & Utilities.

HJR 4205 by Representatives Brough, Holm, Forner, Sheldon, Vance, Cooke, Talcott, Peery, Schmidt, Foreman, Ballard, Wood, Schoesler, Stevens, Casada, Eide, Miller, Campbell, Kremen, Basich, Chandler, Brumsickle, Van Luven, Horn, Reams and Finkbeiner

Amending the Constitution to allow the legislature to limit increases in taxation of real estate.

Referred to Committee on Revenue.

HCR 4410 by Representatives Pruitt, J. Kohl, Voloria, Bray and Linville

Establishing a joint select committee on alternative futures.

Referred to Committee on State Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 29, 1993

HB 1003 Prime Sponsor, Representative Riley: Concerning judicial proceedings for involuntary commitment or detention. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1020 Prime Sponsor, Representative Springer: Clarifying the authority of towns to manage property. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Horn.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1027 Prime Sponsor, Representative Bray: Revising bidding practices of municipalities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; and Van Luven.

Excused: Representative Zellinsky

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1042 Prime Sponsor, Representative King: Requiring collection of ballast discharge data. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; and Scott.

Excused: Representative Lemmon

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1062 Prime Sponsor, Representative Rayburn: Repealing the sunset provisions for the IMPACT center. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1066 Prime Sponsor, Representative Bray: Contracting by water and sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1082 Prime Sponsor, Representative Heavey: Combating student alcohol abuse in colleges and universities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Franklin; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1125 Prime Sponsor, Representative Heavey: Prohibiting certain lottery activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Franklin; Horn; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives King and Springer.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1219 Prime Sponsor, Representative Orr: Creating the public works administration account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: On page 2, line 18, after "account" insert ", not including moneys transferred from the account as required in RCW 39.12.070," On page 2, beginning on line 21, after "RCW." strike all material through "designee" on line 23 and insert "Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Franklin; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1295 Prime Sponsor, Representative Orr: Recodifying RCW 41.26.281. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Franklin; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

January 29, 1993

HCR 4403 Prime Sponsor, Representative Heavey: Advocating the creation of a task force to study issues on gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: On page 2, line 4, after "of" strike all material through "committee." on line 10 and insert "ten voting members, three members from the majority caucus and two members from the minority caucus of the Senate, appointed by the President of the Senate; at least one member from each caucus shall be a member of the Senate labor and commerce committee; and three members from the majority caucus and two members from the minority caucus of the House of Representatives, appointed by the Speaker of the House of Representatives; at least one member from each caucus shall be a member of the House commerce and labor committee."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Franklin; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4606, by Representatives Shin, Wang, Veloria, Locke, Flemming, Hansen, Basich, Sehlin, Karahalios, Dunshee, Long, Cooke, Silver, Forner, Fuhrman, Lemmon, Brown, Wolfe, Riley, Wineberry, Morton, Chappell, Ogden, Quall, Rust, Pruitt, Schoesler, Conway, Rayburn, Springer, H. Myers, Campbell, Leonard, Edmondson, Foreman, Cothorn, J. Kohl, Horn, Carlson and Dyer

WHEREAS, Saturday, January 23rd was the beginning of the New Year on the Lunar Calendar; and
WHEREAS, The Lunar New Year is an internationally recognized holiday, celebrated throughout Asia and the Asian-American community; and

WHEREAS, It includes ancient traditions in celebration of prosperity, health, and good luck for the new year;
and

WHEREAS, There are over two hundred eleven thousand Asian-Americans in Washington State; and
WHEREAS, There is tremendous potential for these citizens to contribute to the prosperity of Washington State; and

WHEREAS, Washington State has a great interest in maintaining two-way trade relations with Pacific Rim countries;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor this holiday and Asian-Americans residing in Washington State; and

BE IT FURTHER RESOLVED, That this is the year of the rooster, symbolic of diligence, hard work, and prosperity; and

BE IT FURTHER RESOLVED, That as the year of the rooster symbolizes these qualities, may they also be realized in the State of Washington.

Representative Shin moved adoption of the resolution. Representative Shin spoke in favor of the resolution.

House Resolution No. 4606 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 93-4605, by Representatives Wineberry, Carlson, Ballard, Sommers, Talcott, Heavey, Peery, Mastin, Shin, Forner, Schoesler, Springer, Dunshee, Edmondson, Romero, Reams, Valle, Quall, Morris, H. Myers, Linville, Jacobsen, Sheldon, Holm, Grant, Dellwo, Pruitt and Silver

WHEREAS, Thurgood Marshall dedicated his entire life to equality and justice for all; and

WHEREAS, Throughout his legal career, including twenty-nine victories in thirty-two arguments before the Supreme Court, Thurgood Marshall never strayed from his goal of achieving civil rights for all people; and

WHEREAS, Thurgood Marshall provided a monumental new educational opportunity for all children by successfully arguing before the United States Supreme Court in 1954 the case of "*Brown v. Board of Education*", proving that "separate but equal" was inherently unequal; and

WHEREAS, Of the one hundred fifty opinions he authored after his appointment to the 2nd United States District Circuit Court of Appeals by President Kennedy, not one was overturned; and

WHEREAS, Thurgood Marshall served with distinction as a member of the 2nd United States Circuit Court of Appeals from 1961 to 1965, as Solicitor General of the United States from 1965 to 1967, and as the first African-American Justice to the United States Supreme Court from 1967 until his retirement in 1991; and

WHEREAS, Mr. Justice Marshall died on Sunday, January 24, 1993, at the age of eighty-four; and

WHEREAS, Justice Thurgood Marshall continues to provide inspiration for all of us to rise above our private interests to help make our society a better place for everyone, regardless of race; and

WHEREAS, In his passing America has lost one of its greatest champions of equality, justice, and liberty;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of our state, pay homage to they of one of America's greatest citizens, Mr. Justice Thurgood Marshall.

Representative Wineberry moved adoption of the resolution. Representatives Wineberry, Carlson, Foreman and R. Meyers spoke in favor of the resolution.

House Resolution No. 4605 was adopted.

MESSAGE FROM THE GOVERNOR

COMMUTATION OF SENTENCE

for

Tamera Schoen (a.k.a Kristy Williams)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

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

Ms. Schoen is terminally ill. She has been diagnosed with adenocarcinoma (cancer) of unknown primary origin which has metastasized to the liver. As of October 30, 1992, her medical oncologist and primary physician indicated that she is not a surgical candidate and that the goal of therapy is to preserve the quality of her life as long as possible with analgesics and chemotherapy. Ms. Schoen is tentatively scheduled for chemoembolization of her

adenocarcinoma at Tacoma General Hospital on December 7, 1992. This hospitalization will require a three to four-day stay at Tacoma General Hospital.

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

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

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

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

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

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by the laws of the State of Washington, do hereby grant the clemency for Tamera Schoen, Department of Corrections #940821, for her conviction for several counts of Possession of Stolen Property, pursuant to the conditions set forth herein.

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

Booth Gardner, Governor of Washington.

(SEAL)

CONDITIONAL COMMUTATION ORDER

Arlyn Davis

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

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

Mr. Davis was sentenced to life in prison. The Thurston County prosecuting attorney, Patrick Sutherland, and the sentencing judge, Gerry Alexander, both recommended to the parole board that the minimum term be set at its lowest possible level, which was 20 years at the time of sentencing. Mr. Davis' Sentencing Reform Act guideline range is 240 to 320 months. He has jail time credits of 191 days, and therefore, has an adjusted guideline range of 233 to 313 months. The indeterminate Sentence Review Board set Mr. Davis duration of confinement at 240 months, as mandated by statute.

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

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

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

At the request of the Clemency and Pardons Board, the Indeterminate Sentence Review Board conducted an investigation into Mr. Davis' "paroleability" and conducted a hearing on that issue on October 23, 1992. At that hearing, the Department of Corrections was represented and took the position that it had no objection to clemency.

After its investigation, the Indeterminate Sentence Review Board supported and encouraged a grant of clemency to Mr Davis who is now 26 years of age.

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

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

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

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

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

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

NOW THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by the laws of the State of Washington, do hereby grant the conditional clemency for Arlyn Davis, Department of Corrections #279242, for his conviction of Murder in the First Degree, pursuant to the conditions set forth herein.

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

Booth Gardner Governor of Washington

(SEAL)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

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

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

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

Booth Gardner Governor of Washington

(SEAL)

TO ALL WHOM THESE PRESENCE SHALL COME, GREETING:

Sherwood J. Trulson was found guilty of assault in the third degree by the Superior Court of the State of Washington for King County on January 25, 1985, and he was thereupon sentenced to a term of two years community supervision by the Department of Corrections (reduced to one year after one year completed) and 240 hours of community service and attendance at an alcohol treatment program. Since this time, Sherwood Trulson has maintained a record free of further felony convictions and has involved himself in the creation of a new company, Environmental Waste of America, Inc. He has also shown his commitment to rehabilitation through his recovery from alcohol abuse. For these reasons, the Clemency and Pardons Board recommended that a pardon be granted in order to further the role of Mr. Trulson as an active member of the business community, his family and the State of Washington. NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby pardon Sherwood J. Trulson from the judgment and sentence of assault in the second degree entered January 25, 1985, by the Superior Court of the State of Washington for King County. IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 24th day of August, A.D. nineteen hundred and ninety-two.
Booth Gardner Governor of Washington

TO ALL WHOM THESE PRESENCE SHALL COME, GREETING:

Mark Nelson plead guilty to Simple Assault in the State of Washington, a crime which was committed on February 15, 1980, and he was sentenced with a deferred finding followed by a dismissal one year later. This is the only assault in Mr. Nelson's background. Since that point in time, Mr. Nelson has enrolled in a nurse training program at Shoreline Community College. In the course of that training, both he, and the schools administration have asked that this simple assault be removed from his criminal background record. For the reason of furthering his educational pursuits, and the relationship of that educational pursuit to his rehabilitation, the Clemency and Pardons Board recommended to the Governor that a pardon be granted. NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby pardon Mark Nelson from the sentence imposed for simple assault committed on February 15, 1980. IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 24th day of August, A. D. nineteen hundred and ninety-two.
Booth Gardner Governor of Washington
(SEAL)

TO ALL WHOM THESE PRESENCE SHALL COME, GREETING:

Jamaal D. Kiah-el was found guilty of petty larceny, contributing to delinquency of a minor, and grand larceny by the Superior Court of the State of Washington for King County during the years 1958 and 1959. He served several months of time in the King County jail. During the early 1960's, Mr. Kiah-el was also convicted of similar crimes in the State of Pennsylvania. With these exceptions, Jamaal D. Kiah-el has since maintained a record free of further felony convictions and has involved himself commendably in community activities and has shown his rehabilitation. He petitioned for a pardon to clear his good name. NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby pardon Jamaal D. Kiah-el from the judgment and sentences imposed in King County during 1958 and 1959. In witness thereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 24th day of August, A.D., nineteen hundred and ninety-two.
Booth Gardner Governor of Washington
(SEAL)

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m. Monday, February 01, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETEENTH DAY, JANUARY 29, 1993

JOURNAL OF THE HOUSE

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

TWENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 1, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brian Lopp and Cailen Monohan. Prayer was offered by Representative Ballard.

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

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

January 28, 1993

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4404,
HOUSE CONCURRENT RESOLUTION NO. 4409,

and the same are herewith transmitted.

Marty Brown, Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 1534 by Representatives J. Kohl, Van Luven, Locke, Leonard, Appelwick, Johanson, G. Cole, Anderson, Thibaudeau, Jacobsen, Sommers, Finkbeiner, Wineberry, Heavey, Valle and Quall

AN ACT Relating to school levies; amending RCW 28A.500.010; and repealing RCW 84.52.0531.

Referred to Committee on Education.

HB 1535 by Representatives Johanson, Padden, Horn, Wood, Cothorn, Finkbeiner, R. Meyers, H. Myers, J. Kohl, Brown, Shin, Eide, Zellinsky, Thibaudeau, Leonard, Long, Rayburn, Basich and L. Johnson

AN ACT Relating to fees for juvenile diversion services; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1536 by Representatives Wineberry, Casada, Leonard, Ogden, Morris, Quall, Valle, Brough, Casada, Vance, Pruitt, Forner and Foreman

AN ACT Relating to mobile home rental parks; adding a new section to chapter 59.20 RCW; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1537 by Representatives Morris, Leonard, Ogden, Valle, Brough, Vance and Pruitt

AN ACT Relating to the purchase of manufactured housing; amending RCW 59.22.080 and 65.20.030; adding a new section to chapter 46.12 RCW; adding a new section to chapter 65.20 RCW; and creating a new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1538 by Representatives Leonard, Ogden, Morris and Flemming

AN ACT Relating to rent control; and amending RCW 35.21.830 and 36.01.130.

Referred to Committee on Trade, Economic Development & Housing.

HB 1539 by Representatives Leonard, Ogden, Brough, Vance, Pruitt, Talcott, G. Cole, Flemming and H. Myers

AN ACT Relating to the mobile home landlord-tenant act; amending RCW 59.20.070, 59.20.075, 59.20.080, and 59.20.090; adding new sections to chapter 59.20 RCW; and prescribing penalties.

Referred to Committee on Trade, Economic Development & Housing.

HB 1540 by Representatives Leonard, Ogden, Romero, Brough, Vance and Pruitt

AN ACT Relating to consumer remedies for purchasers of manufactured homes; amending RCW 46.70.070 and 46.70.075; and adding a new chapter to Title 59 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1541 by Representatives Orr, Flemming, King, Dellwo and Mielke

AN ACT Relating to emergency medical services; and amending RCW 18.73.081.

Referred to Committee on Health Care.

HB 1542 by Representatives Rust, Horn, Miller, Fuhrman, Sheahan, Stevens, Van Luven, Morton, Long, Edmondson, Foreman, Silver, Forner, Schoesler, Wood and Lisk

AN ACT Relating to public agency appeals of decisions by the department of ecology regarding investigations, site rankings, or remedial actions; and amending RCW 70.105D.030 and 70.105D.060;

Referred to Committee on Environmental Affairs.

HB 1543 by Representatives Zellinsky, Mielke, Tate, Dellwo, Scott, Sommers, G. Cole, R. Johnson, Dyer, R. Meyers, Jones and Basich

AN ACT Relating to longshore and harbor workers' compensation act insurance; amending RCW 48.22.070 and 48.22.072; amending 1992 c 209 s 6 (uncodified); and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1544 by Representatives Appelwick and Johanson

AN ACT Relating to uniform criminal penalties; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1545 by Representative Appelwick

AN ACT Relating to municipal courts; adding a new section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1546 by Representative Heavey

AN ACT Relating to the education and certification of paint or coating applicators; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1547 by Representatives Chappell, Long and Appelwick; by request of Secretary of State

AN ACT Relating to nonprofit corporations; amending RCW 24.03.005, 24.03.017, 24.03.045, 24.03.046, 24.03.047, 24.03.048, 24.03.055, 24.03.240, 24.03.302, 24.03.345, 24.03.370, 24.03.386, 24.03.388, 24.03.395, 24.03.400, 24.03.405, 24.03.410, 24.06.046, 24.06.047, 24.06.048, 24.06.050, 24.06.055, 24.06.275, 24.06.290, 24.06.380, 24.06.415, 24.06.440, 24.06.445, 24.06.450, 24.06.465, and 24.06.520; adding a new section to chapter 24.06 RCW; repealing RCW 24.03.490, 24.03.500, 24.03.510, 24.03.520, 24.03.530, and 24.03.540; repealing 1989 c 291 s 1 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1548 by Representatives Dorn, Brough, Pruitt, Valle, Holm, Rayburn, Quall, Basich, G. Fisher, King, Cothorn, Wineberry, H. Myers and J. Kohl; by request of Superintendent of Public Instruction

AN ACT Relating to education technology; adding new sections to chapter 28A.300 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 1549 by Representatives G. Cole, Brough, Cothorn, Pruitt and L. Johnson; by request of Superintendent of Public Instruction

AN ACT Relating to school bus replacement for public school districts; amending RCW 28A.160.200; adding new sections to chapter 28A.160 RCW; and providing an effective date.

Referred to Committee on Education.

HB 1550 by Representatives Horn, Brumsickle, Silver, Miller, Ballard, Long, Tate, Morton, Brough, Sheahan, Wood, Thomas, Ballasiotes, Sehlin, Forner, Foreman, Padden, Casada, Vance, Sheahan, Reams, Edmondson, Talcott, Schoesler and Lisk

AN ACT Relating to the governor's legislation amending a biennial operating appropriations act; reenacting and amending RCW 43.88.030; and creating a new section.

Referred to Committee on Appropriations.

HB 1551 by Representatives Sheldon, Chandler, Springer, King and Brumsickle

AN ACT Relating to gambling; amending RCW 9.46.0217 and 9.46.0281; adding new sections to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1552 by Representatives Leonard, Sommers, Ogden, Riley, Talcott, Flemming, Silver, H. Myers, Thibaudeau, Padden, Karahalios, Johanson and Quall

AN ACT Relating to individuals with developmental disabilities; amending RCW 71A.10.015, 71A.10.050, 71A.12.010, 71A.12.020, 71A.12.030, 71A.14.010, 71A.20.010, 71A.20.080, and 71A.20.150; adding a new section to chapter 71A.20 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 1553 by Representatives King, Heavey, R. Meyers, Appelwick, Peery, Conway, Leonard, Ogden, R. Fisher, Orr, Scott, Voloria, Brough, Hansen, Wang, Johanson and Quall

AN ACT Relating to employee privacy; and adding new sections to chapter 49.44 RCW.

Referred to Committee on Commerce & Labor.

HB 1554 by Representatives R. Meyers, Dorn, Miller, Campbell, Wood, Jones, Fuhrman, Wineberry, Pruitt and Finkbeiner

AN ACT Relating to review of chiropractic health care; adding new sections to chapter 18.26 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1555 by Representatives Springer, Riley, Edmondson, Zellinsky, Horn, Sheldon, Kremen, Bray, Ludwig and Quall

AN ACT Relating to the use of administrative funds of a public corporation formed by a municipality; and amending RCW 39.84.130.

Referred to Committee on Local Government.

HB 1556 by Representatives Forner, Ballasiotes, Riley and Johanson; by request of Administrator for the Courts

AN ACT Relating to weapons; amending RCW 9.41.300; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1557 by Representatives Forner, Appelwick, Jones and Karahalios; by request of Department of Social and Health Services

AN ACT Relating to employer reporting to the Washington state support registry; amending RCW 26.23.040; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1558 by Representatives R. Fisher, Sheldon, Quall, Brown and Cothorn; by request of Department of Licensing

AN ACT Relating to provisional driver licensing; amending RCW 46.04.480, 46.20.161, 46.20.311, and 46.20.342; adding new sections to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1559 by Representatives Brown, Wolfe, Ballasiotes, Flemming, Riley, Kessler, Linville, Thibaudeau, Leonard, J. Kohl, Mastin, Wang, Jones, Pruitt, Karahalios, Campbell, Johanson, Quall, G. Fisher, Cothorn, L. Johnson, Kremen and H. Myers

AN ACT Relating to school-aged child care programs; and creating new sections.

Referred to Committee on Human Services.

HB 1560 by Representatives Appelwick, Leonard, Karahalios and Johanson

AN ACT Relating to the uniform interstate family support act; adding new sections to chapter 26.21 RCW; creating a new section; and repealing RCW 26.21.010, 26.21.020, 26.21.030, 26.21.040, 26.21.050, 26.21.060, 26.21.070, 26.21.080, 26.21.090, 26.21.092, 26.21.094, 26.21.100, 26.21.102, 26.21.104, 26.21.106, 26.21.110, 26.21.112, 26.21.114, 26.21.116, 26.21.120, 26.21.130, 26.21.140, 26.21.150, 26.21.160, 26.21.170, 26.21.180, 26.21.190, 26.21.200, 26.21.210, 26.21.220, 26.21.230, 26.21.240, 26.21.250, 26.21.260, 26.21.270, and 26.21.900.

Referred to Committee on Judiciary.

HB 1561 by Representatives Brown, Wolfe, Thibaudeau, Mastin, J. Kohl, H. Myers, Johanson, Romero, Leonard, Karahalios and L. Johnson

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

Referred to Committee on Human Services.

HB 1562 by Representatives Brown, Dellwo, H. Myers, Orr, Mastin and J. Kohl

AN ACT Relating to the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1563 by Representatives R. Johnson and Zellinsky

AN ACT Relating to investment advisers; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1564 by Representatives Riley, Padden, Appelwick, Basich and Wineberry

AN ACT Relating to superior courts; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Judiciary.

HB 1565 by Representatives Conway, Heavey, G. Cole and King

AN ACT Relating to private business entities receiving public assistance; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1566 by Representative H. Myers

AN ACT Relating to notice of estate tax findings filings; and amending RCW 83.100.160.

Referred to Committee on Judiciary.

HB 1567 by Representatives H. Myers, Johanson, Chappell, Riley, Ballasiotes, Ludwig, Appelwick, Tate, Jones, Quall and Wineberry

AN ACT Relating to interpreters for hearing or speech impaired jurors; amending RCW 2.42.050, 2.42.120, 10.27.070, and 10.27.080; adding a new section to chapter 2.36 RCW; and adding a new section to chapter 4.44 RCW.

Referred to Committee on Judiciary.

HB 1568 by Representatives Dunshee, Brough and Cothorn

AN ACT Relating to city and town annexations; amending RCW 35.13.125, 35.13.130, 35.13.140, 35.13.165, 35A.14.120, and 35A.14.130; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government.

HB 1569 by Representatives Appelwick, Veloria, Wineberry, Romero, Wang, Locke, Thibaudeau, Wolfe, Brough, Miller, Leonard, Campbell, Cothorn, L. Johnson, and Anderson

AN ACT Relating to malicious harassment; amending RCW 9A.36.080; adding new sections to chapter 9A.36 RCW; adding a new section to chapter 36.28A RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1570 by Representatives R. Meyers, Brough, Campbell and Kremen

AN ACT Relating to confiscated firearms; amending RCW 9.41.098; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1571 by Representatives Ogden, Carlson, H. Myers, Peery, Springer and Brough

AN ACT Relating to counties acquiring real property; and amending RCW 84.34.230.

Referred to Committee on Local Government.

HB 1572 by Representatives Dorn, Brumsickle, Miller, Jones and Talcott

AN ACT Relating to the allocation of funds for high school students enrolled in technical college programs; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 1573 by Representatives Pruitt, R. Johnson, Rust, Wolfe, Morton, Dunshee, Sheldon, Locke, Linville, Basich and J. Kohl

AN ACT Relating to coordinated water resources programs; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.50A RCW; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Natural Resources & Parks.

HB 1574 by Representatives Leonard, Brown, King, Wineberry, Flemming, Wood, Romero, G. Cole, Riley, Locke, Anderson, Appelwick, Rust, Orr, Karahalios, Quall, Jacobsen, Thibaudeau, Johanson and J. Kohl

AN ACT Relating to vendor rates for service providers who care for children; adding a new section to chapter 74.32 RCW; adding new sections to Title 74 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 1575 by Representatives Flemming, Jacobsen, Wineberry, Dellwo, Appelwick and J. Kohl

AN ACT Relating to public sector employment for law school graduates; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1576 by Representatives Brown, L. Johnson, Riley, Karahalios, Appelwick, Kessler, Veloria, Ogden, Dunshee, Miller, Ludwig, Cooke, Schmidt, Long, Eide, Cothorn, Romero, Johanson and G. Cole

AN ACT Relating to contempt actions to enforce child support obligations; amending RCW 26.18.050; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.10 RCW; adding a new section to chapter 26.19 RCW; and adding a new section to chapter 26.26 RCW.

Referred to Committee on Judiciary.

HB 1577 by Representatives Dellwo, Dyer, L. Johnson, Miller, Scott, Eide, R. Meyers, Campbell, Wood, Thibaudeau, Ballasiotes, Cothorn, Wineberry, Conway, R. Johnson, Ogden, Mastin, Appelwick, Morris, Brown, Flemming, G. Cole, Heavey, Jones, Karahalios, Wang, Kessler, Veloria, Rust, Jacobsen, Basich, Dunshee, Quall, Pruitt, Linville, H. Myers, Romero, Johanson, Wolfe, G. Fisher, R. Fisher, King, Holm, Shin, Valle, Riley, Springer, Chappell, Dorn, Sommers, Peery, J. Kohl, Locke, Bray, Lemmon, Brough, Leonard and Anderson

AN ACT Relating to health care; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.080, 41.05.011, 41.05.021, 41.05.050, 41.05.055, 41.05.065, 41.05.120, 41.05.140, 70.170.100, 70.170.110, 28B.125.010, 28B.115.080, 70.185.030, 43.70.460, 43.70.470, 48.30.300, 48.44.020, 48.46.060, 48.44.260, 48.46.380, 48.44.220, 18.72.400, 43.70.320, 18.130.190, 70.41.200, 70.41.230, 5.60.070, 4.22.070, 82.26.020, 82.24.020, 82.08.150, 66.08.180, 66.24.210, 66.24.290, 82.02.030, 42.17.2401, and 43.20.050; reenacting and amending RCW 48.21.200; adding a new section to chapter 70.47 RCW; adding a new section to Title 43 RCW; adding a new section to chapter 41.05 RCW; adding new sections to chapter 70.170 RCW; adding a new section to chapter 71.12 RCW; adding new sections to chapter 48.20 RCW; adding a new section to chapter 48.30 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 48.05 RCW; adding new sections to chapter 7.70 RCW; adding new sections to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 48.46.370, 48.46.160, and 48.46.905; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1993

HB 1025 Prime Sponsor, Representative Ludwig: Regarding the limitation of actions brought by prisoners. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Excused: Representatives Locke and Schmidt

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1033 Prime Sponsor, Representative H. Myers: Establishing a procedure for developing local jail industries programs. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; L. Johnson, Vice Chair; Long, Ranking Minority Member; G. Cole; Mastin; Ogden; and Riley.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Assistant Ranking Minority Member and Padden.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1034 Prime Sponsor, Representative Appelwick: Correcting an unconstitutional provision relating to claims for noneconomic damages limitations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1035 Prime Sponsor, Representative Appelwick: Correcting double amendments relating to support obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1041 Prime Sponsor, Representative Zellinsky: Altering a limit on family member group life insurance coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Dellwo; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Anderson and Dorn

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1047 Prime Sponsor, Representative Rust: Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; J. Kohl, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Hansen; Holm; L. Johnson; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1051 Prime Sponsor, Representative Scott: Providing for restitution for certain emergency responses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Excused: Representatives Locke and Schmidt

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1058 Prime Sponsor, Representative Franklin: Providing for public hospital district chaplains. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Horn; Rayburn; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee; R. Fisher; Romero; and Springer.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1079 Prime Sponsor, Representative Appelwick: Correcting an error in procedure for review of eminent domain judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Excused: Representatives Locke and Schmidt

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1084 Prime Sponsor, Representative Wineberry: Changing provisions relating to jury source lists. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Excused: Representatives Locke and Schmidt

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1086 Prime Sponsor, Representative Valle: Modifying littering penalties. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; J. Kohl, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Holm; L. Johnson; Linville; Roland; and Sheahan.

MINORITY recommendation: Without recommendation. Signed by Representative Hansen.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1088 Prime Sponsor, Representative Rust: Extending the expiration date of the solid waste collection tax.
Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Rust, Chair; J. Kohl, Vice Chair; Horn, Ranking Minority Member; Bray; Edmondson;
Hansen; Holm; L. Johnson; Linville; and Roland.

MINORITY recommendation: Without recommendation. Signed by Representatives Van Luven, Assistant
Ranking Minority Member and Sheahan.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1244 Prime Sponsor, Representative Franklin: Providing for payments for time lost from work while attending a
medical examination for industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair;
Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1248 Prime Sponsor, Representative King: Regulating the increase of industrial insurance death and disability
benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair;
King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member;
Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1267 Prime Sponsor, Representative Zellinsky: Requiring liability insurance for motorcycles. Reported by
Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant
Ranking Minority Member; Dellwo; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and
Tate.

Excused: Representatives Anderson and Dorn

Passed to Committee on Rules for second reading.

February 1, 1993

HJR 4200 Prime Sponsor, Representative Franklin: Amending the Constitution to permit municipalities and state
agencies to employ chaplains. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair;
Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Horn; Rayburn; Van Luven; and
Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee; R. Fisher; Romero; and
Springer.

Passed to Committee on Rules for second reading.

February 1, 1993

HJR 4201 Prime Sponsor, Representative Ludwig: Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Excused: Representatives Locke and Schmidt

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills and resolutions listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

On motion of Representative Peery, House Bill No. 1371 was referred from Committee on Local Government to Committee on Energy & Utilities.

On motion of Representative Peery, House Bill No. 1438 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Representative Peery, House Bill No. 1445 was referred from Committee on Human Services to Committee on Commerce & Labor.

On motion of Representative Peery, House Bill No. 1219 was referred from Committee on Rules to Committee on Appropriations.

On motion of Representative Peery, House Bill No. 1514 was referred from Committee on Natural Resources & Parks to Committee on Higher Education.

On motion of Representative Peery, House Bill No. 1516 was referred from Committee on Judiciary to Committee on Corrections.

On motion of Representative Peery, House Bill No. 1459 was referred from Committee on Commerce & Labor to Committee on Health Care.

On motion of Representative Peery, House Bill No. 1487 was referred from Committee on Local Government to Committee on Natural Resources & Parks.

On motion of Representative Peery, House Bill No. 1384 was referred from Committee on Local Government to Committee on Education.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following committee appointments.

Representative Flemming is removed from Committee on Human Services and appointed to Committee on Environmental Affairs as Vice Chair.

Representative L. Johnson is appointed as Vice Chair of Committee on Health Care.

Representative Mastin is appointed as Vice Chair of Committee on Corrections.

Representative Conway is assigned to Committees on State Government, Health Care, Commerce and Labor, and Trade, Economic Development & Housing.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 A.M. Wednesday, February 3rd, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

TWENTY-SECOND DAY, FEBRUARY 1, 1993

JOURNAL OF THE HOUSE

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

TWENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 3, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Jacobsen presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Anderson and John Shanaman. Prayer was offered by Bob Klein, Minister of Timberline Baptist Church of Lacey.

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

MESSAGES FROM THE SENATE

February 2, 1993

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5166,

Brad Hendrickson, Deputy Secretary

and the same is herewith transmitted.

February 3, 1993

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4404,
HOUSE CONCURRENT RESOLUTION NO. 4409,

Brad Hendrickson, Deputy Secretary.

and the same are herewith transmitted.

MESSAGE FROM THE KING COUNTY COUNCIL

MOTION NO. 8890

A MOTION appointing a member to the Washington State House of Representatives from the 33rd Legislative District.

BE IT MOVED by the Council of King County:

Julia Patterson is hereby appointed to the vacancy for the Washington State House of Representatives 33rd District.

PASSED this 1st day of February, 1993.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Representative-elect Julia Patterson was escorted to the rostrum and administered the oath of office by Supreme Court Justice Robert Utter.

The Sergeant at Arms escorted Representative Patterson to her seat on the floor.

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

INTRODUCTIONS AND FIRST READING

HB 1578 by Representatives L. Johnson, Morris, G. Cole, Padden, Riley, Edmondson, Mastin, Johanson, Jones, Basich, King, Valle, Campbell, Long, Shin, Springer, Karahalios, Roland, Rayburn, Conway, Kremen, Ogden, Cothorn and H. Myers; by request of Department of Corrections

AN ACT Relating to the clarification of responsibility to monitor criminally insane offenders, track sentences, clarify tolling provisions, and charge offenders for special services; amending RCW 10.98.110, 9.94A.170, 10.77.010, 10.77.020, 10.77.150, 10.77.160, 10.77.165, 10.77.180, 10.77.190, 10.77.200, and 10.77.210; reenacting and amending RCW 9.94A.120; and prescribing penalties.

Referred to Committee on Corrections.

HB 1579 by Representative G. Cole

AN ACT Relating to prohibited practices in industrial insurance; amending RCW 51.28.050 and 51.28.055; adding a new section to chapter 51.48 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1580 by Representatives Quall, Brumsickle, Jacobsen, Bray, Rayburn, Finkbeiner, Kessler, J. Kohl, Shin, G. Fisher, Springer, Romero, R. Johnson, Linville and Basich

AN ACT Relating to higher education; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1581 by Representatives Morris, Edmondson, R. Meyers, Jones, Campbell, Fuhrman, Dorn, Miller, Wineberry, Reams, Lemmon, Ludwig, Brough, Pruitt, Foreman, Basich, Scott, Chandler, Long, Springer, Roland, Kremen, Sehlin, Van Luven and Ballard

AN ACT Relating to health care for persons receiving public assistance; and amending RCW 74.09.520.

Referred to Committee on Health Care.

HB 1582 by Representatives Zellinsky, Mielke, R. Meyers, Dellwo, Campbell, Dorn, Dyer and Basich

AN ACT Relating to permitted transactions by insurance agent-brokers; and amending RCW 48.17.270.

Referred to Committee on Financial Institutions & Insurance.

HB 1583 by Representatives Jacobsen, Carlson, Quall, Bray, Rayburn, Kessler, J. Kohl, Shin, Wood, Basich, Ogden, Brumsickle, King, Van Luven and L. Johnson

AN ACT Relating to higher education; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 1584 by Representatives J. Kohl, Jacobsen, Carlson, Quall, Bray, Rayburn, Kessler, Shin, Casada, Wood, Basich, Ogden, Brumsickle, Brough, Pruitt, King, Johanson, Van Luven and L. Johnson

AN ACT Relating to higher education; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

HB 1585 by Representatives Ogden, Long, Wolfe, Morris, Conway, Wineberry, Forner, Leonard, Valle, Pruitt and J. Kohl

AN ACT Relating to housing policies and program coordination; amending RCW 43.185.110 and 43.185A.020; adding new sections to chapter 43.63A RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1586 by Representatives Ogden, Jacobsen, Leonard, Conway, Brough, G. Cole, Forner, Finkbeiner, Cothorn and L. Johnson

AN ACT Relating to the purchase of mobile home parks by tenant organizations; amending RCW 59.22.020; adding a new chapter to Title 59 RCW; and adding new sections to chapter 59.22 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1587 by Representatives Ogden, Wood, J. Kohl, Jacobsen, Forner, Quall, Ludwig, Pruitt, Jones, Basich, King, Johanson, Thibaudeau, R. Meyers, Kessler, Bray, Dorn, Karahalios, Roland, Eide, Sheldon, Kremen, Finkbeiner, Veloria, Morris, Hansen, Leonard, Van Luven, H. Myers and L. Johnson

AN ACT Relating to higher education; amending RCW 28B.15.820; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1588 by Representatives Scott, Mielke, Kremen, Brumsickle, Grant, Kessler and Tate

AN ACT Relating to insurance contracts; and amending RCW 48.18.110.

Referred to Committee on Financial Institutions & Insurance.

HB 1589 by Representatives Romero, Thibaudeau, Leonard and Morris

AN ACT Relating to essential public facilities; and amending RCW 36.70A.200.

Referred to Committee on Local Government.

HB 1590 by Representatives Veloria, Dellwo, Flemming, R. Johnson, Campbell, Appelwick, Morris, Conway, Thibaudeau and J. Kohl

AN ACT Relating to hospital cost reporting requirements; and adding a new section to chapter 70.170 RCW.

Referred to Committee on Health Care.

HB 1591 by Representatives Sommers and Wang

AN ACT Relating to evidences of indebtedness; amending RCW 43.99I.040; and reenacting and amending RCW 39.42.060.

Referred to Committee on Capital Budget.

HB 1592 by Representatives Springer, Brumsickle, Dorn, Dunshee, Peery, H. Myers, Romero, Lemmon, Reams, Brough, Basich and Locke

AN ACT Relating to bid limitations for cities and towns; and amending RCW 35.23.352.

Referred to Committee on Local Government.

HB 1593 by Representatives Veloria, King, Brown, Wineberry, Dunshee, Dyer, Pruitt and J. Kohl

AN ACT Relating to local government proportional representation; and amending RCW 29.15.130, 29.18.010, 29.21.010, 29.21.015, 35A.12.040, and 35A.29.105.

Referred to Committee on Local Government.

HB 1594 by Representatives Veloria, Wineberry, Brown, Dunshee, Dyer, Pruitt, Campbell, Linville and J. Kohl

AN ACT Relating to presidential electors; and adding a new section to chapter 29.71 RCW.

Referred to Committee on State Government.

HB 1595 by Representatives Bray, Ballard, Peery, Ludwig, Locke, Finkbeiner and J. Kohl

AN ACT Relating to retirement benefits for elected officials; and reenacting and amending RCW 41.40.023.

Referred to Committee on Appropriations.

HB 1596 by Representatives Karahalios, Brough, Dorn, Holm, Peery, Brumsickle and J. Kohl; by request of Board of Education

AN ACT Relating to modified student attendance calendar grants; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1597 by Representatives Rust, Horn, Flemming and J. Kohl

AN ACT Relating to correction of the model toxics control act to confirm the availability of a private right of action or right of contribution; adding a new section to chapter 70.105D RCW; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1598 by Representative Lemmon

AN ACT Relating to loaded weapons; and amending RCW 77.16.250.

Referred to Committee on Fisheries & Wildlife.

HB 1599 by Representatives Lemmon, Long and L. Johnson

AN ACT Relating to fees for juvenile diversion services; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1600 by Representatives Valle, Jacobsen, Dorn, Eide, Holm, J. Kohl, G. Cole, Pruitt, Cothorn and L. Johnson

AN ACT Relating to educators; adding new sections to chapter 28B.20 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1601 by Representatives Stevens, Talcott, Ballasiotes, Silver, Fuhrman, Schoesler, Foreman and Chandler

AN ACT Relating to budget periods; amending RCW 43.88.020, 43.88.031, 43.88.035, 43.88.060, 43.88.080, 43.88.090, 43.88.120, 43.88.160, 43.88.210, 43.88.260, 43.88.505, 43.88.510, 43.88.525, 43.88.530, 43.88.540, and 44.40.080; and reenacting and amending RCW 43.88.030 and 43.88.110.

Referred to Committee on Appropriations.

HB 1602 by Representatives Chappell, Cothorn and Thomas; by request of Superintendent of Public Instruction

AN ACT Relating to election of regional committee members; and amending RCW 28A.315.060.

Referred to Committee on Education.

HB 1603 by Representatives Locke, Jacobsen, Quall, Shin, R. Johnson, Zellinsky, Pruitt, Carlson, Jones, Basich, Wang, Patterson, Thibaudeau, R. Meyers, Kessler, Bray, Campbell, Dorn, G. Fisher, Springer, Karahalios, Roland, Eide, Sheldon, Finkbeiner, Ogden, Orr, Wineberry, Veloria, Morris, Hansen and Wolfe

AN ACT Relating to higher education; amending RCW 28B.15.031, 28B.15.065, 28B.15.067, 28B.15.070, 28B.15.202, 28B.15.402, 28B.15.502, 43.88.140, 28B.101.040, and 28B.12.040; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 28B.80 RCW; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

HB 1604 by Representatives Valle, Morton, Sommers, Carlson, G. Cole, Miller, Anderson, Locke, G. Fisher, Edmondson, Patterson, Springer, Forner, Linville, Sheldon, Cothorn and Wineberry

AN ACT Relating to economic and revenue forecasts; and amending RCW 82.33.020.

Referred to Committee on Revenue.

HB 1605 by Representatives Roland, Horn, Hansen, Padden, Sheahan, Chandler, Casada and Long

AN ACT Relating to extending the state preemption on regulating products and product packaging; amending RCW 70.95C.100 and 82.02.025; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1606 by Representatives Hansen, Cothorn, Brumsickle, King and Rayburn; by request of Superintendent of Public Instruction

AN ACT Relating to teacher recruitment; and amending RCW 28A.300.260.

Referred to Committee on Education.

HB 1607 by Representatives Jones, Brumsickle, Brough, J. Kohl, Carlson, R. Meyers, Riley, Mielke, Vance, Basich, Patterson, Kessler, Pruitt and G. Fisher

AN ACT Relating to early retirement; and amending RCW 41.26.430, 41.32.765, and 41.40.630.

Referred to Committee on Appropriations.

HB 1608 by Representatives Riley, Leonard, Thibaudeau, Brough, Jacobsen, Kremen, J. Kohl and Anderson

AN ACT Relating to foster parents; amending RCW 74.13.260; adding a new section to chapter 74.13 RCW; and creating new sections.

Referred to Committee on Human Services.

HB 1609 by Representatives Morton, Morris, R. Meyers and Sheahan

AN ACT Relating to political parties; and amending RCW 29.42.020 and 29.42.030.

Referred to Committee on State Government.

HB 1610 by Representatives Morton, Sheahan, Edmondson, Casada, Schoesler, Fuhrman and Chandler

AN ACT Relating to commercial logging transportation; adding new sections to chapter 81.04 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1611 by Representatives Morton, Mielke, Schoesler, Talcott, Van Luven, Brough, Foreman, Fuhrman and Chandler

AN ACT Relating to grizzly bears; and adding a new section to chapter 77.16 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1612 by Representatives Morton, King, Basich, Kremen, Sheldon, Foreman, Fuhrman, Chandler and Padden

AN ACT Relating to the enhancement of salmon with remote site incubators; adding new sections to chapter 75.50 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1613 by Representatives Mielke, R. Meyers, Reams, Pruitt, Chandler, Anderson, Dyer, Morton, Vance, Padden, Lisk, Silver, Cooke, Casada, Foreman, Sheahan, Fuhrman, Jones, Campbell, Long, Rayburn, Kremen and Quall

AN ACT Relating to review of agency rules; amending RCW 34.05.610; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1614 by Representatives Chandler, Pruitt, Lisk, Morton and Schoesler

AN ACT Relating to capital budget document contents; and reenacting and amending RCW 43.88.030.

Referred to Committee on Capital Budget.

HB 1615 by Representatives Chandler, Sheldon, Casada, Hansen, Forner, Padden and Lisk

AN ACT Relating to tax deferrals; and amending RCW 82.61.010, 82.61.040, and 82.61.070.

Referred to Committee on Revenue.

HB 1616 by Representatives Chandler, Sheldon, Casada, Hansen, Forner, Wineberry, Padden, Kremen and Lisk

AN ACT Relating to tax deferrals; and amending RCW 82.61.010.

Referred to Committee on Revenue.

HB 1617 by Representatives R. Fisher, Chandler, Schmidt, Eide, Johanson, J. Kohl, Kremen, Cothorn, Jacobsen, Brough, Pruitt, Thomas, R. Meyers, Miller, Shin, Karahalios, Locke, Finkbeiner, Ogden, Quall, Orr, Wineberry, Veloria, Wood, H. Myers, L. Johnson and Anderson

AN ACT Relating to high-speed ground transportation; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1618 by Representatives Shin, Wood, Forner, Pruitt, Sheldon, Brough, Ballasiotes, Brumsickle, Carlson, Vance, Jones, Foreman, Padden, Fuhrman, Sheahan, Schoesler, Miller, Campbell, Casada, Long, Jacobsen, Stevens, Linville, Kremen, Silver, Morton, Talcott, Horn, Sehlin, Tate, Van Luven and Anderson

AN ACT Relating to terminating defunct boards, commissions, and committees; amending RCW 43.240.911, 19.02.020, 19.02.030, and 43.06.010; and repealing RCW 19.02.038, 19.02.040, 43.21F.047, 43.57.010, 43.57.020, 43.57.030, 43.131.115, 43.131.118, 43.131.120, 43.136.060, and 49.30.030.

Referred to Committee on State Government.

HB 1619 by Representatives Shin, Jacobsen, Campbell, Finkbeiner, Sheldon, J. Kohl, Wood, Schoesler, Veloria, Dorn, G. Cole, Forner, Wineberry, Heavey, Edmondson, Cothorn, Long, Horn, Pruitt, Quall, Basich and King

AN ACT Relating to international education and cultural exchanges; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1620 by Representatives Dyer, Reams, Anderson, Foreman, Morris, Forner, Miller, Thomas, Johanson, Ballasiotes, Schoesler, Padden, Wood, Sheahan, Karahalios, Cooke, Tate, Chappell, Morton, Shin, Lisk, Fuhrman, Cothorn, Brumsickle, Brough, Edmondson, Sehlin, Eide, Campbell, Finkbeiner, Kessler, Long and Kremen

AN ACT Relating to duties of the state auditor; and adding a new section to chapter 43.09 RCW.

Referred to Committee on State Government.

HB 1621 by Representatives Rayburn, Chandler and Jacobsen; by request of Department of Agriculture

AN ACT Relating to apiaries; amending RCW 15.60.005, 15.60.007, 15.60.010, 15.60.015, 15.60.020, 15.60.025, 15.60.030, 15.60.040, 15.60.042, 15.60.043, 15.60.050, 15.60.100, 15.60.110, 15.60.120, 15.60.140, 15.60.150, 15.60.170, and 15.60.180; adding new sections to chapter 15.60 RCW; repealing RCW 15.60.200; and prescribing penalties.

Referred to Committee on Agriculture & Rural Development.

HB 1622 by Representatives Chappell, Chandler and Rayburn; by request of Department of Agriculture

AN ACT Relating to the regulation of fertilizer; amending RCW 15.54.270, 15.54.330, 15.54.340, 15.54.350, 15.54.362, 15.54.370, 15.54.380, 15.54.414, 15.54.420, 15.54.436, 15.54.470, and 15.54.800; adding new sections to chapter 15.54 RCW; and repealing RCW 15.54.272, 15.54.274, 15.54.276, 15.54.278, 15.54.280, 15.54.281, 15.54.282, 15.54.284, 15.54.286, 15.54.288, 15.54.290, 15.54.292, 15.54.294, 15.54.296, 15.54.297, 15.54.298, 15.54.300, 15.54.302, 15.54.304, 15.54.306, 15.54.307, and 15.54.320.

Referred to Committee on Agriculture & Rural Development.

HB 1623 by Representatives Thibaudeau, Flemming, Brough, Wolfe, Roland, Brown, Leonard, Locke, Anderson, Talcott, King, Scott, J. Kohl and L. Johnson

AN ACT Relating to therapeutic child care; amending RCW 74.14C.070 and 74.14B.040; and creating a new section.

Referred to Committee on Human Services.

HB 1624 by Representative Appelwick

AN ACT Relating to decriminalizing certain misdemeanors; amending RCW 9.04.090, 9.51.020, 9A.52.080, 43.51.180, 46.12.101, 46.16.010, 46.16.011, 46.16.381, 46.29.605, 46.29.610, 46.61.015, 46.61.535, 46.63.020, 46.70.090, 46.70.125, 46.70.140, 46.87.290, 47.52.120, 47.68.230, 47.68.250, 66.20.200, 66.28.090, 66.44.100, 66.44.250, 66.44.291, 66.44.310, 69.50.412, 70.93.060, 81.80.070, 81.80.371, and 88.02.020; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1625 by Representative Appelwick

AN ACT Relating to compensation of municipal court judges; and amending RCW 3.50.080 and 35.20.160.

Referred to Committee on Judiciary.

HB 1626 by Representatives Appelwick, Wang, Scott, Springer, Johanson, Ludwig, H. Myers, Foreman, Chappell, Sheahan and Mastin

AN ACT Relating to the election of judges; and amending RCW 3.46.050.

Referred to Committee on Judiciary.

HB 1627 by Representatives Heavey and King; by request of Department of Licensing

AN ACT Relating to engineers and professional land surveyors; amending RCW 18.43.020, 18.43.040, 18.43.050, and 18.43.070; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1628 by Representatives Leonard, Dellwo, Riley, Rust, Valle, Brown, Karahalios, Flemming, Linville, Thibaudeau, Brough, Pruitt, Jones, Basich, King, Wang, Patterson, Johansen, Kessler, Bray, G. Cole, G. Fisher, Jacobsen, Locke, Sheldon, Rayburn, Cothorn, Wineberry, Veloria, Morris, J. Kohl, L. Johnson and Anderson

AN ACT Relating to immunization; adding a new section to chapter 43.20 RCW; adding new sections to chapter 43.70 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1629 by Representatives Tate, Campbell, Brumsickle, Casada, Vance, Sheahan, Roland, Dorn, Brough, Ballasiotes, Jones, Foreman, Padden, Schoesler, Thomas, Kessler, Long, Forner, Morton, Talcott, Horn, Sehlin, Wood and Van Luven

AN ACT Relating to education funding; amending RCW 67.70.240; and creating a new section.

Referred to Committee on Revenue.

HB 1630 by Representatives Tate, Riley, Scott, Campbell, Padden, R. Meyers, Long, Forner, Johanson, Schmidt, Chappell, Chandler, Mielke, Reams, R. Johnson, Brough, Ballasiotes, Vance, Foreman, Sheahan, Schoesler, Miller, Jacobsen, Sheldon, Kremen, Silver, Cothorn, Morton, Wineberry and Wood

AN ACT Relating to creating the crime of carjacking; reenacting and amending RCW 9.94A.030 and 9.94A.320; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1631 by Representatives Conway, Brumsickle, G. Cole, Horn, Wood, Appelwick and Thibaudeau

AN ACT Relating to going out of business sales; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1632 by Representatives Anderson, Locke, Morton, Grant, Tate, Brough, Thomas and J. Kohl

AN ACT Relating to funeral expenses of a deceased person; and amending RCW 74.08.125.

Referred to Committee on Human Services.

HB 1633 by Representatives Grant, Heavey, Chandler, Roland, H. Myers and Morris

AN ACT Relating to electrical installations; amending RCW 19.28.010, 19.28.015, 19.28.070, 19.28.120, 19.28.190, 19.28.210, and 19.28.360; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 1634 by Representatives Dorn, Brumsickle and G. Fisher; by request of Superintendent of Public Instruction

AN ACT Relating to deregulation of education finance; amending RCW 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.290, 28A.195.010, 28A.195.010, 28A.225.250, 28A.330.100, and 28A.335.160; creating a new section; repealing RCW 28A.300.060 and 28A.510.260; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Education.

HB 1635 by Representatives Zellinsky, Schmidt, King, Ballard, Dorn, Sehlín, Heavey, Kremen, Brough, Sheldon, Wood, Jones, Jacobsen, J. Kohl, R. Johnson, Karahalios, Holm, Scott, Orr, Kessler, Pruitt, R. Fisher, Wang, Springer, Quall, Conway, Anderson, Shin, Veloria, Leonard, Campbell, R. Meyers, Ballasiotes, Vance, Foreman, Patterson, Valle, Johanson, Miller, Chandler, G. Fisher, Roland, Linville and Cothorn

AN ACT Relating to jumbo ferry purchases; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 1636 by Representatives Dorn, Brumsickle and Orr; by request of Superintendent of Public Instruction

AN ACT Relating to the admission to practice examination for teacher candidates; and amending RCW 28A.410.030.

Referred to Committee on Education.

HB 1637 by Representatives Conway, Heavey, King, G. Cole, Basich, Kessler, G. Cole, G. Fisher, Karahalios, Jacobsen, Ogden and Veloria

AN ACT Relating to the definition of public work; and amending RCW 39.04.010.

Referred to Committee on Commerce & Labor.

HB 1638 by Representatives Dellwo, Wood, Edmondson, Mielke, Padden, Campbell and Roland

AN ACT Relating to chiropractors; and repealing RCW 18.26.380.

Referred to Committee on Health Care.

HB 1639 by Representatives H. Myers, Chandler, Heavey, Wood, Edmondson, Reams, Lemmon, Ballasiotes, Ludwig, Carlson, Long, Roland, Rayburn, Ballard and Anderson

AN ACT Relating to a chiropractic pilot program for basic health plan enrollees; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health Care.

HB 1640 by Representatives Johanson, Ballasiotes, Wineberry, Padden, Schmidt, Ludwig, Mastin, Riley, Thibaudeau, Campbell, Long, Forner, H. Myers, Brough, Ballasiotes, Vance, Jones, Foreman, Fuhrman, Schoesler, Miller, Casada, Jacobsen, Stevens, Rayburn, Kremen, Silver, Quall, Talcott, Tate, Orr, Van Luven and Anderson

AN ACT Relating to crime victims; and adding new sections to chapter 7.68 RCW.

Referred to Committee on Judiciary.

HB 1641 by Representatives Chandler, Rayburn, Grant, Schoesler, Kremen, Foreman and Sheahan

AN ACT Relating to the sale of pollination agents; amending RCW 82.04.050; and declaring an emergency.

Referred to Committee on Revenue.

HB 1642 by Representatives Locke, Dellwo, Dunshee, Eide, Thibaudeau, G. Fisher, Springer, Jacobsen, Rayburn, Cothorn and L. Johnson

AN ACT Relating to the establishment of the Washington state health insurance purchasing cooperative; adding a new section to chapter 41.05 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1643 by Representatives King, Veloria, Heavey, Reams and Jacobsen; by request of Department of Licensing

AN ACT Relating to landscape architects; amending RCW 18.96.040, 18.96.080, 18.96.090, 18.96.100, and 18.96.150; and reenacting and amending RCW 18.96.110.

Referred to Committee on Commerce & Labor.

HB 1644 by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Patterson, Brough, King, Springer, Forner, Wineberry and J. Kohl

AN ACT Relating to voting by mail; amending RCW 29.36.120, 29.36.122, 29.36.126, 29.36.130, 29.36.139, 29.36.150, and 29.10.180; adding a new section to chapter 29.36 RCW; and prescribing penalties.

Referred to Committee on State Government.

HB 1645 by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, Wang, Cothorn, Wineberry and J. Kohl

AN ACT Relating to initiatives and referenda; amending RCW 29.79.440, 29.79.480, 29.79.490, and 42.17.090; adding new sections to chapter 29.79 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government.

HB 1646 by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, King, Miller, Springer, Forner, Wineberry and J. Kohl

AN ACT Relating to ongoing absentee voter status; amending RCW 29.36.013; and repealing RCW 29.36.016.

Referred to Committee on State Government.

HB 1647 by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, King, Springer, Wineberry, Leonard and J. Kohl

AN ACT Relating to voting; and adding a new section to chapter 29.36 RCW.

Referred to Committee on State Government.

HB 1648 by Representatives Wineberry, Anderson, Veloria, Pruitt, King, Springer, Leonard and J. Kohl

AN ACT Relating to elections; amending RCW 29.07.160; and adding a new section to chapter 29.07 RCW.

Referred to Committee on State Government.

HB 1649 by Representatives Wineberry, Anderson, Veloria, Pruitt, Campbell, Springer, Leonard and J. Kohl

AN ACT Relating to elections; amending RCW 29.07.160; and adding a new section to chapter 29.07 RCW.

Referred to Committee on State Government.

HJR 4206 by Representatives Springer, H. Myers, Flemming, Edmondson, Orr, Morris, Sheldon, Grant, Chappell, Dorn, R. Meyers, Quall, Peery, Pruitt, Van Luven, Dunshee, Romero, Reams, Brough, Basich, Rayburn, Wineberry and J. Kohl

Amending the Constitution to allow additional levies for fire protection districts.

Referred to Committee on Local Government.

HJR 4207 by Representatives Stevens, Fuhrman, Wood, Vance, Tate, Sheahan, Silver, Padden, Ballasiotes, Schoesler, Casada and Forner

Limiting new laws to a five-year life.

Referred to Committee on State Government.

HCR 4411 by Representatives Pruitt, Veloria, J. Kohl and Conway

Establishing a task force on democracy.

Referred to Committee on State Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 2, 1993

HB 1068 Prime Sponsor, Representative Padden: Providing for registration of transfer on death securities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1075 Prime Sponsor, Representative Padden: Updating references in probate and trust law to the Internal Revenue Code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1076 Prime Sponsor, Representative Ludwig: Allowing a personal representative with nonintervention powers to determine time and manner of distributing income. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1078 Prime Sponsor, Representative Appelwick: Regulating the passing of interests at death. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1097 Prime Sponsor, Representative Jacobsen: Consolidating the state capital historical association and the state historical society. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

January 28, 1993

HB 1100 Prime Sponsor, Representative Bray: Imposing a fee on waste transported without a cover. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; J. Kohl, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Hansen; Holm; L. Johnson; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

January 28, 1993

HB 1126 Prime Sponsor, Representative Dunshee: Collecting certain water district fines. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1146 Prime Sponsor, Representative Heavey: Requiring compliance with chapter 39.12 RCW of public works. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:
On page 1, beginning on line 8, after "lease," strike all material through "municipality" on line 10 and insert "or purchase at least fifty percent of the project by one or more state agencies or municipalities"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Excused: Representative Springer

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1147 Prime Sponsor, Representative King: Requiring considerations for public works contract bids. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Excused: Representative Springer

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1150 Prime Sponsor, Representative Anderson: Repealing the sunset provisions of the counselor registration statute. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1225 Prime Sponsor, Representative Zellinsky: Concerning the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1226 Prime Sponsor, Representative Zellinsky: Concerning amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Kremen and Lemmon.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1243 Prime Sponsor, Representative King: Making technical changes to the statute governing reconsideration of industrial insurance orders. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Excused: Representative Springer.

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1245 Prime Sponsor, Representative Veloria: Regulating workplace safety bonus programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.28 RCW to read as follows:

(1) No employer may implement a program that gives bonuses to workers for safety performance, including bonuses that are contingent on the safety performance of another worker or group of workers, on maintaining an accident-free workplace, or on the reporting of no job-related injuries or accidents over a required time period.

(2) This section does not prohibit programs that reward workers for reporting unsafe working conditions or industrial accidents.

(3) For the purposes of this section "bonus" means (a) favorable working conditions, or (b) cash or other award with a value exceeding fifty dollars in a calendar quarter."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1247 Prime Sponsor, Representative King: Establishing computation of payment for a reopened industrial insurance claim. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; and Veloria.

Excused: Representative Springer.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1249 Prime Sponsor, Representative Heavey: Increasing industrial insurance partial disability awards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Excused: Representative Springer

Passed to Committee on Rules for second reading.

February 1, 1993

HB 1258 Prime Sponsor, Representative Rayburn: Modifying water rights claims provision. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Lisk; and Roland.

Excused: Representative Karahalios

Passed to Committee on Rules for second reading.

January 29, 1993

HB 1264 Prime Sponsor, Representative Heavey: Regulating third party recoveries in workers' compensation cases. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:
On page 3, line 12, after "paid" strike "or payable" and insert "~~((or payable))~~"

On page 6, beginning on line 21, after "**Sec. 4.**" strike the remainder of section 4 and insert "This act applies to all causes of action that the parties have not settled or in which judgment has not been entered prior to July 1, 1993."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1353 Prime Sponsor, Representative G. Cole: Regulating asbestos disease benefits claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 5, after "paid" strike all material through "difference" on line 7, and insert "in conformity with applicable federal and state law. Any legal costs remaining as an obligation of the department"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Conway; Horn; King; and Veloria.

Excused: Representative Springer

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4404,
HOUSE CONCURRENT RESOLUTION NO. 4409,

The Speaker declared the House to be at ease.
The Speaker called the House to order.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4608, by Representatives Peery and Ballard

((TEMPORARY)) PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES
FIFTY-THIRD LEGISLATURE
1993-1994

HOUSE RULE NO.

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Duties of Employees
- Rule 7** ((~~Admittance to the Floor~~)) Admission to the House
- Rule 8** Absentees and Courtesy
- Rule 9** Bills, Memorials and Resolutions - Introductions
- Rule 10** ((~~Amendatory Bills - Form~~))
- Rule 11** Reading of Bills
- Rule ((42)) 11** Amendments
- Rule ((43)) 12** Final Passage
- Rule ((44)) 13** Hour of Meeting, Roll Call and Quorum
- Rule ((45)) 14** Daily Calendar and Order of Business
- Rule ((46)) 15** Motions
- Rule ((47)) 16** Members Right to Debate
- Rule ((48)) 17** Rules of Debate
- Rule ((49)) 18** Ending of Debate - Previous Question

Rule ((20)) 19 Voting
Rule ((24)) 20 Reconsideration
Rule ((22)) 21 Call of the House
Rule ((23)) 22 Appeal from Decision of Chair
Rule ((24)) 23 Standing Committees
Rule ((25)) 24 Duties of Committees
~~((Rule 26 Free Conference Committee Report))~~
Rule 25 Standing Committees - Expenses - Subpoena Power
Rule ((27)) 26 Vetoed Bills
Rule ((28)) 27 Suspension of Compensation
~~((Rule 29 Standing Rules Amendment))~~
Rule ((30)) 28 Smoking
Rule ((34)) 29 Parliamentary Rules
Rule 30 Standing Rules Amendment
Rule ((32)) 31 Rules to Apply for Assembly

Definitions

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

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

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

"Committee" means any standing, conference, joint, or select committee ((of the house)) as so designated by rule or resolution.

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

Chief Clerk to Call to Order

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

Election of Officers

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

Powers and Duties of the Speaker

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

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

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

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

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

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

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

(G) ~~((In appointing the committee members to standing committees, the speaker shall name members in the same ratio as the membership of the respective parties in the house. Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs. Members of the rules committee will be selected in the same manner and same ratio as provided above, and the speaker shall serve as the chair of the rules committee. Other committee memberships shall be selected by the respective caucuses, unless otherwise provided by law, on a basis of statutory and geographical representation; otherwise, the same ratio between the parties will prevail in the selection of other committee members.))~~ The speaker, in open session, shall appoint committee chairs from the majority party of the house and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

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

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

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

Chief Clerk

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

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

Duties of Employees

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

~~((Admittance to the Floor))~~ Admission to the House

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

~~((A) Except as provided otherwise in subsection (B) of this rule, the following persons shall be entitled to admittance to the third and fourth floor of the house chamber (excluding the galleries):~~

- ~~1. Senate officers and members of the senate.~~
- ~~2. Persons in the exercise of official duty directly connected with the business of the house.~~
- ~~3. Reporters who have been designated by the speaker and who have received press cards of admittance, subject to revocation.~~
- ~~4. Former members of the legislature not advocating any pending or proposed legislation, upon presentation of cards of admittance issued by the speaker and subject to revocation.~~
- ~~5. The immediate family of members, upon presentation of cards of admittance issued by the speaker or speaker pro tempore and subject to revocation, may be admitted when the house is not in session.~~
- ~~6. Other persons, upon presentation of cards of admittance issued by the speaker and subject to revocation, may be admitted except for one-half hour prior to the convening of each day's session and for one-half hour immediately following adjournment each day the house is in session.~~

~~(B) No lobbyist, Washington state employee or public official shall be admitted to the house chamber either when the house is in session or one-half hour immediately prior to convening and one-half hour following the adjournment of its daily session, except with the consent of the speaker.) (A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:~~

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

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

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

Absentees and Courtesy

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

Bills, Memorials and Resolutions - Introductions

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

Any member or member-elect may prefile a bill with the chief clerk commencing ~~((thirty (30)))~~ twenty (20) days before any session. Prefiled bills shall be introduced on the first legislative day.

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

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

((Amendatory Bills—Form

Rule 10. Bills intended to amend existing statutes shall have the words underlined which are amendatory to such existing statutes. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses. No bill shall be printed or acted upon until the provisions of this rule have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION.")

Reading of Bills

Rule ((44)) 10. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution((7)) or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

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

After the first reading the bill shall be referred to an appropriate committee ~~((or committees. Bills referred to more than one committee shall be considered consecutively by the committees in the order set forth in the referral motion))~~.

Upon being reported out of committee, all bills shall be referred to the rules committee~~((. However, bills referred to more than one committee, upon being reported out of committee, shall be transmitted to the next committee as set forth in the referral motion))~~, unless otherwise ordered by the house.

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

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. ~~((No bill shall be considered for second reading unless a calendar of bills for second reading and copies of any amendment made by a committee have been distributed to each member no later than 8:00 p.m. on the second day preceding such consideration unless otherwise directed by the rules committee.))~~ No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

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

(C) SUBSTITUTE BILLS. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A bill for which a substitute has been recommended by a standing committee may not be subject to another substitute report by a committee that subsequently considers it. Amendments to a recommended substitute may be adopted and reported by such committee.

A motion for the substitution shall not be in order until the second reading of the original bill.

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

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

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

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

Amendments

Rule ~~((42))~~ 11. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule ~~((44))~~ 10(E) and as follows:

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

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

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

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

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

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

(G) TITLE AMENDMENTS. ~~((All amendments to the title of a bill, which do not amend the subject matter statement may be adopted by a single motion.))~~ The title of a bill shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule ~~((43))~~ 12. Rules relating to bills on final passage are as follows:

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

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

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

Hour of Meeting, Roll Call and Quorum

Rule ((14)) 13. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at ~~((11:00))~~ 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule ~~((22))~~ 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

Rule ((15)) 14. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. ~~((The rules committee shall have charge of the daily calendar of the house and shall direct the chief clerk of the order in which the business of the house shall be: PROVIDED, That:~~

~~(1) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.~~

~~(2) Messages from the senate, governor or other state officials may be read at any time.~~

~~(B) ORDER OF BUSINESS.))~~ Business of the house shall be disposed of in the following order:

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

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

Motions

Rule ((16)) 15. Rules relating to motions are as follows:

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

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

(1) Privileged motions:

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

(2) Subsidiary motions:

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

(3) Incidental motions:

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

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

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

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule ~~((23))~~ 22.

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

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

Members Right to Debate

Rule ~~((47))~~ 16. The methods by which a member may exercise his or her right to debate are as follows:

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

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

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution((;)) or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule ((49)) 18 (Previous Question).

Rules of Debate

Rule ((48)) 17. The rules for debate in the house are as follows:

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

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

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

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

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

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

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

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

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

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

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

Ending of Debate - Previous Question

Rule ((19)) 18. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable (~~by a two-thirds (2/3) vote of the members present~~).

The previous question is not debatable and cannot be amended.

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

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

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

Voting

Rule ((20)) 19. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

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

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

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

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

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

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

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

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

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

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

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

Reconsideration

Rule ((24)) 20. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

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

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

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

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

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

Call of the House

Rule ((22)) 21. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

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

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

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

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

~~((D) CALL OF HOUSE RAISED WHEN ABSENTEES RETURN. When the sergeant at arms shall make a report showing that all who were absent without leave are present, the call of the house may be dispensed with.))~~

Appeal from Decision of Chair

Rule ((23)) 22. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule ((24)) 23. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Agriculture & Rural Development 10
2. Appropriations 27
3. Capital Budget 15
4. Commerce & Labor 9
5. Corrections 9
6. Education 19
7. Energy & Utilities 9
8. Environmental Affairs ((42)) 14

- 9. Financial Institutions & Insurance 16
- 10. Fisheries & Wildlife 9
- 11. Health Care 16
- 12. Higher Education 18
- 13. Human Services 11
- 14. Judiciary 17
- 15. Local Government 12
- 16. Natural Resources & Parks 11
- 17. Revenue 16
- 18. Rules ((49)) 18
- 19. State Government 9
- 20. Trade, Economic Development & Housing ((42)) 14
- 21. Transportation ((25)) 27

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

Duties of Committees

Rule ((25)) 24. House committees shall operate as follows:

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

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

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

~~((Free Conference Committee Report~~

~~**Rule 26.** No floor vote may be taken on any free conference report within twenty-four (24) hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the house.))~~

Standing Committees - Expenses - Subpoena Power

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

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

Vetoed Bills

Rule ~~((27))~~ 26. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

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

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

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

Suspension of Compensation

Rule ~~((28))~~ 27. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

~~((Standing Rules Amendment~~

~~**Rule 29.** Any standing rule or order of the house may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof.~~

~~Any standing rule or order of business may be suspended temporarily by a two-thirds (2/3) vote of the members present: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and~~

after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, bill reading may be advanced by majority vote. (Rule 11))

Smoking

Rule ((30)) 28. Smoking of cigarettes, pipes or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within ((the)) House ((Chamber)) facilities.

"No smoking" signs shall be posted ((in all committee rooms of the house of representatives)) so as to give notice of this rule.

Parliamentary Rules

Rule ((34)) 29. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 30. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof.

Rules to Apply for Assembly

Rule ((32)) 31. The permanent house rules adopted at the beginning of the ((assembly)) term are to govern all acts of the house during the course of the ((assembly)) term unless amended or repealed.

Representative Peery moved adoption of the Resolution. Representatives Peery and Miller spoke in favor of the resolution.

House Resolution No. 4608 was adopted.

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

MOTION

On motion of Representative G. Cole, Representatives Grant and Mastin were excused.

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

SECOND READING

HOUSE BILL NO. 1019, by Representatives Dunshee, H. Myers and Springer

Changing provisions relating to the conduct of meetings in cities and towns.

House Bill No. 1019 was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1019 was substituted for House Bill No. 1019 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1019 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dunshee, Edmondson, Stevens and Springer spoke in favor of passage of the bill, and Representatives Heavey, Dorn and Locke spoke against it.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1019.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1019, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Hansen and Patterson - 2.

Excused: Representatives Grant and Mastin - 2.

Substitute House Bill No. 1019, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1024, by Representatives Rayburn, Edmondson, Bray and Dunshee

Extending the maturity date for general obligation bonds issued by fire protection districts.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1024.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1024, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Grant and Mastin - 2.

House Bill No. 1024, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1053, by Representatives Heavey and Johanson

Making technical changes to the statute governing athlete agents.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1053.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1053, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Grant and Mastin - 2.

House Bill No. 1053, having received the constitutional majority, was declared passed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following committee appointments.

Representative Patterson is appointed to the Committees on Human Services, Education and Transportation.

Representative Campbell is appointed to the Committee on Trade, Economic Development & Housing.

Representative Fuhrman is appointed to the Committee on Transportation.

Representative Wood is appointed to the Committee on Trade, Economic Development & Housing.

Representative Foreman is appointed to the Committee on Environmental Affairs.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Friday, February 5, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-FOURTH DAY, FEBRUARY 3, 1993

JOURNAL OF THE HOUSE

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

TWENTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 5, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Laura Casseaux and Rachel McMilian. Prayer was offered by Martin Dasler, Pastor of Bethany Lutheran Church, Bainbridge Island.

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

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4604, by Representatives Conway and Ebersole

WHEREAS, The Hawaii 50th Club was established in Tacoma thirty years ago to provide support for native Hawaiian families living in Washington state; and

WHEREAS, The Hawaii 50th Club continues to provide a cultural oasis for the children and grandchildren of these Hawaiian families; and

WHEREAS, Hundreds of people each year experience the native traditions of Hawaii at family events and holiday festivities planned by the Hawaii 50th Club; and

WHEREAS, Scholarships are awarded to all club members' children who wish to pursue their postsecondary educations; and

WHEREAS, The Hawaii 50th Club extends its hospitality to members of the Hawaiian National Guard and the Hawaiian contingent of the Reserve Officers' Training Corps who train in Washington state; and

WHEREAS, The Hawaii 50th Club continues to serve as a cultural and spiritual torchlight for generations of Hawaiian families;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commends the Hawaii 50th Club for its work in sustaining the noble spirit of aloha; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Emma M. Saroni, secretary of the Hawaii 50th Club.

Representative Conway moved adoption of the resolution. Representative Conway spoke in favor of the resolution.

House Resolution No. 4604 was adopted.

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

INTRODUCTIONS AND FIRST READING

HB 1650 by Representatives Romero, Campbell, Rayburn, Chappell, Ludwig, Jacobsen, Veloria and Pruitt

AN ACT Relating to public records; and amending RCW 42.17.360, 42.17.325, and 42.17.340.

Referred to Committee on State Government.

HB 1651 by Representatives Anderson, Reams, Campbell, Valle, King, Pruitt and Jacobsen

AN ACT Relating to removing the termination provisions for naturopathy; and repealing RCW 18.36A.910 and 18.36A.911.

Referred to Committee on State Government.

HB 1652 by Representatives Romero, G. Cole, Valle, Orr, Cothorn, Brown, Veloria, Holm, Zellinsky, Scott, Brough, Jones, R. Meyers, Dorn, Quall, Van Luven, Roland, L. Johnson, Long, Johanson and Anderson

AN ACT Relating to animal cruelty; amending RCW 16.52.030, 16.52.050, 16.52.060, 16.52.085, 16.52.090, 16.52.095, 16.52.110, 16.52.180, 16.52.200, 9.08.070, 81.56.120, and 13.40.150; adding new sections to chapter 16.52 RCW; adding a new section to chapter 69.38 RCW; repealing RCW 16.52.010, 16.52.040, 16.52.055, 16.52.065, 16.52.113, 16.52.117, 16.52.120, 16.52.130, 16.52.140, 16.52.160, 16.52.165, 16.52.190, 16.52.193, and 16.52.195; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1653 by Representatives King, Lisk, G. Cole and Fuhrman

AN ACT Relating to vocational rehabilitation in industrial insurance; amending RCW 51.32.095; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1654 by Representatives Grant, Brumsickle, Sheldon and Long

AN ACT Relating to payment responsibility for utility service; amending RCW 35.21.290 and 35.67.200; creating a new section; and providing an effective date.

Referred to Committee on Energy & Utilities.

HB 1655 by Representatives Zellinsky, Ludwig and R. Johnson

AN ACT Relating to arrest warrants that limit intrastate extradition; and adding a new section to chapter 10.34 RCW.

Referred to Committee on Judiciary.

HB 1656 by Representatives Brough, G. Fisher, Brumsickle, Eide, Vance and Thomas

AN ACT Relating to professional development for school personnel; and amending RCW 28A.415.010, 28A.415.040, 28A.415.105, 28A.415.130, and 28A.415.250.

Referred to Committee on Education.

HB 1657 by Representatives Roland, Dunshee, Thomas, Dyer, Rust, Wang, Cothorn, Jacobsen, J. Kohl, H. Myers and Orr

AN ACT Relating to scenic rivers; amending RCW 79.72.080; and making an appropriation.

Referred to Committee on Natural Resources & Parks.

HB 1658 by Representatives Grant, Casada and Long

AN ACT Relating to classification of telecommunications companies; and amending RCW 80.36.330.

Referred to Committee on Energy & Utilities.

HB 1659 by Representatives Anderson, Appelwick, R. Meyers, Riley, Peery, R. Fisher, Leonard, Ogden, Heavey, G. Cole, Kremen, Miller, R. Johnson, Wang, King, Orr, Jones, Ludwig, Scott, Locke, Forner, J. Kohl, Thibaudeau, Long, Wineberry, H. Myers, Basich, Chappell, Campbell, Brown, Wood, Pruitt, Cothorn, Jacobsen, Wolfe and Johanson

AN ACT Relating to imposing the death penalty upon the mentally retarded; and amending RCW 10.95.030, 10.95.070, 10.95.130, and 10.95.140.

Referred to Committee on Judiciary.

HB 1660 by Representatives Lemmon, Fuhman, Roland, Padden, Johanson, Stevens, Campbell, Hansen, Kremen and Orr

AN ACT Relating to fluoridation by water supply systems; amending RCW 57.08.012; and adding a new section to chapter 54.04 RCW.

Referred to Committee on Local Government.

HB 1661 by Representatives Valle, Flemming, Talcott, Rust, Morris, Cothorn, Leonard, Pruitt, Holm, Campbell and J. Kohl

AN ACT Relating to imposing taxes on cigarettes and tobacco products to fund health care; amending RCW 82.24.020 and 82.26.020; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1662 by Representatives Wineberry, Shin, Forner, Sheldon, Wang, Riley, Ogden, Silver, Valle, Jones, Holm, Basich, Rayburn, Jacobsen, Kremen, Cooke and J. Kohl; by request of Department of Trade and Economic Development

AN ACT Relating to the community economic revitalization board; amending RCW 43.160.020, 43.160.060, 43.160.076, 43.160.077, 43.160.200, and 43.160.900; amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 34 (uncodified); and reenacting and amending RCW 42.17.310.

Referred to Committee on Trade, Economic Development & Housing.

HB 1663 by Representatives Karahalios, G. Fisher, Kremen, Kessler, Campbell, Brough, Jones, Zellinsky, Heavey, King, R. Meyers, Dorn, Thibaudeau, Holm, Sheldon, Quall, Rayburn, Hansen, Flemming, Roland, Jacobsen, Valle, Patterson, Romero, Ogden, Leonard, Finkbeiner, Dorn, Bray, Conway, Eide, H. Myers, Johanson and Morris

AN ACT Relating to limiting the value of residential property for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Revenue.

HB 1664 by Representatives Karahalios, G. Fisher, Kremen, Kessler, Veloria, Carlson, Brumsickle, Sehlin, Brough, Jones, Zellinsky, Heavey, R. Meyers, Dorn, Thibaudeau, Cothorn, Holm, Sheldon, Quall, Basich, Rayburn, Hansen, Flemming, Roland, Linville, Jacobsen, Valle, Patterson, Ogden, Leonard, Finkbeiner, Dorn, Bray, Conway, Eide, Long, J. Kohl, H. Myers, Johanson and Morris

AN ACT Relating to the deferral of property taxes for senior citizens; amending RCW 84.38.020 and 84.38.030; adding a new section to chapter 84.38 RCW; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Revenue.

HB 1665 by Representatives Grant, Rayburn, Chandler, Schoesler, Mastin and Hansen

AN ACT Relating to agricultural burning permits; and amending RCW 70.94.650.

Referred to Committee on Environmental Affairs.

HB 1666 by Representative Heavey

AN ACT Relating to public employment; and amending RCW 41.40.220 and 41.40.670.

Referred to Committee on Appropriations.

HB 1667 by Representatives Romero, H. Myers, Heavey, Finkbeiner and Wolfe

AN ACT Relating to on-site sewage additives; amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; creating a new section; and prescribing penalties. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: NEW SECTION. Sec. The legislature finds that additives do not currently have a positive effect on the operation of on-site systems. The legislature further finds that additives can contaminate ground water aquifers, render septic drainfields dysfunctional, and result in costly repairs to homeowners. It is therefore the intent of the legislature to ban the use, sale, and distribution of additives within the state unless an additive has been specifically approved by the department of health.

Referred to Committee on Environmental Affairs.

HB 1668 by Representatives Fuhrman, King, Morton, Chappell, Sehlin, Foreman, Basich, Tate, Hansen, Finkbeiner, Cooke and Riley

AN ACT Relating to the use of deer and elk killed by vehicles on county roads; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1669 by Representatives Orr, Dorn, Valle and Locke

AN ACT Relating to the Washington public employees' retirement system; and amending RCW 41.32.762.

Referred to Committee on Appropriations.

HB 1670 by Representatives Sommers, Heavey, Locke, King, Jacobsen, Vance, Wineberry, Mielke, Linville, Lisk, J. Kohl, Wolfe, Basich, Orr, Valle, Veloria, Anderson, G. Cole, Dorn, Jones, R. Fisher, Dorn, Holm, Ogden and Kremen

AN ACT Relating to providing service credit for periods of paid leave; amending RCW 41.40.710, 41.26.520, and 41.32.810; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1671 by Representatives Bray and Tate

AN ACT Relating to an exemption from Title 48 RCW; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1672 by Representatives Wineberry, J. Kohl, Wood, Anderson, Sheldon, Veloria, Scott, Jones, Ludwig, Brough and Foreman

AN ACT Relating to public health; adding new sections to chapter 43.20A; and creating a new section.

Referred to Committee on Human Services.

HB 1673 by Representatives Roland, Eide, Vance, Brough, Campbell, Wang, Jacobsen, Patterson and Forner

AN ACT Relating to creating an aerospace industry legislative task force; creating a new section; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1674 by Representatives Flemming, Carlson, Jacobsen, Veloria, Eide, J. Kohl, Kessler, Campbell, Dorn, Cothorn, Quall, Roland, L. Johnson, Lemmon and Ogden

AN ACT Relating to disclosures by institutions of higher education; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28C.10 RCW; and adding a new section to chapter 28B.85 RCW.

Referred to Committee on Higher Education.

HB 1675 by Representatives R. Meyers, Brough, Pruitt, Kessler, Anderson, Campbell, Lemmon, Carlson, Dorn and Roland

AN ACT Relating to prohibiting discrimination against health care providers; amending RCW 48.01.030, 48.02.160, 48.05.140, 48.06.050, 48.11.070, 48.18.480, 48.20.412, 48.20.460, 48.21.142, 48.30.300, 48.34.070, 48.36A.160, 48.36A.370, 48.41.030, 48.42.080, 48.44.035, 48.44.310, and 48.66.041; adding new sections to chapter 48.46 RCW; adding new sections to chapter 48.62 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1676 by Representatives Brown, Brumsickle, Veloria, Romero, Wolfe, J. Kohl, L. Johnson, Jacobsen, Karahalios and Holm

AN ACT Relating to public employee duties; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 1677 by Representatives Brown, Karahalios, Wolfe, Thibaudeau, Campbell, Flemming, Jones, King, Holm, J. Kohl, H. Myers and Anderson

AN ACT Relating to chemical dependency services for sexual assault and domestic violence victims; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Human Services.

HB 1678 by Representatives Eide, Brough, Wineberry, Pruitt, Valle, Quall and Sheldon

AN ACT Relating to operation new market; and making an appropriation.

Referred to Committee on Trade, Economic Development & Housing.

HB 1679 by Representatives Eide, Wineberry, Pruitt, Valle, Quall, Sheldon and Brough

AN ACT Relating to project export build; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Trade, Economic Development & Housing.

HB 1680 by Representatives Eide, Wineberry, Pruitt, Valle, Sheldon, Quall, Brough, Holm, Jacobsen and Riley

AN ACT Relating to import-export communication technology; and making an appropriation.

Referred to Committee on Trade, Economic Development & Housing.

HB 1681 by Representatives Eide, Dyer, Pruitt, Vance, Kessler, Locke, G. Fisher, Anderson, Roland, Zellinsky, Brough, Jones, R. Meyers, Dorn, Leonard, Finkbeiner, J. Kohl and Johanson

AN ACT Relating to political advertising; and amending RCW 42.17.510 and 42.17.540.

Referred to Committee on State Government.

HB 1682 by Representatives Eide, Roland, Wineberry, Pruitt, Johanson, Karahalios, H. Myers, King, Quall, Jacobsen, Patterson and J. Kohl

AN ACT Relating to assistance for aerospace workers; amending RCW 43.63A.600; adding a new section to chapter 50.12 RCW; adding a new section to chapter 43.20A RCW; and making appropriations.

Referred to Committee on Trade, Economic Development & Housing.

HB 1683 by Representatives Dorn and Brough; by request of Office of Financial Management

AN ACT Relating to in-service training for certificated personnel; and amending RCW 28A.415.020.

Referred to Committee on Education.

HB 1684 by Representatives Anderson, King, G. Cole, Pruitt, Orr, Basich, Jones and J. Kohl

AN ACT Relating to state printing; amending 43.78.110 and 43.78.030; and prescribing penalties.

Referred to Committee on State Government.

HB 1685 by Representatives Zellinsky and Mielke

AN ACT Relating to eliminating mandated health care provider requirements; amending RCW 41.05.075; reenacting and amending RCW 28A.400.350; creating a new section; and repealing RCW 48.20.390, 48.20.410, 48.20.411, 48.20.412, 48.20.414, 48.20.416, 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.44.225, 48.44.290, 48.44.300, 48.44.309, 48.44.310, and 49.64.040.

Referred to Committee on Financial Institutions & Insurance.

HB 1686 by Representatives Anderson, Ludwig, R. Meyers, Foreman, Dorn, Orr, Vance, Brough, Tate, Casada, Edmondson, Horn, Wood, Carlson, Ballard, Brumsickle, Ballasiotes, Van Luven, Mielke, Sheahan, Long, Thomas, Cooke, Forner, Morton and Lisk

AN ACT Relating to administrative law; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 1687 by Representatives Johanson, Long, Appelwick, Foreman, Sheldon, Cooke, Locke, Sehlin, Dyer, H. Myers, Finkbeiner, Ballasiotes, Ludwig, Karahalios, Miller, Eide, Casada, Kessler, Pruitt, Linville, Tate, Schoesler, Riley, Vance, Brough, Casada, Horn, Wood, Carlson, Ballard, Brumsickle, Holm, Talcott, Van Luven, Fuhrman, Mielke, L. Johnson, Stevens, Sheahan, Mastin, Thomas, Forner, J. Kohl and Morton

AN ACT Relating to natural resource damage to land and water; adding a new section to chapter 90.48 RCW; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1688 by Representatives Campbell, Forner, Roland, Tate, Mastin, Conway, Shin and Sheldon

AN ACT Relating to manufactured housing installation; adding a new section to chapter 18.27 RCW; adding a new chapter to Title 18 RCW; recodifying RCW 18.27.117; prescribing penalties; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1689 by Representatives Chappell, Springer, Appelwick, Riley, Campbell, Brough, Basich, J. Kohl and Johanson

AN ACT Relating to impersonation of a law enforcement officer; amending RCW 9A.60.040; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1690 by Representatives Rust, Hansen, Chandler and Bray

AN ACT Relating to implementing the state hazardous waste management plan; amending RCW 70.105.150 and 70.105.215; and adding new sections to chapter 70.105 RCW.

Referred to Committee on Environmental Affairs.

HB 1691 by Representative Rayburn

AN ACT Relating to absentee voting in irrigation districts; and amending RCW 87.03.031, 87.03.032, and 87.03.033.

Referred to Committee on Local Government.

HB 1692 by Representative Rayburn

AN ACT Relating to irrigation districts; and amending RCW 87.03.135.

Referred to Committee on Local Government.

HB 1693 by Representatives Thibaudeau, Leonard and King

AN ACT Relating to foster parents; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 1694 by Representatives Dellwo, Dyer and Morris; by request of Department of Health

AN ACT Relating to the implementation of the 1993-95 health personnel resource plan; amending RCW 18.92.030, 18.92.100, and 18.54.070; and adding a new section to chapter 70.185 RCW.

Referred to Committee on Health Care.

HB 1695 by Representatives G. Fisher, Heavey, Valle, Patterson and H. Myers

AN ACT Relating to port districts; amending RCW 53.12.010, 53.12.115, 53.12.120, 53.12.130, and 53.16.015; reenacting and amending RCW 53.12.172; adding a new section to chapter 53.12 RCW; and adding new sections to chapter 53.04 RCW.

Referred to Committee on Local Government.

HB 1696 by Representatives Heavey, L. Johnson, Campbell, Brough, Zellinsky, R. Meyers, Cothorn, Quall, Rayburn, Flemming, Roland, Finkbeiner, Kremen, J. Kohl, H. Myers and Johanson

AN ACT Relating to property tax exemptions on the principal dwellings of senior citizens and physically disabled persons; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Revenue.

HB 1697 by Representatives Heavey, Dorn, Dyer, Campbell, Valle, Brough, Horn, Zellinsky, R. Meyers, Quall, Rayburn, Flemming, Roland, Linville, Finkbeiner and H. Myers

AN ACT Relating to valuation of real property for purposes of ad valorem taxes; and amending RCW 84.40.030.

Referred to Committee on Revenue.

HB 1698 by Representatives Heavey and Wang

AN ACT Relating to franchise discrimination; and amending RCW 19.100.180 and 49.60.030.

Referred to Committee on Commerce & Labor.

HB 1699 by Representatives Shin, Carlson, Jacobsen, Casada, Wood, Bray, Finkbeiner, Kessler, J. Kohl, Quall, Orr, Lemmon, King, Van Luven, L. Johnson and H. Myers

AN ACT Relating to common school dropouts; adding a new section to chapter 28B.50 RCW; and adding a new section to chapter 28A.175 RCW.

Referred to Committee on Higher Education.

HB 1700 by Representatives Veloria, Brough, Brown, J. Kohl, Talcott, Kessler, Flemming, Romero, Heavey, Rust, G. Cole, Wineberry, Cothorn, King, Rayburn, Wang, Wolfe, Riley, Karahalios, Thibaudeau, H. Myers, Anderson, Dellwo, Wood, Quall, Ludwig, Appelwick, Johanson, Campbell, R. Fisher, Holm, Basich, Roland, Jacobsen, L. Johnson, Leonard, Kremen, Locke, Dorn and Long

AN ACT Relating to a commission on women; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

HB 1701 by Representatives Wineberry, Springer, Shin, Forner, Valle, Casada, Sheldon, Tate, Morris, Schoesler and Zellinsky

AN ACT Relating to administrative rule making; amending RCW 34.05.380, 34.05.620, 34.05.630, 34.05.640, and 34.05.370; adding new sections to chapter 34.05 RCW; and repealing RCW 34.05.660, 34.05.670, and 34.05.680.

Referred to Committee on Judiciary.

HB 1702 by Representatives Dyer, Thomas, Long, Brough, Brumsickle, Finkbeiner, Forner, Wood, Ballasiotes and Cothorn

AN ACT Relating to adverse possession of real property; and adding a new section to chapter 64.04 RCW.

Referred to Committee on Judiciary.

HB 1703 by Representatives Johanson, Grant and Jacobsen; by request of Utilities & Transportation Commission

AN ACT Relating to alternate operator service companies; and amending RCW 80.36.522.

Referred to Committee on Energy & Utilities.

HB 1704 by Representatives G. Fisher, Locke, Silver, Talcott and Flemming; by request of Secretary of State

AN ACT Relating to fees paid to the secretary of state's office; amending RCW 23.86.070, 23B.01.220, 23B.01.530, 23B.01.560, 24.03.405, 24.03.410, 24.06.450, 24.06.520, 24.20.020, 24.24.010, 24.24.100, 31.12.085, 33.28.010, 43.07.120, 43.07.130, and 46.64.040; adding a new section to chapter 43.07 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 1705 by Representatives L. Johnson, Cooke, Leonard, Riley, Cothorn, King and Johanson

AN ACT Relating to persons incapacitated by alcohol and other drugs; amending RCW 70.96A.140; and creating a new section.

Referred to Committee on Human Services.

HB 1706 by Representatives Dunshee, Wolfe, Rust, Valle, Pruitt, Linville and Jacobsen

AN ACT Relating to metals mining; amending RCW 77.08.010, 78.44.030, 78.44.080, 90.03.260, and 90.48.020; adding a new section to chapter 90.48 RCW; adding a new section to chapter 77.12 RCW; adding a new chapter to Title 78 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 1707 by Representatives R. Fisher, Schmidt, R. Meyers and Johanson; by request of Utilities & Transportation Commission

AN ACT Relating to the registration and regulation of motor carriers and the collection of fees relating to motor carrier operations; amending RCW 81.80.318, 81.80.150, and 81.80.090; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.300 and 81.80.320; and providing an effective date.

Referred to Committee on Transportation.

HB 1708 by Representatives Peery, Ballard, Dorn, Brough, Jones, Pruitt, Cothorn, Basich, Hansen, Roland, Fuhrman, Jacobsen, Ogden, Karahalios, J. Kohl, H. Myers and Johanson

AN ACT Relating to the commission on student learning; amending RCW 28A.630.885; and declaring an emergency.

Referred to Committee on Education.

HB 1709 by Representatives Roland, Tate and Scott

AN ACT Relating to volatile organic compound emissions; amending RCW 70.94.030; adding new sections to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1710 by Representatives Scott, R. Fisher, Orr, Morris and Ludwig

AN ACT Relating to safety belts; and amending RCW 46.61.688.

Referred to Committee on Judiciary.

HB 1711 by Representative Fuhrman

AN ACT Relating to prohibiting governments from basing minority status on sexual orientation; adding a new section to chapter 4.24 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Judiciary.

HB 1712 by Representatives R. Meyers and Appelwick

AN ACT Relating to minimum bonding requirements for hire vehicle operators; and amending RCW 46.72.040.

Referred to Committee on Transportation.

HB 1713 by Representatives Bray, R. Fisher, Grant and Mastin

AN ACT Relating to tinted windows in motor vehicles; and amending RCW 46.37.430.

Referred to Committee on Transportation.

HB 1714 by Representatives Bray, Rayburn, Chandler, Ludwig, Grant and Mastin

AN ACT Relating to irrigation district property; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Local Government.

HB 1715 by Representatives Silver, Brumsickle and Romero

AN ACT Relating to wolf-dog hybrids; amending RCW 16.08.070, 16.08.080, and 16.08.100; adding a new section to chapter 16.08 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1716 by Representatives Hansen, Chandler, Sheahan, Schoesler, Carlson, Zellinsky, Vance, Brough, Tate, Casada, Wood, Ballard, Foreman, Brumsickle, Talcott, Roland, Fuhrman, Stevens, Thomas, Cooke, Morton and Lisk

AN ACT Relating to school construction; amending RCW 28A.525.178; and creating a new section.

Referred to Committee on Education.

HB 1717 by Representatives Hansen, King, Chandler, Foreman, Roland and Mastin

AN ACT Relating to a merger of the departments of fisheries and wildlife; and creating new sections.

Referred to Committee on State Government.

HB 1718 by Representatives Hansen, Chandler, Schoesler, Sheahan, Roland and Kremen

AN ACT Relating to procedures for out-of-state travel by agencies; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

HB 1719 by Representatives Anderson, Reams, R. Fisher, King, Pruitt, Roland, Wolfe, Lemmon and Ogden

AN ACT Relating to the citizens' commission on salaries for elected officials; amending RCW 43.03.305 and 43.03.310; providing an affective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1720 by Representatives J. Kohl, Horn, Rust, Flemming, Hansen, Foreman, Van Luven, Roland, L. Johnson, Edmondson, Bray and Cothorn

AN ACT Relating to plastic containers; amending RCW 70.95F.020; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1721 by Representatives R. Meyers, Dorn, Zellinsky, Wang, Reams, G. Fisher, H. Myers and Mielke

AN ACT Relating to jointly administered health and welfare benefits trusts; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1722 by Representatives Zellinsky, R. Fisher, Wood, Schmidt, Sheldon, Orr and Johanson

AN ACT Relating to regulating the use of optical strobe light devices controlling traffic control lights; amending RCW 46.37.190; and creating a new section.

Referred to Committee on Transportation.

HB 1723 by Representatives Jones, Jacobsen, Valle, Dellwo, Basich, H. Myers, Appelwick, Dorn, G. Fisher, Leonard, Veloria, Peery, Linville, Wineberry, Lemmon, Sehlin, Campbell, Holm, Quall, Rayburn, Roland, Kremen and J. Kohl

AN ACT Relating to military service credit; and amending RCW 41.40.710.

Referred to Committee on Appropriations.

HB 1724 by Representatives Kremen, Morris, Quall, Chandler, Rayburn, Springer, Edmondson, Mastin, Kessler, Finkbeiner, Grant, Dorn, Basich, Zellinsky, Ludwig, Campbell, Lemmon, Brough, Tate, Casada, Wood, Foreman, Holm, Roland, Fuhrman, Stevens, Sheahan, Schoesler, Long and Lisk

AN ACT Relating to sexual abstinence instructional material; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1725 by Representative Silver

AN ACT Relating to nursing homes; and amending RCW 74.46.105.

Referred to Committee on Health Care.

HB 1726 by Representatives King, Brumsickle, Chappell, Peery, Pruitt, Vance, Anderson, Holm, Campbell, Mastin, Wolfe, H. Myers, Conway, Romero, Jacobsen, G. Cole, Flemming, Basich and J. Kohl

AN ACT Relating to state employees; amending RCW 41.56.020, 41.56.040, 41.56.122, 41.56.060, 41.56.430, 41.06.150, 49.74.030, 49.74.040, 28B.16.100, and 28B.16.101; reenacting and amending RCW 41.56.030 and 41.04.230; adding a new section to chapter 28B.16 RCW; adding new sections to chapter 41.56 RCW; adding new sections to chapter 41.06 RCW; adding new sections to chapter 41.58 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.230, 28B.16.255, 28B.16.265, 28B.16.275, 41.06.170, 41.06.176, 41.06.186, 41.06.196, 41.06.230, 41.06.300, 41.06.310, 41.06.320, 41.06.330, 41.06.340, 41.06.475, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, and 41.64.910; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1727 by Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson; by request of Department of Corrections

AN ACT Relating to alien offenders; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Corrections.

HB 1728 by Representative Appelwick; by request of Law Revision Commission

AN ACT Relating to correcting unconstitutional provisions relating to resident employees on public works; amending RCW 39.16.005 and 39.16.030; and repealing RCW 39.16.020.

Referred to Committee on Judiciary.

HB 1729 by Representatives Springer, Orr, Chappell, Morris, H. Myers, Sheldon, Romero, Campbell and Hansen

AN ACT Relating to fire protection districts; amending RCW 52.16.130, 52.16.160, 84.52.010, and 52.04.081; adding a new section to chapter 84.55 RCW; repealing RCW 52.16.140; and providing a contingent effective date.

Referred to Committee on Local Government.

HB 1730 by Representatives Springer, Orr, Morris, H. Myers, Sheldon and Romero

AN ACT Relating to the distribution of unused capacity under the rate limitations on cumulative regular property taxes; and amending RCW 84.52.043.

Referred to Committee on Local Government.

HB 1731 by Representatives Jones, Chandler, Kessler and Brumsickle

AN ACT Relating to public works or improvements for electrical distribution and generating systems; amending RCW 35.22.640 and 35.23.352; and adding a new section to chapter 35.23 RCW.

Referred to Committee on Local Government.

HB 1732 by Representatives Grant, Wood, Kessler and Johanson

AN ACT Relating to access to cable television systems by tenants of multiple dwelling units; adding new sections to chapter 59.18 RCW; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 1733 by Representatives Linville, Reams, Brumsickle, Anderson, Pruitt, Kremen, Wolfe, Sommers, Ballard, Peery, Jones, King, Basich, Roland, G. Fisher, L. Johnson, Romero, Lemmon, Ogden, Karahalios, Eide and H. Myers; by request of Productivity Board

AN ACT Relating to productivity awards programs; amending RCW 41.60.010, 41.60.015, 41.60.100, 41.60.110, 41.60.120, and 41.60.160; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1734 by Representatives Appelwick, Ludwig, Dellwo, Silver, Padden, Peery, Ogden, Mastin, Scott and Johanson; by request of Administrator for the Courts

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

Referred to Committee on Judiciary.

HJM 4008 by Representatives Mastin, Campbell, Horn, Pruitt, Kremen and Long

Requesting a full deduction for sales taxes on federal tax returns.

Referred to Committee on Revenue.

HJR 4208 by Representative Heavey

Making laws allowing gambling unconstitutional with exceptions.

Referred to Committee on Commerce & Labor.

HCR 4412 by Representatives Jacobsen, Miller, Anderson, R. Fisher and Finkbeiner

Appointing a poet laureate to be paid in Washington wine.

Referred to Committee on State Government.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 2, 1993

HB 1011 Prime Sponsor, Representative Appelwick: Enacting the 1991 uniform simultaneous death act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1013 Prime Sponsor, Representative Appelwick: Adopting the revised uniform commercial code on bulk sales. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1015 Prime Sponsor, Representative Appelwick: Adopting the Uniform Commercial Code article on leases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1032 Prime Sponsor, Representative Zellinsky: Revising reimbursement provisions for local government officials. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1043 Prime Sponsor, Representative Schmidt: Specifying the method of execution. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Campbell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Chappell; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1074 Prime Sponsor, Representative Ludwig: Regulating corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1077 Prime Sponsor, Representative Ludwig: Providing for the revocation of nonprobate asset arrangements for divorce or invalidation of marriage. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 3, 1993

HB 1083 Prime Sponsor, Representative Scott: Using electrical contractors' licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:
On page 5, line 35, after "chapter." strike "The alphabetized listing of" and insert "All advertisements for"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1103 Prime Sponsor, Representative R. Fisher: Changing the model traffic ordinance from statute to rule.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; Miller; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Mielke, Assistant Ranking Minority Member, R. Meyers and H. Myers

Passed to Committee on Rules for second reading.

February 3, 1993

HB 1115 Prime Sponsor, Representative Riley: Allowing law enforcement agencies to have access to children's records in cases of reported child abuse and neglect. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Thibaudeau; and Wolfe.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1122 Prime Sponsor, Representative Pruitt: Changing provisions relating to excess levies in park and recreation districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1127 Prime Sponsor, Representative R. Fisher: Controlling vehicle tax or license fee evasion. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives R. Fisher, Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Horn; J. Kohl; Miller; H. Myers; Quall; Sheldon; Shin; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Heavey.

Excused: Representatives Mielke, Assistant Ranking Minority Member and R. Meyers

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1129 Prime Sponsor, Representative R. Fisher: Limiting commercial motor vehicle inspections. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Heavey; Johanson; J. Kohl; Miller; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Mielke, Assistant Ranking Minority Member, R. Meyers and H. Myers

Passed to Committee on Rules for second reading.

February 3, 1993

HB 1132 Prime Sponsor, Representative Kremen: Requiring certification of electric spa equipment. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 3, 1993

HB 1157 Prime Sponsor, Representative Ludwig: Specifying a procedure for emancipation of minors. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Passed to Committee on Rules for second reading.

February 3, 1993

HB 1173 Prime Sponsor, Representative Jacobsen: Establishing a center for the development of curriculum of American Indians of the Northwest. Reported by Committee on Higher Education

MAJORITY recommendation: Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representative Basich

Passed to Committee on Rules for second reading.

February 3, 1993

HB 1174 Prime Sponsor, Representative Jacobsen: Regarding the study of American Indian languages and cultures. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representative Basich

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1184 Prime Sponsor, Representative Edmondson: Modifying the requirements for the formation of a less than county-wide port district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 3, 1993

HB 1216 Prime Sponsor, Representative Veloria: Regulating acceptance and disbursement of funds and grants by the liquor control board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1227 Prime Sponsor, Representative R. Johnson: Changing misbranding and adulteration provisions for meat and poultry products. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Karahalios; and Roland.

Excused: Representatives Grant and Lisk

Passed to Committee on Rules for second reading.

February 2, 1993

HB 1266 Prime Sponsor, Representative Campbell: Regulating veterinary medication clerks. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Karahalios; and Roland.

Excused: Representatives Grant and Lisk

Passed to Committee on Rules for second reading.

February 2, 1993

HJM 4000 Prime Sponsor, Representative Locke: Honoring Homer M. Hadley. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:
On page 2, line 12, after "Memorial" insert "Floating"

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Brough; Brumsickle; Eide; Finkbeiner; Forner; Johanson; J. Kohl; Miller; H. Myers; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Mielke, Assistant Ranking Minority Member, and R. Meyers

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1062, by Representatives Rayburn, Chandler, Schoesler, Kremen, Grant, Roland, Sheahan, Lemmon, Morton and Lisk

Repealing the sunset provisions for the IMPACT center.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

On motion of Representative Wood, Representatives Silver and Miller were excused.
On motion of Representative G. Cole, Representative Locke was excused.

Representatives Rayburn, Chandler and Sheahan spoke in favor of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1062.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1062, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Absent: Representatives Anderson, Fisher, G. and Morris - 3.

Excused: Representatives Locke, Miller and Silver - 3.

House Bill No. 1062, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1067, by Representatives Orr, Mielke, Dellwo, King, Franklin, Ludwig, Riley, Brown, Jones, Holm, Chappell, Pruitt and J. Kohl

Providing for correctional employees collective bargaining.

The bill was read the second time. Committee on Commerce & Labor recommendation: Do pass as amended. (For committee amendments, see Journal, 10th Day, January 20th, 1993.)

Representative Heavey moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed. On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Orr spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1067.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1067 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin,

Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Voting nay: Representatives Fuhrman and Padden - 2.

Absent: Representatives Fisher, G. and Morris - 2.

Excused: Representatives Locke, Miller and Silver - 3.

Engrossed House Bill No. 1067, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to enter into the Journal my intent to vote "no" on House Bill No. 1067, having inadvertently voted "yes".

BARBARA S. LISK, 15th District

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4610, by Representatives Jacobsen, Foreman, Wood and Anderson

WHEREAS, Athletics is one of the most effective ways for women in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and women need both strong minds and strong bodies; and

WHEREAS, The communication and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, to the workplace, and to society; and

WHEREAS, Early motor-skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, The bonds built among women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, The history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women; and

WHEREAS, The state of Washington has produced women athletes who are winners, such as Olympic skier Debbie Armstrong, ice skater Rosalynn Sumners, track star Doris Brown-Heritage, swimmer Mary Wayte, synchronized swimmer Tracie Ruiz-Conforto and Candy Costie, marathon runner Lisa Weidenbach, and soccer player Shannon Higgins, whose spirit, talent, and accomplishments distinguished them from others and were a source of inspiration and pride to all of us; and

WHEREAS, The number of women in the leadership positions of coaches, officials, and administrators has declined drastically over the past decade, and there is a need to restore women to these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, The athletic opportunities for male students at the college and high school level remain significantly greater than the athletic opportunities for female students; and

WHEREAS, The number of funded research projects focusing on the specific needs of women athletes is limited, and the information provided by the projects is imperative to the health and performance of future women athletes;

NOW, THEREFORE, BE IT RESOLVED, That February 4, 1993, be designated as National Girls and Women in Sports Day.

Representative Jacobson moved adoption of House Resolution No. 4610. Representatives Jacobson, Foreman, J. Kohl and Rust spoke in favor of the resolution.

House Resolution No. 4610 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1082 on the second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1082, by Representatives Heavey, Veloria, G. Cole, Springer, Padden, Valle, Scott, Brough, Jacobsen, Wineberry, Lemmon, Karahalios, Pruitt and Roland

Combating student alcohol abuse in colleges and universities.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1082 was substituted for House Bill No. 1082, and the substitute bill was placed on the second reading calendar.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1082.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1082 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Miller and Silver - 2.

Substitute House Bill No. 1082, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Monday, February 8, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-SIXTH DAY, FEBRUARY 5, 1993

JOURNAL OF THE HOUSE

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

TWENTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 8, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bryan Schnabel and Evan Gwilliam. Prayer was offered by Captain Archie Linnear, Army Chaplain from Law Enforcement Command, Ft. Lewis.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 1735 by Representatives Anderson, Sommers, King and Silver; by request of Department of Retirement Systems

AN ACT Relating to divisions of the department of retirement systems; and amending RCW 41.50.050.

Referred to Committee on State Government.

HB 1736 by Representatives Grant, Springer and Peery; by request of Utilities & Transportation Commission

AN ACT Relating to the recovery of costs for expanded calling areas for local exchange companies; adding a new section to chapter 80.36 RCW; creating a new section; and repealing RCW 80.36.850, 80.36.855, and 80.36.860.

Referred to Committee on Energy & Utilities.

HB 1737 by Representatives Ballasiotes, Campbell, Dyer, Morris, Thomas, Schoesler, Chappell, Dorn, Riley, Anderson, H. Myers, Mielke, Van Luven, Cooke, Scott, Foreman, Jones, Ballard, Jacobsen, Brough, Kremen, Silver, Rayburn, G. Fisher, Orr, Long, Johanson, Schmidt and Wood

AN ACT Relating to crimes involving minors or developmentally disabled persons; amending RCW 9.68A.090; adding a new section to chapter 9A.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1738 by Representative Riley

AN ACT Relating to judicial review of adjudicative proceedings; and amending RCW 34.05.518 and 34.05.514.

Referred to Committee on Judiciary.

HB 1739 by Representatives Finkbeiner, Dyer, Heavey, Quall, Cothorn, Johanson, Springer, Brumsickle, Schoesler, Dunshee, H. Myers, Sheldon, Romero, Pruitt, G. Fisher, Orr, Roland, Lemmon and Anderson

AN ACT Relating to the citizen suggestion program; amending RCW 41.60.010 and 41.60.160; and adding a new section to chapter 41.60 RCW.

Referred to Committee on State Government.

HB 1740 by Representative Appelwick

AN ACT Relating to taxes enacted in chapter 271, Laws of 1989, known as the Omnibus Alcohol and Controlled Substances Act; amending RCW 82.64.050, 66.24.210, 66.24.290, 82.08.150, and 82.24.020; adding a new section to chapter 82.64 RCW; repealing RCW 82.64.900; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 1741 by Representatives Appelwick, Ludwig and Johanson

AN ACT Relating to enforcement of traffic laws; amending RCW 46.20.031, 46.20.207, 46.20.291, 46.20.311, 46.20.342, 46.61.515, 46.63.020, 46.63.060, 46.63.070, and 46.63.110; adding a new section to chapter 46.20 RCW; repealing RCW 46.64.020 and 46.64.027; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1742 by Representatives Zellinsky, Schmidt, Orr, Mielke, R. Meyers, Ballard, Jacobsen and Wood

AN ACT Relating to thumb prints on applications for drivers' licenses and identicards; amending RCW

Referred to Committee on Transportation.

HB 1743 by Representatives Flemming, Horn, Rust, Linville, Valle and J. Kohl

AN ACT Relating to pollution prevention; and adding a new section to chapter 70.95C RCW.

Referred to Committee on Environmental Affairs.

HB 1744 by Representatives Heavey, G. Cole, Brough and Orr

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.030 and 41.54.010; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1745 by Representatives Heavey, Tate, R. Meyers, R. Johnson, Riley, L. Johnson, Orr, Kessler, Miller, Locke, Roland, Cothorn, Conway, H. Myers, Rayburn, Dellwo, Sheldon, Karahalios, Basich, Anderson, Ogden, Long, Appelwick, Wang, Eide, Wolfe, Quall, Ludwig, Wood, Forner, Vance, J. Kohl, Hansen, Thibaudeau, Wineberry, Brown, Holm, Pruitt, Jones, Romero, R. Fisher, Campbell, King, Kremen, Springer, G. Fisher, Johanson, Morris and Patterson

AN ACT Relating to employment relations for state employees; amending RCW 34.05.030, 41.06.070, 41.06.110, 41.06.150, 41.06.170, 4.24.490, 28B.10.824, 28B.10.650, 28B.12.060, 28B.15.558, 28B.50.060, 28B.80.350, 28B.80.430, 34.12.020, 41.04.340, 41.04.670, 41.06.079, 41.06.155, 41.06.160, 41.06.163, 41.48.140, 41.60.015, 42.17.2401, 41.60.160, 42.40.020, 43.06.410, 43.06.425, 43.23.010, 43.88.280, 43.105.052, 49.46.010, 49.74.020, 49.74.030, 49.74.040, 50.13.060, 51.32.300, and 70.24.300;

reenacting and amending RCW 41.06.020; adding new sections to chapter 41.06 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.05 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, 41.64.910, 41.06.230, 41.06.310, and 41.06.340; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 1746 by Representatives Brumsickle, Dorn, Brough, Karahalios, Zellinsky, Pruitt, Jones, R. Meyers, Campbell, Basich, Kremen, Rayburn and Orr

AN ACT Relating to the state-wide salary allocation schedule; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1747 by Representatives Brumsickle, Dorn, Brough, Carlson, Peery, Sheahan, G. Fisher and Thomas

AN ACT Relating to postretirement employment for members of the public employees' retirement system; amending RCW 41.40.690; and reenacting and amending RCW 41.40.023.

Referred to Committee on Appropriations.

HB 1748 by Representatives Shin, Quall, Wood, Jacobsen, Veloria, Wineberry, Valle, Morris, Basich, Kessler, Orr, L. Johnson and J. Kohl

AN ACT Relating to financial aid; and amending RCW 28B.15.820.

Referred to Committee on Higher Education.

HB 1749 by Representatives Forner, Wineberry, Wood, Zellinsky, Brough, Long, Foreman, Reams and Cooke

AN ACT Relating to permit processing; creating new sections; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1750 by Representatives Leonard, Basich and Flemming

AN ACT Relating to retirement service credit for service in private schools; and amending RCW 41.32.065.

Referred to Committee on Appropriations.

HB 1751 by Representatives Anderson and Reams

AN ACT Relating to the compensation of the forest practices board; and amending RCW 76.09.030.

Referred to Committee on State Government.

HB 1752 by Representatives Grant, Casada and Miller

AN ACT Relating to telephone relay service; and amending RCW 43.20A.725.

Referred to Committee on Energy & Utilities.

HB 1753 by Representatives Leonard, Cooke, Ogden, Finkbeiner, King and H. Myers; by request of Department of Social and Health Services

AN ACT Relating to juvenile structured transition services; amending RCW 13.40.040; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1754 by Representatives Veloria and Brumsickle

AN ACT Relating to electrical inspections; and amending RCW 19.28.070.

Referred to Committee on Commerce & Labor.

HB 1755 by Representatives Veloria, Brumsickle and Casada

AN ACT Relating to electrical inspection fees; and amending RCW 19.28.360.

Referred to Committee on Commerce & Labor.

HB 1756 by Representatives Veloria, Brumsickle and Casada

AN ACT Relating to exemptions from RCW 19.28.510 through 19.28.620; and amending RCW 19.28.610.

Referred to Committee on Commerce & Labor.

HB 1757 by Representatives Heavey, Veloria, Brumsickle, Lisk and King

AN ACT Relating to continuing education requirements for electricians; and amending RCW 19.28.550.

Referred to Committee on Commerce & Labor.

HB 1758 by Representatives Chappell, Brumsickle, Orr, Springer, Riley and Sheldon

AN ACT Relating to public safety directors; amending RCW 41.26.030; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1759 by Representatives H. Myers, Brough, Johanson, Miller, Locke, Ballasiotes, Chappell, Ludwig, Scott, Jones, Horn, Rayburn, Foreman, Roland, Forner and Wood

AN ACT Relating to sex offenses; amending RCW 9A.44.010, 9A.44.050, and 9A.44.100; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1760 by Representatives H. Myers, Brough, Appelwick, Miller, Johanson, Chappell, Ludwig, Scott and Mastin

AN ACT Relating to obligations for child support and spousal maintenance; and amending RCW 26.18.010, 26.18.020, 26.18.030, 26.18.040, 26.18.050, 26.18.070, 26.18.090, 26.18.100, 26.18.110, 26.18.120, 26.18.140, and 26.18.150.

Referred to Committee on Judiciary.

HB 1761 by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Forner

AN ACT Relating to clarifying and extending dates established under the growth management act by no more than two years; amending RCW 36.70A.040, 36.70A.045, 36.70A.110, 36.70A.120, 36.70A.210, 36.70A.290, and 82.02.050; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1762 by Representatives R. Johnson, Thomas, Valle, Wolfe, Rust, Roland, Pruitt, King and Jacobsen

AN ACT Relating to access to rivers for recreational purposes; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources & Parks.

HB 1763 by Representatives Basich, Brumsickle, Jacobsen, Kremen, Cothorn, Wood, Wineberry, Finkbeiner, Hansen, Roland, Karahalios, Eide, Pruitt, G. Fisher, Leonard, Holm, King, Quall, Johanson and Patterson

AN ACT Relating to teacher preparation programs; and amending RCW 28B.10.032.

Referred to Committee on Education.

HB 1764 by Representatives Basich, Dorn, Carlson, Jacobsen, Wood, Roland, Karahalios, Eide, Brumsickle, G. Cole, Rayburn, G. Fisher, Leonard, Linville, Wineberry, Kremen, Pruitt, Brough, Wang, Quall, Flemming, Johanson, L. Johnson, J. Kohl, H. Myers, Hansen, Patterson and Anderson

AN ACT Relating to voluntary community service; adding a new section to chapter 28A.230 RCW; and creating new sections.

Referred to Committee on Education.

HB 1765 by Representatives L. Johnson, Morris, Long, Cooke, Dellwo, Mastin, Thibaudeau, Campbell, Riley, Johanson, Karahalios, Eide, J. Kohl, Springer and Leonard

AN ACT Relating to a corrections mental health center operated through a partnership of the department of corrections and the University of Washington; creating a new section; and declaring an emergency.

Referred to Committee on Corrections.

HB 1766 by Representatives G. Cole, Heavey, Ogden, Zellinsky, R. Meyers, Wang, Conway and J. Kohl; by request of Attorney General

AN ACT Relating to automotive repair; amending RCW 46.71.060, 46.71.070, and 46.71.090; adding new sections to chapter 46.71 RCW; creating a new section; repealing RCW 46.71.010, 46.71.020, 46.71.030, 46.71.040, 46.71.043, 46.71.047, 46.71.050, and 46.71.065; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1767 by Representatives Basich, Jacobsen, Brumsickle, Dellwo, Leonard, J. Kohl, Ogden, Quall, Bray, Kessler, Shin and Johanson

AN ACT Relating to community and technical college intercollegiate coaches; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1768 by Representatives Appelwick, Padden and Johanson

AN ACT Relating to facilitating pro se litigation in domestic relations cases; amending RCW 26.12.220; and adding a new section to chapter 26.12 RCW.

Referred to Committee on Judiciary.

HB 1769 by Representatives Linville, R. Johnson, Dunshee, Wolfe, Pruitt, Rust, Karahalios, Stevens, Schoesler, Jacobsen, Basich and J. Kohl

AN ACT Relating to recreational trails; and amending RCW 67.32.110.

Referred to Committee on Natural Resources & Parks.

HB 1770 by Representatives Jones, Pruitt, R. Meyers and Jacobsen

AN ACT Relating to taxation of forest lands; amending RCW 84.33.040; and adding a new section to chapter 84.33 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1771 by Representatives King and Jacobsen

AN ACT Relating to protection of fish life; adding a new section to chapter 75.20 RCW; adding a new section to chapter 77.16 RCW; adding new sections to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1772 by Representatives Pruitt, Dorn, Holm, G. Cole, Eide, Cothorn, Jones, R. Meyers, Basich, Quall and Leonard

AN ACT Relating to parent education; adding new sections to chapter 43.63A RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1773 by Representatives Pruitt and R. Meyers

AN ACT Relating to exemptions from boiler regulations; and amending RCW 70.79.070.

Referred to Committee on Commerce & Labor.

HB 1774 by Representatives Sheldon, R. Fisher, Schmidt, R. Meyers, Jones and Vance

AN ACT Relating to creating the department of licensing vehicle field system services account; and amending RCW 46.68.220.

Referred to Committee on Transportation.

HB 1775 by Representatives Heavey, Horn, G. Cole and Brough

AN ACT Relating to class 12 permits and liability for providing liquor to minors; amending RCW 66.04.010, 66.44.270, 66.44.310, and 66.16.040; adding new sections to chapter 66.44 RCW; adding a new section to chapter 66.20 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1776 by Representatives Wineberry, Ballard, Jacobsen, Wood, Finkbeiner, Reams, Ogden, Vance, Peery, Cooke, Dorn, Johanson, R. Meyers, Campbell, Miller, Brough, Horn, Long, Foreman, J. Kohl and Forner

AN ACT Relating to science and technology programs and policies; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1777 by Representatives Karahalios, Cooke, Leonard, Edmondson, Eide, Wolfe, Jones, Jacobsen, Brough, Quall, Mastin, Roland and Lemmon

AN ACT Relating to teenage public assistance recipients; adding a new section to chapter 74.12 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 1778 by Representatives Wolfe, Brown, Talcott, Leonard, Johanson, Kessler, Appelwick, Romero, Pruitt, H. Myers, Edmondson, Linville, Veloria, Anderson, Reams, Rust, Miller, Wang and J. Kohl

AN ACT Relating to state employee child care; amending RCW 41.04.370, 41.04.375, 41.04.380, 41.04.385, 43.88.160, and 74.13.090; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Human Services.

HB 1779 by Representatives Chandler, Hansen and Rust

AN ACT Relating to hazardous substances incinerators; adding a new section to chapter 70.105 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1780 by Representatives Chandler, Hansen, Rayburn and Schoesler

AN ACT Relating to siting hazardous waste incinerators near agricultural land; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Environmental Affairs.

HB 1781 by Representatives Chandler, Hansen and Rust

AN ACT Relating to payment of fees for hazardous waste incineration facilities; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Environmental Affairs.

HB 1782 by Representatives Chandler and Hansen

AN ACT Relating to criteria for making additions, deletions, or other changes to the state highway system; and amending RCW 47.17.001.

Referred to Committee on Transportation.

HB 1783 by Representatives Van Luven, Ludwig, Padden, Scott, Wineberry, Ballasiotes and Johanson

AN ACT Relating to criminal property damage or destruction; and amending RCW 9A.48.010 and 9A.48.080.

Referred to Committee on Judiciary.

HB 1784 by Representatives Locke, Sommers, Dellwo, Wang, Brough, Jacobsen, Karahalios, Peery, Talcott, Dorn, Cothorn, Ogden, Holm, Pruitt, Jones, Romero, Campbell, Valle, Thibaudeau, King, Ballard, Basich, Quall, Veloria, Linville, Rayburn, Kessler, Orr, Carlson, Johanson, L. Johnson, Leonard, J. Kohl, Lemmon, H. Myers, Hansen, Patterson and Shin

AN ACT Relating to health care insurance for employees and retirees of school districts and educational service districts; amending RCW 28A.400.391, 41.04.205, 41.04.235, 41.05.011, 41.05.021, 41.05.055, 41.05.065, 41.05.075, and 41.05.140; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 41.05 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1785 by Representatives Locke, J. Kohl, Rust, Jacobsen, Wineberry, Shin, Dunshee, Holm, Pruitt, Jones, Finkbeiner, King, Basich, Quall, Orr, Johanson, Leonard and Anderson

AN ACT Relating to investing in the creation of jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds; amending RCW 70.146.070, 82.44.020, 82.44.110, 70.94.015, 82.50.405, 43.131.369, and 43.131.370; adding a new chapter to Title 43 RCW; adding new chapters to Title 82 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1786 by Representatives Padden, Ballasiotes, Long, Edmondson, Mastin, Miller, Brough, Horn, Fuhrman, Chandler, Foreman, Carlson, Tate, Cooke and Forner

AN ACT Relating to private corrections facilities; amending RCW 13.06.030 and 72.01.050; adding a new chapter to Title 72 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Corrections.

HB 1787 by Representatives Linville, R. Johnson, Pruitt, Kremen, Rust, Foreman, Quall, Morton, Grant, Johanson, Mastin, Eide and Fuhrman

AN ACT Relating to water resource areas; and amending RCW 90.42.010 and 90.42.080.

Referred to Committee on Natural Resources & Parks.

HB 1788 by Representatives Valle, G. Fisher, Eide, Shin, Wineberry, Leonard, Patterson, Veloria, Brough and Johanson

AN ACT Relating to airport siting; adding a new section to chapter 53.08 RCW; adding a new section to chapter 47.86 RCW; creating a new section; and repealing RCW 53.08.350.

Referred to Committee on Local Government.

HB 1789 by Representatives Valle, Campbell and Roland

AN ACT Relating to limiting property tax valuation increases for residential property; adding new sections to chapter 84.40 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 1790 by Representatives Patterson, Ballard, Wood, Ogden, Pruitt, Jones, King, Jacobsen, Basich, Wang, Kremen, Rayburn, Sehlin, Schoesler, Karahalios, Lemmon, H. Myers, Reams, Schmidt, Cooke and Stevens; by request of Department of Community Development

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

Referred to Committee on Capitol Budget.

HB 1791 by Representatives L. Johnson, Dellwo, Peery, Campbell and Quall; by request of Department of Health, Department of Social and Health Services and Board of Health

AN ACT Relating to access to tobacco by minors; amending RCW 82.24.520, 82.24.530, 82.24.550, and 82.24.560; adding new sections to chapter 82.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 1792 by Representatives Zellinsky, Schmidt, King and Ballasiotes; by request of Secretary of State

AN ACT Relating to state remembrances; and amending RCW 1.20.010.

Referred to Committee on State Government.

HB 1793 by Representatives Schoesler, Mastin, Sheahan, Dyer, Chappell, Hansen, Thomas, Shin, Talcott, Grant, Edmondson, Morton, Finkbeiner, R. Johnson, Lisk, Foreman, L. Johnson, Karahalios, Rayburn, Chandler, Ludwig, Sheldon, Kremen, Ballard, Linville, Johanson, Mielke, Silver, Brough, Van Luven, Vance, Sehlin and Reams

AN ACT Relating to the budgeting for and purchasing of land or exchanges of land related to the capital budget; reenacting and amending RCW 43.88.030; and adding a new section to chapter 43.88A RCW.

Referred to Committee on Capital Budget.

HB 1794 by Representatives Mielke, Leonard, Cooke, Talcott, Sommers, Tate, Vance, Grant, Wood, Fuhrman, Orr, Brumsickle, Finkbeiner, Sheahan, Carlson, Reams, Long, Stevens, Schoesler, Morton, Edmondson, Ballasiotes, Forner, Chandler, Ballard, Thomas, Mastin, Sehlin, Horn, Casada, Brough, Foreman, Lisk, Karahalios, Lemmon, Dyer, Padden, Miller, Sheldon and Rayburn

AN ACT Relating to public assistance; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.04 RCW; adding a new section to chapter 74.12 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Human Services.

HJM 4009 by Representatives R. Johnson, Quall, Veloria, Rust, Kremen and J. Kohl

Petitioning for consistency and flexibility of actions of the United States Army Corps of Engineers and the Federal Emergency Management Agency with regard to flood projects.

Referred to Committee on Environmental Affairs.

HJM 4010 by Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen

Expressing opposition to sanctions on federal highway funds.

Referred to Committee on Transportation.

HJR 4209 by Representatives Stevens, Casada, Vance, Brough, Brumsickle, Padden, Fuhrman and Silver

Restricting appropriations.

Referred to Committee on Appropriations.

HJR 4210 by Representatives Valle, Campbell and Brough

Amending the Constitution to allow a limitation on increases in taxation of residential real property.

Referred to Committee on Revenue.

HCR 4413 by Representatives Sheldon, Reams, Anderson, Brough, Romero, Basich, Heavey, Campbell, Jones, Miller, Kremen, Lemmon and J. Kohl

Creating the Joint Select Committee on Veterans and Military Personnel Affairs.

Referred to Committee on State Government.

MOTION

On motion of Representative Peery, the bills, memorials and resolutions listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 1772 and House Bill No. 1769.

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

REPORTS OF STANDING COMMITTEES

February 4, 1993

HB 1029 Prime Sponsor, Representative H. Myers: Purchasing manufactured homes. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Campbell.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1057 Prime Sponsor, Representative Franklin: Correcting double amendments relating to regulation of mobile and manufactured homes. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Campbell.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1136 Prime Sponsor, Representative Reams: Encouraging home matching. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Campbell.

Referred to Committee on Appropriations.

February 4, 1993

HB 1142 Prime Sponsor, Representative Zellinsky: Requiring a bond for a license to sell checks, drafts, or money orders. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Dyer, Assistant Ranking Minority Member, Anderson and Dellwo.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1159 Prime Sponsor, Representative H. Myers: Disclosing improper governmental action. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1194 Prime Sponsor, Representative Anderson: Restoring the ability of local governments to regulate campaign spending through campaign financing systems. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; and Dyer.

Excused: Representative Conway.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1271 Prime Sponsor, Representative R. Fisher: Prescribing allowed vehicle lengths. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "a" strike "~~((municipal transit vehicle))~~ bus with an overall length not to exceed forty-five feet or (2)" and insert "municipal transit vehicle, (2) auto stage, private carrier bus or school bus with an overall length not to exceed forty-five feet, or (3)"

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; H. Myers; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Miller and Patterson.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1272 Prime Sponsor, Representative R. Fisher: Setting tire limits on vehicles weighing over ten thousand pounds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; H. Myers; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Miller and Patterson.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1273 Prime Sponsor, Representative R. Fisher: Consolidating gross weight permit authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; H. Myers; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brough, R. Meyers, Miller, Orr and Patterson.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1307 Prime Sponsor, Representative Locke: Reauthorizing and modifying the Washington service corps. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Campbell.

Referred to Committee on Appropriations.

February 5, 1993

HB 1317 Prime Sponsor, Representative Pruitt: Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Excused: Representative R. Johnson, Vice Chair.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1344 Prime Sponsor, Representative Jones: Altering vehicle axle restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; H. Myers; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brough, R. Meyers, Miller and Patterson.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-460Z, by Representative Romero

WHEREAS, On January 20, 1993, the worst wind and rain storm in recent history hit Western Washington; and

WHEREAS, Seven hundred fifty thousand customers in Washington State were left without electrical power as a result of this storm; and

WHEREAS, Water and sewer facilities were affected as a result of this storm; and

WHEREAS, Public utilities were affected as a result of this storm; and

WHEREAS, Members of law enforcement agencies, fire fighters and paramedics, emergency service crews, public and private utility crews, local governments, and local media services all worked extended hours in adverse conditions to maintain security, public safety, and utilities;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That all of the employees of the above institutions accept our gratitude and appreciation for their extraordinary diligence, hard work, and dedication toward restoring all facilities to the residents of the State of Washington.

Representative Romero moved adoption of the resolution. Representatives Romero and Dyer spoke in favor of the resolution.

Resolution No. 4607 was adopted.

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

SECOND READING

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1290 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1290, by Representatives Rust, Horn and Linville

Correcting a double amendment relating to appeals of orders of an air pollution control authority.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

On motion of Representative G. Cole, Representatives Scott, G. Fisher, Appelwick and Locke were excused.

On motion of Representative Wood, Representatives Schmidt and Silver were excused.

Representatives Rust and Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1290.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1290 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Absent: Representative Heavey - 1.

Excused: Representatives Appelwick, Fisher, G., Locke, Schmidt, Scott and Silver - 6.

House Bill No. 1290, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Representative Peery, the House considered House Concurrent Resolution No. 4403 on the second reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Heavey, Veloria, Long, Shin, Forner, Schmidt, R. Meyers, Johanson, Leonard, Chandler, Lisk, Pruitt, Ballasiotes and Morris

Advocating the creation of a task force to study issues on gambling.

The resolution was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 19th Day, January 29 1993.)

Representative Heavey moved adoption of the committee amendment and spoke in favor of it. The amendment was adopted.

The resolution was ordered engrossed.

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

Representatives Heavey and Lisk spoke in favor of adoption of the resolution.

The Speaker stated the question before the House to be final adoption of Engrossed House Concurrent Resolution No. 4403.

ROLL CALL

The Clerk called the roll on final adoption of Engrossed House Concurrent Resolution No. 4403 and the resolution was adopted by the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused -3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Locke and Scott - 3.

Engrossed House Concurrent Resolution No. 4403 was adopted.

HOUSE BILL NO. 1003, by Representatives Riley and Wineberry

Concerning judicial proceedings for involuntary commitment or detention.

The bill was read the second time.

On motion of Representative H. Myers, Substitute House Bill No. 1003 was substituted for House Bill No. 1003 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1003 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Riley and Edmondson spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1003.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1003 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Locke and Scott - 3.

Substitute House Bill No. 1003, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1020, by Representatives Springer, H. Myers, Morris and Basich

Clarifying the authority of towns to manage property.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Springer and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1020.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1020 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Locke and Scott - 3.

House Bill No. 1020, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1033, by Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden

Establishing a procedure for developing local jail industries programs.

The bill was read the second time.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 3, line 16, after "(8)" strike all language up to and including "Two" on line 17, and insert "Three representatives from labor to be selected by the governor;
(9) Three"

Representatives Morris and Edmondson spoke in favor of adoption of the amendment and it was adopted.

Representative Mastin moved adoption of the following amendment by Representative Mastin:

On page 4, line 4, after "shall" strike "encourage" and insert "require"

Representatives Mastin and Edmondson spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers, Long and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1033.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1033 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Appelwick and Scott - 2.

Engrossed House Bill No. 1033, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1036, by Representatives H. Myers, Bray, Edmondson and Springer; by request of Law Revision Commission

Correcting a double amendment relating to funding bonds.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Talcott was excused.

The Speaker stated the question before the House to be final passage of House Bill No. 1036.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1036 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Scott and Talcott - 3.

House Bill No. 1036, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1037, by Representatives Bray, H. Myers and Edmondson; by request of Law Revision Commission

Correcting a double amendment relating to auction sales of county property.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1037.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1037 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Scott and Talcott - 3.

House Bill No. 1037, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1058, by Representatives Franklin, Zellinsky, Campbell, Kremen, Padden and L. Johnson

Providing for public hospital district chaplains.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky, Morton, Campbell, Edmondson, Dyer and H. Myers spoke in favor of the bill, and Representatives G. Cole, Riley, Heavey and Long spoke against it.

The Speaker stated the question before the House to be final passage of House Bill No. 1058.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1058 and the bill passed the House by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Ballard, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dellwo, Dorn, Dyer, Edmondson, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Holm, Horn, Johnson, L., Kremen, Lisk, Ludwig, Mastin, Mielke, Miller, Morton, Myers, H., Orr, Padden, Patterson, Peery, Quall, Rayburn, Reams, Roland, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Tate, Thomas, Valle, Vance, Van Luven, Veloria, Wood, Zellinsky and Mr. Speaker - 58.

Voting nay: Representatives Anderson, Ballasiotes, Brown, Cole, G., Cothorn, Dunshee, Eide, Finkbeiner, Fisher, R., Hansen, Heavey, Jacobsen, Johanson, Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Long, Meyers, R., Morris, Ogden, Pruitt, Riley, Romero, Rust, Schmidt, Springer, Thibaudeau, Wang, Wineberry and Wolfe - 37.

Excused: Representatives Appelwick, Scott and Talcott - 3.

House Bill No. 1058, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, House Bill No. 1712 was referred from Committee on Transportation to Committee on Financial Institutions & Insurance.

On motion of Representative Peery, House Bill No. 1628 was referred from Committee on Health Care to Committee on Human Services.

On motion of Representative Peery, House Bill No. 1638 was referred from Committee on Health Care to Committee on Judiciary.

On motion of Representative Peery, House Bill No. 1691 was referred from Committee on Local Government to Committee on Agricultural & Rural Development.

On motion of Representative Peery, House Bill No. 1692 was referred from Committee on Local Government to Committee on Agricultural & Rural Development.

On motion of Representative Peery, House Bill No. 1661 was referred from Committee on Health Care to Committee on Revenue.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Wednesday February 10, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

TWENTY-NINTH DAY, FEBRUARY 8, 1993

JOURNAL OF THE HOUSE

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

THIRTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 10, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeff Flanders and Heather Zachary. Prayer was offered by Major Orlando Sunga, Brigade Chaplain, Fort Lewis.

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

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. Speaker:

On January 11, 1993, this office certified that we had begun the signature checking process on Initiative to the Legislature #141 which was originally filed with this office on June 11, 1992.

We have completed a canvass of 101,875 signatures out of 159,308 signatures submitted in support of this measure. Of the number canvassed, we have determined that 86,656 were signatures of legal voters, 15,219 were either not registered, illegible or were multiple signatures.

Article II, section 1A of the State Constitution establishes the minimum number of acceptable signatures in order to qualify an initiative measure for the ballot as eight percent of the total votes cast for the office of Governor, or 150,001 signatures. The total number of invalid signatures permissible on Initiative Measure #141, therefore is 9,307 (159,308-150,001).

Since the total number of invalid signatures discovered during the canvassing procedure was 15,219, which exceeds the permissible number, we have terminated the signature checking process and we are unable to certify the measure to you for your consideration.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington this 5th day of February, 1993.

(Seal)

Ralph Munro, Secretary of State

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

INTRODUCTIONS AND FIRST READING

HB 1795 by Representatives J. Kohl, Padden, Riley, Appelwick, Foreman, Roland, R. Fisher, Dellwo, Campbell, Anderson, Wineberry and Johanson

AN ACT Relating to vehicular pursuit by law enforcement officers; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1796 by Representatives Wineberry, Leonard, Locke, Thibaudeau, Pruitt, J. Kohl, Brown, R. Fisher, Conway and Anderson

AN ACT Relating to agricultural labor relations; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1797 by Representatives Wineberry and Jones

AN ACT Relating to the demolition, change of use, or sale of low-income housing and mobile home parks; adding a new chapter to Title 59 RCW; and prescribing penalties.

Referred to Committee on Trade, Economic Development & Housing.

HB 1798 by Representatives Wineberry, Jones and J. Kohl

AN ACT Relating to the replacement of low-income housing; amending RCW 35.21.685, 36.32.415, 35A.37.010, 82.02.010, and 82.02.020; and adding a new section to chapter 82.20 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1799 by Representatives Wineberry, Forner, Shin, Morris, Springer, Valle and Karahalios

AN ACT Relating to the economic development finance authority; and amending RCW 43.163.070, 43.163.100, 43.163.130, 43.163.090, and 43.163.901.

Referred to Committee on Trade, Economic Development & Housing.

HB 1800 by Representatives Ogden, Romero, Wang, Veloria, Anderson, Wineberry, Rayburn, R. Meyers, King and J. Kohl; by request of Office of Minority and Women's Business Enterprises

AN ACT Relating to the funding of the office of minority and women's business enterprises; and adding new sections to chapter 39.19 RCW.

Referred to Committee on Trade, Economic Development & Housing.

HB 1801 by Representatives Morris, Flemming, Dellwo, Dyer, Zellinsky, Dorn, Valle Rayburn, Ludwig, Bray, Pruitt and Long

AN ACT Relating to granting temporary licenses to dental hygienists licensed in another state; amending RCW 18.29.005; and adding a new section to chapter 18.29 RCW.

Referred to Committee on Health Care.

HB 1802 by Representatives Veloria, Dellwo, Ballasiotes, Romero, Flemming, Lisk and Thibaudeau

AN ACT Relating to certification of marriage and family therapists; and amending RCW 18.19.130.

Referred to Committee on Health Care.

HB 1803 by Representatives Campbell, Pruitt, Anderson and Veloria

AN ACT Relating to holidays; amending RCW 28A.150.050; and reenacting and amending RCW 1.16.050.

Referred to Committee on State Government.

HB 1804 by Representatives Campbell, Mastin and Flemming

AN ACT Relating to temporary remedies from agency action; and amending RCW 34.05.550.

Referred to Committee on State Government.

HB 1805 by Representatives Dunshee, Jones and Riley

AN ACT Relating to political telemarketing; and amending RCW 42.17.020 and 42.17.510.

Referred to Committee on State Government.

HB 1806 by Representatives Bray, Horn and Rust

AN ACT Relating to wells; amending RCW 18.104.010, 18.104.020, 18.104.030, 18.104.040, 18.104.043, 18.104.048, 18.104.050, 18.104.060, 18.104.070, 18.104.080, 18.104.100, 18.104.110, 18.104.120, 18.104.150, 18.104.155, 18.104.180, 18.104.900, and 89.16.055; adding new sections to chapter 18.104 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Environmental Affairs.

HB 1807 by Representatives Mastin, Padden, Chappell, Campbell, Wineberry, Ballasiotes, Ludwig, Forner, Jones, Rayburn, Tate, Johanson, Morris, Ballard, Brumsickle, Lisk, Foreman, Dyer, Horn, Kremen, Miller, J. Kohl, Vance, Long, Cooke, Brough, Fuhrman, Finkbeiner, Van Luven, Casada, Mielke, Sheahan, Kessler, Silver and Wood

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

Referred to Committee on Judiciary.

HB 1808 by Representatives Shin, Mastin, Forner, Wineberry, Rayburn, Jones, Cothorn, J. Kohl, Wang, Van Luven, Chandler and Linville

AN ACT Relating to international trade; creating new sections; and providing an expiration date.

Referred to Committee on Trade, Economic Development & Housing.

HB 1809 by Representatives Locke and Wang

AN ACT Relating to authorization of the pooling of trust management accounts; and amending RCW 79.64.020 and 79.64.030.

Referred to Committee on Natural Resources & Parks.

HB 1810 by Representatives Pruitt, Appelwick and Valle

AN ACT Relating to civil enforcement of forest practices violations; amending RCW 76.09.140 and 76.09.170; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1811 by Representatives Dellwo, Orr, Padden, Mielke and Silver

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1812 by Representatives Jones, Dorn, R. Meyers, Schmidt, Pruitt, Kessler, Karahalios and Carlson

AN ACT Relating to teacher evaluation; amending RCW 28A.405.100; and providing an effective date.

Referred to Committee on Education.

HB 1813 by Representatives Grant, Miller, Finkbeiner, Thomas, Valle and Long

AN ACT Relating to financing conservation investment by electrical, gas, and water companies; amending RCW 80.08.010; and adding new sections to chapter 80.08 RCW.

Referred to Committee on Energy & Utilities.

HB 1814 by Representatives Hansen, Chandler, Rust and Bray

AN ACT Relating to hazardous waste disposal facilities; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Environmental Affairs.

HB 1815 by Representatives Rust and Valle

AN ACT Relating to recodification of sections 604 through 607 of chapter 200, Laws of 1991; adding new sections to chapter 90.56 RCW; and recodifying RCW 88.16.210, 88.16.220, 88.16.230, and 88.16.240.

Referred to Committee on Environmental Affairs.

HB 1816 by Representatives Chandler, Hansen, Rust, Schoesler, Rayburn and Bray

AN ACT Relating to incinerators of hazardous wastes and hazardous substances; adding new sections to chapter 70.105 RCW; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Environmental Affairs.

HB 1817 by Representatives L. Johnson, Morris, Long, Edmondson, Valle, Rayburn, Karahalios, Riley, Springer, Campbell and Cothorn

AN ACT Relating to the department of corrections health care costs; creating new sections; and declaring an emergency.

Referred to Committee on Corrections.

HB 1818 by Representatives Karahalios, Sehlin, R. Meyers, Schmidt, Peery, Wood, Zellinsky, Edmondson, Stevens, Schoesler, Flemming, Mielke, Thomas, Foreman, Eide, Campbell, Pruitt, Holm and Talcott

AN ACT Relating to military dependent communities; amending RCW 43.160.020, 43.160.076, 43.160.200, 43.168.020, 70.47.115; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 27 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); amending 1991 c 314 s 34 (uncodified); adding a new section to chapter 43.06 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 28B.50 RCW; adding new

sections to chapter 28B.80 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 50.22 RCW; creating a new section; repealing RCW 43.160.900; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1819 by Representatives Thibaudeau, Dellwo, Cooke, Sommers, Valle, Morris, Bray, J. Kohl and Anderson

AN ACT Relating to increasing the availability of advanced registered nurse practitioners; and amending RCW 18.88.175.

Referred to Committee on Health Care.

HB 1820 by Representatives Dorn, Brough, Brumsickle, Heavey, Vance, Mastin, R. Meyers, Jones, Peery, Cothorn, Campbell, Orr, Holm, Carlson, Springer, Stevens, Jacobsen, Thomas, Pruitt, Foreman, Finkbeiner, Lemmon, Leonard, Rayburn, Riley, Patterson, Conway, King, Johanson, Roland, Tate, Karahalios, Mielke, Eide, Wolfe, Romero, Edmondson, Morris, Shin, G. Fisher, Horn, L. Johnson, Thibaudeau, Kremen, Basich, Miller, J. Kohl, H. Myers, Long, Cooke, Fuhrman, Van Luven, Talcott, Forner, Ballasiotes, Hansen, Kessler, Silver and Wood

AN ACT Relating to school-to-work transitions; amending RCW 28A.630.862, 28A.630.864, 28A.630.866, 28A.630.868, 28A.630.870, 28A.630.874, 28A.630.876, 28A.630.878, and 28A.630.880; adding a new section to chapter 28A.630 RCW; creating a new section; repealing RCW 28A.630.860; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

HB 1821 by Representatives Lisk, Rayburn, Chandler, Orr, Mielke, Hansen, Ludwig, Flemming, Mastin, Chappell, Tate, Sheahan, Ballard, Stevens, Foreman, Lemmon, Johanson, Brumsickle, Kremen, Miller, Long, Cooke, Forner, Padden and Silver

AN ACT Relating to suspension of rules; amending RCW 34.05.640 and 34.05.650; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 1822 by Representatives Stevens, Sehlin, Mielke, Brough, Casada, Morton, Padden, Sheahan, Long, Chandler, Schoesler, Fuhrman, Silver, Ballard, Wood, Forner, Lisk, Edmondson, Horn, Miller, Tate and Vance

AN ACT Relating to greater governmental fiscal responsibility through limitations on expenditures and taxation; amending RCW 43.135.010, 43.135.060, and 43.84.092; adding new sections to chapter 43.135 RCW; adding a new section to chapter 43.88 RCW; repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, 43.88.540, 43.135.020, 43.135.030, 43.135.040, 43.135.050, 43.135.070, 43.135.900, and 43.135.901; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1823 by Representatives Mielke, Morton, Chandler, Brough, Sehlin, Ludwig, Padden, Horn, Eide, Foreman, Schoesler, Fuhrman, Ballard, Dorn, Sheahan, Tate, Silver, Long, Dyer, Cooke, Vance, Forner, Chappell, Lisk, Van Luven, Casada, Ballasiotes and Wood

AN ACT Relating to the use of state funds for recreational facilities by state agencies; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Capital Budget.

HB 1824 by Representatives Wolfe, Wineberry, Forner, Peery, Reams, Valle, Pruitt, Flemming, Leonard, Talcott, Anderson, J. Kohl, Thibaudeau, Jones, King, Quall, H. Myers, Cooke and Finkbeiner

AN ACT Relating to publicly owned lands and buildings; amending RCW 43.63A.510, 36.34.135, and 47.12.063; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.34 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 47.12 RCW; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1825 by Representatives Edmondson, Anderson and Dellwo

AN ACT Relating to utilization review of health care benefits; adding new sections to chapter 48.42 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1826 by Representatives H. Myers, Jones, R. Meyers, King, Morris, Bray, G. Fisher, Appelwick, Horn, Basich and J. Kohl

AN ACT Relating to criminal justice; amending RCW 82.14.300, 82.14.310, 82.14.320, 82.14.330, 82.44.110, 3.46.050, 10.98.130, 35.22.280, 35.23.440, 35.24.290, 35.27.370, 35A.11.020, and 36.32.120; reenacting and amending RCW 82.14.340; adding new sections to chapter 82.14 RCW; adding a new section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW; and repealing RCW 82.14.301.

Referred to Committee on Local Government.

HB 1827 by Representatives Bray, Cooke, Ludwig, Leonard, Springer and King

AN ACT Relating to regional service centers for the deaf; reenacting and amending RCW 43.20A.360; and adding new sections to chapter 43.20A RCW.

Referred to Committee on Human Services.

HB 1828 by Representatives H. Myers, Ballasiotes, Anderson, Rayburn, Karahalios, Riley, Johanson, Springer, King, Campbell, Morris, Pruitt and Padden

AN ACT Relating to the office of crime victims' advocacy; amending RCW 43.280.010, 43.280.020, 43.280.030, 43.280.050, and 43.280.060; reenacting and amending RCW 42.17.310; adding new sections to chapter 43.280 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 1829 by Representatives Mastin, Edmondson, Riley, Wolfe, Locke, Jacobsen, Basich, Holm, Leonard, Lisk, Brough, Ludwig, Jones, Reams, Orr, Peery, H. Myers, Bray, Schoesler, Sheahan, Rayburn, Karahalios, Johanson, R. Meyers, Springer, Romero, Campbell, Morris, Ogden, Ballard, Cothorn, Shin, Chappell, Foreman, Dyer, Horn, L. Johnson, Kremen, Miller, J. Kohl, Vance, Flemming, Long, Cooke, Fuhrman, Van Luven, Forner, Chandler, Ballasiotes, Eide, Lemmon, Conway, Silver and Wood

AN ACT Relating to criminal justice programs; amending RCW 82.14.310, 82.14.320, 82.14.330, 82.44.110, and 72.09.300; reenacting and amending RCW 82.14.340; adding a new section to chapter 82.14 RCW; and making appropriations.

Referred to Committee on Local Government.

HB 1830 by Representatives Morton, Foreman and Chandler

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

Referred to Committee on Commerce & Labor.

HB 1831 by Representatives Peery, Karahalios, Ogden, Shin, J. Kohl, Flemming, Hansen and Conway

AN ACT Relating to voluntary payroll deductions for political committees; and reenacting and amending RCW 41.04.230.

Referred to Committee on State Government.

HB 1832 by Representatives Dyer, R. Meyers, Mielke, Schmidt, R. Johnson, Zellinsky, Tate, Anderson, Reams, Dellwo, Foreman and Long

AN ACT Relating to midterm rate decreases for medical malpractice insurance; and amending RCW 48.18.2901.

Referred to Committee on Financial Institutions & Insurance.

HB 1833 by Representatives Jacobsen and Appelwick

AN ACT relating to firearm handling by minors; and reenacting and amending RCW 26.28.080.

Referred to Committee on Judiciary.

HB 1834 by Representatives Sheahan, Sheldon, Schoesler, Roland, Ballard, Ballasiotes, Casada, Stevens, Padden, Foreman, Morton, Cooke, Tate, Lisk, Forner, Fuhrman, Jones, Springer, Miller, Vance, Brough, Van Luven, Chandler and Wood

AN ACT relating to sentencing of juvenile sex offenders; amending RCW 13.40.0357; creating a new section; and prescribing penalties.

Referred to Committee on Corrections.

HB 1835 by Representative Heavey

AN ACT relating to financing the costs of elections; and adding a new section to chapter 29.13 RCW.

Referred to Committee on State Government.

HB 1836 by Representative Heavey

AN ACT relating to a local option sales and use tax on motor vehicle and special fuels; amending RCW 81.104.140, 81.104.180, and 81.104.190; adding new section to chapter 81.104 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1837 by Representatives Kessler, Mielke and Zellinsky; by request of Insurance Commissioner

AN ACT Relating to credit for reinsurance; and amending RCW 48.05.300 and 48.12.160.

Referred to Committee on Financial Institutions & Insurance.

HB 1838 by Representatives R. Johnson, Mielke, R. Meyers, Rayburn, King, Kremen and Holm; by request of Insurance Commissioner

AN ACT Relating to minimum standards for benefits in medicare supplement insurance; and amending RCW 48.66.041.

Referred to Committee on Financial Institutions & Insurance.

HB 1839 by Representatives R. Johnson, Mielke, R. Meyers, Jones and Wang; by request of Insurance Commissioner

AN ACT Relating to investments of domestic insurers; amending RCW 48.13.030, 48.13.050, 48.13.050, 48.13.060, and 48.13.070; and adding a new section to chapter 48.13 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1840 by Representatives Orr, Padden, Brown and Mielke

AN ACT Relating to railroads; and amending RCW 81.48.010.

Referred to Committee on Transportation.

HB 1841 by Representatives Hansen, Chandler, Dorn and R. Meyers

AN ACT Relating to instruction in renewable natural resources as part of the common schools curriculum; and amending RCW 28A.230.020.

Referred to Committee on Education.

HB 1842 by Representatives R. Fisher, Wood, King, Scott, Conway, Karahalios, Roland and Flemming

AN ACT Relating to county vehicle license fees; and amending RCW 82.80.020.

Referred to Committee on Transportation.

HB 1843 by Representatives Morris, Rayburn, Kessler, Brumsickle, Jones, Basich, Chappell, Sheldon, Kremen, King, Karahalios, Peery, Schoesler, Zellinsky, Dorn, Riley, R. Meyers, Springer, Campbell, Edmondson, Ballard, Carlson, Vance, Long, Cooke, Brough, Fuhrman, Van Luven, Forner, Casada, Hansen, Padden, Silver and Wood

AN ACT Relating to regulatory takings of private property; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new chapter to Title 8 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HJM 4011 by Representatives J. Kohl, Sommers, Ballard, Wineberry, Ogden, G. Fisher, Casada, R. Johnson, Miller, Pruitt, Jacobsen, Holm, Morris, Jones, Forner, Anderson, Wolfe, Foreman, Voloria, Thibaudeau, Johanson, Brown, Brumsickle, Brough, Leonard, Reams, Bray, Orr, R. Fisher, Kremen, Basich, Wang, Cooke, Van Luven and Kessler

Calling on the federal government to ensure affordable housing.

Referred to Committee on Trade, Economic Development & Housing.

HJM 4012 by Representative Wineberry

Requesting Congress not approve certain international trade agreements.

Referred to Committee on State Government.

SSB 5026 by Committee on Government Operations (originally sponsored by Senator A. Rasmussen)

Revising provisions regulating funeral directors, embalmers, and crematories.

Referred to Committee on Commerce & Labor.

SB 5126 by Senators Snyder, Owen, Haugen, Spanel, Sellar, Oke, Bauer, Amondson and Erwin; by request of Department of Fisheries

Correcting references to the geographical landmark on Cape Shoalwater.

Referred to Committee on Fisheries & Wildlife

SCR 8403 by Senators Snyder, Prince, Gaspard, Sellar, Anderson, Wojahn and Winsley

Recognizing the "Old Timers" reunion.

MOTION

On motion of Representative Peery, the bills, memorials and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of Senate Concurrent Resolution No. 8403.

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

REPORTS OF STANDING COMMITTEE

February 4, 1993

HB 1007 Prime Sponsor, Representative R. Fisher: Enhancing state-wide transportation planning. Reported by Committee on Transportation

MAJORITY recommendation Do pass with the following amendments:
On page 2, beginning on line 4, strike all of section 2. Renumber the remaining sections consecutively and correct internal references accordingly. On page 9, at the beginning of line 4, strike "14" and insert "13"

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; H. Myers; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives R. Meyers, Miller and Patterson.

Passed to Committee on Rules for second reading.

February 8, 1993

HB 1014 Prime Sponsor, Representative Appelwick: Updating uniform commercial code Articles 1, 3, and 4. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Zellinsky, Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representative Scott, Vice Chair

Passed to Committee on Rules for second reading.

February 5, 1993

HB 1018 Prime Sponsor, Representative Springer: Making the office of sheriff nonpartisan. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives H. Myers, Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking
Minority Member; Dunshee; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Bray, Vice Chair; R. Fisher; Horn;
and Van Luven.

Passed to Committee on Rules for second reading.

February 5, 1993

HB 1026 Prime Sponsor, Representative Ludwig: Excepting public defender services from county competitive bid
requirements. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams,
Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and
Zellinsky.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1107 Prime Sponsor, Representative R. Fisher: Requiring yielding right of way to buses. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, following line 5, strike all material through line 7 and insert:

"(1) The driver of a vehicle shall yield the right of way to a transit vehicle traveling in the same direction that
has signalled and is reentering the traffic flow.

(2) Nothing in this section shall operate to relieve the driver of a transit vehicle from the duty to drive with
due regard for the safety of all persons using the roadway."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking
Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner;
Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; H. Myers; Orr; Quall; Sheldon; Shin; Wood; and
Zellinsky.

Excused: Representatives R. Meyers, Miller and Patterson.

Passed to Committee on Rules for second reading.

February 8, 1993

HB 1119 Prime Sponsor, Representative Fuhrman: Prohibiting state agencies from accepting advertising from
unregistered sellers. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant
Ranking Minority Member; Conway; and King.

Excused: Representatives Campbell, Dyer, and Pruitt.

Passed to Committee on Rules.

February 8, 1993

HB 1123 Prime Sponsor, Representative Schmidt: Allowing furnishing abstracts of driving records to judges.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Mielke, Ranking
Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler;
Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representative Scott, Vice Chair.

Passed to Committee on Rules for second reading.

February 5, 1993

HB 1168 Prime Sponsor, Representative King: Leasing beds of tidal waters. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1188 Prime Sponsor, Representative Morton: Requiring delivery of a copy of a lien document to the owner of the property subject to the lien. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 8, 1993

HB 1203 Prime Sponsor, Representative Leonard: Modifying provisions of the department of social and health services' job training program. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representative Talcott, Assistant Ranking Minority Member

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1217 Prime Sponsor, Representative Springer: Allowing seized liquor to be used for training and investigations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1233 Prime Sponsor, Representative R. Meyers: Regulating the mandatory offering of personal injury protection insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

February 8, 1993

HB 1263 Prime Sponsor, Representative R. Fisher: Specifying testing for state patrol promotion. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Conway; and King.

Excused: Representatives Campbell, Dyer and Pruitt

Passed to Committee on Rules for second reading.

February 4, 1993

HB 1303 Prime Sponsor, Representative R. Fisher: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments: On page 4, after line 2, insert: "NEW SECTION, Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions, and shall take effect immediately."

Signed by Representatives R. Fisher, Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; Orr; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brough, R. Meyers, Miller and Patterson

Passed to Committee on Rules for second reading.

February 5, 1993

HB 1316 Prime Sponsor, Representative Springer: Authorizing city council members to serve as reserve police officers. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Horn.

Passed to Committee on Rules for second reading.

February 5, 1993

HB 1321 Prime Sponsor, Representative Pruitt: Modifying the department of natural resources fire prevention and suppression responsibilities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1330 Prime Sponsor, Representative Horn: Regulating liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: On page 13, after line 19, insert: "NEW SECTION, Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1359 Prime Sponsor, Representative Appelwick: Requiring full disclosure of civil court proceedings relating to public hazards. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Assistant Ranking Minority Member; Forner; Scott; and Tate.

Passed to Committee on Rules for second reading.

February 8, 1993

HB 1543 Prime Sponsor, Representative Zellinsky: Insuring longshore and harbor workers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representative Scott, Vice Chair

Passed to Committee on Appropriations.

February 5, 1993

HJM 4001 Prime Sponsor, Representative Kessler: Requesting a Northwest forest summit. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, beginning with "WHEREAS, The economy" strike all material through "Washington." on page 2, line 29, and insert the following:

"WHEREAS, A severe forest management crisis exists in the Pacific Northwest affecting the lives of thousands of timber workers, families, and communities; and

WHEREAS, There is a fundamental need to protect old growth forest ecosystems through comprehensive forest management of federal lands; and

WHEREAS, A solution to the forest management crisis must include a perspective that economic needs and ecosystem protection are compatible; and

WHEREAS, The Clinton administration has demonstrated a willingness to bring key parties together in a forest summit and has sought input from many different parties on how, when, and where such a summit might be conducted; and

WHEREAS, Washington officials have offered to host this critical policy summit and to provide logistical support, including tours of forest areas and distressed timber communities; and

WHEREAS, There have been successful conflict resolution efforts in the past in Washington state regarding natural resource disputes by combining summits led by elected officials with more extended consensus efforts among a broad range of interested parties; and

WHEREAS, While the need is great to invest sufficient time to derive a lasting solution, many families in rural communities are in desperate need of early relief from the hardships this conflict has imposed on them;

NOW, THEREFORE, Your Memorialists respectfully pray that you will pursue with all due speed the holding of a forest summit in the Pacific Northwest, with the overall goal of seeking long-term solutions to conflicts between fish and wildlife protection and timber harvesting. We further ask that the ideas and suggestions solicited from officials in the state of Washington be considered in making the important decisions about the conduct of the summit.

We respectfully ask that the following be adopted as guiding principles for the forest summit:

- (1) All stakeholders should have a part in the summit process;
- (2) Elected leaders should be the core of the process and should be accountable for final decisions;
- (3) Information presented at the summit and used by summit participants should be based on the best scientific knowledge available; and
- (4) While as great a consensus as possible should be sought at the summit, no one group should have veto power over summit recommendations.

Finally, we ask that the subjects covered by the summit process include the following:

- (1) Assistance and retraining for timber workers and their families;
- (2) Restoration of forests and salmonid stocks and habitat;

- (3) Appropriate amount of preservation of old growth forest stands;
- (4) Sustainable timber supply and production;
- (5) Recovery areas for endangered or threatened species;
- (6) Incentives for private landowners;
- (7) The possibility of a federal/state/tribal partnership on ecosystem and landscape management;
- (8) Economic development and diversification;
- (9) Local government revenue; and
- (10) Resolution of litigation.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted, to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

February 8, 1993

HJM 4005 Prime Sponsor, Representative Basich: Asking the White House to condemn rape and ethnic cleansing in Bosnia and create a war crimes tribunal. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Conway; and King.

Excused: Representatives Campbell, Dyer and Pruitt

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Joint Memorial No. 4001.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4612, by Representatives Kremen, Rayburn, R. Johnson and Linville

WHEREAS, The dairy industry of Washington plays a starring role in strengthening our physical and economic health; and

WHEREAS, Already noted for out-producing the dairy farmers of most every other state, the dairy families of Washington are also hailed for their efficiency and technological know how; and

WHEREAS, Citizens all across Washington will formally salute this special industry on Wednesday, February 10, with the annual Dairy Day celebration at the State Capitol; and

WHEREAS, The Dairy Day commemoration is ably and proudly sponsored by the Washington State Dairy Federation; and

WHEREAS, Denise I. Ueltschi, a 1992 Adna High School graduate, is laudably representing the dairy industry as the reigning State Dairy Princess; and

WHEREAS, Ms. Ueltschi, a daughter of William and Diane Ueltschi of Chehalis, is Washington's official Ambassador for Milk; and

WHEREAS, The Werkhoven family of Monroe, Sam and Hilda, Jim and Dolores, and Andy and Gloria, is admirably representing the dairy farmers of Washington as the 1993 Washington State Dairy Family of the Year; and

WHEREAS, The Werkhoven family is acclaimed for its environmentally sound, state of the art dairy operation in which the family's three hundred seventy-three Holstein dairy cows produce two thousand six hundred fifty-six gallons of milk every day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acclaim and applaud the one thousand one hundred thirty-five Washington dairy farmers and their two hundred fifty thousand Washington dairy cows and hold State Dairy Princess Denise I. Ueltschi and State Dairy Family Sam, Hilda, Jim, Dolores, Andy, and Gloria Werkhoven in special esteem; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Denise I. Ueltschi and the Werkhoven family.

Representative Kremen moved adoption of the resolution. Representatives Kremen, Brumsickle, Rayburn and Lisk spoke in favor of the resolution.

House Resolution No. 4612 was adopted.

SPEAKER'S PRIVILEGE

The Speaker introduced the 1993 Washington Dairy Family, the Werkhoven family of Monroe. Mr. and Mrs. Sam Werkhoven, Jim and Delores, and Andy and Gloria.

The Speaker then introduced the Washington Dairy Princess Denise Ueltschi and Alternate Dairy Princess Brenda VanDyken and the Second Alternate Dairy Princess Tamara Boone. Denise Ueltschi briefly addressed the members of the House of Representatives.

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

SECOND READING

MOTION

Representative Peery moved that the House immediately consider House Joint Resolution No. 4200 on today's second reading calendar. The motion was carried.

HOUSE JOINT RESOLUTION NO. 4200, by Representatives Franklin, Zellinsky, Campbell and Kremen

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

The resolution was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers, Padden, Zellinsky, King, Vance and Campbell spoke in favor of the resolution and Representatives Riley, Rust, Pruitt, Dunshee, Stevens, and Heavey spoke against it.

Representative Orr demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of House Joint Resolution No. 4200.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4200 and the resolution passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dellwo, Dorn, Dyer, Edmondson, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Holm, Horn, Jacobsen, Johnson, L., Johnson, R., Jones, King, Kohl, J., Kremen, Lemmon, Lisk, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Quall, Rayburn, Reams, Roland, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wood, Zellinsky and Mr. Speaker - 67.

Voting nay: Representatives Anderson, Appelwick, Ballasiotes, Brown, Cole, G., Cothorn, Dunshee, Eide, Finkbeiner, Fisher, R., Hansen, Heavey, Johanson, Karahalios, Kessler, Leonard, Linville, Locke, Long, Pruitt, Riley, Romero, Rust, Schmidt, Sommers, Springer, Thibaudeau, Veloria, Wang, Wineberry and Wolfe - 31.

House Joint Resolution No. 4200, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

MESSAGES FROM THE SENATE

February 9, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5026,
SENATE BILL NO. 5126,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 9, 1993

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8403,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4603, by Representatives Sheahan, Schoesler, Mielke, Silver, Lisk, Fuhrman, Grant, Kremen, Morton, Rayburn, Jacobsen, Heavey, Foreman, Morris, Brumsickle, Chandler, Stevens, Karahalios, Chappell and Wood

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Washington State University's Cougar football team has exhibited the highest level of excellence in winning the 1992 Weiser Lock Copper Bowl in Tucson, Arizona; and

WHEREAS, The Cougars' 31-28 victory over the University of Utah Utes enabled them to complete the season ranked fifteenth in the nation, the best final national ranking ever for a Washington State University team; and

WHEREAS, Head Coach Mike Price's skills and leadership over just four years of coaching at Washington State University has brought stability to the Cougars' football program and has built a strong foundation for future success; and

WHEREAS, Coach Mike Price is one of only two Cougar coaches, the other being Dennis Erickson in 1988, to win nine games in a season since 1930. Price was a strong contender for regional and national coach of the year honors, and was a Football News Coach of the Year top ten finalist; and

WHEREAS, Coach Mike Price and all the Washington State University football assistant coaches and all the players share in the Cougars' success by combining exceptional coaching with exceptional playing; and

WHEREAS, The phenomenal individual and team achievements of the 1992 Cougar players will be forever remembered when commemorating the Cougars' winning year; and

WHEREAS, Their incredible abilities were demonstrated by this second bowl appearance and second bowl win for the Cougars in the past five years; and

WHEREAS, The Cougars' 1992 9-3-0 record equals Washington State University's 1988 9-3-0 record after they beat Houston in the Aloha Bowl; it equals their most wins ever, and represents their best record since the 1930 Rose Bowl team finished 9-1; and

WHEREAS, The Cougars' triumphant season included a crushing defeat of the University of Washington Huskies by a stunning 42-23 in the 1992 Apple Cup in Pullman, Washington; and

WHEREAS, The Cougars finished the 1992 season with the third best record in the Pacific-10 conference for Pac-10 play and tied for the second best record overall; and

WHEREAS, The Cougar players' profound professionalism, aggressive defense, brilliant offense, and amazing team discipline resulted in superb achievements in kicking, punting, field goals, rushing, passing, receiving, kickoff returns, punt returns, tackles, sacks, recovered fumbles, and touchdowns; and

WHEREAS, Quarterback Drew Bledsoe is the grandson of the esteemed Stewart Bledsoe, who served the constituents of State Legislative District Thirteen and the citizens of Washington State with great distinction as an esteemed member of the House of Representatives from 1967 to 1972; and

WHEREAS, Drew Bledsoe's Most Valuable Player performance in the Copper Bowl with an awesome 476 passing yards, surpassing his previous school record of 413 yards against Montana in 1992, places him in league with other great Cougar quarterbacks such as Mark Rypien and Timm Rosenbach; and

WHEREAS, Drew Bledsoe was named the Pacific-10 conference's Player of the Year on offense by the league's coaches, the fourth Washington State University player to earn such an honor and the first Cougar quarterback to do so; and

WHEREAS, Drew Bledsoe captured the Pacific-10 Conference total-offense crown for the second straight season by racking up 2,717 yards in total offense in the 11 regular season games alone, 247 yards per game, giving him a ranking of ninth in total offense nationally; and

WHEREAS, Drew Bledsoe set a Washington State University Cougars single season 12 game record for total yards passed by passing a remarkable 3,246 yards; and

WHEREAS, Drew Bledsoe set a Washington State University Cougars record for passing and running over 200 yards per game by achieving such an accomplishment in 23 games during his career, bettering the previous Washington State University record of 20 games set by Timm Rosenbach; and

WHEREAS, Drew Bledsoe set a Washington State University Cougars single season record for pass attempts, 432, and for pass completions, 241, and tied for the second best record for single season touchdown passes at 20; and

WHEREAS, Four Washington State University Cougars seniors participated in three of the collegiate postseason bowl games: Running back Shaumbe Wright-Fair, leading rusher in the Pac-10 this season, Pac-10 conference second team selection and a Doak Walker Award semi finalist, participated in the Japan Bowl; tight end Clarence Williams, a Pac-10 conference first team selection participated in the Hula Bowl and the East-West Shrine Game; defensive end Lewis Bush, a Pac-10 conference honorable mention team selection participated in the Hula Bowl; and offensive guard Bob Garman, a Pac-10 conference second team selection participated in the Japan Bowl and the East-West Shrine Game; and

WHEREAS, Other Cougar players receiving football honors include Greg Burns, ranked second in the Pac-10 in interceptions and a Pac-10 conference honorable mention selection; Ron Childs, a Pac-10 conference honorable mention selection; C. J. Davis, ranked second in the Pac-10 in receptions and receiving yards, Copper Bowl Offensive Most Valuable Player and a Pac-10 conference honorable mention selection; Josh Dunning, a Pac-10 conference honorable mention selection; Torey Hunter, a Pac-10 conference honorable mention selection; Anthony McClanahan, a Pac-10 conference second team selection and a Football News All-America third team selection; Singor Mobley, a Pac-10 conference honorable mention selection; DeWayne Patterson, a Football News sophomore All-America second team selection; Deron Pointer, ranked first in the Pac-10 in kickoff returns and a Pac-10 conference honorable mention selection; Aaron Price, ranked fifth in the Pac-10 in field goals and a Lou Groza Collegiate Placekicker Award semifinalist; John Rushing, a PAC-10 conference honorable mention selection and a Football News sophomore All-America third team selection; and Robbie Tobeck, a Pac-10 conference second team selection; and

WHEREAS, These wonderful achievements could only have been attained with the many students, alumni, family, and community members, and friends who gave their enthusiastic support, making them achievements for everyone to share and enjoy; and

WHEREAS, The Washington State University Cougar football team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the 1992 Washington State University Cougar football team and Coach Mike Price; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Head Coach Mike Price and the entire coaching staff, Quarterback Drew Bledsoe and the entire 1992 Cougar football team, and Washington State University President Samuel Smith.

Representative Sheahan moved adoption of the resolution.

Representatives Sheahan, Schoesler, Jacobson, Chandler, J. Kohl and Heavey spoke in favor of the resolution.

House Resolution No. 4603 was adopted.

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

MOTION

On motion of Representative Peery, the rules were suspended and House Joint Memorial No. 4001 was advanced to second reading.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4001, by Representatives Kessler, Jones, Riley, Basich, Kremen, R. Meyers, Sheldon, Holm, Johanson, Finkbeiner, Campbell, Linville, Jacobsen, Quall, Chappell, Rayburn, Leonard, Fuhrman, Cothorn, Long, Brumsickle, Thibaudeau, Springer, Miller, Morton, Wood, Ogden, Morris and Locke

Requesting a Northwest forest summit.

The memorial was read the second time. Committee on Natural Resources & Parks recommendation: Majority do pass as amended. (For Committee amendment see today's Journal).

Representative Pruitt moved adoption of the committee amendment.

Representative Pruitt spoke in favor of adoption of the amendment and it was adopted.

The memorial was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Kessler, Jones, Basich and Morton spoke in favor of the passage of the memorial.

The Speaker stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4001.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Joint Memorial No. 4001 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Joint Memorial No. 4001, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider House Bill No. 1081 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1081, by Representatives Heavey and Eide

Redefining uniformed personnel for public employee collective bargaining.

Representative Heavey moved adoption of the following amendments by Representatives Heavey, King and Orr.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7)(a) Until July 1, 1995, "uniformed personnel" means ((a)): (i) Law enforcement officers as defined in RCW 41.26.030 ((as now or hereafter amended,)) of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more((, or (b))); (ii) fire fighters as that term is defined in RCW 41.26.030((-as now or hereafter amended)); (iii) security forces established under RCW 43.52.520; (iv) employees of a port district whose duties include crash fire rescue or other fire fighting duties; (v) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vi) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(b) Beginning on July 1, 1995, "uniformed personnel" means: (i) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city, town, or county; (ii) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district; (iii) security forces established under RCW 43.52.520; (iv) fire fighters as that term is defined in RCW 41.26.030; (v) employees of a port district whose duties include crash fire rescue or other fire fighting duties; (vi) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (vii) employees of public employers, other than fire departments, who receive calls or dispatch calls, or both, regarding fire, police, or emergency medical services, or any combination of them; or (viii) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

Sec. 2. RCW 41.56.460 and 1988 c 110 s 1 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c)(i) For employees listed in RCW 41.56.030(7)(a) (i), (iii), and 41.56.495, comparison of the wages, hours and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(ii) For employees listed in RCW 41.56.030(7)~~((b))~~(a)(ii) and (iv) through (vi), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers shall not be considered;

(d) The average consumer prices for goods and services, commonly known as the cost of living;

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

NEW SECTION. Sec. 3. A new section is added to chapter 41.56 RCW to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(1) The constitutional and statutory authority of the employer;

(2) Stipulations of the parties;

(3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through (iii), and (vii), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(b) For employees listed in RCW 41.56.030(7)(b)(iv) through (vi), and (viii), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;

(4) The average consumer prices for goods and services, commonly known as the cost of living;

(5) Changes in any of the circumstances under subsection (1) through (4) of this section during the pendency of the proceedings; and

(6) Such other factors, not confined to the factors under subsection (1) through (5) of this section, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(b)(i) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

Sec. 4. RCW 41.56.123 and 1989 c 46 s 1 are each amended to read as follows:

(1) After the termination date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(2) This section does not apply to provisions of a collective bargaining agreement which both parties agree to exclude from the provisions of subsection (1) of this section and to provisions within the collective bargaining agreement with separate and specific termination dates.

(3) This section shall not apply to the following:

(a) Bargaining units covered by RCW 41.56.430 et seq. for factfinding and interest arbitration;

(b) Collective bargaining agreements authorized by chapter 53.18 RCW; or

(c) ~~((Security forces established under RCW 43.52.520; or~~

~~(d)))~~ Collective bargaining agreements authorized by chapter 54.04 RCW.

(4) This section shall not apply to collective bargaining agreements in effect or being bargained on July 23, 1989.

NEW SECTION. Sec. 5. RCW 41.56.460 and 1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4, 1979 ex.s. c 184 s 3, & 1973 c 131 s 5 are each repealed.

NEW SECTION. Sec. 6. RCW 41.56.495 and 1988 c 110 s 3 & 1985 c 150 s 1 are each repealed.

NEW SECTION. Sec. 7. (1) Sections 3 and 5 of this act shall take effect July 1, 1995.

(2) Sections 1, 2, 4, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Sheldon moved adoption of the following amendment to the amendment:

On page 2, line 28 of the amendment, after "city" strike ", town, or county" and insert "or town with a population of ten thousand or more or any county"

Representatives Sheldon, Springer, Schoesler spoke in favor of the amendment and Representatives Heavey, Orr, Chappell and Conway spoke against it.

The Speaker stated the question before the House to be adoption of the amendment to the amendment on House Bill No. 1081. The amendment to the amendment failed.

Representative Heavey spoke in favor of adoption of the striking amendment. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1081.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1081 and it passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0. Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Sommers - 1.

Engrossed House Bill No. 1081, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, House Bill No. 1105 was referred from Committee on Appropriations to Committee on Education.

On motion of Representative Peery, House Bill No. 1173 was referred from Committee on Rules to Committee on Appropriations.

On motion of Representative Peery, House Bill No. 1513 was referred from Committee on Commerce & Labor to Transportation.

On motion of Representative Peery, House Bill No. 1714 was referred from Committee on Local Government to Committee on Agriculture.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Friday, February 12, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-FIRST DAY, FEBRUARY 10, 1993

JOURNAL OF THE HOUSE

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

THIRTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 12, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Zachary Dorsey, and Casey McDonald. Prayer was offered by Reverend Jodene Hawkins, of St Paul's Episcopal Church of Bremerton.

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

MESSAGES FROM THE SENATE

February 11, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE JOINT MEMORIAL NO. 4001,
SENATE BILL NO. 5125,
ENGROSSED SENATE BILL NO. 5427,
SENATE JOINT MEMORIAL NO. 8000,

Brad Hendrickson, Deputy Secretary

and the are herewith transmitted.

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

INTRODUCTIONS AND FIRST READING

HB 1844 by Representatives Horn, Rust, Van Luven, Appelwick, Wineberry, Edmondson, Forner, Brumsickle, Long, Foreman, Chandler, Dyer, Ballard, Cooke, Miller, Vance, Finkbeiner, Reams and Silver

AN ACT Relating to the appropriation of water from lakes and reservoirs for single-family residential noncommercial garden and landscape irrigation; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

HB 1845 by Representatives Lemmon, Locke, R. Fisher, Forner, J. Kohl, Orr, Hansen, R. Meyers, Edmondson, Eide, Rayburn, Grant, Johanson, Leonard and Brough

AN ACT Relating to horse racing purses; amending RCW 67.16.105; creating a new section; and declaring an emergency.

Referred to Committee on Revenue.

HB 1846 by Representatives Morton, Brumsickle, Brough, Schoesler, Sheahan, Ludwig, Foreman, Mastin, Edmondson, Hansen, Chandler, Lisk, Fuhrman and Orr

AN ACT Relating to levies; and amending RCW 28A.500.010 and 84.52.0531.

Referred to Committee on Education.

HB 1847 by Representatives Ludwig, Dyer, Jones, Kremen and Rayburn

AN ACT Relating to the vision care consumer assistance act; amending RCW 18.53.140; adding a new section to chapter 34.05 RCW; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1848 by Representative Riley

AN ACT Relating to affidavits of prejudice; and amending RCW 4.12.050.

Referred to Committee on Judiciary.

HB 1849 by Representatives Zellinsky, Mielke, Peery, Kessler, Dyer, R. Johnson, Jones, R. Meyers, Jacobsen and Kremen

AN ACT Relating to security for automated teller machines and night deposit facilities; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 33.04 RCW; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1850 by Representatives King, Heavey, Jones and Conway

AN ACT Relating to the establishment of state-wide prevailing wage rates for shipbuilding and ship repair on public works only; and amending RCW 39.12.010.

Referred to Committee on Commerce & Labor.

HB 1851 by Representatives G. Cole, Heavey and Conway

AN ACT Relating to plumbing; amending RCW 18.106.010; adding a new section to chapter 18.106 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1852 by Representatives Ogden, Brumsickle, Basich, Wood, J. Kohl, Kessler, Quall and Jacobsen

AN ACT Relating to historic preservation; adding new sections to chapter 27.34 RCW; and creating new sections.

Referred to Committee on State Government.

HB 1853 by Representatives Ogden, Carlson, Basich, Wood, Shin, J. Kohl, Bray, Kessler, Quall and Jacobsen

AN ACT Relating to historic preservation; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 1854 by Representatives Ogden, Jacobsen, Basich, Jones, R. Meyers, Kessler and J. Kohl; by request of Secretary of State

AN ACT Relating to maritime historic restoration and preservation; adding a new section to chapter 82.49 RCW; and adding a new chapter to Title 27 RCW.

Referred to Committee on State Government.

HB 1855 by Representatives Zellinsky, Kessler and R. Meyers; by request of Insurance Commissioner

AN ACT Relating to the financial supervision and solvency oversight of insurance companies; amending RCW 48.03.010, 48.03.040, 48.03.050, 48.03.060, 48.05.340, 48.08.030, 48.11.140, 48.12.180, 48.12.190, 48.12.200, 48.14.010, 48.31.030, 48.31.040, 48.31.110, 48.31.160, 48.31.180, 48.31.190, 48.31.280, 48.31.300, 48.74.030, 48.74.040, 48.74.050, 48.74.060, 48.92.010, 48.92.020, 48.92.030, 48.92.040, 48.92.050, 48.92.070, 48.92.080, 48.92.090, 48.92.100, 48.92.120, 48.92.130, and 48.92.140; adding new sections to chapter 48.03 RCW; adding new sections to chapter 48.31 RCW; adding new sections to chapter 48.74 RCW; adding a new section to chapter 48.92 RCW; adding new chapters to Title 48 RCW; recodifying RCW 48.31.110, 48.31.120, 48.31.130, 48.31.140, 48.31.150, 48.31.160, 48.31.170, and 48.31.180; creating a new section; repealing RCW 48.07.090, 48.31A.005, 48.31A.010, 48.31A.020, 48.31A.030, 48.31A.040, 48.31A.050, 48.31A.055, 48.31A.060, 48.31A.070, 48.31A.080, 48.31A.090, 48.31A.100, 48.31A.110, 48.31A.120, 48.31A.130, and 48.31A.900; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1856 by Representatives Thibaudeau, Brough, Morris, Campbell, Anderson, Romero, Edmondson, Jones, Appelwick and Shin

AN ACT Relating to licensed dental hygienists; adding new sections to chapter 18.29 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 1857 by Representatives Shin, Brumsickle, L. Johnson, Wood and Romero; by request of State Board for Community and Technical Colleges

AN ACT Relating to travel expenses of prospective higher education employees; and amending RCW 43.03.130.

Referred to Committee on Higher Education.

HB 1858 by Representatives Brown, Romero, Foreman, Leonard, Lemmon, Mielke, Karahalios, Brough, Long, Kessler, Patterson and Mastin

AN ACT Relating to periodic case review for children in substitute care; amending RCW 13.70.110 and 13.70.140; and reenacting and amending RCW 13.70.005.

Referred to Committee on Human Services.

HB 1859 by Representatives Brown, Leonard, Foreman, Karahalios, L. Johnson, Lemmon, Cothorn, Long, King, Jones and Patterson

AN ACT Relating to the establishment and operation of short-term emergency services including shelter for runaway and street youth; adding a new section to chapter 74.13 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Human Services.

HB 1860 by Representatives Orr, Fuhrman, Padden, Romero, Sheldon, Brough, Long, Jones and Van Luven

AN ACT Relating to cruelty to animals; amending RCW 9A.48.070, 9A.48.080, 16.52.065, 16.52.070, 16.52.113, 16.52.117, 16.52.120, 16.52.160, and 16.52.300; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1861 by Representatives Orr, Reams, Anderson, Vance, Padden, Schoesler, Sheahan, Fuhrman and Morton

AN ACT Relating to elections; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

HB 1862 by Representatives Mastin, Grant, Ludwig, Bray and Jacobsen

AN ACT Relating to a special excise tax on hotel, motel, roominghouse, and trailer camp charges; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Revenue.

HB 1863 by Representatives Valle, Heavey, Sehlin, Linville, Edmondson and Patterson

AN ACT Relating to state and local initiative and referendum ballot titles; amending RCW 29.27.060, 29.79.040, 29.79.110, 29.27.065, 29.27.067, and 35A.29.120; adding a new section to chapter 29.79 RCW; and repealing RCW 35.17.320.

Referred to Committee on State Government.

HB 1864 by Representatives Finkbeiner, Dyer, Horn, L. Johnson, Orr, Brumsickle, Cothorn, Springer, Mastin, Brough, Long, King and R. Meyers

AN ACT Relating to accelerant detection dogs; amending RCW 4.24.410 and 9A.76.200; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1865 by Representatives Mielke, Kremen, Zellinsky, Dorn, R. Meyers, Schmidt, Tate and Dellwo

AN ACT Relating to powers of the supervisor of banking to prevent check cashers and sellers from operating without a required license; and amending RCW 31.45.010.

Referred to Committee on Financial Institutions & Insurance.

HB 1866 by Representatives Anderson, Reams and Brough

AN ACT Relating to oaths of office; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 1867 by Representatives Anderson, Edmondson, Jacobsen, Rayburn and Thibaudeau

AN ACT Relating to the Washington park arboretum; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

HB 1868 by Representatives Morris, L. Johnson, G. Cole, Mielke, Quall and Jones

AN ACT Relating to regulating tanning salons; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 1869 by Representative R. Meyers

AN ACT Relating to criminal possession of leased or rented machinery, equipment, or motor vehicles; amending RCW 9A.56.095; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1870 by Representatives Zellinsky, Heavey and R. Meyers

AN ACT Relating to bail bond agents; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1871 by Representatives Heavey, Kessler and Lemmon

AN ACT Relating to chiropractic care for industrial insurance; amending RCW 51.04.030; and adding a new chapter to Title 51 RCW.

Referred to Committee on Commerce & Labor.

HB 1872 by Representatives Leonard and Sheldon

AN ACT Relating to chronically disabled, chemically dependent persons; amending RCW 70.96A.020 and 66.08.120; adding new sections to chapter 70.96A RCW; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services.

HB 1873 by Representatives King, Heavey, Conway, Jones and Johanson

AN ACT Relating to a return-to-work and vocational retraining program for injured workers; amending RCW 51.32.095; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Commerce & Labor.

HB 1874 by Representatives Anderson, Reams, R. Meyers, Jones, Sheldon, Hansen, Orr and Kessler

AN ACT Relating to creating the department of emergency services; amending RCW 43.17.010, 43.17.020, 38.52.010, 38.52.040, 38.52.050, 38.54.010, 38.54.020, 38.54.030, 38.54.050, 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, and 43.63A.350; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377 and 43.63A.380; and repealing RCW 43.63A.330.

Referred to Committee on State Government.

HB 1875 by Representatives Flemming, Carlson, Dyer, Sehlin, Wolfe, Karahalios, Quall, Sheldon, Zellinsky, Jones, Kremen, Schmidt, L. Johnson and Rayburn

AN ACT Relating to residency status for students at institutions of higher education; and reenacting and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

HB 1876 by Representatives Flemming, Carlson, Dyer, Kremen and Rayburn

AN ACT Relating to education grants for members of the Washington national guard; and adding a new section to chapter 38.40 RCW.

Referred to Committee on Higher Education.

HB 1877 by Representatives Flemming, Eide, Mastin and Morris

AN ACT Relating to long-term care; adding a new section to chapter 18.51 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1878 by Representatives Valle, Rayburn, Edmondson, Miller, Jacobsen and Kremen; by request of Joint Select Committee on Water Resource Policy

AN ACT Relating to water resource issues; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources & Parks.

HB 1879 by Representatives Springer, Edmondson, Bray, Romero, Sheldon, Long and Kremen

AN ACT Relating to contracts for architectural and engineering services; and amending RCW 39.80.040.

Referred to Committee on Local Government.

HB 1880 by Representatives Locke, L. Johnson, Pruitt, Brough, Jacobsen and J. Kohl

AN ACT Relating to greenway preservation and development; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

HB 1881 by Representatives Jones, Basich, Riley, Sheldon and Kessler

AN ACT Relating to providing for the construction of transportation-related tourism and outdoor recreation facilities; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Transportation.

HB 1882 by Representatives Basich, Riley, Sheldon, Jones, Jacobsen, Holm and Kessler

AN ACT Relating to coastal economic recovery; creating new sections; and making an appropriation.

Referred to Committee on Appropriations.

HJM 4013 by Representatives Kessler, Basich, Riley, Jones, Holm and J. Kohl

Petitioning the federal government for coastal economic recovery investment.

Referred to Committee on Trade, Economic Development & Housing.

HJR 4211 by Representatives Morton, Foreman, Fuhrman, Stevens, Carlson, Long, Lisk, Cooke, Brumsickle, Schoesler, Sehlin, Mielke, Padden, Ballard, Sheahan, Forner, Chandler, Horn, Miller, Vance, Reams and Silver

Allowing legislative suspension of agency rules.

Referred to Committee on State Government.

HCR 4414 by Representatives Ballasiotes, Appelwick, Tate, Mastin, Edmondson and Carlson

Studying appointment as the sole method of selecting judges.

Referred to Committee on Judiciary.

SB 5125 by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries

Regulating issuance of commercial salmon fishing licenses.

Referred to Committee on Fisheries & Wildlife.

ESB 5427 by Senator Loveland; by request of Department of Transportation

Setting tire limits on vehicles weighing over ten thousand pounds.

Referred to Committee on Transportation.

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

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

Referred to Committee on Transportation.

SCR 8403 by Senators Snyder, Prince, Gaspard, Sellar, Anderson, Wojahn and Winsley

Recognizing the "Old Timers" reunion.

Held over from February 10, 1993

MOTION

On motion of Representative Peery, the bills, memorial and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of Senate Concurrent Resolution No. 8403.

On motion of Representative Peery, the rules were suspended and Senate Concurrent Resolution No. 8403 was advanced to the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Snyder, Prince, Gaspard, Sellar, Anderson, Wojahn and Winsley

Recognizing the "Old Timers" reunion.

The resolution was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the resolution was placed on final passage. Representative Perry spoke in favor of the adoption.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8403.

Senate Concurrent Resolution No. 8403 was adopted.

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

REPORTS OF STANDING COMMITTEE

February 10, 1993

HB 1005 Prime Sponsor, Representative Jacobsen: Adding student members to the governing boards of institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Brumsickle, Ranking Minority Member and Shin.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1017 Prime Sponsor, Representative Forner: Concerning the employment of persons with a history of sexual exploitation of children. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1028 Prime Sponsor, Representative H. Myers: Allowing live-in care at mobile home parks. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Shin, Vice Chair

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1064 Prime Sponsor, Representative G. Cole: Requiring the adoption of a policy prohibiting corporal punishment in schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brumsickle; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Carlson; Stevens; and Vance.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1065 Prime Sponsor, Representative G. Cole: Creating the school pathway and bus stop improvement program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1069 Prime Sponsor, Representative Ludwig: Providing for seizure of property involved in a felony. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Excused: Representative Schmidt

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1085 Prime Sponsor, Representative R. Fisher: Authorizing community and technical colleges to develop and fund transportation demand management programs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Fuhrman; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Hansen.

Excused: Representative Forner.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1093 Prime Sponsor, Representative Zellinsky: Revising provisions relating to compensation of local officials. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1095 Prime Sponsor, Representative Orr: Allowing certain employees to waive health care benefits. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:
On page 1, line 6, after "Any" strike "employee" and insert "member of the Washington state legislature"

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1143 Prime Sponsor, Representative Van Luven: Providing a procedure for consolidating cities or towns.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1152 Prime Sponsor, Representative Thibaudeau: Denominating the Washington state bar association a public employer for collective bargaining purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1165 Prime Sponsor, Representative Riley: Revising provisions relating to guardians ad litem for juveniles.
Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1169 Prime Sponsor, Representative King: Regulating marine finfish rearing facilities. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representative Sehlin, Assistant Ranking Minority Member

Passed to Committee on Appropriations.

February 8, 1993

HB 1206 Prime Sponsor, Representative Leonard: Updating statutes for rehabilitation services for handicapped persons. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member, Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representative Talcott, Assistant Ranking Minority Member

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1212 Prime Sponsor, Representative Dorn: Changing the approval authority for state allocations for youth shows and fairs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1218 Prime Sponsor, Representative Ludwig: Changing requirements for claims against local governmental agencies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1221 Prime Sponsor, Representative G. Cole: Centralizing poison information services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:
On page 3, line 4, after "state" insert "and local".

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Appropriations.

February 9, 1993

HB 1300 Prime Sponsor, Representative Appelwick: Revising laws relating to discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Tate; and Wineberry.

Excused: Representative Schmidt

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1306 Prime Sponsor, Representative Franklin: Authorizing the creation of additional residential units on single-family lots. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Shin, Vice Chair

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1310 Prime Sponsor, Representative Pruitt: Regulating advertising for the state lottery. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Conway; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; Horn; King; and Springer.

Passed to Committee on Revenue.

February 9, 1993

HB 1315 Prime Sponsor, Representative H. Myers: Specifying the uses for the tax on the sale of real property. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1328 Prime Sponsor, Representative Heavey: Setting the minimum rate of compensation for certain salespeople. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1346 Prime Sponsor, Representative G. Cole: Repealing enforcement and right of action provisions for family leave. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1355 Prime Sponsor, Representative R. Fisher: Increasing nonvoter-approved debt limit for metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 9, 1993

HB 1368 Prime Sponsor, Representative Padden: Allowing for deferral of a judicial determination that a traffic violation was committed. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Campbell; Johanson; Locke; Long; Mastin; H. Myers; Riley; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Assistant Ranking Minority Member; Chappell; Forner; Scott; and Tate.

Excused: Representative Schmidt

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1369 Prime Sponsor, Representative Jacobsen: Changing provisions relating to vocational education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Revenue.

February 10, 1993

HB 1408 Prime Sponsor, Representative Sommers: Providing a comprehensive program for teen pregnancy prevention. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Passed to Committee on Appropriations.

February 10, 1993

HB 1444 Prime Sponsor, Representative Schmidt: Requiring identification for driver's licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

February 10, 1993

HB 1511 Prime Sponsor, Representative Heavey: Changing salary provisions for educational employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; Horn; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member and Chandler, Assistant Ranking Minority Member.

Passed to Committee on Appropriations.

February 11, 1993

HB 1708 Prime Sponsor, Representative Peery: Increasing the membership of the commission on student learning. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, after "members" insert ", and fill any vacancies of gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur"

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; Stevens; and Vance.

Passed to Committee on Rules for second reading.

February 11, 1993

HJM 4007 Prime Sponsor, Representative Bray: Petitioning Congress and the Secretary of Energy to name the Hanford and Lands Ecology Reserve after Richard Fitzner and Les Eberhardt. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Peery, the House immediately considered House Bill No. 1008 on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1008, by Representatives Romero, H. Myers and Springer

Revising hiring procedures for cities and towns.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Edmondson spoke in favor of passage of the bill.

MOTIONS

On motion of Representative J. Kohl, Representatives Dorn and Appelwick were excused.

On motion of Representative Wood, Representatives Fuhrman, Chandler and Lisk were excused.

The Speaker stated the question before the House to be final passage of House Bill No. 1008.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1008, and the bill passed the House with the following vote: Yeas - 89, Nays - 0, Absent - 4, Excused - 5.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver,

Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Absent: Representatives Cole, G., Heavey, King and Pruitt - 4.

Excused: Representatives Appelwick, Chandler, Dorn, Fuhrman and Lisk - 5.

House Bill No. 1008, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.
The Speaker called the House to order.

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

SECOND READING

HOUSE BILL NO. 1086, by Representatives Valle, Edmondson, Rust and Kremen

Modifying littering penalties.

House Bill No. 1086 was read the second time.

On motion of Representative Rust, Substitute House Bill No. 1086 was substituted for House Bill No. 1086 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1086 was read the second time.

Representative Hansen moved adoption of the following floor amendment:

On page 2, after line 21, insert "(3) The notice of infraction for littering shall include a notice to the person alleged to have committed the infraction that the person may be required to pay a twenty-five dollar per cubic foot clean up fee, and that the person will not be required to pay the clean up fee if the person removes the litter within forty-eight hours after the notice of infraction has been issued."

On page 3, line 17, after "litter" insert ". The litter clean up fee may be imposed only on a person who has not removed the litter within forty-eight hours after being notified in writing of the amount of the clean up fee that may be imposed"

Representatives Hansen and Valle spoke in favor of the amendment and Representative Horn spoke against it.

The Speaker stated the question before the House to be the adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle and Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1086.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1086 and it passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden,

Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

Engrossed Substitute House Bill No. 1086, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1151, by Representatives G. Cole, Lisk, Heavey and Springer

Changing the definition of keg for purpose of the state liquor code.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill be placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1151.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1151 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representative Flemming - 1.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

House Bill No. 1151, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1025, by Representatives Ludwig, Padden, Riley, Kremen, Appelwick, Mielke, Romero, Dyer, Jones, Kessler, Orr, Karahalios, R. Meyers, Brough, Carlson, Ballasiotes, Jacobsen, Forner, Silver, Dorn and Chappell

Regarding the limitation of actions brought by prisoners.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1025.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1025 and it passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

House Bill No. 1025, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1027, by Representatives Bray, H. Myers, Edmondson and Rayburn

Revising bidding practices of municipalities.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1027.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1027 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

House Bill No. 1027, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1041, by Representatives Zellinsky and Mielke

Altering a limit on family member group life insurance coverage.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1041.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1041 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

House Bill No. 1041, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer consideration of House Bill No. 1043 and that the bill hold its place on the second reading calendar. The motion was carried.

Representative Peery moved that the House immediately consider House Bill No. 1047 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1047, by Representatives Rust, Horn, Valle, Long, Springer, Brough, Forner, Miller, Edmondson, Lemmon, Tate, Chandler, Wood, Roland and J. Kohl

Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state.

House Bill No. 1047 was read the second time.

On motion of Representative Rust, Substitute House Bill No. 1047 was substituted for House Bill No. 1047 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1047 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Rust and Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1047.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1047, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

Substitute House Bill No. 1047, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1051, by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Forner, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland

Providing for restitution for certain emergency responses.

House Bill No. 1051 was read the second time.

On motion of Representative Ludwig, Substitute House Bill No. 1051 was substituted for House Bill No. 1051 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1051 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Scott and Chappell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1051.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1051 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

Substitute House Bill No. 1051, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1066, by Representatives Bray, Edmondson and H. Myers

Contracting by water and sewer districts.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading the third and the bill was placed on final passage.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1066.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1066, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representative Locke - 1.

Excused: Representatives Appelwick, Dorn and Fuhrman - 3.

House Bill No. 1066, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1068, by Representatives Padden, Appelwick, Ludwig, Riley, Chappell, Campbell, Schmidt, Long, Tate, Ballasiotes, Dyer, Johanson and Thomas

Providing for registration of transfer on death securities.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second considered the third and the bill was placed on final passage.

Representatives Padden and Ludwig spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1068.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1068 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Dorn, Fuhrman and Locke - 3.

House Bill No. 1068, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, House Bill No. 1450 was referred from the Committee on Natural Resources & Parks to the Committee on Appropriations.

On motion of Representative Peery, House Bill No. 1809 was referred from the Committee on Natural Resources & Parks to the Committee on Appropriations.

On motion of Representative Peery, House Bill No. 1834 was referred from the Committee on Corrections to the Committee on Human Services.

On motion of Representative Peery, House Bill No. 1840 was referred from the Committee on Transportation to the Committee on Local Government.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Monday, February 15, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

THIRTY-THIRD DAY, FEBRUARY 12, 1993

JOURNAL OF THE HOUSE

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

THIRTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 15, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by Troop Number 29 Boy Scouts, Austin Carroll and Johnathon Thurman. Prayer was offered by Bruce Sanders, Minister of Capital Vision Christian Church of Olympia.

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

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4611, by Representatives L. Johnson, Cooke, Thibaudeau, Morris, Conway, Dellwo, Linville, Edmondson, Flemming, Rust, Holm, J. Kohl, Foreman, Cothorn, G. Cole, Wolfe, Patterson, Brown, Long, Riley, Mastin, Ogden, Romero, Karahalios, Wood, Valle, Leonard, R. Johnson and Johanson

WHEREAS, Monday, February 15, 1993, marks the one hundred seventy-third anniversary of the birth of Susan Brownell Anthony, reformer and leader of women's suffrage; and

WHEREAS, Susan B. Anthony defied male electioneers and faced indictment for illegally voting in 1872; and

WHEREAS, Susan B. Anthony spoke on suffrage legislation before members of the Washington State Territorial Legislature in Olympia, Washington, on October 19, 1871, making her the first woman in the history of the United States to be given the privilege of addressing an assembled legislature; and

WHEREAS, Following her presentation to the Washington Territorial Legislature, Susan B. Anthony was the guest of Daniel Bigelow, a state lawmaker who was one of the first to support women's suffrage in the Northwest, at what is now Olympia's historic Bigelow Home; and

WHEREAS, Susan B. Anthony helped draft the constitution for the Washington Women's Suffrage Association; and

WHEREAS, Susan B. Anthony was director of the Female Department of the Canajoharie Academy in New York until she abandoned her career in education to devote her life to social reform, first organizing the Women's State Temperance Society of New York; and

WHEREAS, Susan B. Anthony, along with Elizabeth Cady Stanton, founded in 1863 the Woman's Loyal National League to petition Congress to advocate full civil and political rights for women and blacks when the Civil War ended; and

WHEREAS, In 1866, Susan B. Anthony and other reformers formed the Equal Rights Association to further their campaign for women's suffrage; and

WHEREAS, The reformers took their suffrage campaign in 1867 to the New York State Constitutional Convention, where the state legislature refused to consider the issue, but instead gave considerable support to legislation legalizing prostitution; and

WHEREAS, Susan B. Anthony and her suffragettes fought back with lobbying efforts that killed the prostitution bill in committee, and furthermore, eventually secured the first laws in New York state guaranteeing women's rights over their children and control over property and wages; and

WHEREAS, Susan B. Anthony, during the presidential campaign in 1872, urged women to claim their rights under the Fourteenth and Fifteenth amendments by registering and voting in every state in the union; and

WHEREAS, In a colorful display of her remarkable courage, Susan B. Anthony and her three sisters boldly entered a stronghold of men in a Rochester, New York, barbershop in 1872 and insisted that they be registered to vote under provisions of the Fourteenth Amendment; and

WHEREAS, On November 5th, Susan B. Anthony entered her polling place and voted the Republican ticket after which she was charged and indicted for voting illegally; and

WHEREAS, In another display of determination, Susan B. Anthony, refusing to pay her streetcar fare as a deputy marshal was carting her off to jail, announced loudly enough for all passengers to hear, "I'm travelling at the expense of this government. This gentleman is taking me to jail. Ask him for my fare!";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Susan B. Anthony and remember her for and emulate her in her dedication to social reform that led to the passage of the Women's Suffrage Amendment (Nineteenth Amendment) to the United States Constitution in 1920; and

BE IT FURTHER RESOLVED, That Susan B. Anthony be remembered for her courage and determination to work for equal rights for all citizens of America as reflected in Anthony's quote, "It was we, the people, not we, the white male citizens, nor yet we, the male citizens, but we the whole people, who formed this Union. And we formed it not to give the blessings of liberty, but to secure them, not to the half of ourselves and the half of our posterity, but to the whole people--women as well as men."

Representative L. Johnson and Cooke spoke in favor of adoption of the resolution.

House Resolution No. 4611 was adopted.

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

INTRODUCTIONS AND FIRST READING

HB 1883 by Representatives King, R. Meyers and Jones

AN ACT Relating to salmon enhancement; amending RCW 75.50.100; and adding new sections to chapter 75.08 RCW.

Referred to Committee on Fisheries & Wildlife.

HB 1884 by Representatives Holm, G. Fisher, Edmondson, Kremen and Rayburn

AN ACT Relating to nonprofit organizations providing credit services; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Revenue.

HB 1885 by Representatives Basich, Kessler, Jones, Riley, Jacobsen and J. Kohl

AN ACT Relating to the coastal economic recovery account; and adding a new chapter to Title 43 RCW.

Referred to Committee on Appropriations.

HB 1886 by Representatives Grant, Miller, Kessler, Horn, Kremen and Casada

AN ACT Relating to authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers; and amending RCW 70.79.240, 70.79.250, and 70.79.260.

Referred to Committee on Energy & Utilities.

HB 1887 by Representatives Dyer, Miller, Finkbeiner, Tate, Thomas, Edmondson, Foreman, Wood, Carlson, Forner, Reams, Cooke, Johanson, Ballasiotes, Sehlin, Schoesler, Sheahan, Brough and Silver

AN ACT Relating to the special excise tax on lodging; and amending RCW 67.28.190, 67.28.200, and 67.40.100.

Referred to Committee on Local Government.

HB 1888 by Representatives Hansen, Grant and Jones

AN ACT Relating to public disclosure filings by candidates for minor elective offices; amending RCW 42.17.030 and 42.17.240; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1889 by Representatives Hansen, Morton and Pruitt

AN ACT Relating to water rights; adding a new section to chapter 43.30 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.08 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 90.16 RCW; adding a new section to chapter 90.22 RCW; adding a new section to chapter 90.24 RCW; adding a new section to chapter 90.28 RCW; adding a new section to chapter 90.36 RCW; adding a new section to chapter 90.38 RCW; adding a new section to chapter 90.40 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.46 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 90.66 RCW; and creating new sections.

Referred to Committee on Natural Resources & Parks.

HB 1890 by Representative R. Johnson

AN ACT Relating to sexual intercourse or contact with dead bodies; adding a new section to chapter 9A.44 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1891 by Representatives R. Johnson, Pruitt, Jones, Jacobsen and L. Johnson

AN ACT Relating to reporting requirements for insurance agents and brokers; and adding a new section to chapter 48.17 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1892 by Representatives Scott and Zellinsky

AN ACT Relating to the filing of rates for disability insurance, health care service contracts, and health maintenance agreements; and amending RCW 48.18.110, 48.44.020, and 48.46.060.

Referred to Committee on Financial Institutions & Insurance.

HB 1893 by Representatives Zellinsky, Forner, R. Fisher and Kremen

AN ACT Relating to motor vehicle dealers' buyer's agents relationships; amending RCW 46.70.041 and 46.70.180; and reenacting and amending RCW 46.70.011.

Referred to Committee on Transportation.

HB 1894 by Representatives Wineberry, Wood, H. Myers, Carlson, Leonard and Ogden

AN ACT Relating to public housing authorities; and amending RCW 35.82.070, 35.82.130, 35.82.210, and 82.04.190.

Referred to Committee on Trade, Economic Development & Housing.

HB 1895 by Representatives Eide, Brough, Kremen, Mielke, Romero, Foreman, Brumsickle, Long, Edmondson, Horn, Holm, Springer, Karahalios, Van Luven, Ballasiotes, Wood, Schoesler, Thomas, Lemmon, Sheldon, Chappell, Reams, Miller, J. Kohl, Orr, Roland and Forner

AN ACT Relating to the business and occupation tax exemption limit; and amending RCW 82.04.300.

Referred to Committee on Revenue.

HB 1896 by Representatives Quall, Dorn, Finkbeiner, Grant, Linville and Springer

AN ACT Relating to the use of real estate excise tax receipts in a county composed entirely of islands with a population of less than fifty thousand; and amending RCW 82.46.010.

Referred to Committee on Local Government.

HB 1897 by Representatives Thibaudeau, Leonard, Brown, Patterson, J. Kohl and L. Johnson

AN ACT Relating to mental health; amending RCW 71.24.300 and 72.23.027; and reenacting and amending RCW 71.24.035.

Referred to Committee on Human Services.

HB 1898 by Representatives King, Wood, Jones, Shin, Jacobsen and G. Cole

AN ACT Relating to tenure; reenacting RCW 28B.50.851; and amending RCW 28B.50.851; creating a new section; repealing RCW 28B.50.858; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1899 by Representatives Cothorn, H. Myers, Horn, Eide, Edmondson, Finkbeiner, Jones, Holm, Lemmon, Orr, Roland and L. Johnson

AN ACT Relating to the review of environmental protection and land laws; creating new sections; and making an appropriation.

Referred to Committee on Environmental Affairs.

HB 1900 by Representatives Wineberry, Sheldon, Basich, Forner and Horn

AN ACT Relating to fraud; amending RCW 4.24.230 and 19.48.110; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1901 by Representatives H. Myers and Springer

AN ACT Relating to funding tourism and convention promotion in any county with a population of two hundred thousand or more bordering the state of Oregon; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Local Government.

HB 1902 by Representatives Johanson, Long, Foreman, Appelwick, Riley, Mastin, Forner, Ludwig, Van Luven, Horn, Mielke, Brumsickle, Schoesler, Sheahan, Casada, Chandler, Lisk, Karahalios, Flemming, Eide, Lemmon, Sheldon, Miller, Bray, Vance and Cooke

AN ACT Relating to the issuing of sediment impact zone permits for the discharge of polluted storm water onto third-party property; adding a new section to chapter 90.48 RCW; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 1903 by Representatives Anderson, Veloria and Springer; by request of Attorney General

AN ACT Relating to ballot issues; amending RCW 29.27.060, 29.27.065, 29.27.067, 29.79.050, 29.79.060, 29.79.070, 29.79.110, 29.79.280, 29.79.290, 29.79.300, 29.79.310, 29.79.320, and 35A.29.120; adding new sections to chapter 29.79 RCW; and repealing RCW 29.79.040.

Referred to Committee on State Government.

HB 1904 by Representatives Rayburn and Lemmon

AN ACT ;Relating to an exemption from liability for counties and cities under chapter 70.105D RCW; and amending RCW 70.105D.040.

Referred to Committee on Environmental Affairs.

HB 1905 by Representatives Anderson, R. Johnson, Orr, King, Campbell, Grant, Hansen, Basich, G. Cole, Thibaudeau, Appelwick, Brumsickle, Brough, Eide and Rayburn

AN ACT Relating to charitable gaming; amending RCW 9.46.070 and 9.46.285; adding a new section to chapter 9.46 RCW; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1906 by Representatives Kessler, Zellinsky, Locke, Romero, Jones, Thibaudeau, Chappell and Brown

AN ACT Relating to a joint underwriting association for midwives and birthing centers; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1907 by Representatives Wineberry, Jones and Lemmon

AN ACT Relating to estimating charges for carrying household goods; amending RCW 81.04.405; adding a new section to chapter 81.04 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1908 by Representatives Wineberry and Rayburn

AN ACT Relating to minority assistance; adding new sections to chapter 43.63A RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28B.10 RCW; and creating new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1909 by Representatives Wineberry, Brough, Mielke, Long, Edmondson, Valle, Tate, Rayburn, Ballard, Miller, Cooke and Forner

AN ACT Relating to enterprise zones; amending RCW 43.155.070, 43.160.060, 43.168.050, 82.60.050, 82.61.040, 82.62.040, 82.60.020, 82.61.010, 82.61.070, and 82.62.010; adding a new section to chapter 82.04 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 50.08 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1910 by Representatives Silver, Wang, Sommers, Brough, Mielke, Foreman, Dyer, Brumsickle, Long, Edmondson, Horn, Casada, Wood, Flemming, Morton, Miller, Cooke, Forner and Anderson

AN ACT Relating to creating an inventory system for state-owned or leased facilities; adding a new section to chapter 43.09 RCW; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Capital Budget.

HB 1911 by Representatives Zellinsky, Reams and H. Myers

AN ACT Relating to the location of fire protection districts in newly incorporated cities and towns; and adding a new section to chapter 52.04 RCW.

Referred to Committee on Local Government.

HB 1912 by Representatives Morris and Long

AN ACT Relating to the department of corrections establishing guidelines for allowing witnesses at an execution; adding a new section to chapter 10.95 RCW; and creating a new section.

Referred to Committee on Corrections.

HB 1913 by Representatives Locke, Morris, Leonard, Brough, Kremen, Jones, Karahalios, Flemming, Lemmon and J. Kohl

AN ACT Relating to supports for people with developmental disabilities; amending RCW 71A.10.015, 71A.10.020, 71A.10.030, 71A.10.050, 71A.10.060, 71A.10.070, 71A.10.080, 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.060, 71A.12.070, 71A.12.080, 71A.12.090, 71A.12.100, 71A.12.110, 71A.12.120, 71A.12.130, 71A.12.140, 71A.12.150, 71A.14.020, 71A.14.070, 71A.14.080, 71A.14.090, 71A.14.100, 71A.14.110, 71A.16.010, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, 71A.18.010, 71A.18.020, 71A.18.030, 71A.18.040, 71A.18.050, 71A.20.010, 71A.20.020, 71A.20.030, 71A.20.040, 71A.20.070, 71A.20.080, 71A.20.090, 71A.20.100, 71A.20.120, 71A.20.150, 71A.22.010, 71A.22.030, and 71A.22.050; adding new sections to chapter 71A.12 RCW; recodifying RCW 71A.14.020, 71A.14.070, 71A.14.080, 71A.14.090, 71A.14.100, and 71A.14.110; and repealing RCW 71A.10.010, 71A.10.800, 71A.10.901, 71A.10.902, 71A.12.010, 71A.12.050, 71A.14.030, 71A.14.040, 71A.14.050, and 71A.14.060.

Referred to Committee on Human Services.

HB 1914 by Representatives Brown, Long, Johanson, L. Johnson, Edmondson, Cothorn, Scott, Wood, Leonard, Brough, Kremen, Dyer, Brumsickle, Jones, King, Carlson, Karahalios, Schoesler, Hansen, Lemmon, Springer, Rayburn, Patterson, J. Kohl and Cooke

AN ACT Relating to volunteers serving the needs of at-risk children; and adding a new section to chapter 43.150 RCW.

Referred to Committee on Human Services.

HB 1915 by Representatives Patterson, H. Myers, Brough and Valle

AN ACT Relating to aircraft noise abatement; and amending RCW 53.54.030.

Referred to Committee on Local Government.

HB 1916 by Representatives Pruitt, Reams, Mielke, Finkbeiner, Sheldon, Tate, Peery, Vance, Ballard, Brough, Kremen, Foreman, Dyer, Long, Horn, Jones, Springer, Cooke and Forner

AN ACT Relating to purchase and delivery of government services; and creating a new section.

Referred to Committee on State Government.

HB 1917 by Representatives Finkbeiner, Tate, Anderson, Vance, Sheldon, Peery, Ballard, Reams, Brough, Mielke, Foreman, Dyer, Long, Horn, Jones, Fuhrman, Carlson, Van Luven, Ballasiotes, Stevens, Lisk, Thomas, Springer and Cooke

AN ACT Relating to competitive strategies in the delivery of government services; amending RCW 41.06.380, 28B.16.040, and 28B.16.240; adding a new section to chapter 28A.400 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1918 by Representatives Holm, Kessler, Jones, Flemming, Springer, Rayburn and Roland

AN ACT Relating to encouraging new business start-ups; amending RCW 82.60.020, 82.60.050, 82.61.040, 82.62.010, 82.62.030, and 82.62.040; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 43.31 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 51.16 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1919 by Representatives Cothorn, Wineberry, L. Johnson, Anderson, Leonard, Flemming, Jacobsen, R. Meyers, Locke, Brough, Wang, Karahalios, Johanson, Springer, J. Kohl, Thibaudeau, Roland and Long

AN ACT Relating to the prevention of hate crimes; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1920 by Representatives Finkbeiner, Pruitt, Jacobsen, R. Meyers, Kessler, Orr and L. Johnson

AN ACT Relating to telecommuting; creating a new section; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1921 by Representatives Orr and R. Meyers

AN ACT Relating to biomedical waste transportation; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

HJM 4014 by Representatives R. Johnson, Pruitt, Linville, Kremen, Valle, Johanson and Anderson

Asking the President and Congress to implement comprehensive natural resource management programs.

Referred to Committee on Natural Resources & Parks.

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

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

REPORTS OF STANDING COMMITTEE

February 11, 1993

HB 1112 Prime Sponsor, Representative Van Luven: Restricting the cancellation of certain health insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Mielke, Ranking Minority Member, and Dorn

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1172 Prime Sponsor, Representative Jacobsen: Accommodating students with disabilities at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 9, after "service." insert "After a student with a disability enrolls in an institution of higher education and provides documentation of a disability, the institution or agency providing the service shall distribute to the student and all the student's instructors a summary of the student's rights and responsibilities as described in the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973."

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representative Mielke

Passed to Committee on Appropriations.

February 10, 1993

HB 1177 Prime Sponsor, Representative Jacobsen: Requiring an evaluation of the potential for wildlife enhancement projects on state rights of way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Eide; Heavey; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Shin; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Finkbeiner; Forner; Fuhrman; Hansen; Horn; and Sheldon.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1182 Prime Sponsor, Representative Brumsickle: Allowing retired teachers to work in educational institutions for ninety days per school year without a reduction in benefits. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Appropriations.

February 11, 1993

HB 1254 Prime Sponsor, Representative Dellwo: Modifying controlled substances definitions, standards, and schedule. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representative Mastin

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1260 Prime Sponsor, Representative Linville: Modifying review of solid waste collection company tariff filings.
Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1275 Prime Sponsor, Representative R. Fisher: Exempting site exploration from shorelines management regulation. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1351 Prime Sponsor, Representative Veloria: Defining hospital in regard to self-insurers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1354 Prime Sponsor, Representative G. Cole: Regulating industrial insurance death benefit payments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Appropriations.

February 11, 1993

HB 1356 Prime Sponsor, Representative Rust: Modifying penalties and compliance for public water systems. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1357 Prime Sponsor, Representative Rust: Modifying certification of public water supply system operators. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Hansen; Holm; L. Johnson; J. Kohl; and Linville.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member; Edmondson; Roland; and Sheahan.

Passed to Committee on Appropriations.

February 11, 1993

HB 1379 Prime Sponsor, Representative R. Fisher: Making housekeeping changes in various service programs of the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1394 Prime Sponsor, Representative R. Fisher: Strengthening penalties for improper use of HOV lanes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Johanson; J. Kohl; R. Meyers; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Horn.

Excused: Representative Miller

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1419 Prime Sponsor, Representative G. Fisher: Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Passed to Committee on Revenue.

February 12, 1993

HB 1424 Prime Sponsor, Representative Heavey: Affecting insurance assessments notice. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 11, 1993

HB 1597 Prime Sponsor, Representative Rust: Providing a private right of contribution under the model toxics control act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant

Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1075 on the second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1075, by Representatives Padden, Appelwick, Ludwig and Johanson

Updating references in probate and trust law to the Internal Revenue Code.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

On motion of Representative Wood, Representative Talcott was excused.
On motion of Representative J. Kohl, Representative Brown was excused.

Representative Padden spoke in favor of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1075.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1075 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2. Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Brown and Talcott - 2.

House Bill No. 1075, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1097, by Representatives Jacobsen, Brumsickle, R. Fisher, Anderson, Ogden, Basich, Sheldon, Romero, Vance, Wang, Leonard, Shin, Edmondson, Foreman, Wood, Ballard, Brough, Long, Kessler, Miller, Talcott, Wolfe, Sommers, Tate, Cooke, Springer and Forner; by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association

Consolidating the state capital historical association and the state historical society.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobson, Brumsickle and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1097.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1097 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Brown and Talcott - 2.

House Bill No. 1097, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.
The Speaker called the House to order.

MESSAGE FROM THE SENATE

6/15/99

Mr. Speaker:

The President has adopted:

SENATE CONCURRENT RESOLUTION NO. 8403,

Brad Hendrickson, Deputy Secretary

and the same is herewith transmitted.

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

SECOND READING

HOUSE BILL NO. 1122, by Representatives Pruitt, Schmidt, Zellinsky, H. Myers, Thomas, Dunshee, Valle, R. Meyers, Basich, Brough and Quall

Changing provisions relating to excess levies in park and recreation districts.

House Bill No. 1122 was read the second time.

On motion of Representative H. Myers, Substitute House Bill No. 1122 was substituted for House Bill No. 1122 and the substitute bill was placed on final passage.

Substitute House Bill No. 1122 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Pruitt and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No.

1122.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1122 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Fuhrman and Padden - 2.

Excused: Representative Talcott - 1.

Substitute House Bill No. 1122, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1043, by Representatives Schmidt, Appelwick, Morris, Long, Ballasiotes, Riley, Springer, Shin, Brough, Eide, Johanson, Fuhrman, Silver and J. Kohl

Specifying the method of execution.

The bill was read the second time.

Representative Wineberry moved the following amendment:

On page 2, after line 9 add a subsection to read as follows:

"(5) The office of the administrator for the courts shall conduct an ongoing comparison study of racial and gender proportionalities with respect to aggravated first degree murder cases before and after the effective date of this act. The office shall report annually to each member of the legislature the cumulative results of its study. The study shall specifically include, but not be limited to, gender and race proportionalities during the period from 1981 until the effective date of this act as compared to those same proportionalities during the period after the effective date of this act with respect to each of the following categories of aggravated first degree murder prosecutions:

(a) All cases in which the death penalty has not been sought;

(b) All cases in which the death penalty has been sought;

(c) All cases in which a sentence of death has been entered; and

(d) All cases in which a sentence of death has been carried out."

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas-51, Nays-45. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick, Schmidt, Riley and Ballasiotes spoke in favor of passage of the bill. Representatives Chappell, Padden, Quall, Tate, R. Meyers and Wineberry spoke against it.

Representative Carlson demanded the previous question and the demand was sustained.

Representatives Appelwick and Schmidt again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1043.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1043 and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Bray, Brough, Campbell, Carlson, Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Fisher, G., Forner, Fuhrman, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Lemmon, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Rayburn, Riley, Schmidt, Scott, Sehlín, Silver, Sommers, Springer, Thibaudeau, Valle, Wood and Zellinsky - 56.

Voting nay: Representatives Anderson, Ballard, Basich, Brown, Brumsickle, Casada, Chandler, Chappell, Cole, G., Dunshee, Finkbeiner, Fisher, R., Flemming, Foreman, Heavey, Horn, Kohl, J., Kremen, Leonard, Linville, Meyers, R., Padden, Quall, Reams, Roland, Romero, Rust, Schoesler, Sheahan, Sheldon, Shin, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 42.

Engrossed House Bill No. 1043, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Wednesday, February 17, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

THIRTY-SIXTH DAY, FEBRUARY 15, 1993

JOURNAL OF THE HOUSE

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

THIRTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 17, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Betsy Geddes and Aaron Adelstein. Prayer was offered by Reverend Bruce Sanders, Minister of Capital Vision Christian Church of Olympia.

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

MESSAGE FROM THE SENATE

February 16, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5018,
SUBSTITUTE SENATE BILL NO. 5048,
SENATE BILL NO. 5094,
SENATE BILL NO. 5128,
SENATE BILL NO. 5309,
SENATE BILL NO. 5426,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1922 by Representatives Lemmon, Mastin, Morris, Hansen, Basich, Kessler, Johanson, Scott, Tate, Bray, Campbell, Dunshee, Eide, Orr, Grant, Lisk, Ludwig, R. Meyers, Springer, Finkbeiner, Dorn, Vance, Quall, Kremen, Rayburn, Brough, Foreman, Riley, L. Johnson, Horn, King, Forner, Roland, Ogden, Thomas, Brumsickle, Long, Casada, Ballasiotes, Mielke, Cooke, Van Luven and Karahalios

AN ACT Relating to creation of a work ethic boot camp; adding new sections to chapter 72.09 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Corrections.

HB 1923 by Representatives Veloria, Wood, Jacobsen, Ogden and J. Kohl

AN ACT Relating to the advisory council on historic preservation; amending RCW 27.34.250; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1924 by Representatives Ogden, Jacobsen, Wood, Shin, Casada, Kessler, Flemming and J. Kohl

AN ACT Relating to historic preservation; amending RCW 27.53.060, 27.53.070, 27.53.080, and 68.60.030; and prescribing penalties.

Referred to Committee on State Government.

HB 1925 by Representatives Orr, Pruitt and King

AN ACT Relating to registration of persons carrying passengers for hire on whitewater river sections; and amending RCW 88.12.320.

Referred to Committee on Natural Resources & Parks.

HB 1926 by Representatives Anderson and Reams

AN ACT Relating to the sale and distribution of state publications; and amending RCW 40.04.090.

Referred to Committee on State Government.

HB 1927 by Representatives Carlson, Karahalios, Shin, Brumsickle, Basich, Silver, Brough, Wood, Hansen, Sehlin, Miller, Thomas and Kremen

AN ACT Relating to setting an upper limit on general fund--state appropriations; adding new sections to chapter 43.88 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1928 by Representatives R. Fisher, Quall, Locke, Roland and Johanson

AN ACT Relating to regional transportation planning; amending RCW 47.80.030, 35.58.2795, 35.77.010, and 36.81.121; adding new sections to chapter 47.80 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1929 by Representatives R. Fisher, Chappell, Springer, Quall and Johanson

AN ACT Relating to regional transportation planning organizations; and amending RCW 47.80.020.

Referred to Committee on Transportation.

HB 1930 by Representatives Schmidt and Zellinsky

AN ACT Relating to the disposition of traffic infractions; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1931 by Representatives Schmidt, Zellinsky and Wood

AN ACT Relating to regulation of steamboat operators; amending RCW 47.60.120, 81.84.010, 81.84.020, 81.84.030, 81.84.050, 81.04.010, and 81.24.030; adding new sections to chapter 81.84 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1932 by Representatives Stevens, Wood, Kremen, Forner, Morton, Tate, Vance, Campbell, Padden, Brumsickle, Long, Casada, Mielke, Van Luven and Dyer

AN ACT Relating to property owner impact statements; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Judiciary.

HB 1933 by Representatives Stevens, Wood, Fuhrman, Morton, Tate, Forner, Vance, Padden, Miller, Brumsickle, Long, Casada, Ballasiotes, Mielke, Cooke, Van Luven and Dyer

AN ACT Relating to proposed actions by local governments; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; and adding new sections to chapter 36.70 RCW.

Referred to Committee on Judiciary.

HB 1934 by Representatives Stevens, Wood, Fuhrman, Tate, Morton, Forner, Vance, Brumsickle, Long, Casada, Mielke, Cooke, Van Luven and Dyer

AN ACT Relating to land use; and adding new sections to chapter 8.28 RCW.

Referred to Committee on Judiciary.

HB 1935 by Representatives Stevens, Sheahan, Schoesler, Tate, Padden and Ballasiotes

AN ACT Relating to alcohol; amending RCW 46.20.117, 46.20.120, 46.20.311, and 46.20.391; adding a new section to chapter 66.28 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1936 by Representatives Stevens, Morton, Fuhrman, Schoesler and Forner

AN ACT Relating to flood damage reduction; amending RCW 43.21C.020, 86.12.200, 86.16.025, 86.16.041, 86.26.105, 75.20.100, 75.20.103, 75.20.130, 79.90.300, 90.58.030, 90.58.180, 47.28.140, 86.26.080, 86.26.090, 86.26.007, 86.15.030, 86.15.050, 86.15.160, 58.19.055, and 86.16.031; adding new sections to chapter 86.16 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding

Referred to Committee on Environmental Affairs.

HB 1937 by Representatives Anderson, Valle, Wang, Springer, Sheldon, King, Johanson and Karahalios; by request of State Treasurer

AN ACT Relating to conflicts of interest and ethical conduct by members and employees of the state investment board; adding new sections to chapter 43.33A RCW; and prescribing penalties.

Referred to Committee on State Government.

HB 1938 by Representatives Anderson, Vance, Valle and Wang; by request of State Treasurer

AN ACT Relating to campaign financing and public disclosure for the office of state treasurer; amending RCW 42.17.2401; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1939 by Representatives Hansen, Chandler, Vance, Campbell, Sheldon, Brough, Horn, Schoesler, Roland, Miller, Long, Edmondson, Morton and Dyer

AN ACT Relating to a hiring freeze within state government; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1940 by Representatives Orr, King, Springer and Morris

AN ACT Relating to fishing guides; adding new sections to chapter 75.28 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 1941 by Representatives Cothorn, Foreman, L. Johnson, Jones, Vance, Campbell, Pruitt, Shin, Holm, Springer, Brough, Horn, King, J. Kohl, Hansen, Johanson, Miller, Long, Casada, Edmondson, Mielke and Karahalios

AN ACT Relating to students carrying dangerous weapons on school premises; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1942 by Representatives R. Fisher, Quall, Locke and Johanson

AN ACT Relating to transportation facilities of state-wide significance; adding a new section to chapter 47.01 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1943 by Representatives Brumsickle, Jacobsen, Dorn, Quall, Shin, L. Johnson, King and Long

AN ACT Relating to higher education; amending RCW 28B.50.837 and 28B.50.839; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 1944 by Representatives Rust, Grant, King and Valle

AN ACT Relating to coordinating county and utility companies' pest and vegetation management policies on county easements; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Environmental Affairs.

HB 1945 by Representative Romero

AN ACT Relating to seminars for parents; adding a new section to chapter 26.12 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 1946 by Representatives Chappell, Brumsickle, Mastin, Grant, Rayburn and Kremen

AN ACT Relating to clarifying definitions relating to farmers; and amending RCW 15.04.010 and 82.04.330.

Referred to Committee on Agriculture & Rural Development.

HB 1947 by Representatives Foreman, Appelwick, Ludwig, Padden, Rust, Tate, Quall, Cothorn, L. Johnson, Schoesler, Morton, Sheahan, Anderson, Silver, Long, Chandler, Carlson, King, Mastin, Sehlin,

Romero, Lisk, Reams, Ballard, Dellwo, Shin, Mielke, Van Luven, Dyer, Karahalios, Vance, Dorn, Brough, Horn and J. Kohl

AN ACT Relating to releases from liability for sports injuries; amending RCW 4.24.010; and creating a new section.

Referred to Committee on Judiciary.

HB 1948 by Representatives Bray, Ludwig, Rayburn and Grant

AN ACT Relating to the state commission on Hispanic affairs; amending RCW 43.115.010, 43.115.020, 43.115.030, 43.115.060, 43.131.341, and 43.131.342; adding a new section to chapter 43.115 RCW; and repealing RCW 43.115.050.

Referred to Committee on State Government.

HB 1949 by Representatives Morris, Wang, Appelwick, Brough, Rust, Foreman, Springer, Peery, Ogden, Dunshee, Sommers, G. Cole, G. Fisher, R. Meyers, Riley, Mastin, Quall, Kessler, Romero, Karahalios, Shin, Basich, Heavey, Zellinsky, Ludwig, Roland, L. Johnson, Orr, Valle, Flemming, Bray, Holm, Hansen, Rayburn, Wolfe, Anderson, Finkbeiner, H. Myers, R. Fisher, Locke, Brown, Sheldon, Johanson, Veloria, Cothorn, Scott, Leonard, Jacobsen, R. Johnson, King, Linville, Pruitt, Eide, Campbell, Grant, J. Kohl and Patterson

AN ACT Relating to political activities of organizations exempt from property taxes; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Revenue.

HB 1950 by Representatives Conway, G. Cole, Veloria and J. Kohl

AN ACT Relating to motor vehicle insurance; adding a new chapter to Title 46 RCW; and making an appropriation.

Referred to Committee on Financial Institutions & Insurance.

HB 1951 by Representatives Chappell, Campbell and Johanson

AN ACT Relating to animal cruelty; amending RCW 16.52.050, 16.52.060, 16.52.070, 16.52.080, 16.52.085, 16.52.140, and 16.52.185; adding new sections to chapter 16.52 RCW; repealing RCW 16.52.030, 16.52.040, and 16.52.095; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1952 by Representatives Chappell, Campbell and Johanson

AN ACT Relating to dangerous animals; amending RCW 16.04.010, 16.08.010, 16.08.020, 16.08.040, 16.08.070, 16.08.090, and 16.10.040; adding new sections to chapter 16.08 RCW; creating a new section; repealing RCW 16.08.030; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1953 by Representatives Grant, Rayburn, Johanson and Long

AN ACT Relating to energy siting review; creating new sections; and providing an expiration date.

Referred to Committee on Energy & Utilities.

HB 1954 by Representatives Conway, Vance, Wineberry, Eide, Campbell, Wolfe, King, J. Kohl, Roland and Johanson

AN ACT Relating to dislocated aerospace workers; adding a new section to chapter 70.47 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1955 by Representatives Dunshee, H. Myers and Edmondson

AN ACT Relating to hearings related to improvement districts; and amending RCW 35.44.070.

Referred to Committee on Local Government.

HB 1956 by Representatives Cothorn, Locke, Wolfe and Springer; by request of Department of Social and Health Services

AN ACT Relating to computerized medical insurance eligibility and beneficiary coverage information available to the department of social and health services from medical insurance payers; and adding a new chapter to Title 74 RCW.

Referred to Committee on Human Services.

HB 1957 by Representatives Dellwo, Wolfe, R. Meyers, Pruitt, L. Johnson, J. Kohl, Conway and Karahalios; by request of Insurance Commissioner

AN ACT Relating to the creation of the medical health coverage benefit determination committee; adding a new section to chapter 48.02 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1958 by Representatives Finkbeiner, King, J. Kohl, Cothorn and Johanson

AN ACT Relating to interlibrary sharing; and adding new sections to chapter 43.147 RCW.

Referred to Committee on Energy & Utilities.

HB 1959 by Representatives Heavey and Springer

AN ACT Relating to the issuance of citations under the Washington industrial safety and health act; and amending RCW 49.17.120.

Referred to Committee on Commerce & Labor.

HB 1960 by Representatives Heavey, L. Johnson, King and Roland

AN ACT Relating to compulsive gambling; amending RCW 67.70.240 and 67.16.105; adding new sections to chapter 9.46 RCW; adding a new section to chapter 67.70 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1961 by Representatives Shin, Brumsickle, Hansen, Cothorn, Eide, Wood, Voloria, Bray, Jacobsen, Quall, Rayburn, Flemming, Kessler, Carlson, Basich, Ogden, Sheahan, Wang, Rayburn, King, J. Kohl and Anderson

AN ACT Relating to Washington state's sister-state relationship with Hyogo prefecture, Japan; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.

HB 1962 by Representatives H. Myers, Sommers, Springer, Locke and Roland

AN ACT Relating to the provision of adequate county-wide services; amending RCW 84.55.070; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

HB 1963 by Representatives Roland and Campbell

AN ACT Relating to insurance coverage of naturopathic services; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1964 by Representatives Dorn and Orr; by request of Superintendent of Public Instruction

AN ACT Relating to social security numbers used as student identification; adding a new section to chapter 28A.600 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 1965 by Representatives Anderson and Johanson

AN ACT Relating to geographic information system services and products provided by agencies; amending RCW 42.17.020; reenacting and amending RCW 42.17.310; adding new sections to chapter 42.17 RCW; and creating a new section.

Referred to Committee on State Government.

HJM 4015 by Representatives Veloria, Wineberry, Leonard, Johanson, Wang, Chandler, Miller, Wood, Shin, Quall, Rayburn, J. Kohl, Kessler, Dyer and Anderson

Requesting the Philippines to keep its consulate open.

Referred to Committee on State Government.

ESB 5018 by Senator Nelson

Allowing service of process on a marital community by serving either spouse.

Referred to Committee on Judiciary.

SSB 5048 by Senate Committee on Government Operations (originally sponsored by Senator Haugen)

Revising bidding practices of municipalities.

Referred to Committee on Local Government.

SB 5094 by Senator McCaslin

Changing provisions relating to incorporation elections.

Referred to Committee on Local Government.

SB 5128 by Senators Moore, Newhouse, Snyder and Amondson

Raising keg registration container size requirements from four to five and one-half gallons.

Referred to Committee on Commerce & Labor.

SB 5309 by Senator Owen

Modifying provisions relating to exchange of urban land for land bank land.

Referred to Committee on Natural Resources & Parks.

SB 5426 by Senators Loveland, Newhouse, Vognild and Prince; by request of Department of Transportation

Consolidating gross weight permit authority.

Referred to Committee on Transportation.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 12, 1993

HB 1012 Prime Sponsor, Representative Appelwick: Adopting the uniform anatomical gift act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Morris; Thibaudeau; and Veloria.

Excused: Representative Mastin, Mielke.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1038 Prime Sponsor, Representative Dellwo: Correcting a double amendment related to authorized functions of health care assistants. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Morris; Thibaudeau; and Veloria.

Excused: Representative Mastin, Mielke.

Passed to Committee on Rules for second reading.

February 15, 1993

HB 1061 Prime Sponsor, Representative Rayburn: Modifying irrigation district mergers. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1133 Prime Sponsor, Representative Kremen: Allowing the assignment of claims for unlawful conversion of goods and unlawful leaving without paying. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1134 Prime Sponsor, Representative Kremen: Creating the adult family home advisory council. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Morris; Thibaudeau; and Veloria.

Excused: Representatives Mastin and Mielke.

Passed to Committee on Appropriations.

February 15, 1993

HB 1199 Prime Sponsor, Representative Anderson: Providing paid leave for certain employees. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Appropriations.

February 15, 1993

HB 1201 Prime Sponsor, Representative Romero: Allowing state employees to donate sick leave and their personal holiday as shared leave. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Appropriations.

February 12, 1993

HB 1224 Prime Sponsor, Representative Dellwo: Eliminating the termination of hospice care and service coverage as medical assistance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Morris; Thibaudeau; and Veloria.

Excused: Representatives Mastin and Mielke.

Passed to Committee on Appropriations.

February 16, 1993

HB 1250 Prime Sponsor, Representative J. Kohl: Establishing an information clearinghouse for recruiting women in athletic leadership positions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 8 after "state" insert "in conjunction with other resources available to potential employers. The clearinghouse is only an additional resource for identifying women candidates for athletic leadership positions.

Selection of a candidate remains in the sole discretion of the employer. The selection may be made from any of the resources available to the employer"

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Flemming; Kessler; J. Kohl; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Finkbeiner and Mielke.

Passed to Committee on Appropriations.

February 12, 1993

HB 1253 Prime Sponsor, Representative Dellwo: Modifying provisions regarding physician assistants. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Morris; Thibaudeau; and Veloria.

Excused: Representatives Mastin and Mielke.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1318 Prime Sponsor, Representative Pruitt: Changing boating safety provisions. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Excused: Representative Dunshee.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1340 Prime Sponsor, Representative Rayburn: Changing the size of counties that may create public facilities districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Van Luyen.

Excused: Representative Zellinsky.

Passed to Committee on Revenue.

February 12, 1993

HB 1350 Prime Sponsor, Representative King: Requiring pink shrimp endorsements. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representatives Fuhrman, Ranking Minority Member.

Passed to Committee on Appropriations.

February 12, 1993

HB 1352 Prime Sponsor, Representative Veloria: Revising provisions for fee schedules for industrial insurance medical aid. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1993

HB 1377 Prime Sponsor, Representative Basich: Modifying timber recovery programs. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Referred to Committee on Appropriations.

February 12, 1993

HB 1401 Prime Sponsor, Representative Dunshee: Describing when tax foreclosed property may be disposed of by private negotiations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; and Van Luven.

Excused: Representative Zellinsky.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1410 Prime Sponsor, Representative Morton: Concerning the distribution of intestate estates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1447 Prime Sponsor, Representative Appelwick: Authorizing the filing of foreign judgments in district court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1449 Prime Sponsor, Representative Edmondson: Modifying the special excise tax on lodging for certain counties under one million persons. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; and Van Luven.

Excused: Representative Zellinsky.

Referred to Committee on Revenue.

February 12, 1993

HB 1454 Prime Sponsor, Representative King: Revising the definition of "acting in the course of employment." Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1456 Prime Sponsor, Representative King: Allowing self-insured employers to close disability claims after July 1990. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:
On page 2, line 27, after "treatment" strike "~~((and/))~~ or" and insert "and (~~/or~~)"

On page 2, line 28, after "~~which~~)" insert "or only the payment of temporary disability compensation under RCW 51.32.090"

On page 2, line 38, after "1986," strike "and before July 1, 1990," and insert "~~((and before July 1, 1990,))~~"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1993

HB 1476 Prime Sponsor, Representative Wineberry: Revising provisions relating to meeting federal fair housing act requirements for housing equivalency. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair, Shin, Vice Chair, Forner, Ranking Minority Member, Chandler, Assistant Ranking Minority Member, Campbell, Casada, Conway, Morris, Quall, Schoesler, Sheldon, Springer, Valle and Wood.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1484 Prime Sponsor, Representative King: Creating a wildlife violator compact. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendments:
On page 10, after line 2, insert the following:
"NEW SECTION. Sec. 4. The provisions of this compact shall also apply to individuals whose licenses under Title 77 RCW are currently in revoked status."

Signed by Representatives King, Chair; Orr, Vice Chair; Sehlín, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representative Fuhrman, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1501 Prime Sponsor, Representative Silver: Notifying students at public institutions of higher education of the amount their education is supported by the state. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 12, after "(4)" strike everything through "education" on line 15 and insert "At least annually, beginning with the 1993 fall academic term, each institution of higher education described in subsection (2) or (3) of this section shall provide to students at the institution information on the approximate amount that the state is contributing to the support of their education. In addition, each student must acknowledge receipt of the information in a manner selected by the institution"

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Flemming; Kessler; J. Kohl; Ogden; Rayburn; Shin; and Wood.

Excused: Representatives Finkbeiner, Mielke, Orr and Rayburn

Passed to Committee on Rules for second reading.

February 15, 1993

HB 1508 Prime Sponsor, Representative Zellinsky: Regulating prescription claims for insurance coverage that were initially approved over the telephone or by other means. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representative Mielke, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1510 Prime Sponsor, Representative Romero: Concerning the issuance of charge cards to employees of municipal corporations and political subdivisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; and Van Luven.

Excused: Representative Zellinsky.

Passed to Committee on Rules for second reading.

February 15, 1993

HB 1529 Prime Sponsor, Representative Springer: Reauthorizing certain timber programs. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Referred to Committee on Appropriations.

February 15, 1993

HB 1552 Prime Sponsor, Representative Leonard: Modifying provisions regarding persons with developmental disabilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Karahalios; Padden; Patterson; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Brown; Lisk; and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 1993

HB 1612 Prime Sponsor, Representative Morton: Testing the feasibility of remote site incubators for salmon enhancement. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representative Fuhrman, Ranking Minority Member.

Passed to Committee on Appropriations.

February 15, 1993

HB 1621 Prime Sponsor, Representative Rayburn: Modifying the regulation of apiaries. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

On page 18, line 29, after "have" strike "not been imported into the state as" and insert "been imported into the state under circumstances other than those"

On page 20, line 10, after "misdemeanor" insert "or gross misdemeanor"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

February 15, 1993

HJM 4003 Prime Sponsor, Representative Mastin: Concerning the preservation of salmon. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Sheldon, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1132 on today's second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1132, by Representatives Kremen, Linville and Zellinsky

Requiring certification of electric spa equipment.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kremen and Lisk spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives G. Fisher, Locke and Heavey were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1132.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1132, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Absent: Representatives Brown and Leonard - 2.

Excused: Representatives Fisher, G., Heavey and Locke - 3.

House Bill No. 1132, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1184 on today's second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1184, by Representatives Edmondson, Mastin, Sehlin, Bray, Ludwig and Grant

Modifying the requirements for the formation of a less than county-wide port district.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmondson and Lemmon spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1184.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1184, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Brough, Fuhrman, Heavey and Padden - 4.

Absent: Representative Orr - 1.

Excused: Representative Fisher, G. - 1.

House Bill No. 1184, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1225, by Representatives Zellinsky, Dellwo, Anderson and Mielke

Concerning the collection of allowable fees in connection with delinquent debts, repossessions, and foreclosures.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1225.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1225 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Flemming - 1.

Excused: Representative Fisher, G. - 1.

House Bill No. 1225, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4616, by Representatives Rayburn, Kremen, Schoesler, Chandler, Lisk, Foreman, J. Kohl, Thomas, Brumsickle, Edmondson and Dyer

WHEREAS, Washington state farmers and ranchers produce four billion four hundred thousand dollars worth of agricultural products which generate more than sixteen billion additional dollars as these products move through the processing and marketing chain to reach consumers; and

WHEREAS, The impact of Washington agriculture-business constitutes more than twenty percent of the state's total economy; and

WHEREAS, Agriculture-business, including firms that furnish supplies and services directly to agriculture, provide more jobs than any other single industry in the state; and

WHEREAS, The economic performance of agriculture-business is vital to maintaining the strength of our state's economy, the standard of living of our citizens, and our presence in world trade markets; and

WHEREAS, It is important that all Washington citizens understand the role that agriculture-business plays in their lives and how these employers contribute to their economic well-being, whether they live in urban or rural areas;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington declare Wednesday, February 17, 1993, as "Agriculture-Business Day" throughout Washington State; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington encourage all citizens to recognize agriculture-business as being vitally important to our state.

Representative Rayburn moved adoption of the resolution.

Representatives Rayburn, Chandler, Lisk, J. Kohl and Shin spoke in favor of adoption of the resolution.

House Resolution No. 4616 was adopted.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

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

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1157 on the second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1157, by Representatives Ludwig, Riley, Chappell, Johanson, Foreman, Appelwick, H. Myers, Scott, Jones, Leonard, Franklin, Springer and Karahalios

Specifying a procedure for emancipation of minors.

House Bill No. 1157 was read the second time.

On motion of Representative Leonard, Substitute House Bill No. 1157 was substituted for House Bill No. 1157 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1157 was read the second time.

Representative Chappell moved adoption of the following amendment by Representatives Chappell, Campbell and Rayburn:

On page 2, line 35, strike "may" and insert "shall".

Representatives Chappell and Ludwig spoke in favor of the amendment.

The Speaker stated the question before the House to be adoption of the amendment by Representative Chappell. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ludwig and Cooke spoke in favor of passage of the bill and Representative Padden spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1157.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1157 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 81.

Voting nay: Representatives Brumsickle, Casada, Chappell, Dyer, Forner, Fuhrman, Horn, Lisk, Morton, Padden, Schoesler, Silver, Stevens, Tate, Thomas and Vance - 16.

Excused: Representative Fisher, G. - 1.

Engrossed Substitute House Bill No. 1157, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1226, by Representatives Zellinsky, Dellwo, Anderson and Mielke

Concerning amounts of credit life insurance and credit disability insurance that consumer loan companies may make in connection with open-end loans.

House Bill No. 1226 was read the second time.

On motion of Representative Zellinsky, Substitute House Bill No. 1226 was substituted for House Bill No. 1226 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1226 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1226.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1226 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Fisher, G. - 1.

Substitute House Bill No. 1226, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1227, by Representatives R. Johnson, Chandler and Rayburn

Changing misbranding and adulteration provisions for meat and poultry products.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Johnson and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1227.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1227 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Fisher, G. - 1.

House Bill No. 1227, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1245, by Representatives Voloria, Heavey, King, Franklin and G. Cole

Regulating workplace safety bonus programs.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority do pass as amended. (For committee amendments see Journal, 24th Day, February 3, 1993.)

Representative Heavey moved the adoption of the committee amendment and spoke in favor of its adoption and the amendment was adopted.

The bill was ordered engrossed.

Engrossed House Bill No. 1245 was referred to the committee on Rules for third reading.

HOUSE BILL NO. 1264, by Representatives Heavey and R. Meyers

Regulating third party recoveries in workers' compensation cases.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority do pass as amended. (For committee amendments, see Journal, 24th Day, February 3, 1993.)

Representative Heavey moved adoption of the committee amendments and spoke in favor of its adoption. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1264.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1264 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Cothorn, Edmondson and Talcott - 3.

Absent: Representative Sommers - 1.

Excused: Representative Fisher, G. - 1.

Engrossed House Bill No. 1264, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I meant to vote "Yea" on final passage of Engrossed House Bill No. 1264.

BETTY L. EDMONDSON, District 14.

I meant to vote "Yea" on final passage of Engrossed House Bill No. 1264.

GIGI TALCOTT, District 28.

HOUSE BILL NO. 1266, by Representatives Campbell, Dyer, R. Johnson, Cooke, Riley, Lisk, Morris, Dellwo and Ballasiotes

Regulating veterinary medication clerks.

House Bill No. 1266 was read the second time.

On motion of Representative R. Meyers, Substitute House Bill No. 1266 was substituted for House Bill No. 1266 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1266 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell, Schoesler and Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1266.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1266 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Fisher, G. - 1.

Substitute House Bill No. 1266, having received the constitutional majority was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Friday February 19, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-EIGHTH DAY, FEBRUARY 17, 1993

JOURNAL OF THE HOUSE

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

FORTIETH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 19, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jon Martin and Andrea Gorog. Prayer was offered by Pastor Rodney Draggon of Mount Tahoma Seventh Day Adventist church of Tacoma.

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

MESSAGE FROM THE SENATE

February 17, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5056,
SENATE BILL NO. 5067,
SENATE BILL NO. 5070,
SENATE BILL NO. 5104,
SENATE BILL NO. 5112,
SUBSTITUTE SENATE BILL NO. 5148,
SENATE BILL NO. 5180,
ENGROSSED SENATE BILL NO. 5205,
SENATE BILL NO. 5229,
SENATE BILL NO. 5242,
SENATE BILL NO. 5245,
ENGROSSED SENATE BILL NO. 5355,
SENATE BILL NO. 5851,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE JOINT MEMORIAL NO. 4001,

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

INTRODUCTIONS AND FIRST READING

HB 1966 by Representatives Wineberry, Leonard, Appelwick, Foreman, Riley, Cooke, H. Myers, Lemmon, Basich, Kessler, Holm, J. Kohl and Anderson

AN ACT Relating to implementation of the juvenile justice racial disproportionality study recommendations; amending RCW 2.56.030, 13.40.040, 13.06.050, and 13.40.027; adding a new section to

chapter 43.101 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 13.04 RCW; and creating new sections.

Referred to Committee on Human Services.

HB 1967 by Representatives Dellwo, Heavey, Jones and Conway

AN ACT Relating to food and beverage service workers; adding a new section to chapter 69.06 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1968 by Representatives Morris, Shin, Springer, Forner, Brough, Long, Miller, Wood, Cooke, Foreman and Ogden

AN ACT Relating to the state building code; amending RCW 19.27.015 and 19.27.040; reenacting and amending RCW 19.27.060; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1969 by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl

AN ACT Relating to the Washington serves program; adding new sections to chapter 50.65 RCW; creating new sections; and making an appropriation.

Referred to Committee on Trade, Economic Development & Housing.

HB 1970 by Representatives Reams, Appelwick, G. Fisher, Anderson, Padden, Kessler, Foreman, Karahalios, Vance, Wolfe, Brough, Long, Miller, Wood, Horn, Cooke, Van Luven and Talcott

AN ACT Relating to courts of limited jurisdiction; adding a new section to chapter 3.02 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1971 by Representatives Dyer, Dellwo, Zellinsky, Kremen, Basich, Brough, Long, Carlson, Ballard, Sehlin, Edmondson, Thomas, Stevens, Miller, Wood, Forner, Horn, Campbell, Chandler, Brumsickle, Tate, Vance, Fuhrman, Ballasiotes, Sheahan, Lisk, Cooke, Van Luven, Mielke, Foreman, Talcott, Springer, Finkbeiner, Mastin, Pruitt, Kessler, Rust, Morton, Chappell, Brown, Ogden, Flemming, Reams, Locke and Schoesler

AN ACT Relating to a public and private partnership for long-term care insurance for the elderly; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

HB 1972 by Representatives Heavey, Wood, R. Fisher, Shin, Anderson, H. Myers, Kremen, Quall, Springer, Pruitt, Patterson, J. Kohl and Roland

AN ACT Relating to ride sharing, vanpools, and public transportation facilities and vehicles; amending RCW 82.08.0287 and 82.44.015; creating a new section; repealing 1987 c 175 s 1 (uncodified); and making an appropriation.

Referred to Committee on Transportation.

HB 1973 by Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl

AN ACT Relating to retirement eligibility for plan I members of the teachers' and public employees' retirement systems who submitted late applications for early retirement; amending RCW 43.01.170 and 28A.400.212; amending 1992 c 234 s 6 (uncodified); amending 1992 c 234 s 8 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1974 by Representatives Leonard and Valle; by request of Department of Social and Health Services

AN ACT Relating to nursing home auditing and reimbursement; amending RCW 74.46.020, 74.46.050, 74.46.230, 74.46.420, 74.46.430, 74.46.460, 74.46.470, 74.46.475, 74.46.481, 74.46.490, 74.46.500, and 74.46.530; reenacting and amending RCW 74.46.180; adding a new section to chapter 74.46 RCW; repealing RCW 74.46.495; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1975 by Representatives Dunshee and Locke; by request of Department of Social and Health Services

AN ACT Relating to nursing home reimbursement overpayments; amending RCW 74.46.640 and 74.46.690; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1976 by Representatives Scott, Riley and Anderson

AN ACT Relating to trigger-locking devices; reenacting and amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1977 by Representatives Schoesler, Sheahan, Rayburn, Chappell, Vance, Morton, Dyer, Fuhrman, Long, Chandler, Brumsickle, Foreman and Mastin

AN ACT Relating to acreage expansion programs; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Natural Resources & Parks.

HB 1978 by Representatives J. Kohl, G. Cole, Karahalios, Jacobsen, Dorn, Cothorn, Roland, Pruitt, Basich, Miller, Forner, L. Johnson, Vance, Cooke, Rust, Hansen and J. Kohl

AN ACT Relating to the use of county park and recreation facilities; and adding a new section to chapter 36.68 RCW.

Referred to Committee on Local Government.

HB 1979 by Representatives Romero, Van Luven, Morris, Long, Riley, G. Cole, L. Johnson, Mastin, Edmondson, Ogden, Valle, Karahalios, Holm and Anderson

AN ACT Relating to literacy training for offenders; amending RCW 9.95.070 and 72.09.130; and adding new sections to chapter 72.09 RCW.

Referred to Committee on Corrections.

HB 1980 by Representatives R. Johnson and Pruitt

AN ACT Relating to public water supplies; and amending RCW 90.44.050, 19.27.097, and 43.20.050.

Referred to Committee on Natural Resources & Parks.

HB 1981 by Representative Kremen

AN ACT Relating to tax exemptions of government property leased to nonprofit organizations or associations; amending RCW 84.36.031 and 84.36.810; and reenacting and amending RCW 84.36.805.

Referred to Committee on Revenue.

HB 1982 by Representative Wang

AN ACT Relating to affordable housing; amending RCW 35.83.050; and adding a new section to chapter 43.185A RCW.

Referred to Committee on Capital Budget.

HB 1983 by Representatives Valle, Wood, Jacobsen, Springer, Shin, Forner, Quall, Sheldon, Morris, Wolfe, Patterson, L. Johnson, Cothorn, Karahalios and J. Kohl

AN ACT Relating to establishing a council on mathematics, science, and technology; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Trade, Economic Development & Housing.

HB 1984 by Representatives R. Fisher, Schmidt, Zellinsky, R. Meyers, Orr and Van Luven

AN ACT Relating to pilotage; and amending RCW 88.16.010, 88.16.035, 88.16.050, 88.16.070, 88.16.090, and 88.16.110.

Referred to Committee on Transportation.

HB 1985 by Representatives Mielke, Zellinsky, Dyer, R. Johnson, Kremen, Anderson, Dorn, Peery, R. Meyers, Kessler, Grant, Reams, Appelwick, Schmidt and Tate

AN ACT Relating to liquidators' rights to collect premiums; and adding a new section to chapter 48.31 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1986 by Representatives Wineberry, Conway, Sheldon, Shin, Morris, Springer, Valle, Campbell, Patterson, Veloria, Lemmon, Pruitt and J. Kohl

AN ACT Relating to neighborhood reinvestment; amending RCW 82.62.010, 82.62.040, 82.60.020, 82.60.050, 82.61.010, 82.61.040, 82.61.070, 30.60.030, 32.40.030, 43.160.060, 43.165.010, and 43.168.020; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; adding new sections to chapter 30.60 RCW; adding new sections to chapter 32.40 RCW; adding new sections to chapter 33.04 RCW; adding new sections to chapter 43.84 RCW; adding new sections to chapter 43.155 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 50.08 RCW; adding a new chapter to Title 43 RCW; creating new sections; and making an appropriation.

Referred to Committee on Trade, Economic Development & Housing.

HB 1987 by Representatives Wineberry, Quall, Sheldon, Conway, Shin, Morris, Valle, Campbell, Patterson, Veloria, Lemmon, Van Luven and J. Kohl

AN ACT Relating to the North American free trade agreement; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Trade, Economic Development & Housing.

HB 1988 by Representatives Sheldon, Forner, Wineberry, Wood, Shin, Jones, Peery, Roland, Flemming, Quall, Springer, Conway, Morris, Valle, Dorn, Campbell, Linville, Karahalios, Eide, J. Kohl, H. Myers, Kessler, Holm, Wang, Wolfe, Anderson, Appelwick, Orr, Ogden, G. Cole, Scott, Lemmon, Leonard, Locke, R. Fisher, L. Johnson, Rayburn, Pruitt and Patterson

AN ACT Relating to employment and training; amending RCW 50.16.010, 50.16.020, and 50.29.025; adding new sections to chapter 50.16 RCW; adding new sections to chapter 50.24 RCW; adding new sections to chapter 50.29 RCW; creating new sections; and making appropriations.

Referred to Committee on Trade, Economic Development & Housing.

HB 1989 by Representatives Wineberry, Quall, Sheldon, Shin, Conway, Springer, Morris, Valle, Campbell, Patterson, Veloria, Roland, Lemmon, Rayburn, Karahalios, Pruitt and J. Kohl

AN ACT Relating to economic diversification; amending RCW 43.63A.450; adding a new section to chapter 43.41 RCW; adding a new section to chapter 43.31 RCW; creating a new section; and making appropriations.

Referred to Committee on Trade, Economic Development & Housing.

HB 1990 by Representatives Karahalios, Sehlin, Orr, Dyer, Springer, Ludwig, Campbell, Pruitt and Holm

AN ACT Relating to higher education; and amending RCW 23B.15.013, 28B.15.014, and 28B.15.620.

Referred to Committee on Higher Education.

HB 1991 by Representatives Flemming, Leonard, Karahalios, Kessler, Eide, J. Kohl, Riley, Dunshee, G. Cole, Veloria, Roland, Patterson, Wolfe, Wang, Johanson, H. Myers, Carlson, Dyer, L. Johnson, Jones, Quall, Rayburn, Springer, Holm, Ogden and Roland

AN ACT Relating to the home health visitor program; adding a new section to chapter 43.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services.

HB 1992 by Representatives Miller, Jacobsen, Brumsickle, Ballasiotes, Edmondson, Casada, Talcott, Thomas, Schoesler, Horn, Wood, Ogden, Ballard, Tate, Thibaudeau, Long, Kremen, Jones, Quall, Rayburn and J. Kohl

AN ACT Relating to the students with disabilities endowed scholarship program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1993 by Representatives Finkbeiner, Jacobsen, Quall, Wood, Brumsickle, Ogden, Basich, Dellwo and Miller

AN ACT Relating to educational assistance to prospective teachers and health professionals; and amending RCW 28B.102.060 and 28B.115.120.

Referred to Committee on Higher Education.

HB 1994 by Representatives Long, Dorn, Johanson, Brough, Kessler, L. Johnson, Ballard, Cothorn, Morris, Romero, Edmondson, Forner, Carlson, Thomas, Vance, Peery, Miller, Tate, Brumsickle, Foreman, Wood, Fuhrman, Casada, Sheahan, Brown, Pruitt, Horn, Sehlin, Holm, Scott, G. Cole, Patterson, Shin, Stevens, Karahalios, Veloria, Schoesler, Dyer, Kremen, Jones, Rayburn, Miller, Chandler, Cooke, Van Luven, Talcott, Mastin, Flemming, J. Kohl, Reams, Conway and Roland

AN ACT Relating to parent involvement incentives; adding a new section to chapter 28A.305 RCW; and making an appropriation.

Referred to Committee on Education.

HB 1995 by Representatives Grant, Mastin, Hansen and G. Fisher

AN ACT Relating to the creation of a task force to identify and resolve regulatory conflicts affecting federally licensed hydroelectric facilities; and creating new sections.

Referred to Committee on Energy & Utilities.

HB 1996 by Representatives Appelwick, H. Myers, Wang and J. Kohl

AN ACT Relating to domestic violence; amending RCW 26.50.035; and creating a new section.

Referred to Committee on Judiciary.

HB 1997 by Representatives Quall, Jacobsen, Ogden, Brumsickle, Miller, Basich, Shin, Locke, Wood, Silver and J. Kohl

AN ACT Relating to higher education; amending RCW 28B.80.330; adding new sections to chapter 28B.80 RCW; adding a new section to chapter 28B.120 RCW; adding a new section to chapter 28B.10 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1998 by Representatives Shin, Jacobsen, Ogden, Miller, Brumsickle, Basich, Wood, Silver, L. Johnson, Rayburn, Van Luven, Hansen and J. Kohl

AN ACT Relating to higher education; adding new sections to chapter 28B.10 RCW; creating a new section; repealing RCW 28B.15.515; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1999 by Representatives Campbell, Grant, Mastin and Veloria

AN ACT Relating to public water system emergency response requirements; and amending RCW 43.20.050.

Referred to Committee on Energy & Utilities.

HB 2000 by Representatives Horn, Miller, Ballasiotes, Wood, L. Johnson and Finkbeiner

AN ACT Relating to the taxation of public authorities; and amending RCW 35.21.755.

Referred to Committee on Revenue.

HB 2001 by Representatives H. Myers and R. Fisher

AN ACT Relating to transit agencies; and amending RCW 81.104.030 and 81.104.120.

Referred to Committee on Transportation.

HB 2002 by Representatives Kessler and Jones

AN ACT Relating to coastal economic recovery; creating new sections; and making appropriations.

Referred to Committee on Capital Budget.

HB 2003 by Representative Morris

AN ACT Relating to juvenile offenders; amending RCW 13.40.020, 13.40.160, 13.40.0357, and 13.40.040; adding a new section to chapter 13.40 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Human Services.

HB 2004 by Representatives Morris, Long and Springer

AN ACT Relating to criminal sentencing and correctional industries; amending RCW 72.09.102, 72.60.160, 72.60.190, 43.19.534, and 72.09.110; adding new sections to chapter 72.09 RCW; and creating new sections.

Referred to Committee on Corrections.

HB 2005 by Representatives Morris, Chappell, Springer, Brumsickle and Holm

AN ACT Relating to the Mt. St. Helens equestrian center; and making an appropriation.

Referred to Committee on Appropriations.

HB 2006 by Representatives Dyer, Thomas, Flemming, Silver, Schoesler, R. Johnson, Sheahan, Vance, Finkbeiner, Mielke, Forner, Miller, Tate, Edmondson, Brough and Kremen

AN ACT Relating to creation of an emergency reserve fund; amending RCW 43.84.092; adding a new section to chapter 43.88 RCW; and repealing RCW 43.88.140.

Referred to Committee on Appropriations.

HB 2007 by Representatives Ogden, Wood and H. Myers

AN ACT Relating to low-income housing; and amending RCW 82.46.010.

Referred to Committee on Revenue.

HB 2008 by Representative Dunshee

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

Referred to Committee on Local Government.

HB 2009 by Representatives J. Kohl, Wineberry, G. Cole and Holm

AN ACT Relating to parking and business improvement areas; and amending RCW 35.87A.010, 35.87A.020, 35.87A.030, 35.87A.050, 35.87A.060, 35.87A.080, 35.87A.090, 35.87A.100, 35.87A.140, and 35.87A.170.

Referred to Committee on Trade, Economic Development & Housing.

HB 2010 by Representatives J. Kohl, Wineberry, G. Cole and Holm

AN ACT Relating to powers of a condominium unit owners' association; and amending RCW 64.34.304 and 64.34.010.

Referred to Committee on Trade, Economic Development & Housing.

HJM 4016 by Representatives Valle, Wood, Springer, Shin, Forner, Quall, Casada, Sheldon, Morris, Jacobsen, Wolfe, L. Johnson, Karahalios, Chappell and J. Kohl

Requesting the federal government to enhance the promotion of mathematics, science, and technology.

Referred to Committee on Trade, Economic Development & Housing.

HJM 4017 by Representatives Linville, Wolfe, Horn, Wang, Edmondson, Pruitt, Quall, Shin, Sheldon, Grant, Reams, Kremen, Jones, Rayburn, Karahalios, Kessler and Chappell

Requesting congress to reduce burdensome federal regulations.

Referred to Committee on State Government.

SSB 5052 by Senate Committee on Government Operations (originally sponsored by Senators A. Smith, Haugen and Quigley)

Removing the requirement that city and town council meetings be held within the corporate limits.

Referred to Committee on Local Government.

SSB 5056 by Senate Committee on Natural Resources (originally sponsored by Senator Haugen)

Regulating seaweed harvesting.

Referred to Committee on Fisheries & Wildlife.

SB 5067 by Senators A. Smith, McCaslin and Nelson

Altering the provisions concerning joint tenancy.

Referred to Committee on Judiciary.

SB 5070 by Senators Prentice and Roach

Using labor relations consultants.

Referred to Committee on Commerce & Labor.

SB 5104 by Senators Snyder, Anderson, Roach, Erwin and Barr

Designating salmon production as the primary mission of the department of fisheries.

Referred to Committee on Fisheries & Wildlife.

SB 5112 by Senators Drew and von Reichbauer

Revising hiring procedures for cities and towns.

Referred to Committee on Local Government.

SSB 5148 by Senate Committee on Transportation (originally sponsored by Senator Winsley)

Adjusting penalties for improper use of disabled parking spaces.

Referred to Committee on Transportation.

SB 5180 by Senators Vognild, Nelson, Skratek, Winsley, Loveland, Drew, Prince, Sellar, Sheldon, Prentice, von Reichbauer, Barr, Erwin and Roach

Revising provisions relating to the legislative transportation committee.

Referred to Committee on Transportation.

ESB 5205 by Senators Wojahn, Moyer, Sheldon, Erwin, Fraser, Winsley, Prentice, Niemi and Talmadge

Modifying review of infant and child mortality rates.

Referred to Committee on Health Care.

SB 5229 by Senators Vognild, Sellar, Skratek, Winsley and Oke

Permitting the department of transportation and state patrol to adopt rules to govern state rest areas.

Referred to Committee on Transportation.

SB 5242 by Senators Jesernig, A. Smith, Loveland, Prentice, Bauer, Williams, Hargrove, Drew, M. Rasmussen, Snyder, McAuliffe, Wojahn, Quigley, Oke, Fraser, Winsley and Spanel

Revising incest law.

Referred to Committee on Judiciary.

SB 5245 by Senators A. Smith, Quigley, Roach and Winsley; by request of Washington State Patrol

Regulating the analysis of blood and breath alcohol.

Referred to Committee on Judiciary.

ESB 5355 by Senators Vognild and McCaslin

Extending the prohibition on mandatory local measured service.

Referred to Committee on Energy & Utilities.

SB 5851 by Senators Gaspard and Sellar

Changing the membership of the joint legislative systems committee.

Referred to Committee on State Government.

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

There being on objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 16, 1993

HB 1009 Prime Sponsor, Representative Appelwick: Prescribing liabilities for lis pendens filings. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes,

Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1022 Prime Sponsor, Representative Morris: Adjusting the membership of the sentencing guidelines commission. Reported by Committee on Corrections

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 33, insert the following:

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1040 Prime Sponsor, Representative Riley: Requiring the department of fisheries to construct and operate a razor clam hatchery. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Lemmon; and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Ranking Minority Member and Foreman.

Referred to Committee on Capital Budget.

February 16, 1993

HB 1072 Prime Sponsor, Representative Appelwick: Changing provisions relating to guardians ad litem. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1090 Prime Sponsor, Representative Scott: Protecting communications in law enforcement officers peer support groups. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1118 Prime Sponsor, Representative Orr: Classifying the criminal use of explosives. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes,

Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1124 Prime Sponsor, Representative Heavey: Prohibiting crowding in ferry vehicle lines. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Miller.

Excused: Representatives Mielke, Assistant Ranking Minority Member and Finkbeiner.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1160 Prime Sponsor, Representative R. Johnson: Providing for notification to crime victims of certain rights.
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1180 Prime Sponsor, Representative Jacobsen: Establishing the Union Bay wildlife habitat management area.
Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Basich; Chappell; Foreman; and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; and Lemmon.

Excused: Representative Scott

Referred to Committee on Appropriations.

February 16, 1993

HB 1195 Prime Sponsor, Representative Anderson: Allowing a person to dictate the disposition of his or her remains. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1210 Prime Sponsor, Representative Ludwig: Increasing statutory attorneys' fees. Reported by Committee on
Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1241 Prime Sponsor, Representative Jones: Creating a process for business closures. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Horn; and Springer.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1246 Prime Sponsor, Representative G. Cole: Revising provisions for maintaining employee benefits for temporarily disabled workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1255 Prime Sponsor, Representative Dellwo: Requiring podiatric physicians and surgeons to have one year of postgraduate podiatric medical training. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1292 Prime Sponsor, Representative Anderson: Defining "employment" for unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1319 Prime Sponsor, Representative Pruitt: Modifying provisions relating to exchange of urban land for land bank land. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; and Thomas.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1325 Prime Sponsor, Representative Bray: Giving local governments the option to acquire services or goods under arrangements by state agencies. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1375 Prime Sponsor, Representative Brough: Imposing liability for furnishing liquor to minors. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1396 Prime Sponsor, Representative Anderson: Creating a department of financial institutions. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Referred to Committee on Appropriations.

February 17, 1993

HB 1411 Prime Sponsor, Representative Pruitt: Allowing metropolitan park districts to acquire open space, land, or rights to future development. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member and Stevens, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1418 Prime Sponsor, Representative Ogden: Changing provisions relating to state schools for the blind, deaf, and sensory impaired. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Excused: Representative G. Fisher

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1426 Prime Sponsor, Representative Morris: Authorizing the wildlife heritage land trust. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Sehlín, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman, Ranking Minority Member;

Referred to Committee on Appropriations.

February 18, 1993

HB 1428 Prime Sponsor, Representative Grant: Removing the expiration date and correcting references for the Washington telephone assistance program. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

February 15, 1993

HB 1429 Prime Sponsor, Representative Rayburn: Exempting licensed domestic wineries from commission merchant requirements. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1464 Prime Sponsor, Representative Horn: Making laws relating to local government office vacancies more uniform. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1477 Prime Sponsor, Representative Wood: Creating a fuel tax exemption. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Mielke, Assistant Ranking Minority Member and Finkbeiner.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1520 Prime Sponsor, Representative Holm: Expanding the use of skill centers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Excused: Representative G. Fisher.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1547 Prime Sponsor, Representative Chappell: Changing provisions relating to nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1562 Prime Sponsor, Representative Brown: Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Horn and Van Luven.

Referred to Committee on Revenue.

February 16, 1993

HB 1571 Prime Sponsor, Representative Ogden: Raising the limit counties may levy to acquire property interests. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Horn and Van Luven.

Referred to Committee on Revenue.

February 17, 1993

HB 1678 Prime Sponsor, Representative Eide: Continuing funding for Operation New Market. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 17, 1993

HB 1679 Prime Sponsor, Representative Eide: Establishing project export build. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Referred to Committee on Appropriations.

February 17, 1993

HB 1680 Prime Sponsor, Representative Eide: Authorizing funds to set up a pilot project to employ electronic communication equipment from Washington locations to import-export offices in Russia. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Referred to Committee on Appropriations.

February 16, 1993

HB 1722 Prime Sponsor, Representative Zellinsky: Regulating the use of optical strobe light devices controlling traffic lights. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Mielke, Assistant Ranking Minority Member and Finkbeiner.

Passed to Committee on Rules for second reading.

February 16, 1993

HB 1737 Prime Sponsor, Representative Ballasiotes: Changing provisions relating to crimes against minors and developmentally disabled persons. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1838 Prime Sponsor, Representative R. Johnson: Requiring minimum standards for benefits in medicare supplement insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; and Schmidt.

Excused: Representative Tate.

Passed to Committee on Rules for second reading.

February 16, 1993

HJM 4010 Prime Sponsor, Representative R. Fisher: Expressing opposition to sanctions on federal highway funds.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative Mielke, Assistant Ranking Minority Member, and Finkbeiner.

Passed to Committee on Rules for second reading.

February 16, 1993

HCR 4408 Prime Sponsor, Representative Jacobsen: Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Flemming; Kessler; J. Kohl; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Finkbeiner and Mielke.

Referred to Committee on Appropriations.

February 17, 1993

SB 5166 Prime Sponsor, Vognild: Authorizing refunding revenue bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Hansen; Heavey; Horn; Johanson; R. Meyers; Miller; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Finkbeiner, Fuhrman, and H. Myers.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Sheldon, the bills, memorial and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

Representative Peery moved that the House immediately consider the following bills on the second reading calendar in the following order: House Bill No. 1267 and House Bill No. 1303. The motion was carried.

SECOND READING

HOUSE BILL NO. 1267, by Representatives Zellinsky, Mielke, Dorn, Scott, Reams, R. Meyers, Dellwo, Sheldon, Eide, King, Franklin, L. Johnson and Springer

Requiring liability insurance for motorcycles.

House Bill No. 1267 was read the second time.

On motion of Representative Zellinsky, Substitute House Bill No. 1267 was substituted for House Bill No. 1267, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1267 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

On motion of Representative Wood Representative Silver was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1267.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1267 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representative Fuhrman - 1.

Absent: Representatives Appelwick and Basich - 2.

Excused: Representative Silver - 1.

Substitute House Bill No. 1267, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1303, by Representatives R. Fisher and Johanson; by request of Department of Transportation

Authorizing state highway bonds.

The bill was read the second time. Committee on Trade Economic Development & Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 31st Day, February 10, 1993.)

Representative R. Fisher moved the adoption of the committee amendment and spoke in favor of its adoption. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1303.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1303 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer,

Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Appelwick - 1.

Excused: Representative Silver - 1.

Engrossed House Bill No. 1303, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1126 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1126, by Representatives Dunshee, H. Myers, Springer and Veloria

Collecting certain water district fines.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1126.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1126 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Appelwick - 1.

Excused: Representative Silver - 1.

House Bill No. 1126, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1159, by Representatives H. Myers, Edmondson, Ludwig, Scott, Campbell, Kremen, Rayburn and Johanson

Disclosing improper governmental action.

House Bill No. 1159 was read the second time.

On motion of Representative H. Myers Substitute House Bill No. 1159, was substituted for House Bill No. 1159 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1159 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1159.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1159 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representatives Appelwick and Quall - 2.

Excused: Representative Silver - 1.

Substitute House Bill No. 1159, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1344, by Representative Jones

Altering vehicle axle restrictions.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jones spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1344.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1344 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Appelwick - 1.

Excused: Representative Silver - 1.

House Bill No. 1344, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

MOTION

On motion of Representative Appelwick, the House adjourned until 10:00 a.m., Monday, February 22, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FORTIETH DAY, FEBRUARY 19, 1993

JOURNAL OF THE HOUSE

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

FORTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 22, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jason Doctor and Nathan Hunt. Prayer was offered by Representative Clyde Ballard.

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

SPEAKER'S PRIVILEGE

The Speaker introduced 1993 Miss Washington, Colleen Kearnan. Colleen Kearnan briefly addressed the members of the House of Representatives.

MESSAGE FROM THE SENATE

Mr. Speaker:

The president has signed:

ENGROSSED HOUSE JOINT MEMORIAL NO. 4001,

and the same is herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2011 by Representative R. Fisher

AN ACT Relating to transportation environmental protection; amending RCW 82.23A.020; adding a new section to chapter 82.23A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2012 by Representative Thomas

AN ACT Relating to the Washington technology center; adding new sections to chapter 28B.20 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2013 by Representatives Leonard and J. Kohl

AN ACT Relating to mental health systems; amending RCW 71.05.025, 71.05.170, 71.05.610, 71.24.015, 71.24.025, 71.24.045, 71.24.160, 71.24.300, and 71.24.310; and reenacting and amending RCW 71.05.020 and 71.24.035.

Referred to Committee on Human Services.

HB 2014 by Representatives Chandler, Horn, Jacobsen, Conway and Campbell

AN ACT Relating to alterations to mobile homes; and amending RCW 43.22.440.

Referred to Committee on Commerce & Labor.

HB 2015 by Representatives Dellwo and Thibaudeau

AN ACT Relating to respiratory care; amending RCW 18.89.010, 18.89.020, 18.89.040, 18.89.050, 18.89.060, 18.89.070, 18.89.080, 18.89.090, 18.89.110, 18.89.120, 18.89.130, 18.89.140, 18.120.020, and 18.130.040; adding a new section to chapter 18.89 RCW; repealing RCW 18.89.900; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2016 by Representatives G. Fisher, Wood, Rust, Holm, Thibaudeau, Locke, Ludwig, Leonard, Wang, Brown, J. Kohl and Eide

AN ACT Relating to the housing trust fund; amending RCW 43.185.050 and 59.18.270; and providing an effective date.

Referred to Committee on Revenue.

HB 2017 by Representative Orr

AN ACT Relating to annexation of fire protection districts; and amending RCW 35.02.190.

Referred to Committee on Local Government.

HB 2018 by Representatives Rayburn, Lemmon, Lisk and Edmondson

AN ACT Relating to review of administrative rules adopted by the department of ecology and the department of labor and industries; and creating a new section.

Referred to Committee on State Government.

HB 2019 by Representatives Rayburn and Kremen

AN ACT Relating to the Washington state fruit commission; authorizing the issuance of bonds to provide financing for the costs of acquiring, designing, constructing, furnishing, and equipping a facility for the commission; providing ways and means of payment of the bonds; adding new sections to chapter 15.28 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture & Rural Development.

HB 2020 by Representatives Mastin, Grant and Kessler

AN ACT Relating to tax credits; and amending RCW 82.62.010.

Referred to Committee on Revenue.

HB 2021 by Representatives Lemmon, Rayburn, Basich, Kessler, Johanson, Zellinsky, Dorn, Springer, Roland and Lisk

AN ACT Relating to construction standards for temporary worker housing; creating a new section; and repealing RCW 19.27.078.

Referred to Committee on Trade, Economic Development & Housing.

HB 2022 by Representatives Lemmon, Eide, Chappell, Ludwig, Rayburn, Edmondson and Kessler

AN ACT Relating to proof of motor vehicle liability insurance; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2023 by Representative R. Meyers

AN ACT Relating to jurisdiction over certain roads and highways; amending RCW 47.17.305, 47.17.577, and 47.39.020; adding new sections to chapter 47.17 RCW; creating a new section; and repealing RCW 47.17.045 and 47.17.565.

Referred to Committee on Transportation.

HB 2024 by Representatives Sheldon, Jones, Rayburn, Kessler, Basich and Quall

AN ACT Relating to log patrols; adding new sections to chapter 76.40 RCW; creating a new section; repealing RCW 76.40.010, 76.40.012, 76.40.013, 76.40.020, 76.40.030, 76.40.040, 76.40.050, 76.40.060, 76.40.070, 76.40.080, 76.40.090, 76.40.100, 76.40.110, 76.40.120, 76.40.130, 76.40.135, 76.40.140, 76.40.145, 76.40.900, and 76.40.910; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 2025 by Representatives Heavey and Horn

AN ACT Relating to contractor registration requirements; and amending RCW 18.27.030.

Referred to Committee on Commerce & Labor.

HB 2026 by Representatives Karahalios, Wood, Leonard and Kessler

AN ACT Relating to notice about fetal alcohol syndrome; adding a new section to chapter 66.08 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 2027 by Representatives Cothorn, Finkbeiner, R. Meyers, Kremen and Sheldon

AN ACT Relating to operating agency executive board per diem; and amending RCW 43.52.374.

Referred to Committee on Energy & Utilities.

HB 2028 by Representatives Orr and Wolfe

AN ACT Relating to notification to employees of ability to restore withdrawn retirement system contributions; adding a new section to chapter 41.50 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2029 by Representatives Dorn, Brough, Holm, Zellinsky and Rayburn; by request of Superintendent of Public Instruction

AN ACT Relating to high school students enrolled in the running start program in community or technical colleges; and amending RCW 28A.600.310.

Referred to Committee on Education.

HJM 4018 by Representatives Karahalios, Rayburn, Chandler, Grant, Foreman, Schoesler, Kremen, Roland, Lisk, Chappell and Linville

Requesting amendment of the Delaney Clause of the federal food, drug, and cosmetic act.

Referred to Committee on Environmental Affairs.

HCR 4415 by Representatives G. Cole, Heavey, Conway, King, Springer, Horn, Lisk, Veloria, Chandler, Jones, Rayburn, Hansen, J. Kohl, Eide, Dyer and Quall

Creating a legislative task force on workers' compensation.

Referred to Committee on Commerce & Labor.

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

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

REPORTS OF STANDING COMMITTEES

February 18, 1993

HB 1080 Prime Sponsor, Representative Valle: Requiring nursing homes to refund deposits or minimum stay fees when not used by residents. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1108 Prime Sponsor, Representative Vance: Extending the filing period for certain nonpartisan offices when no candidate or one candidate files for an office. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; and Pruitt.

Excused: Representatives Veloria, Vice Chair, Dyer and King.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1130 Prime Sponsor, Representative Ludwig: Regulating background checks. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1135 Prime Sponsor, Representative Kremen: Modifying the regulation of "alternative livestock." Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Referred to Committee on Fisheries & Wildlife.

February 18, 1993

HB 1155 Prime Sponsor, Representative H. Myers: Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1178 Prime Sponsor, Representative Jacobsen: Prohibiting the release of lighter-than-air balloons. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Bray; Foreman; Holm; L. Johnson; J. Kohl; and Linville.

MINORITY recommendation: Do not pass. Signed by Representatives Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Edmondson; Hansen; and Sheahan.

Excused: Representative Roland

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1190 Prime Sponsor, Representative Anderson: Providing for voter registration by affidavit. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; and Pruitt.

Excused: Representatives Veloria, Vice Chair, Dyer and King.

Referred to Committee on Appropriations.

February 18, 1993

HB 1207 Prime Sponsor, Representative Sommers: Regarding death benefits for disabled teacher retirees under plan I. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:
On page 3, on line 10, strike "1993" and insert "1992"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Dorn and Leonard.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1211 Prime Sponsor, Representative Ogden: Granting additional powers to boards of directors of educational service districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Excused: Representative G. Fisher.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1238 Prime Sponsor, Representative R. Johnson: Requiring notice be given to various parties before release from confinement of a juvenile who has committed stalking. Reported by Committee on Corrections

MAJORITY recommendation: Do pass with the following amendments:
On page 3, line 18, after "means" strike all material down to and including "felony" on line 19 and insert "the crime of stalking as defined in RCW 9A.46.110"

Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1298 Prime Sponsor, Representative G. Cole: Providing for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Stevens and Vance.

Excused: Representative G. Fisher

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1326 Prime Sponsor, Representative Finkbeiner: Relating to conservation tariffs allowing transfer of payment obligations to successive property owners. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1367 Prime Sponsor, Representative Jones: Providing for mandatory election recounts. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; and Pruitt.

Excused: Representatives Dyer and King.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1395 Prime Sponsor, Representative Scott: Allowing counties to impose additional marriage license fees for funding family services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooke, Ranking Minority Member; Lisk; and Padden.

Passed to Committee on Rules for second reading.

HB 1460 Prime Sponsor, Representative Zellinsky: Regulating investment advisory contracts. Reported by Committee on Financial Institutions and Insurance.

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1461 Prime Sponsor, Representative Kremen: Extending the prohibition on mandatory local measured service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1495 Prime Sponsor, Representative Dorn: Changing local effort assistance distribution. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Excused: Representative G. Fisher.

Referred to Committee on Appropriations.

February 16, 1993

HB 1507 Prime Sponsor, Representative Zellinsky: Penalizing owners of abandoned, unauthorized, or junk vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Excused: Representative Mielke, Assistant Ranking Minority Member, and Finkbeiner.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1535 Prime Sponsor, Representative Johanson: Authorizing counties to charge a fee for juvenile court diversion services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1559 Prime Sponsor, Representative Brown: Developing a plan for school-aged child care programs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk; and Padden.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1561 Prime Sponsor, Representative Brown: Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Assistant Ranking Minority Member; Lisk; and Padden.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1617 Prime Sponsor, Representative R. Fisher: Planning high-speed ground transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 3, beginning on line 32, strike all of section 5 and renumber the remaining section.

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Hansen; Heavey; Horn; Johanson; R. Meyers; Miller; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Schmidt, Ranking Minority Member, Finkbeiner, Fuhrman and H. Myers.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1644 Prime Sponsor, Representative Anderson: Changing provisions relating to voting by mail. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; and Pruitt.

Excused: Representatives Dyer and King.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1646 Prime Sponsor, Representative Anderson: Expanding eligibility for ongoing absentee voter status.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; and Pruitt.

Excused: Representatives Dyer and King.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1648 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by
Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; and Pruitt.

Excused: Representatives Dyer and King.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1662 Prime Sponsor, Representative Wineberry: Reauthorizing the community economic revitalization board.
Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Quall.

Passed to Committee on Capital Budget.

February 18, 1993

HB 1667 Prime Sponsor, Representative Romero: Prohibiting additives for on-site sewage disposal systems.
Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member and Sheahan.

Passed to Committee on Rules for second reading.

February 18, 1993

HB 1707 Prime Sponsor, Representative R. Fisher: Regulating motor carriers. Reported by Committee on
Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative Patterson.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1748 Prime Sponsor, Representative Shin: Changing financial aid provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 11, after "(2)" strike "An" and insert "With the exception of subsection (9) of this section, an"

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representative Basich.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1777 Prime Sponsor, Representative Karahalios: Attempting to ensure that teen parents receiving public benefits complete high school and gain economic independence. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Wolfe.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1976 Prime Sponsor, Representative Scott: Requiring firearms dealers to offer trigger-locking devices. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Johanson; Locke; Long; H. Myers; Riley; Schmidt; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Campbell; Chappell; Forner; Mastin; and Tate.

Passed to Committee on Rules for second reading.

February 18, 1993

HJR 4204 Prime Sponsor, Representative G. Cole: Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district levies and bonds. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Stevens and Vance.

Excused: Representative G. Fisher.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills and resolution on today's committee reports under the fifth order of business were referred to the committees so designated.

MOTION

Representative Fuhrman moved to re-refer House Bill No. 1135 from Committee on Fisheries & Wildlife to Committee on Rules.

Representative Fuhrman spoke in favor of the motion and Representative Peery spoke against it.

Representative Vance demanded electronic roll call vote. The demand was sustained.

On motion of Representative Wood, Representatives Silver and Schmidt were excused.

On motion of Representative J. Kohl, Representatives Appelwick, Roland and G. Fisher were excused.

The Speaker stated the question before the House to be the motion to refer House Bill No. 1135 from the Committee on Fisheries & Wildlife to the Committee on Rules.

ROLL CALL

The Clerk called the roll on the motion to refer House Bill No. 1135 from Committee on Fisheries & Wildlife to the Committee on Rules and the motion failed the House by the following vote: Yeas - 31, Nays - 62, Absent - 0, Excused - 5.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schoesler, Sehlin, Sheahan, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 31.

Voting nay: Representatives Anderson, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 62.

Excused: Representatives Appelwick, Fisher, G., Roland, Schmidt and Silver - 5.

The motion was not carried.

The Speaker assumed the chair.

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

SECOND READING

HOUSE BILL NO. 1115, by Representatives Riley, Mielke, R. Johnson, Jones, Brough, Van Luven and Karahalios

Allowing law enforcement agencies to have access to children's records in cases of reported child abuse and neglect.

The bill was read the second time.

Representative Riley moved adoption of the following amendment by Representative Appelwick: On page 4, beginning on line 11, after "report" strike "of incidents, conditions, or circumstances" and insert "~~(of incidents, conditions, or circumstances)~~"

Representatives Riley and Cooke spoke in favor of the adoption of the amendment and it was adopted.

Representative Riley moved adoption of the following amendment by Representative Riley:

On page 4, after line 15 insert

"(12) When a medical practitioner has reasonable cause to believe that a child, or adult dependent or developmentally disabled person has suffered abuse or neglect, the practitioner shall request the alleged victim's parent or guardian to sign a release of information waiver authorizing the department and law enforcement to review appropriate medical records. A release signed under this subsection or a failure to comply with this subsection shall not affect the practitioner's responsibility to report under this section or the right of access by the department or law enforcement agencies to the reported information."

Representatives Riley and Cooke spoke in favor of the adoption of the amendment and it was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riley and Cooke spoke in favor of passage of the bill.

The bill was ordered engrossed.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1115.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1115 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Roland, Schmidt and Silver - 4.

Engrossed House Bill No. 1115, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1005, by Representatives Jacobsen, Wood, Ogden, Schmidt, Dellwo, Miller, Sheldon, Basich, Franklin, Mielke, Ludwig, Morris, J. Kohl, Wineberry, Anderson, Orr, Brumsickle, Kremen, H. Myers, Pruitt, Romero, Van Luven, Long, King, Springer, Dyer, Brown, Quall, Voloria, Chappell, Leonard, Edmondson, Sehlin, Rayburn, Flemming, Roland, Karahalios, Shin and Hansen

Adding student members to the governing boards of institutions of higher education.

House Bill No. 1005 was read the second time.

On motion of Representative Jacobsen, Substitute House Bill No. 1005 was substituted for House Bill No. 1005, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1005 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen, Carlson and Kessler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1005.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1005, and the bill passed the House by the following vote: Yeas - 82, Nays - 12, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brown, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sheahan, Sheldon, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 82.

Voting nay: Representatives Brough, Brumsickle, Dyer, Edmondson, Grant, Heavey, Johnson, L., Meyers, R., Sehlin, Shin, Thomas and Vance - 12.

Excused: Representatives Appelwick, Roland, Schmidt and Silver - 4.

Substitute House Bill No. 1005, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1017, by Representatives Forner, Dorn, Brough, Chandler, Brumsickle, Vance, Cooke, Thomas, Long, Reams, Van Luven, Kremen, Tate, Mielke, Miller, Ballard, Basich, Dyer, Sheldon, Wood, Foreman, Ballasiotes, Schoesler, Morton, Stevens, Carlson, Edmondson, Sehlin, Rayburn and Horn

Concerning the employment of persons with a history of sexual exploitation of children.

House Bill No. 1017 was read the second time.

On motion of Representative Dorn, Substitute House Bill No. 1017 was substituted for House Bill No. 1017, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1017 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1017.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1017, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Roland, Schmidt and Silver - 4.

Substitute House Bill No. 1017, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1026, by Representatives Ludwig, H. Myers, Chandler, Bray, Edmondson and Springer

Excepting public defender services from county competitive bid requirements.

House Bill No. 1026 was read the second time.

On motion of Representative H. Myers, Substitute House Bill No. 1026 was substituted for House Bill No. 1026 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1026 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ludwig and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1026.
ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1026 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Roland, Schmidt and Silver - 4.

Substitute House Bill No. 1026, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1064, by Representatives G. Cole, Van Luven, G. Fisher, Cothorn, Dorn, Holm, Leonard, Jones, Rust, R. Fisher, Jacobsen, King, Dellwo, Scott, Morris, Wang, Thibaudeau, Romero, Valle, Pruitt, Appelwick, Basich, J. Kohl, Anderson, Ogden, H. Myers, Wineberry, Riley, Brown, Long, Orr, Shin, Horn, Forner, Eide, Wolfe, Johanson, Kessler and Veloria

Requiring the adoption of a policy prohibiting corporal punishment in schools.

House Bill No. 1064 was read the second time.

On motion of Representative Dorn, Substitute House Bill No. 1064 be substituted for House bill No. 1064 and the substitute bill be placed on the second reading calendar.

Substitute House Bill No. 1064 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole, Van Luven, Campbell, Long, Thomas and J. Kohl spoke in favor of passage of the bill and Representatives Fuhrman and Carlson spoke against it.

POINT OF INQUIRY

Representative G. Cole yielded to a question by Representative Chappell.

Representative Chappell: Do "common schools" include private schools or home schools?

Representative G. Cole: No. "Common schools" are public schools and do not include private schools or home schools.

Representative Chappell: Will Substitute House Bill No. 1064 prevent a parent or a private school teacher from using corporal punishment, such as a spanking, to discipline a child?

Representative G. Cole: No. The rights of parents and private schools to use corporal punishment are unaffected by this bill.

Representative Zellinsky demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1064.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1064 and the bill passed the House by the following vote: Yeas - 80, Nays - 15, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 80.

Voting nay: Representatives Ballard, Brough, Carlson, Chandler, Edmondson, Fuhrman, Lisk, Morton, Padden, Schoesler, Sheahan, Stevens, Tate, Thomas and Vance - 15.

Excused: Representatives Appelwick, Roland and Schmidt - 3.

Substitute House Bill No. 1064, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

MOTION

Representative Peery moved that the House immediately consider House Bills on the Suspension Calendar. The motion was carried.

HOUSE BILL NO. 1035, by Representatives Appelwick, Padden and Ludwig; by request of Law Revision Commission

Correcting double amendments relating to support obligations.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1035.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1035 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris,

Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.
Excused: Representatives Roland and Schmidt - 2.

House Bill No. 1035, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1057, by Representatives Franklin, Zellinsky, Campbell and Springer

Correcting double amendments relating to regulation of mobile and manufactured homes.

The bill was read the second time.

Representative Wineberry moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Wineberry and Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1057.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1057 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.
Excused: Representatives Roland and Schmidt - 2.

Substitute House Bill No. 1057, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1078, by Representatives Appelwick, Padden, Ludwig, Orr and Johanson

Regulating the passing of interests at death.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the bill be placed on third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1078.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1078 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris,

Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.
Excused: Representatives Roland and Schmidt - 2.

House Bill No. 1078, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1079, by Representatives Appelwick, Padden, Ludwig, Orr, Basich and Johanson; by request of Law Revision Commission

Correcting an error in procedure for review of eminent domain judgments.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1079.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1079 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Roland and Schmidt - 2.

House Bill No. 1079, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1103, by Representatives R. Fisher, Brown, Schmidt, Wood, Jones, Franklin and Johanson

Changing the model traffic ordinance from statute to rule.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives R. Fisher and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Bill No. 1103.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1103 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant,

Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Roland and Schmidt - 2.

Substitute House Bill No. 1103, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1129, by Representatives R. Fisher, Brown, Schmidt, Brough and Mielke; by request of Washington State Patrol

Limiting commercial motor vehicle inspections.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives R. Fisher and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1129.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1129 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Roland and Schmidt - 2.

Substitute House Bill No. 1129, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1216, by Representatives Veloria, Heavey, Horn and King; by request of Liquor Control Board

Regulating acceptance and disbursement of funds and grants by the liquor control board.

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Veloria and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1216.

ROLL CALL

The Clerk called roll on final passage of House Bill No. 1216 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant,

Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Roland and Schmidt - 2.

House Bill No. 1216, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1263, by Representatives R. Fisher, Schmidt, R. Meyers and Zellinsky

Specifying testing for state patrol promotion.

The bill was read the second time.

Representative Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1263.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1263 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Roland and Schmidt - 2.

House Bill No. 1263, having received the constitutional majority, was declared passed.

MOTIONS

Representative Peery moved that the House defer consideration of House Bill No. 1317. The motion was carried.

Representative Peery moved that the House immediately consider House Joint Memorial No. 4000 on today's suspension calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4000, by Representatives Locke, R. Fisher, Horn, Anderson, Wineberry, Ballasiotes, Thibaudeau, Eide, Flemming, Jacobsen and Ogden

Honoring Homer M. Hadley.

Representative R. Fisher moved that the committee recommendation be adopted (For committee amendment, see Journal, 26th Day, February 5, 1993) and the engrossed bill be advanced to third reading.

Representatives R. Fisher and Mielke spoke in favor of passage of the bill.

The bill was ordered engrossed.

The Speaker stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4000.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Joint Memorial No. 4000 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Roland and Schmidt - 2.

Engrossed House Joint Memorial No. 4000, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, House Bill No. 1285 was referred from the Committee on Judiciary to the Committee on Revenue.

On motion of Representative Peery, House Bill No. 1286 was referred from the Committee on Judiciary to the Committee on Revenue.

On motion of Representative Peery, House Bill No. 1237 was referred from the Committee on Environmental Affairs to the Committee on Revenue.

On motion of Representative Peery, House Bill No. 1440 was referred from the Committee on Health Care to the Committee on Revenue.

On motion of Representative Peery, House Bill No. 1715 was referred from the Committee on Judiciary to the Committee on Fisheries & Wildlife.

On motion of Representative Peery, House Bill No. 1962 was referred from the Committee on Local Government to the Committee on Revenue.

On motion of Representative Peery, House Bill No. 1956 was referred from the Committee on Human Services to the Committee on Health Care.

On motion of Representative Peery, House Bill No. 1925 was referred from the Committee on Natural Resources & Parks to the Committee on Fisheries & Wildlife.

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

MOTION

On motion of Representative Peery, the House adjourned until 1:00 p.m., Monday, February 22, 1993.

AFTERNOON SESSION

The Speaker (Representative R. Meyers presiding) called the House to order at 1:00 p.m.

JOINT SESSION

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

The Speaker (Representative R. Meyers presiding) instructed the Sergeants at Arms of the House and Senate to escort president of the Senate Joel Pritchard to his seat on the rostrum and President Pro Tempore, R. Lorraine Wojahn: Vice President Pro Tempore Al Williams, Majority Leader Marcus Gaspard and Minority Leader George Sellar to seats on the floor.

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

The Speaker (Representative R. Meyers presiding) instructed the Sergeants at Arms of the Senate and House to escort the Memorialists to seats within the House Chamber.

The Speaker (Representative R. Meyers presiding) presented the gavel to President Pritchard.

The flag was escorted to the rostrum by the All Service Color Guard.

The Secretary of the Senate called the roll of the Senate.

The Clerk of the House called the roll of the House.

President: Honored members of the Legislature, Ladies and Gentlemen: The purpose of this joint session is to conduct memorial services in memory of the departed former members of the Legislature. The president at this time would like to respectfully present the Honorable Ron Meyers, Speaker Pro Tempore of the House of Representatives.

The President of the Senate presented the gavel to Speaker Pro Tempore Ron Meyers.

MEMORIAL PROGRAM

Presiding: President of the Senate Joel Pritchard

Chair: Speaker Pro Tempore Ron Meyers

INVOCATION

by

The Reverend Michael J. Ryan, St. Michaels

RAZZMATAZZ

Peninsula High School

Connie Fenton, Director

Lords Prayer & I Believe/Ave Maria medley

Andrea Crowell

Exsultate, Jubilate "Alleluia"

Nancy Grist

MEMORIAL TRIBUTE

by

Speaker Pro Tempore Ron Meyers

Representative Todd Mielke

Speaker Ron Meyers: We are assembled today to pay tribute to the lives and services of distinguished former members of the Senate and House of Representatives of the state of Washington who have passed from among us.

On behalf of the people of our state, the Fifty-Third Legislative Session of the State of Washington conveys its respect to these deceased legislators who once sat in the hallowed Chambers of the House and Senate, voted often on important and complicated bills, attended committee meetings, and above all else, served to the best of their abilities in order to make our state a better and more enjoyable place to live. Their achievements, records and valued services have been recorded in the Journals of the Senate and House, and are now and forever more a permanent part of the history of the State of Washington.

We express our sympathies to their families and friends, and share with them on this memorable occasion the fond and happy memories of these Legislators who served with distinction and who truly loved the State of Washington. They have left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our legislative records.

CANDLE SERVICE

IN MEMORIUM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us, the Fifty-third Legislative Session of the State of Washington conveys its respects on behalf of the people of our State. May the memory of their dedicated service remain in our hearts.

In Memory of: Tribute by:

Richard O. Barnes Senator Dan McDonald
Noel Bickham Senator Alex Deccio
Damon Canfield Representative Betty Edmondson
John A. Cherberg Senator Sid Snyder
John T. Day Representative Bill Grant
Frank Foley Senator Sid Snyder
Art Gallagher Representative Wes Pruitt
P. J. "Jim" Gallagher Representative Brian Ebersole
Herbert M. Hamblen Representative Mike Padden
Frank "Tub" Hansen Senator Ray Moore
Bruce Holland Representative Jean Silver
Francis D. Holman Representative Grace Cole
Jack C. Hood Representative Pete Kremen
Elmer Jastad Representative Richard King
Asa Jones Representative Louise Miller
Walter A. Johnson Representative Barbara Lisk
Hugh Kalich Representative David J. Chappell
Reuben A. Knoblauch Senator Marcus S. Gaspard
Ray Olsen Representative Georgette Valle
Blanche Pennick Representative Bob Basich
Robert Perry Representative Velma Veloria
William O. E. Radcliffe Representative Bill Brumsickle
A.L. "Slim" Rasmussen Senator Rosa Franklin
John N. Ryder Representative Jean Marie Brough
Corwin Philip Shank Representative Mick Hansen
John Stender Representative Ken Jacobsen
Corbin Sullivan Representative Val Ogden
John Sylvester Representative June Leonard
Ren Taylor Senator Shirley Winsley
Theodore Turner Representative Tracey Eide
Zachary A. Vane Representative Steve Conway
Bruce A. Wilson Senator Scott Barr
Harold Wolf Senator Eugene Prince

FLOWER TRIBUTE

by

Members of the Senate and House of Representatives

How Great Thou Art Kathy Ward

Amazing Grace Peter Rolstad, Piper

Moonlight Sonata Lynn Lewis

America the Beautiful Calvin Bethea

Benediction Reverend Leo Brown

Echo Taps 9th Infantry Division (M) Band

Fife SSGT. Paul Dorwin

Drummer. Michael Holbrook
Bugler SGT. Bennett
Bugler SGT. Haag

All Service Color Guard Army SGT. Hawkins, NCOIC I CORPS Command

Army SGT. Puentes
Army SPC. Mason
Army SPC. David
Army PFC. Terrill
Marines SGT. Graak
Marines CPL. Rowland
Navy NC-2 Hopwood
Air Force A1C. Weber
Coast Guard SK3. Hard

Speaker Pro Tempore Ron Meyers presented the gavel to the President of the Senate.

President Pritchard: Thank you, Speaker Pro Tempore Meyers, Representatives Mielke and other members of our Memorial Committee, Senators Deccio, Franklin, Prince and Snyder; and Representatives Leonard, Padden and Veloria. Our warmest gratitude to those of you who have participated in the program today.

The President hopes that the loved ones of the dearly departed gained considerable solace and comfort from this very impressive and sincere ceremony.

The colors were retired by the All Service Color Guard.

The President of the Senate announced the conclusion of the Memorial Service.

MOTION

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

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

The Speaker (Representative R. Meyers presiding): Thank you Governor Pritchard, we appreciate the excellent job you have done in presiding over this fine Memorial Service and on behalf of the House of Representatives we extend to you our deep appreciation.

The Speaker (Representative R. Meyers presiding) instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate Joel Pritchard, President Pro Tempore R. Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marcus Gaspard, Minority Leader George Sellar and members of the Senate from the House Chamber.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Wednesday, February 24, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FORTY-THIRD DAY, FEBRUARY 22, 1993

JOURNAL OF THE HOUSE

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

FORTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 24, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Miller presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Teresa Brings and Jodi Affleck. Prayer was offered by Reverend Randal Burtis of Neighborhood Christian Center of Olympia.

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

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5313,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5320,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8005,

the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4613, by Representatives Kremen, R. Johnson, Linville and Quall

WHEREAS, One hundred years ago, under the provisions of the Federal Statehood Enabling Act, the Washington State Legislature designated property overlooking Bellingham Bay and the San Juan Islands as the site of a proposed normal school; and

WHEREAS, In 1895, the legislature appropriated funds for New Whatcom Normal School to construct a single structure, now the central portion of Old Main; and

WHEREAS, In 1899, the legislature voted thirty-three thousand five hundred dollars to equip and operate the school and on September 6, 1899, Principal Edward T. Mathes welcomed the first class of eighty-eight students, a number which doubled by week's end and rose to over two hundred within one month; and

WHEREAS, In 1933, the legislature granted to the institution the right to confer degrees, following which a continuing expansion and elaboration in academic and degree programs, including graduate, interdisciplinary, and international studies, transformed the institution's educational role from one limited to the training of teachers to its status today as a multipurpose, comprehensive, regional university; and

WHEREAS, Commensurate with its increasing academic diversity, the school's name was changed by legislative action from New Whatcom Normal School to Western Washington College of Education in 1937, to Western Washington State College in 1961, and to Western Washington University in 1977; and

WHEREAS, Distinguished faculty, staff, and administrators have successfully acted in concert to fulfill the call for traditional educational values, to transmit new academic knowledge, technologies, and methods, and to prepare for the imminent educational challenges inherent in a new century; and

WHEREAS, Over the past century, Western Washington University has provided outstanding, nationally recognized liberal arts and business programs to more than one hundred thousand Washington citizens; and

WHEREAS, The graduates of Western Washington University have distinguished themselves in many fields including teaching, government service, business, the arts, the professions, and the sciences; and

WHEREAS, Ceremonies scheduled by Western Washington University to take place during the week of February 22 to 26, 1993, will formally observe and commemorate the one hundred year anniversary of the founding of the institution;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor and proclaim the one hundredth anniversary of the founding of Western Washington University and the celebratory events as the University enters into its second century of service to the state of Washington reaffirming its dedication to educational excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mary Kay Becker, Chair of the Board of Trustees, and Dr. Larry Marrs, Chair of the Founders Celebration Committee, all of Western Washington University.

Representative Kremen moved adoption of the resolution.

Representatives Kremen, Jacobsen and Cooke spoke in favor of the adoption of the resolution.

House Resolution No. 4613 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 93-4614, by Representatives Miller, Thomas, Carlson, Long, Dyer and Anderson

WHEREAS, The fortieth annual National Retail Bakers Week is being held during the week of February 21 through 27, 1993; and

WHEREAS, This year's theme is "Proud Partners in Our Community" which reflects the many contributions made by retail bakers as professionals, responsible business persons, and active members of our communities; and

WHEREAS, In addition to providing delicious fresh baked goods, our retail bakers provide an excellent role model for would be entrepreneurs and provide jobs to many young people; and

WHEREAS, Across the nation in 1993 the forty-five thousand retail bakers generated over fifteen billion dollars in sales;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor our retail bakers for the job they are doing for our state, and wish them well during their celebration of National Retail Bakers Week; and

BE IT FURTHER RESOLVED, That the House of Representatives find that patronizing and enjoying the many delicious fresh bakery foods available at local retail bakeries is an excellent manner for all citizens to share in the National Retail Bakers Week celebration; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Retail Bakers of America.

Representative Miller moved the adoption of the resolution and spoke in favor of it.

House Resolution No. 4614 was adopted.

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

INTRODUCTIONS AND FIRST READING

HB 2030 by Representatives Ludwig, Silver, Bray, Jacobsen, Ogden, Mastin, R. Fisher, Eide, Heavey, Grant, Rayburn, Miller, L. Johnson, Romero and Basich

AN ACT Relating to the planning and design of a consolidated information center; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

HB 2031 by Representatives Ludwig, Mielke, Bray, Rayburn, Jacobsen, Karahalios, Kremen, Miller, Mastin, L. Johnson, Wood, Finkbeiner, Basich, Cothorn, Talcott, Dyer and Conway

AN ACT Relating to higher education; and amending RCW 28B.15.013.

Referred to Committee on Higher Education.

HB 2032 by Representatives Appelwick and R. Fisher; by request of Administrator for the Courts

AN ACT Relating to court commissioners in counties with a population of one million or more; amending RCW 26.12.050 and 71.05.135; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2033 by Representatives Carlson, Jacobsen, Casada, Quall, J. Kohl, Basich and Anderson

AN ACT Relating to the higher education coordinating board; and amending RCW 28B.80.390 and 28B.80.400.

Referred to Committee on Higher Education.

HB 2034 by Representatives Wang, G. Fisher, Ballard, Foreman, Jones, Brown, Quall, J. Kohl and Horn

AN ACT Relating to implementing a constitutional amendment providing property tax exemptions for low-income homeowners; amending RCW 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 2035 by Representatives Stevens, Shin, Sehlin, Wood, Johanson and Long

AN ACT Relating to state route number 92; and amending RCW 47.17.145.

Referred to Committee on Transportation.

HB 2036 by Representatives R. Fisher, Locke and Johanson

AN ACT Relating to multimodal transportation funding; amending RCW 82.44.180 and 81.104.090; adding a new chapter to Title 47 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2037 by Representatives Thibaudeau and Anderson

AN ACT Relating to property tax exemption for nonprofit organizations providing medical research or training of medical personnel; amending RCW 84.36.045; and creating a new section.

Referred to Committee on Revenue.

HB 2038 by Representatives Long, Morris, Mastin and Jones

AN ACT Relating to criminal offenders; and adding a new section to chapter 72.02 RCW.

Referred to Committee on Corrections.

HB 2039 by Representatives R. Johnson, Zellinsky and Horn; by request of County Road Administration Board

AN ACT Relating to the county road administration board; and amending RCW 36.78.020, 36.78.050, and 36.78.070.

Referred to Committee on Local Government.

HB 2040 by Representatives Appelwick, Locke, Brough and Lemmon

AN ACT Relating to videotaping of major traffic offenses; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

HB 2041 by Representatives Jacobsen, Romero and Basich

AN ACT Relating to facilities for health and wellness services; adding new sections to chapter 43.63A RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 2042 by Representatives R. Meyers and Zellinsky

AN ACT Relating to commercial motor vehicles; adding new sections to chapter 46.44 RCW; adding new sections to chapter 46.32 RCW; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2043 by Representative Kremen

AN ACT Relating to the Puget Sound bottomfish fishery; amending RCW 75.30.050; adding new sections to chapter 75.30 RCW; and creating a new section.

Referred to Committee on Fisheries & Wildlife.

HB 2044 by Representatives Conway and Jones; by request of Employment Security Department

AN ACT Relating to extended benefits for unemployment compensation; and amending RCW 50.22.010, 50.22.020, 50.22.030, and 50.22.050.

Referred to Committee on Commerce & Labor.

HB 2045 by Representatives Brown, Mastin, Linville and Veloria

AN ACT Relating to denturistry; amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2046 by Representatives Wang, Sehlin, Anderson, Sommers, Locke and Silver; by request of Governor Lowry and State Treasurer

AN ACT Relating to consolidation of revenue bond-issuing authorities; amending RCW 4.92.040, 28B.07.020, 39.84.200, 42.17.2401, 43.160.050, 43.163.005, 43.163.010, 43.180.010, 43.180.020, 43.180.030, 43.180.050, 43.180.060, 43.180.070, 43.180.080, 43.180.090, 43.180.100, 43.180.110, 43.180.130, 43.180.140, 43.180.150, 43.180.170, 43.180.180, 43.180.200, 43.180.310, 43.180.320, 43.180.330, 43.180.340, 82.04.408, 84.36.135, 70.37.020, and 70.170.070; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 28B.07.030, 43.163.020, 43.180.040, 43.180.160, and 70.37.030; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2047 by Representatives Anderson, Wang, Reams, Veloria, Valle, R. Fisher, Springer, Orr and Conway; by request of Department of General Administration

AN ACT Relating to mail functions of state government; adding new sections to chapter 43.19 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 2048 by Representatives Jacobsen, Quall, Brumsickle, Finkbeiner and Miller

AN ACT Relating to American Indian scholarships; and amending RCW 28B.108.060 and 28B.108.070.

Referred to Committee on Higher Education.

HB 2049 by Representative R. Fisher

AN ACT Relating to rail freight service; amending RCW 47.76.010, 47.76.020, 47.76.130, 47.76.030, 47.76.140, 47.76.160, 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, 47.76.090, and 47.76.170; adding new sections to chapter 47.76 RCW; recodifying RCW 47.76.010, 47.76.110, 47.76.020, 47.76.120, 47.76.130, 47.76.030, 47.76.140, 47.76.160, 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, 47.76.090, 47.76.170, and 47.76.190; and repealing RCW 47.76.100 and 47.76.150.

Referred to Committee on Transportation.

HB 2050 by Representatives R. Fisher, Locke and Valle

AN ACT Relating to regional airport strategy; adding a new section to chapter 47.86 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

HB 2051 by Representatives Rust, Valle and R. Fisher

AN ACT Relating to air quality; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environmental Affairs.

HB 2052 by Representatives Anderson and Mielke

AN ACT Relating to regulation of bank branching; amending RCW 30.40.020; adding a new chapter to Title 30 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2053 by Representatives Morris, Long, R. Fisher and Ogden; by request of Governor Lowry

AN ACT Relating to sentencing; amending RCW 9.94A.040, 9.94A.150, 9.94A.160, 9.94A.190, 9.94A.200, 9.94A.270, 9.94A.310, and 9A.56.040; reenacting and amending RCW 9.94A.030, 9.94A.120, 9.94A.320, 9.94A.360, and 9.94A.380; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9A.56 RCW; adding a new section to chapter 72.09 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Corrections.

HB 2054 by Representatives Peery, Reams, Anderson, Heavey, R. Fisher, G. Cole, Ogden and Lemmon; by request of Governor Lowry

AN ACT Relating to state government; amending RCW 41.06.030, 41.06.070, 41.06.080, 41.06.140, 41.06.150, 41.06.160, 41.06.167, 41.06.169, 41.06.170, 41.06.186, 41.06.196, 41.06.220, 41.06.260, 41.06.270, 41.06.280, 41.06.350, 41.06.380, 41.06.400, 41.06.410, 41.06.420, 41.06.430, 41.06.450, 41.06.475, 41.06.490, 43.17.010, 43.17.020, and 41.56.100; amending 1982 c 208 s 9

(uncodified); reenacting and amending RCW 41.06.020, 41.56.030, and 41.04.230; adding new sections to chapter 41.06 RCW; adding new sections to chapter 41.56 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.06.010, 41.06.110, 41.06.120, 41.06.130, 41.06.163, 41.06.165, 41.06.230, 41.06.240, 41.06.310, and 41.06.340; providing effective dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2055 by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway; by request of Governor Lowry

AN ACT Relating to the creation of the department of fish and wildlife; amending RCW 41.06.070, 43.17.010, 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.035, 75.08.055, 75.08.400, 75.10.010, 75.10.200, 75.12.040, 75.20.005, 75.20.050, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.110, 75.20.130, 75.20.300, 75.20.310, 75.24.065, 75.25.005, 75.25.080, 75.25.170, 75.25.180, 75.50.010, 75.50.070, 75.50.080, 75.50.130, 75.52.010, 75.52.020, 75.52.035, 75.52.100, 75.52.110, 75.52.160, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 77.04.100, 77.04.111, 77.08.010, 77.12.010, 77.12.020, 77.12.040, 77.12.055, 77.12.103, 77.12.325, 77.12.440, 77.12.530, 77.12.560, 77.12.570, 77.12.710, 77.12.730, 77.12.750, 77.16.060, 77.16.135, 77.16.150, 77.16.170, 77.18.010, and 77.32.380; reenacting and amending RCW 75.08.011; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.060, 77.04.080, and 77.04.090; and providing an effective date.

Referred to Committee on State Government.

HB 2056 by Representatives Anderson and Grant

AN ACT Relating to transmission facilities; and adding a new section to chapter 35.2 RCW.

Referred to Committee on Energy & Utilities.

HB 2057 by Representatives Wineberry, Forner, H. Myers, Anderson, Locke, Shin and R. Fisher

AN ACT Relating to consolidation of state agencies; amending RCW 28C.18.060, 43.17.010, 43.17.020, 19.85.020, 42.17.319, 43.17.065, 43.20A.750, 43.31.057, 43.31.085, 43.31.205, 43.31.409, 43.31.411, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.526, 43.31.641, 43.31.830, 43.31.840, 43.31.850, 43.160.020, 43.168.020, 43.210.110, 43.63A.066, 43.63A.075, 43.63A.115, 43.63A.155, 43.63A.220, 43.63A.230, 43.63A.245, 43.63A.247, 43.63A.260, 43.63A.275, 43.63A.300, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.450, 43.63A.460, 43.63A.600, and 43.105.020; reenacting and amending RCW 42.17.310; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 43.31.005, 43.31.015, 43.31.025, 43.31.035, 43.31.045, 43.31.055, 43.31.065, 43.31.075, 43.31.095, 43.31.097, 43.31.105, 43.31.115, 43.31.130, 43.31.135, 43.31.373, 43.31.375, 43.31.377, 43.31.379, 43.31.381, 43.31.383, 43.31.387, 43.31.430, 43.31.432, 43.31.434, 43.31.436, 43.31.438, 43.31.440, 43.31.442, 43.31.651, 43.31.790, 43.31.800, 43.31.810, 43.31.820, 43.63A.020, 43.63A.030, 43.63A.040, 43.63A.050, 43.63A.060, 43.63A.065, 43.63A.078, 43.63A.095, 43.63A.100, 43.63A.130, 43.63A.140, 43.63A.210, and 43.63A.560.

Referred to Committee on State Government.

HB 2058 by Representatives G. Fisher, Holm, Finkbeiner and Appelwick

AN ACT Relating to property tax relief for owner-occupied single-family residences; amending RCW 84.36.387, 84.36.389, 14.08.290, 17.28.100, 17.28.252, 27.12.050, 27.12.150, 27.12.390, 27.12.420, 35.07.180, 35.23.470, 35.24.350, 35.30.020, 35.31.060, 35.32A.060, 35.33.145, 35.34.250, 35.56.190, 35.58.090, 35.61.210, 35A.31.070, 35A.33.145, 35A.34.250, 36.33.140, 36.40.090, 36.54.080, 36.62.090,

36.68.525, 36.69.145, 36.82.040, 41.16.060, 45.72.050, 52.04.011, 52.04.081, 52.12.031, 52.16.130, 52.16.140, 52.16.160, 53.36.020, 53.36.070, 53.36.100, 53.47.040, 54.16.080, 56.04.030, 56.04.050, 56.08.110, 57.04.030, 57.04.050, 57.08.110, 57.20.100, 67.38.130, 68.52.310, 70.44.060, 70.94.091, 71.20.110, 73.08.080, 84.34.230, 84.52.010, 84.52.043, 84.52.063, 84.52.065, 84.52.069, 86.12.010, 86.13.010, 86.15.160, and 87.84.070; adding new sections to chapter 84.36 RCW; creating new sections; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 2059 by Representatives G. Fisher, Holm, Karahalios, Finkbeiner, Flemming, Springer, G. Cole, Ogden, J. Kohl and Appelwick

AN ACT Relating to gross receipts tax rates and deductions; amending RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.16.020, 82.02.030, 82.32.030, and 70.95E.020; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; repealing RCW 82.04.2901, 82.04.2904, 82.04.300, and 82.16.040; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 2060 by Representatives Sheldon, Ballard, Riley, Chandler, Jones, Holm, Rayburn, Basich, Springer, Miller, Brumsickle, Stevens, Quall and Morton

AN ACT Relating to expanding economic development opportunities in those counties planning under the growth management act that have a ten-year growth rate less than twenty percent and that are not required to engage in transportation-demand management; and adding new sections to chapter 36.70A RCW.

Referred to Committee on Trade, Economic Development & Housing.

HJR 4212 by Representatives Wang, G. Fisher, Ballard, Foreman and J. Kohl

Amending the Constitution to allow the legislature to grant low-income property owners relief from owner-occupied residences.

Referred to Committee on Revenue.

HJR 4213 by Representatives G. Fisher, Holm and Appelwick

Amending the Constitution to authorize the legislature to provide a homestead exemption for real property occupied as residences by the owners.

Referred to Committee on Revenue.

SSB 5179 by Senate Committee on Ecology & Parks (originally sponsored by Senators Owen, Barr, Fraser, Rinehart and Sutherland)

Promoting vessel safety.

Referred to Committee on Environmental Affairs.

ESB 5260 by Senators Spanel, Owen, Oke, Haugen, Hargrove and Snyder

Requiring salmon food fish to be labeled by its source and common name.

Referred to Committee on Fisheries & Wildlife.

SSB 5313 by Senate Committee on Government Operations (originally sponsored by Senators Loveland, Winsley, Oke, Haugen, Sheldon, Owen, Quigley and Erwin)

Deleting the expiration date for a portion of the surcharge on recording documents.

Referred to Committee on Local Government.

ESSB 5320 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Talmadge, Winsley, Deccio, Moore and Sutherland)

Adopting limits on phosphorus contents in certain detergents.

Referred to Committee on Environmental Affairs.

SSJM 8005 by Senate Committee on Natural Resources (originally sponsored by Senators Oke, Owen, Hargrove, Amondson, Erwin, Haugen, Snyder, Hochstatter, Deccio, M. Rasmussen and Roach)

Requesting the federal government to allow the state of Washington to permanently remove certain predatory seals and sea lions.

Referred to Committee on Fisheries & Wildlife.

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

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

REPORTS OF STANDING COMMITTEES

February 22, 1993

HB 1013 Prime Sponsor, Representative Appelwick: Adopting the revised uniform commercial code on bulk sales. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Basich, Dellwo, Dorn, G. Fisher and Wineberry.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1056 Prime Sponsor, Representative Franklin: Creating the Washington housing policy act. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Quall.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1089 Prime Sponsor, Representative J. Kohl: Changing air quality operating permit requirements. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Holm; L. Johnson; J. Kohl; and Linville.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member; Edmondson; Hansen; and Sheahan.

Excused: Representative Roland.

Referred to Committee on Revenue.

February 22, 1993

HB 1111 Prime Sponsor, Representative Van Luven: Protecting pedestrians in crosswalks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1139 Prime Sponsor, Representative Campbell: Increasing penalties for persistent offenders. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; L. Johnson; Ogden; Riley; and Padden.

MINORITY recommendation: Do not pass. Signed by Representative G. Cole.

Referred to Committee on Appropriations.

February 19, 1993

HB 1140 Prime Sponsor, Representative Locke: Revising provisions relating to metropolitan municipal corporations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1186 Prime Sponsor, Representative Valle: Prohibiting municipal employees' conflicts of interest. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1242 Prime Sponsor, Representative King: Making technical changes to the statute governing compensation during industrial insurance appeals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1256 Prime Sponsor, Representative Dellwo: Modifying disciplining of health professionals under the uniform disciplinary act. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 30, after "(v)" strike everything through "~~(vi)~~" on line 32 and insert "The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(vi)"Renumber the remaining subsections accordingly.

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Excused: Representative Mielke.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1276 Prime Sponsor, Representative R. Fisher: Developing a public transportation policy plan. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1277 Prime Sponsor, Representative R. Fisher: Articulating desirable land use patterns in transit plans. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1343 Prime Sponsor, Representative Morris: Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; G. Cole; L. Johnson; and Ogden.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Assistant Ranking Minority Member; Riley; and Padden.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1361 Prime Sponsor, Representative H. Myers: Revising the statute of limitations for certain sex offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1363 Prime Sponsor, Representative Peery: Requiring the county assessor to verify that all necessary building permits have been issued when conducting a physical appraisal. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Horn.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1400 Prime Sponsor, Representative Heavey: Regulating real estate appraisers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Excused: Representative Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1402 Prime Sponsor, Representative Springer: Changing licensing provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 4, after "director" strike "in consultation with" and insert "with the consent of"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1445 Prime Sponsor, Representative J. Kohl: Modifying the scope of the state law against discrimination. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Referred to Committee on Appropriations.

February 19, 1993

HB 1448 Prime Sponsor, Representative Zellinsky: Regulating tattooers and tattoo parlors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Referred to Committee on Appropriations.

February 22, 1993

HB 1458 Prime Sponsor, Representative Zellinsky: Regulating retail charge agreements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Schmidt; and Tate.

MINORITY recommendation: w/o recommendation Signed by Representative Reams.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1468 Prime Sponsor, Representative King: Establishing collective bargaining procedures for public four-year institutions of higher education. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Referred to Committee on Appropriations.

February 22, 1993

HB 1519 Prime Sponsor, Representative Ballard: Creating an office of housing affordability and regulatory reform. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Quall.

Referred to Committee on Appropriations.

February 19, 1993

HB 1541 Prime Sponsor, Representative Orr: Requiring continuing emergency medical technician training instead of recertification. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Excused: Representative Mielke.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1555 Prime Sponsor, Representative Springer: Concerning the use of funds by a public corporation formed by a municipality. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1557 Prime Sponsor, Representative Forner: Removing the expiration date for Washington state support registry employer reporting. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1564 Prime Sponsor, Representative Riley: Creating a new judgeship for Cowlitz County. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Referred to Committee on Appropriations.

February 19, 1993

HB 1565 Prime Sponsor, Representative Conway: Imposing requirements for businesses that receive public assistance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Horn; and Springer.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1567 Prime Sponsor, Representative H. Myers: Authorizing interpreters for jurors in judicial and administrative proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1582 Prime Sponsor, Representative Zellinsky: Permitting certain transactions by insurance agent-brokers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant

Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1585 Prime Sponsor, Representative Ogden: Creating the Washington housing policy act. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Quall.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1618 Prime Sponsor, Representative Shin: Terminating defunct boards, commissions, and committees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; King; and Pruitt.

Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1619 Prime Sponsor, Representative Shin: Creating the Washington Task Force on International Education and Cultural Exchanges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Referred to Committee on Appropriations.

February 19, 1993

HB 1627 Prime Sponsor, Representative Heavey: Changing the registration requirements relating to professional land surveyors and engineers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 17, 1993

HB 1631 Prime Sponsor, Representative Conway: Regulating going out of business sales. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 19, 1993

HB 1643 Prime Sponsor, Representative King: Modifying licensure requirements for landscape architects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1713 Prime Sponsor, Representative Bray: Revising vehicular window tinting labels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

February 22, 1993

HB 1815 Prime Sponsor, Representative Rust: Recodifying vessel operation provisions. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1857 Prime Sponsor, Representative Shin: Changing travel expense provisions for prospective employees of institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1876 Prime Sponsor, Representative Flemming: Providing educational grants for members of the Washington national guard who do not possess a baccalaureate degree. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Referred to Committee on Appropriations.

MOTION

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

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

SECOND READING

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1317 on today's suspension calendar. The motion was carried.

HOUSE BILL NO. 1317, by Representatives Pruitt, Ballard, Morton, Sheldon, Jones, Wolfe, Schoesler, R. Johnson, Kessler, Johanson and Chandler

Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities.

The bill was read the second time.

Representative Pruitt moved that the committee recommendation be adopted and the bill be placed on third reading. The motion was carried.

Representatives Pruitt and Morton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1317.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1317 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Roland - 1.

House Bill No. 1317, having received the constitutional majority, was declared passed.

MOTIONS

Representative Peery moved that the House immediately consider House Bill No. 1083 on today's second reading calendar. The motion was carried.

Representative Peery moved that the House defer consideration of House Bill No. 1083 and it holds it place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1100, by Representatives Bray, J. Kohl, Rust and Leonard

Imposing a fee on waste transported without a cover.

House Bill No. 1100 was read the second time.

On motion of Representative Rust, Substitute House Bill No. 1100 was substituted for House Bill No. 1100, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1100 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bray, Horn, J. Kohl spoke in favor of passage of the bill and Representative Brough spoke against it.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1100.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1100 and the bill passed the House by the following vote: Yeas - 76, Nays - 21, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Brumsickle, Campbell, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Carlson, Casada, Chandler, Dorn, Fuhrman, Lisk, Mielke, Morton, Padden, Reams, Schoesler, Sehlin, Sheahan, Stevens, Tate, Thomas, Vance and Van Luven - 21.

Absent: Representative Roland - 1.

Substitute House Bill No. 1100, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1119, by Representatives Fuhrman, G. Fisher, King, Van Luven, Anderson, Foreman, Reams, G. Cole, Lisk, Jones, Sheldon, Wang, Sheahan, Kremen, Quall, Riley, Appelwick, Leonard, Valle, Chandler, Ballard, Schmidt, Chappell, Basich, Morton, Heavey, Rust, Silver, Carlson, Padden, Vance, Mielke, Wood, Brumsickle, Tate, Forner, Cooke, Long, Rayburn, Zellinsky, Brown, Brough, Franklin, J. Kohl, Edmondson, Springer, Holm, R. Fisher, Horn, Talcott, Shin, Romero, Karahalios, Kessler, Johanson and Miller

Prohibiting state agencies from accepting advertising from unregistered sellers.

House Bill No. 1119 was read the second time.

On motion of Representative Anderson, Substitute House Bill No. 1119 was substituted for House Bill No. 1119 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1119 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Fuhrman, Reams, Rust and Ballard spoke in favor of passage of the bill. Representatives Orr and Riley spoke against the passage of the bill.

Representative Fuhrman again spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Roland was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1119.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1119 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Brown, Dellwo, Dunshee, Fisher, R., Heavey, Orr, Riley and Wang - 8.

Excused: Representative Roland - 1.

Substitute House Bill No. 1119, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1150, by Representatives Anderson, Veloria, Pruitt, King, Brough, Vance, Forner, Valle, Eide and Jacobsen

Repealing the sunset provisions of the counselor registration statute.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1150.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1150 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Roland - 1.

House Bill No. 1150, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

MOTION

On motion of Representative Peery, House Bill No. 1418 was referred from the Committee on Rules to the Committee on Appropriations.

On motion of Representative Peery, House Bill No. 1520 was referred from the Committee on Rules to the Committee on Appropriations.

On motion of Representative Peery, House Bill No. 1426 was referred from the Committee on Appropriations to the Committee on Capital Budget.

On motion of Representative Peery, House Bill No. 1395 was referred from the Committee on Rules to the Committee on Revenue.

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

MOTION

On motion of Representative Peery, the House adjourned until 11:00 a.m., Thursday, February 25, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FORTY-FIFTH DAY, FEBRUARY 24, 1993

JOURNAL OF THE HOUSE

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

FORTY-SIXTH DAY, FEBRUARY 25, 1993

FORTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, February 25, 1993

The House was called to order at 11:00 a.m. by the Speaker (Representative Kremen presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeremy O'Keeffe and Sarah Nichols. Prayer was offered by Reverend Randal Burtis of Neighborhood Christian Center of Olympia.

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

MESSAGE FROM THE SENATE

February 23, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5386,
SENATE BILL NO. 5441,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2061 by Representatives Chappell and King

AN ACT Relating to hunter education; and amending RCW 77.32.155.

Referred to Committee on Fisheries & Wildlife.

HB 2062 by Representatives Orr, Mielke, Peery, Padden, H. Myers, Dellwo, Silver, Conway, Ludwig, Eide and Pruitt

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 2063 by Representatives Shin, Brumsickle, Brough, Basich and Kessler

AN ACT Relating to improving the teaching of geography; adding new sections to chapter 28A.300 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 2064 by Representatives Padden, Peery, Wood, Tate, Fuhrman, Vance, Dorn, Silver, Basich, Cooke and Talcott

AN ACT Relating to a program for educational advancement grants in designated urban areas; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Education.

HB 2065 by Representatives Conway, Reams, Campbell, King and Basich

AN ACT Relating to ballots; amending RCW 29.30.020; adding a new section to chapter 29.30 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2066 by Representatives J. Kohl, Wang, G. Cole, Silver, Leonard, R. Fisher, Patterson, Peery, Locke, Pruitt, Brough, Cothorn, Appelwick and Eide

AN ACT Relating to school district excess levies; and amending RCW 84.52.0531.

Referred to Committee on Appropriations.

SSB 5035 by Senate Committee on Government Operations (originally sponsored by Senator Haugen)

Authorizing cities to use the hotel-motel tax for public restroom facilities.

Referred to Committee on Local Government.

SSB 5088 by Senate Committee on Government Operations (originally sponsored by Senators McCaslin and Barr)

Authorizing flexible approaches to developing administrative rules.

Referred to Committee on State Government.

SB 5251 by Senators Bauer, Snyder, Sheldon, Moore, Prentice, Sutherland, Jesernig, Rinehart and Winsley

Requiring identification for the nonresident sales tax exemption.

Referred to Committee on Revenue.

SSB 5386 by Senate Committee on Health & Human Services (originally sponsored by Senators Wojahn, Moyer, Gaspard, Deccio, Hochstatter and Winsley)

Modifying licensure of home health, hospice, and home care agencies.

Referred to Committee on Health Care.

SB 5441 by Senators McAuliffe, Erwin, Talmadge, M. Rasmussen, Drew, Spanel, Loveland, von Reichbauer and Winsley; by request of Department of Social and Health Services

Updating statutes for rehabilitation services for handicapped persons.

Referred to Committee on Human Services.

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

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

REPORTS OF STANDING COMMITTEES

February 23, 1993

HB 1179 Prime Sponsor, Representative Jacobsen: Charging school districts for remedial higher education classes. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Shin; and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Bray and Rayburn.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1322 Prime Sponsor, Representative Sheldon: Modifying prosecutions for trespass or waste of public lands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Stevens, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1338 Prime Sponsor, Representative Thibaudeau: Prohibiting interference with access to or from a health care facility. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member and Tate.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1376 Prime Sponsor, Representative Brough: Allowing mobile home tenants to hold forums for candidates for public office. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Sheldon; Springer; and Valle.

Excused: Representatives Schoesler and Wood.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1414 Prime Sponsor, Representative R. Fisher: Granting additional local taxing authority for criminal justice purposes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Referred to Committee on Revenue.

February 23, 1993

HB 1442 Prime Sponsor, Representative R. Johnson: Creating a watershed management task force. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; and Thomas.

Passed to Committee on Appropriations.

February 23, 1993

HB 1518 Prime Sponsor, Representative Valle: Creating a water trail recreation program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Thomas; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; and Schoesler.

Passed to Committee on Appropriations.

February 23, 1993

HB 1560 Prime Sponsor, Representative Appelwick: Adopting the uniform interstate family support act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Padden, Ranking Minority Member;

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1566 Prime Sponsor, Representative H. Myers: Changing who gives notice of estate tax findings filings. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1583 Prime Sponsor, Representative Jacobsen: Clarifying eligibility requirements for state-funded benefits for part-time academic employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Referred to Committee on Appropriations.

February 23, 1993

HB 1730 Prime Sponsor, Representative Springer: Regulating the distribution of unused capacity under the rate limitations on cumulative regular property taxes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Ranking Minority Member; Horn; and Van Luven.

Referred to Committee on Revenue.

February 23, 1993

HB 1734 Prime Sponsor, Representative Appelwick: Adding new judges to the court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Referred to Committee on Appropriations.

February 23, 1993

HB 1735 Prime Sponsor, Representative Anderson: Authorizing the department of retirement systems to be divided into three divisions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representative Vance, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1751 Prime Sponsor, Representative Anderson: Modifying compensation of forest practices board members. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representative Vance, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 23, 1993

HB 1760 Prime Sponsor, Representative H. Myers: Regulating obligations for child support and spousal maintenance. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Former; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1767 Prime Sponsor, Representative Basich: Requiring certification of community and technical college intercollegiate coaches. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1771 Prime Sponsor, Representative King: Taking measures to prevent the destruction of fish protection devices. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; and Scott.

Excused: Representative Lemmon.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1787 Prime Sponsor, Representative Linville: Eliminating certain provisions about water resource inventory and planning areas. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1832 Prime Sponsor, Representative Dyer: Regulating medical malpractice insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; and Tate.

Excused: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 23, 1993

HB 1842 Prime Sponsor, Representative R. Fisher: Authorizing exemptions from county vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough;

Brumsickle; Cothorn; Finkbeiner; Forner; Fuhrman; Hansen; Horn; Johanson; J. Kohl; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; and Wood.

Excused: Representatives Eide, Heavey, R. Meyers and Zellinsky.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1865 Prime Sponsor, Representative Mielke: Preventing check cashers and sellers from operating without a license. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; and Tate.

Excused: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1930 Prime Sponsor, Representative Schmidt: Restricting consideration of old traffic tickets. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; and Tate.

Excused: Representative Schmidt.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4620, by Representatives Linville, Grant, Sheahan, Karahalios, Lemmon, Schoesler, R. Johnson, Mastin, Rayburn, Quall, Kremen, J. Kohl and Edmondson

WHEREAS, The agricultural education of the Future Farmers of America provides a strong foundation for Washington state's agriculture; and

WHEREAS, The Future Farmers of America and agricultural education provide exceptional training for the constantly changing careers in agriculture; and

WHEREAS, The eight thousand members of the Future Farmers of America in Washington state are playing an outstanding role in assuring the future progress and prosperity of the state of Washington and our nation; and

WHEREAS, The Future Farmers of America motto, "Learning to do, doing to learn; earning to live, living to serve" gives direction and purpose to the students who are providing leadership for a growing planet; and

WHEREAS, The Future Farmers of America performs the valuable service of developing leadership, encouraging cooperation, promoting good citizenship, and inspiring patriotism among its members;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the one hundred eighty-five Future Farmers of America chapters in the high schools of the state of Washington.

Representative Linville moved adoption of the resolution.

Representatives Linville, Kremen, Schoesler and Rayburn spoke in favor of the resolution.

House Resolution No. 4620 was adopted.

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

INTRODUCTION OF VISITING DIGNITARIES

The Chief Clerk called the roll of the former members of the House of Representatives.

The Speaker introduced the former members, speakers and staff of the House of Representatives.

Former Members: Districts Dates

Art Brown 1st District 1969-1976

Paul Conner 24th District House 1959-1977

Senate 1977-1989

Roy Ferguson

John Fisher 21st District House 1975-1978

Bob Ford 23rd District 1941-42 and 1945-52

Irv Greengo 46th District 1975-1982

Ed Heavey 31st District 1967-1969

Joan Houchen 10th District 1979-1982

Elmer Huntley 9th District 1963-1965

George Hurley 37th District 1943-1946

44th District 1975-1978

Gene Lux 11th & 35th District House 1975-1988

Senate 1988

Mike McGinnis 6th District 1979-1982

Patrick Sutherland 37th District House 1949-1959

Senate 1951-1959

Dick Taylor 38th District 1961-1968

Earl Tilly 12th District 1973-1986

Bob Williams 18th & 19th District 1979-1988

Former Chief Clerks:

Malcolm Dutch McBreath Member 1942, 1953-56

Chief Clerk 1967-72

Dean Foster 1973-1980, 1983-84

Vito T. Chiechi 1979-1982

Dennis L. Heck 1985-1986

Assistant Chief Clerks:

Don Wilson 1970-1977

Sharon Case 1983-1988

Sergeant at Arms:

Elmer Hippa Member 1953-1957

Sgt. at Arms 1957-1967
and 1971-1975

The Speaker introduced the former Speakers Charlie Hodde, Don Eldridge, Tom Copeland, and John Bagnariol.

The former speakers briefly addressed the Members of the House of Representatives.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Friday February 26, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FORTY-SIXTH DAY, FEBRUARY 25, 1993

JOURNAL OF THE HOUSE

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

FORTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 26, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Megan Campbell and Cameron Pruitt. Prayer was offered by Reverend Randal Burtis, Neighborhood Christian Center of Olympia.

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

MESSAGE FROM THE SENATE

February 25, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,
SUBSTITUTE SENATE BILL NO. 5246,
ENGROSSED SENATE BILL NO. 5367,
SENATE BILL NO. 5444,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2067 by Representatives R. Fisher, Wolfe, Anderson, Schmidt, Locke, Pruitt, Kremen, Springer and Eide; by request of Department of General Administration

AN ACT Relating to state agency commute trip reduction programs; amending RCW 43.41.130 and 43.41.140; reenacting and amending RCW 46.08.172; adding new sections to chapter 43.01 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2068 by Representatives Dellwo and Brown

AN ACT Relating to employee check cashing by regional and state universities, The Evergreen State College, and the community and technical colleges; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2069 by Representatives Mielke and Zellinsky

AN ACT Relating to check cashing by any institution of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2070 by Representatives Patterson, Leonard, Brough, Shin and Karahalios

AN ACT Relating to financial responsibility for juvenile offenders; and amending RCW 13.40.220.

Referred to Committee on Human Services.

HB 2071 by Representatives L. Johnson, Dellwo, Quall, Campbell and Karahalios

AN ACT Relating to access to tobacco; amending RCW 82.24.520, 82.24.530, 82.24.550, and 82.24.560; adding new sections to chapter 82.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 2072 by Representative Anderson

AN ACT Relating to state government; amending RCW 41.06.030, 41.06.070, 41.06.080, 41.06.140, 41.06.150, 41.06.160, 41.06.167, 41.06.169, 41.06.170, 41.06.186, 41.06.196, 41.06.220, 41.06.260, 41.06.270, 41.06.280, 41.06.350, 41.06.380, 41.06.400, 41.06.410, 41.06.420, 41.06.430, 41.06.450, 41.06.475, 41.06.490, 43.17.010, and 43.17.020; amending 1982 c 208 s 9 (uncodified); reenacting and amending RCW 41.06.020; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.06.010, 41.06.110, 41.06.120, 41.06.130, 41.06.163, 41.06.165, 41.06.230, 41.06.240, 41.06.310, and 41.06.340; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2073 by Representative Wang

AN ACT Relating to the eligibility of nonprofit homes for the aging for exemption from property taxation; amending RCW 84.36.041; and creating a new section.

Referred to Committee on Revenue.

HB 2074 by Representatives Wineberry and J. Kohl

AN ACT Relating to youth employment placement and services; adding new sections to chapter 50.40 RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade, Economic Development & Housing.

HB 2075 by Representatives Jacobsen, Quall, Brumsickle, Sommers, Anderson, Wineberry, Basich, Ogden, Reams, Heavey, Romero, Appelwick, R. Fisher, Locke, Grant, Karahalios, Ludwig, Rust, Morton and Brough

AN ACT Relating to making a capital appropriation for the Thomas Burke Memorial Washington State Museum; creating a new section; and making an appropriation.

Referred to Committee on Capital Budget.

HB 2076 by Representatives Jacobsen, Ogden, Quall, G. Cole, Johanson, Kremen, Flemming and Eide

AN ACT Relating to the maintenance and efficient operation of state agency and school district facilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 2077 by Representative Riley

AN ACT Relating to the enforcement of child care agency licensing; amending RCW 74.15.020, 74.15.030, 74.15.130, and 74.15.100; adding a new section to chapter 74.15 RCW; and prescribing penalties.

Referred to Committee on Human Services.

HB 2078 by Representatives Morris, Long, Springer, Quall, Rayburn and Jones

AN ACT Relating to motor vehicle theft; amending RCW 9A.56.040; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

ESSB 5186 by Senate Committee on Law & Justice (originally sponsored by Senators von Reichbauer, A. Smith, McCaslin, Prentice, Gaspard, Hargrove, Quigley, Winsley and Erwin)

Prohibiting the luring of minors or incompetent persons into vehicles or structures.

Referred to Committee on Judiciary.

SSB 5246 by Senate Committee on Labor & Commerce (originally sponsored by Senators Snyder, Winsley, Rinehart, Gaspard, Prentice, Moore, Hargrove, Roach, Loveland, Jesernig, Vognild, Sutherland, von Reichbauer, Bauer, Quigley and Erwin)

Creating the public works administration account.

Referred to Committee on Commerce & Labor.

ESB 5367 by Senators Hargrove, L. Smith, M. Rasmussen, Bauer, Newhouse, Loveland and Anderson

Regulating veterinary medication clerks.

Referred to Committee on Agriculture & Rural Development.

SB 5444 by Senator Talmadge; by request of Department of Social and Health Services

Eliminating the termination of hospice care and service coverage as medical assistance.

Referred to Committee on Health Care.

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

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

REPORTS OF STANDING COMMITTEES

February 24, 1993

HB 1059 Prime Sponsor, Representative Franklin: Regulating possession of weapons in court facilities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Former; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1088 Prime Sponsor, Representative Rust: Extending the expiration date of the solid waste collection tax. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill as amended by Committee on Revenue do pass with the following amendments:

On page 2, line 13, after "plans:" strike "and

(3) Market" and insert:

"(3) Fund market"

On page 2, line 14, after "activities" insert "; and

(4) Administer and collect the tax imposed in section 1 of this act"

Signed by Representatives G. Fisher, Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representatives Holm, Vice Chair and Brown.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1144 Prime Sponsor, Representative Rust: Providing a funding mechanism for the office of marine safety's field operations. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Hansen; Holm; L. Johnson; J. Kohl; and Linville.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member; Edmondson; and Sheahan.

Excused: Representative Roland.

Referred to Committee on Appropriations.

February 26, 1993

HB 1156 Prime Sponsor, Representative H. Myers: Transferring county sheriff's office employees. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Reams, Assistant Ranking Minority Member; Dunshee; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Ranking Minority Member; R. Fisher; and Horn.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1161 Prime Sponsor, Representative Schoesler: Directing Washington State University to research the technology necessary to transform wheat and legumes into biodegradable plastics. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; and Lisk.

Excused: Representatives Karahalios and Roland.

Referred to Committee on Appropriations.

February 26, 1993

HB 1175 Prime Sponsor, Representative Jacobsen: Regarding the study of American Indian languages and cultures in the common schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Vance.

MINORITY recommendation: Without recommendation. Signed by Representative Stevens.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1197 Prime Sponsor, Representative Leonard: Allowing families to retain a greater percentage of income before public benefits are reduced or terminated. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Referred to Committee on Appropriations.

February 24, 1993

HB 1208 Prime Sponsor, Representative Sommers: Specifying how payments based on retirement agreements shall affect calculation of pension benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Peery and Wineberry.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1219 Prime Sponsor, Representative Orr: Creating the public works administration account. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Appropriations. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Rust; Sommers; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Morton; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Peery and Wineberry.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1299 Prime Sponsor, Representative Pruitt: Prohibiting firearms and dangerous weapons on school premises, with limited exceptions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

MINORITY recommendation: Without recommendation. Signed by Representative Mastin.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1308 Prime Sponsor, Representative Kremen: Modifying beef commission membership. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; and Lisk.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1320 Prime Sponsor, Representative Pruitt: Modifying the forest fire protection assessment. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; and Thomas.

Referred to Committee on Revenue.

February 24, 1993

HB 1324 Prime Sponsor, Representative Cothorn: Providing property tax exemptions for charitable fund-raising organizations. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representatives Holm, Vice Chair and Brown.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1349 Prime Sponsor, Representative Rust: Modifying property tax valuation of property affected by growth management regulations. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Cothorn; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representatives Holm, Vice Chair and Brown.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1357 Prime Sponsor, Representative Rust: Modifying certification of public water supply system operators. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Rust; Sehlin; Sommers; Wang; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Silver, Ranking Minority Member; Morton; Sheahan; Stevens; and Talcott.

Excused: Representative Peery and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1384 Prime Sponsor, Representative Chandler: Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Stevens; and Vance.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1408 Prime Sponsor, Representative Sommers: Providing a comprehensive program for teen pregnancy prevention. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass with the following amendment:
On page 3, line 29, after "teen" strike "birth rate" and insert "pregnancy and birth rates"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Leonard; Linville; Rust; Sehlin; Sommers; Talcott; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Morton; Sheahan; and Stevens.

Excused: Representatives Peery and Wineberry.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1412 Prime Sponsor, Representative R. Meyers: Changing provisions relating to prejudgment interest. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Assistant Ranking Minority Member; Forner; and Tate.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1466 Prime Sponsor, Representative Jacobsen: Regulating motorized wheelchair warranties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1479 Prime Sponsor, Representative G. Fisher: Modifying the uniform unclaimed property act. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representatives Holm, Vice Chair, and Brown.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1483 Prime Sponsor, Representative Pruitt: Creating the surface mining reclamation account. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; and Thomas.

Referred to Committee on Revenue.

February 24, 1993

HB 1504 Prime Sponsor, Representative Wang: Changing the disposition of certain normal school fund revenues. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Brough; Eide; R. Fisher; Heavey; Jacobsen; Ludwig; Romero; Sommers; and Thomas.

MINORITY recommendation: Without recommendation. Signed by Representatives Morton, Assistant Ranking Minority Member and Silver.

Excused: Representative Jones.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1553 Prime Sponsor, Representative King: Prohibiting employer discrimination for lawful employee conduct off premises during nonworking hours. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1556 Prime Sponsor, Representative Forner: Revising provisions relating to areas where weapons are restricted. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1569 Prime Sponsor, Representative Appelwick: Changing provisions relating to malicious harassment. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Campbell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Chappell; and Tate.

Referred to Committee on Appropriations.

February 25, 1993

HB 1572 Prime Sponsor, Representative Dorn: Changing funding allocations for high school students attending technical colleges. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Stevens; and Vance.

Excused: Representative Roland.

Referred to Committee on Appropriations

February 25, 1993

HB 1606 Prime Sponsor, Representative Hansen: Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Brumsickle; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Thomas, Assistant Ranking Minority Member; Carlson; Stevens; and Vance.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1732 Prime Sponsor, Representative Grant: Providing cable to multiple dwelling premises. Reported by
Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair;
Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

MINORITY recommendation: Do not pass. Signed by Representative Miller, Assistant Ranking Minority
Member;

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1743 Prime Sponsor, Representative Flemming: Providing for pollution prevention plans. Reported by
Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Edmondson;
Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representative Van Luven, Assistant Ranking
Minority Member;

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1764 Prime Sponsor, Representative Basich: Encouraging common schools serving students in grades seven
through twelve to offer opportunities for students to do volunteer community service. Reported by
Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair;
Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide;
G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Stevens; and Vance.

Excused: Representative Roland.

Referred to Committee on Appropriations.

February 24, 1993

HB 1776 Prime Sponsor, Representative Wineberry: Creating the office of science and technology. Reported by
Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler,
Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle;
and Wood.

Referred to Committee on Appropriations.

February 24, 1993

HB 1790 Prime Sponsor, Representative Patterson: Authorizing public works board project loans. Reported by
Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; Eide; R. Fisher; Heavey; Jacobsen; Ludwig; Romero; Silver; Sommers; and Thomas.

Excused: Representative Jones.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1867 Prime Sponsor, Representative Anderson: Designating the Washington park arboretum as an official state arboretum. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; King; and Pruitt.

Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1893 Prime Sponsor, Representative Zellinsky: Regulating motor vehicle dealers' buyer's agents relationships. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1929 Prime Sponsor, Representative R. Fisher: Adjusting requirements for regional transportation planning organizations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brown, Vice Chair, and Fuhrman.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1940 Prime Sponsor, Representative Orr: Establishing fishing guide licenses for Oregon residents. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Referred to Committee on Appropriations.

February 24, 1993

HCR 4412 Prime Sponsor, Representative Jacobsen: Appointing a poet laureate to be paid in Washington wine. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

On motion of Representative Peery, the bills and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1083, by Representatives Scott and G. Cole

Using electrical contractors' licenses.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments see Journal, 26th Day, February 5, 1993.)

Representative G. Cole moved adoption of the amendment and spoke in favor of the amendment. The committee amendment was adopted.

The bill was ordered engrossed.

Representative Chandler moved adoption of the following amendment by Representatives Chandler and G. Cole:

On page 6, line 16, after "19.28.350." insert "When determining a violation of this section, the director, administrative law judge, or the board shall hold responsible the person who purchased the advertising."

Representative Chandler spoke in favor of the amendment.

On motion of Representative J. Kohl, Representatives Roland, Locke and Wineberry were excused.

Representative Heavey spoke against the amendment and the amendment failed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole and Chandler spoke in favor of passage of the bill .

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1083.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1083 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Absent: Representatives Appelwick, Morris and Myers, H. - 3.

Excused: Representatives Locke, Roland and Wineberry - 3.

Engrossed House Bill No. 1083, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1188, by Representatives Morton, Appelwick, Padden, Ballasiotes, Ludwig, Sheahan, Tate, Fuhrman, Silver, Johanson, Long, Flemming, Mielke and Springer

Requiring delivery of a copy of a lien document to the owner of the property subject to the lien.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1188.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1188 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representative Appelwick - 1.

Excused: Representatives Locke, Roland and Wineberry - 3.

House Bill No. 1188, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1233, by Representatives R. Meyers, Zellinsky, Dellwo, R. Johnson, Scott, Riley, Kessler, Dunshee, Dorn, Foreman, Grant, Kremen and Johanson

Regulating the mandatory offering of personal injury protection insurance.

House Bill No. 1233 was read the second time.

On motion of Representative Zellinsky, Substitute House Bill No. 1233, was substituted for House Bill No. 1233, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1233 was read the second time.

Representative R. Meyers moved adoption of the following amendment by Representative R. Meyers: On page 6, line 16, after "liability" insert "per person"

Representative R. Meyers spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Meyers and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1233.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1233 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Locke, Roland and Wineberry - 3.

Engrossed Substitute House Bill No. 1233, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1295, House Bill No. 1708 and House Joint Memorial No. 4005. The motion was carried.

HOUSE BILL NO. 1295, by Representatives Orr, Mielke, Heavey, Scott, Quall, Chappell, R. Meyers, R. Fisher, Zellinsky, Ludwig, R. Johnson, Wood, Grant, Riley, Mastin, Johanson, Franklin, Locke, Flemming, Jacobsen, H. Myers, Romero, King, Morris, Forner, Leonard, Brown, Wang, Finkbeiner, Holm, Eide, Karahalios, G. Cole, Ogden, Jones, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, Cothorn, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, Vance, Brough, Schmidt, Cooke and Brumsickle

Recodifying RCW 41.26.281.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Orr, Heavey, R. Meyers, King, Campbell and Riley spoke in favor of passage of the bill.

Representatives Sommers and Lisk spoke against the passage of the bill.

POINT OF INQUIRY

Representative Sommers yielded to a question by Representative Lisk.

Representative Lisk: Representative, as one of the original authors of the 1977 LEOFF II systems, was the intent to allow employees under the LEOFF II system the right to sue?

Representative Sommers: I think I had made it clear. The intent was that officers would be included under industrial insurance, the standard procedure for industrial insurance and that they would not under have the right to sue. Yes, I was the prime sponsor of that legislation and it's very clear in my mind that the intent of the legislature was to provide industrial insurance to these members but they were to be treated as everyone else in industrial insurance is treated; that they do not have the right to sue.

POINT OF ORDER

Representative Heavey: Mr Speaker that is an inappropriate question. It does not speak to the matter of the bill before us. RCW 41.26.280, the LEOFF I language says, with permission of the Speaker, the injury or death resulting to a member from intentional negligent act or admission the governmental employer of the member, the

widow, widower, child or dependant of the member, shall have the privilege to benefit under this chapter and also have the cause of action against the governmental employer as otherwise provided by law. In other words, the right to sue for intentional or negligent acts. The bill, prime sponsored by Representative H. Sommers in 1977, said the provisions to the following sections of this chapter, meaning the same chapter as I just quoted, shall apply only to persons who establish membership in the retirement system on or before September 30th 1977. In other words, the following sections that are going to be listed only apply to left one people. They get up, right up, and find sections and they leave off the section I just quoted. Implication in the law held by superior court, three superior court judges have ruled that section 280 also applies to left two members, that they have the right to sue in addition to workers compensation covers. I think its very clear in the bill by the lady from the 36th district that is the way the legislature intended it to be and I'm sorry we have to debate this, I urge your support.

Representatives Orr and Heavey again spoke in favor of the bill.

Representative Lisk spoke again spoke against the bill.

Representative Heavey requested a point of order and it was denied.

Representative Zellinsky demanded the previous question and the demand was sustained.

On motion of Representative Wood, Representatives Ballard and Miller were excused.

The Speaker stated the question before the House to be final passage of House Bill No. 1295.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1295 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Mielke, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Schmidt, Scott, Shin, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 73.

Voting nay: Representatives Brumsickle, Casada, Chandler, Chappell, Cole, G., Dyer, Edmondson, Fisher, R., Fuhrman, Hansen, Lisk, Long, Morton, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Sommers, Stevens and Wang - 22.

Excused: Representatives Ballard, Miller and Roland - 3.

House Bill No. 1295, having received the constitutional majority was declared passed.

STATEMENT FOR THE JOURNAL

I erred in voting on final passage of House Bill No. 1295. I meant to vote "yes" on this bill.

BETTY EDMONDSON, 14th District

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Monday, March 1, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

FORTY-SEVENTH DAY, FEBRUARY 26, 1993

JOURNAL OF THE HOUSE

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

FIFTIETH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 1, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matt Coffey and Amy Bacon. Prayer was offered by Reverend Hilton Jarvis, Minister of Lacey Baptist Church.

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

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

INTRODUCTIONS AND FIRST READING

HB 2079 by Representatives Conway, Campbell, Dorn, J. Kohl, Forner, Riley, Long, Mastin, Padden, Jones and Johanson

AN ACT Relating to concealed weapon licenses; amending RCW 9.41.050, 46.20.270, and 46.20.285; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2080 by Representatives Ballard, Peery, G. Fisher, Foreman, Romero, Fuhrman, Cothorn, Thibaudeau, Van Luven, Wang, Morris, Anderson, Brumsickle, Sheldon, Silver, Brough, Mielke, Johanson, Padden, L. Johnson, Kremen, Eide, Chandler, Edmondson, Wood, Cooke, Miller, J. Kohl, Stevens, Reams, Schoesler, Ballasiotes and Horn

AN ACT Relating to exempting juvenile newspaper carriers from business and occupation tax; adding a new section to chapter 82.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Revenue.

HB 2081 by Representative Springer

AN ACT Relating to financing the construction, maintenance, and marketing of facilities for tourists visiting the Mt. St. Helens national volcanic monument; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Local Government.

HB 2082 by Representatives Peery and Orr

AN ACT Relating to retirement eligibility for plan I members of the teachers' retirement system employed under multiyear contracts; amending RCW 28A.400.212; amending 1992 c 234 s 8 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2083 by Representatives Lemmon and Orr

AN ACT Relating to eminent domain by cities; and amending RCW 8.12.030.

Referred to Committee on Judiciary.

HB 2084 by Representatives Brough, Eide, Patterson, G. Fisher, Heavey and Valle

AN ACT Relating to port districts; and amending RCW 53.36.020 and 53.36.100.

Referred to Committee on Local Government.

HJM 4019 by Representatives Dyer, Zellinsky, Tate, Ballasiotes, Schmidt, Vance, Padden, Kremen, Scott, Grant, Forner, Stevens, Brough, Mielke, Silver, Morton, Foreman, Reams, Sheahan, Thomas, Sehlin, Fuhrman, Horn, Miller, Casada, Ballard, Brumsickle, Chandler, Edmondson and Cooke

Requesting Congress to allow medical care savings accounts.

Referred to Committee on Health Care.

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

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

REPORTS OF STANDING COMMITTEES

February 25, 1993

HB 1070 Prime Sponsor, Representative Ludwig: Increasing sentences for persons who commit certain crimes while armed with a firearm. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Referred to Committee on Appropriations.

February 25, 1993

HB 1110 Prime Sponsor, Representative Vance: Prescribing treatment for sexually aggressive youth. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1153 Prime Sponsor, Representative R. Johnson: Restricting property divisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Dunshee; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Assistant Ranking Minority Member; R. Fisher; Horn; and Van Luven.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1203 Prime Sponsor, Representative Leonard: Modifying provisions of the department of social and health services' job training program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Ballasiotes, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1209 Prime Sponsor, Representative Peery: Reforming education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Vance.

MINORITY recommendation: Do not pass. Signed by Representative Stevens.

Excused: Representative Roland.

Referred to Committee on Appropriations.

February 25, 1993

HB 1309 Prime Sponsor, Representative King: Protecting and recovering wild salmonids. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman, Ranking Minority Member;

Referred to Committee on Appropriations.

February 25, 1993

HB 1337 Prime Sponsor, Representative Locke: Making changes regarding maternity care services and family planning. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Patterson; and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk and Padden.

Excused: Representative Wolfe.

Referred to Committee on Appropriations.

February 25, 1993

HB 1371 Prime Sponsor, Representative Fuhrman: Protecting the privacy of certain information collected for emergency communications networks. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1415 Prime Sponsor, Representative G. Cole: Modifying the imprinting law for over-the-counter medications in solid dosage form. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 13, strike "1994" and insert "~~(1994)~~ 1995"

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Thibaudeau; and Veloria.

Excused: Representative Morris.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1469 Prime Sponsor, Representative L. Johnson: Clarifying that the department of social and health services is not required to reimburse certain health care costs under the limited casualty program. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; and Padden.

MINORITY recommendation: Do not pass. Signed by Representative Riley.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1471 Prime Sponsor, Representative King: Regulating the non-Puget Sound coastal commercial crab fishery. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Referred to Committee on Appropriations.

February 26, 1993

HB 1480 Prime Sponsor, Representative G. Fisher: Subjecting certain travel trailers and campers to ad valorem taxation. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1481 Prime Sponsor, Representative G. Fisher: Modifying taxation of ships and vessels. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:
On page 2, beginning on line 15, after "listed." strike all material through line 21

On page 5, beginning on line 33, strike all of subsection (6) and renumber the remaining subsection consecutively and correct internal references accordingly

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1490 Prime Sponsor, Representative Wineberry: Providing for child care. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1514 Prime Sponsor, Representative Kessler: Requiring the board of directors of the Olympic natural resources center to administer the Olympic natural resources center. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1516 Prime Sponsor, Representative Ludwig: Prescribing penalties for criminal street gang activities. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; L. Johnson; Ogden; Riley; and Padden.

MINORITY recommendation: Do not pass. Signed by Representative G. Cole.

Referred to Committee on Appropriations.

February 25, 1993

HB 1521 Prime Sponsor, Representative Valle: Funding the state auditor municipal corporation division. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn;

Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Ballasiotes, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1527 Prime Sponsor, Representative Linville: Modifying funding of the dependent care program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Ballasiotes, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1528 Prime Sponsor, Representative Dunshee: Modifying the state's cash management system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; and Wolfe.

Excused: Representatives Ballasiotes, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1574 Prime Sponsor, Representative Leonard: Changing vendor rates for children's services providers. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Referred to Committee on Appropriations.

February 26, 1993

HB 1587 Prime Sponsor, Representative Ogden: Helping single parents obtain a higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1608 Prime Sponsor, Representative Riley: Providing additional services to foster parents. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Referred to Committee on Appropriations.

February 25, 1993

HB 1628 Prime Sponsor, Representative Leonard: Enhancing childhood immunization. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Referred to Committee on Appropriations.

February 25, 1993

HB 1632 Prime Sponsor, Representative Anderson: Modifying funeral expenses of a deceased person. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1637 Prime Sponsor, Representative Conway: Including municipal street railways in the definition of public work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1645 Prime Sponsor, Representative Anderson: Changing provisions relating to initiatives and referenda. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; King; and Pruitt.

Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1677 Prime Sponsor, Representative Brown: Developing chemical dependency services for victims of sexual assault and domestic violence. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1681 Prime Sponsor, Representative Eide: Requiring a statement of responsibility to accompany political advertising. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; King; and Pruitt.

Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1690 Prime Sponsor, Representative Rust: Changing provisions relating to hazardous waste permits. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Bray; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; and Edmondson.

Excused: Representative Roland.

Referred to Committee on Revenue.

February 25, 1993

HB 1695 Prime Sponsor, Representative G. Fisher: Changing provisions relating to port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Edmondson, Ranking Minority Member; Horn; and Zellinsky.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1705 Prime Sponsor, Representative L. Johnson: Extending the involuntary treatment act to cover the commitment of chemically dependent adults. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1719 Prime Sponsor, Representative Anderson: Changing the citizens' commission on salaries for elected officials. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Conway; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representative Campbell.

Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1757 Prime Sponsor, Representative Heavey: Requiring continuing education for electricians. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1769 Prime Sponsor, Representative Linville: Expanding the authority of the interagency committee for outdoor recreation regarding recreational trails. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1773 Prime Sponsor, Representative Pruitt: Adding certain miniature models to boiler regulation exemptions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1779 Prime Sponsor, Representative Chandler: Creating a hazardous substances incineration response tax. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Bray; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; and Edmondson.

Excused: Representative Roland.

Referred to Committee on Revenue.

February 25, 1993

HB 1781 Prime Sponsor, Representative Chandler: Allowing counties to assess fees for hazardous waste incineration. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Horn, Ranking Minority Member and Van Luven, Assistant Ranking Minority Member.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1784 Prime Sponsor, Representative Locke: Allowing retired and disabled school employees to purchase health care insurance from the state health care authority. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Ballasiotes, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1809 Prime Sponsor, Representative Locke: Permitting the pooling of department of natural resources trust management accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Talcott; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Morton; Sheahan; and Stevens.

Excused: Representatives Ballasiotes, Leonard, and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1814 Prime Sponsor, Representative Hansen: Requiring additional financial responsibility for hazardous waste disposal facilities that incinerate hazardous wastes or substances. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

MINORITY recommendation: Without recommendation. Signed by Representative Horn, Ranking Minority Member;

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1816 Prime Sponsor, Representative Chandler: Requiring monitoring of farm and agricultural land, crops, and livestock that may be affected by discharges emissions from hazardous waste incinerators. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representative Horn, Ranking Minority Member;

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1837 Prime Sponsor, Representative Kessler: Regulating credit for reinsurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1839 Prime Sponsor, Representative R. Johnson: Investing by domestic insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1849 Prime Sponsor, Representative Zellinsky: Providing for security of automated teller machines and night depositories. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1853 Prime Sponsor, Representative Ogden: Creating an historic resources and local government task force. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Referred to Committee on Appropriations.

February 25, 1993

HB 1855 Prime Sponsor, Representative Zellinsky: Enabling accreditation of the insurance commissioner. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Referred to Committee on Appropriations.

February 25, 1993

HB 1858 Prime Sponsor, Representative Brown: Providing for periodic case review for children in substitute care. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1866 Prime Sponsor, Representative Anderson: Requiring an oath of office for state legislators. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; King; and Pruitt.

Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1896 Prime Sponsor, Representative Quall: Authorizing counties composed of islands to use the retail excise tax for any capital purpose identified in a capital improvements plan. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Romero; Springer; and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Bray, Vice Chair; Edmondson, Ranking Minority Member; Horn; Rayburn; and Zellinsky.

Referred to Committee on Revenue.

February 25, 1993

HB 1907 Prime Sponsor, Representative Wineberry: Penalizing carriers that exceed estimates for moving household goods. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Finkbeiner; Forner; Fuhrman; Hansen; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative Eide and Heavey.

Passed to Committee on Rules for second reading.

February 25, 1993

HB 1915 Prime Sponsor, Representative Patterson: Allowing less restrictive easements concerning aircraft noise. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1943 Prime Sponsor, Representative Brumsickle: Allowing community and technical college foundations to manage funds for their exceptional faculty awards. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Referred to Committee on Appropriations.

February 25, 1993

HB 2028 Prime Sponsor, Representative Orr: Requiring notice to retirement system members who are eligible to restore contributions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Ballasiotes, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

February 25, 1993

HJM 4002 Prime Sponsor, Representative Franklin: Requesting Congress and the President to amend the Hatch Act to allow greater political participation by federal workers. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Voloria, Vice Chair; Campbell; Conway; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Ranking Minority Member and Vance, Assistant Ranking Minority Member.

Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills and memorial listed on today's committee reports, under the fifth order of business were referred to the committees so designated.

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

MOTION

Representative Peery moved that the House immediately consider in the following order House Bill No. 1708, House Joint Memorial No. 4005 and House Bill No. 1007 on today's second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1708, by Representatives Peery, Ballard, Dorn, Brough, Jones, Pruitt, Cothorn, Basich, Hansen, Roland, Fuhrman, Jacobsen, Ogden, Karahalios, J. Kohl, H. Myers and Johanson

Increasing the membership of the commission on student learning.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 33rd Day, February 12, 1993.)

Representative Dorn moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Wood, Representatives Casada and Schmidt were excused.

On motion of Representative J. Kohl, Representatives Ogden, Chappell, Mastin, Locke, Appelwick, G. Fisher, and Anderson were excused.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peery and Brough spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1708.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1708 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 1, Excused - 8.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Absent: Representative Morris - 1.

Excused: Representatives Anderson, Appelwick, Casada, Chappell, Fisher, G., Mastin, Ogden and Schmidt - 8.

Engrossed House Bill No. 1708, having received the constitutional majority, was declared passed

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Basich, Linville, Kessler, Riley, Romero, Orr, Brumsickle, Chappell, Leonard, Quall, Jacobsen, Ballard, Dunshee, Miller, Heavey, Sheldon, Anderson, Eide, Bray, Lemmon, G. Cole, Kremen, Vance, Wineberry, Pruitt, Sheahan, Campbell, King, Cothorn, Flemming, Johanson, Padden, Schoesler, J. Kohl and Lisk

Asking the White House to condemn rape and ethnic cleansing in Bosnia and create a war crimes tribunal.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended the second reading considered the third and the bill was placed on final passage.

Representatives Basich, Reams and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4005.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4405 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 1, Excused - 7.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Absent: Representative Morris - 1.

Excused: Representatives Anderson, Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 7.
House Joint Memorial No. 4005, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1007, by Representatives R. Fisher, Zellinsky, Brumsickle, R. Meyers, Miller, G. Cole, Scott, Basich, Dunshee, Wood, Schmidt, Forner, Jacobsen, Franklin, Eide, Flemming, Horn and J. Kohl

Enhancing state-wide transportation planning.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 31st Day, February 10, 1993.)

Representative R. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1007.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1007 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 1, Excused - 7.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Absent: Representative Morris - 1.

Excused: Representatives Anderson, Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 7.

Engrossed House Bill No. 1007, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1021, by Representatives Springer, H. Myers and Morris

Changing provisions relating to municipal ordinances.

House Bill No. 1021 was read the second time.

On motion of Representative H. Myers, Substitute House Bill No. 1021, was substituted for House Bill No. 1021 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1021 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1021.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1021, and the bill passed the House by the following vote: Yeas - 85, Nays - 5, Absent - 1, Excused - 7.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 85.

Voting nay: Representatives Cooke, Fisher, R., Forner, Van Luven and Zellinsky - 5.

Absent: Representative Morris - 1.

Excused: Representatives Anderson, Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 7.

Substitute House Bill No. 1021, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1077, by Representatives Ludwig, Padden, Appelwick, Orr, Johanson and Karahalios

Providing for the revocation of nonprobate asset arrangements for divorce or invalidation of marriage.

House Bill No. 1077 was read the second time.

On motion of Representative Ludwig, Substitute House Bill No. 1077 was substituted for House Bill No. 1077 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1077 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ludwig spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1077.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1077 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Excused: Representatives Anderson, Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 7.

Substitute House Bill No. 1077, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1112, by Representatives Van Luven, Scott, Fuhrman, Dellwo, Reams, Mielke, Schmidt, Zellinsky, Franklin, Foreman, Wood, Brough and Miller

Restricting the cancellation of certain health insurance policies.

House Bill No. 1112 was read the second time.

On motion of Representative Zellinsky, Substitute House Bill No. 1112 was substituted for House Bill No. 1112 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1112 was read the second time.

Representative Zellinsky and Van Luven spoke against the substitute bill and it failed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1112.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1112 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Excused: Representatives Anderson, Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 7.

House Bill No. 1112, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer consideration of House Bill No. 1127, and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1133, by Representatives Kremen, Ballasiotes, Ludwig, Long, Riley, H. Myers, Zellinsky, Schmidt, Padden, Fuhrman and Johanson

Allowing the assignment of claims for unlawful conversion of goods and unlawful leaving without paying.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kremen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1133.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1133 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 6.

House Bill No. 1133, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1142, by Representatives Zellinsky, Mielke, R. Meyers and Tate; by request of Dept of General Administration, Div of Banking

Requiring a bond for a license to sell checks, drafts, or money orders.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1142.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1142 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Absent: Representative Ballard - 1.

Excused: Representatives Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 6.

House Bill No. 1142, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I did not push the "YES" button on House Bill No. 1142 in time to record my vote. I wish to be recorded as a yes vote.

CLYDE BALLARD, 12th District

HOUSE BILL NO. 1143, by Representatives Van Luven, G. Fisher, Reams, Bray, Edmondson, Brough and Springer

Providing a procedure for consolidating cities or towns.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading the third and the bill was placed on final passage.

Representatives Van Luven and H. Myers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1143.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1143 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Absent: Representative Ludwig - 1.

Excused: Representatives Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 6.

House Bill No. 1143, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I was present and had intended to vote "YES" on House Bill No. 1143 but failed to push the button in time.

CURTIS LUDWIG, 8th District

HOUSE BILL NO. 1174, by Representatives Jacobsen, Dellwo, Brumsickle, Ogden, J. Kohl, G. Cole, R. Fisher, Dunshee, Pruitt, Van Luven, Johanson, Wood, Leonard and Basich

Regarding the study of American Indian languages and cultures.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1174.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1174 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 6.

House Bill No. 1174, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1206, by Representatives Leonard, Cooke, Riley, Chappell, Brough, Horn and Wood; by request of Department of Social and Health Services

Updating statutes for rehabilitation services for handicapped persons.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1206.

ROLL CALL

The Clerk called the roll on final passage on House Bill No. 1206 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 6.

House Bill No. 1206, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Joint Memorial No. 4010 on the second reading calendar. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4010, by Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen

Expressing opposition to sanctions on federal highway funds.

House Joint Resolution No. 4010 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives R. Fisher and Mielke spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4010 and the memorial passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Appelwick, Casada, Chappell, Mastin, Ogden and Schmidt - 6.

House Joint Memorial No. 4010, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

MOTION

On motion of Representative Peery, the House adjourned until 3:30 p. m., Wednesday, March 3, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

FIFTIETH DAY, MARCH 1, 1993

JOURNAL OF THE HOUSE

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

FIFTY-SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, March 3, 1993

The House was called to order at 3:30 p.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heather Hudson and Kelli Lang. Prayer was offered by Reverend Hilton Jarvis of Lacey Baptist Church.

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

SPEAKER'S PRIVILEGES

The Speaker (Representative R. Meyers presiding) introduced the court of the 1993 Apple Blossom Festival, which included Queen Kristie Marie Adamson, Princesses Marie Louise Davis, Anna L. Shaw, Shawnee Elizabeth Effinjur, Jennifer Ann Netz, and Candida Melinda Cheryl. Queen Kristi Marie Adamson briefly addressed the members of the House of Representatives.

The Speaker (Representative R. Meyers presiding) introduced Dr. Bosco Shawn-Uk Kim of Korea.

Dr. Bosco Hyun-Uk Kim: Honorable Brian Ebersole, Speaker of the House; distinguished members of the House; and ladies and gentlemen:

I feel honored and humbled to stand before you to bring a greeting from my people in Korea. Several years ago I had the privilege of addressing the joint session of the Senate and House in this great assembly hall. They looked impressive and great, but you folks look even better.

I am especially grateful to you for welcoming one of my countrymen in your midst, Representative Paul Shin, my colleague and best friend. As the first Korean American to serve in the state legislature, we are very proud of him and above all, because of him, all Koreans are coming to know your great state of Washington.

As you know, Korea just completed its presidential election, and we elected the first civilian president. We are indeed on the way to full democracy.

In retrospect I don't think this would have been possible without the longstanding and amicable relations between your country and mine. In 1945 it was your country who liberated Korea from Japanese colonialism. In 1950, when the Communists invaded South Korea, it was you who came to our aid; even giving your blood, for purposes perhaps unknown at the time. It was you who accepted into your country to receive higher education hundreds of thousands of Korean students who then returned to Korea to help rebuild their country. And it is you who continue to foster this alliance; politically, militarily and economically between your country and mine.

From this partnership Korea has risen from abject poverty into a respectable, industrial nation, and above all to an independent democratic state.

For these reasons I bring my hearty thank you and warm feelings of friendship from my people. Personally, I feel because I have so many good friends like you and Paul Shin; Washington is like my second home.

Thank you again. Auf Wiedersehen: Until we meet again.

The Speaker assumed the chair.

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

INTRODUCTIONS AND FIRST READING

HB 2085 by Representative Carlson

AN ACT Relating to boundary review boards; amending RCW 36.93.090; and creating a new section.

Referred to Committee on Local Government.

HB 2086 by Representatives Talcott, Eide, Kessler, Cothorn, Shin, Reams, Finkbeiner, Schoesler, Ballasiotes, Sheahan, Mastin, Johanson, Foreman, Stevens, Cooke, Veloria, Dyer, Flemming, Thomas, Hansen and Chappell

AN ACT Relating to adopting the budget before the end of the regular session held during an odd-numbered year; amending RCW 43.88.080; and adding a new section to chapter 43.03 RCW.

Referred to Committee on Appropriations.

HB 2087 by Representatives Cothorn, Karahalios, Wang, Romero, G. Fisher, Rust, Holm, G. Cole, Eide, Dorn, Sommers, Heavey, L. Johnson, Anderson, Locke, Kessler, J. Kohl and Brown

AN ACT Relating to revision of the tax system; and creating a new section.

Referred to Committee on Revenue.

HB 2088 by Representatives Wineberry, Forner, Locke, Chandler, Shin, Wood, Conway, Ballard, Valle, Campbell, Peery, Morris, Springer and Silver

AN ACT Relating to reorganization of state agencies; amending RCW 28C.18.060, 43.17.010, 43.17.020, 19.85.020, 42.17.319, 43.17.065, 43.20A.750, 43.31.057, 43.31.085, 43.31.205, 43.31.409, 43.31.411, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.526, 43.31.641, 43.31.830, 43.31.840, 43.31.850, 43.160.020, 43.168.020, 43.210.110, 43.63A.066, 43.63A.075, 43.63A.115, 43.63A.155, 43.63A.220, 43.63A.230, 43.63A.245, 43.63A.247, 43.63A.260, 43.63A.275, 43.63A.300, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.450, 43.63A.460, 43.63A.600, and 43.105.020; reenacting and amending RCW 42.17.310; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 43.31.005, 43.31.015, 43.31.025, 43.31.035, 43.31.045, 43.31.055, 43.31.065, 43.31.075, 43.31.095, 43.31.097, 43.31.105, 43.31.115, 43.31.130, 43.31.135, 43.31.373, 43.31.375, 43.31.377, 43.31.379, 43.31.381, 43.31.383, 43.31.387, 43.31.430, 43.31.432, 43.31.434, 43.31.436, 43.31.438, 43.31.440, 43.31.442, 43.31.651, 43.31.790, 43.31.800, 43.31.810, 43.31.820, 43.63A.020, 43.63A.030, 43.63A.040, 43.63A.050, 43.63A.060, 43.63A.065, 43.63A.078, 43.63A.095, 43.63A.100, 43.63A.130, 43.63A.140, 43.63A.210, and 43.63A.560.

Referred to Committee on Trade, Economic Development & Housing.

HB 2089 by Representatives Roland and Vance

AN ACT Relating to a performing arts center for Enumclaw; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2090 by Representatives Dellwo and R. Meyers

AN ACT Relating to fees for preparation of loan documents, pledges, or reports by pawnbrokers and second-hand dealers; and amending RCW 19.60.010 and 19.60.060.

Referred to Committee on Financial Institutions & Insurance.

HB 2091 by Representative Heavey

AN ACT Relating to state government; amending RCW 41.56.100, 41.06.150, 28B.16.100, and 28B.16.200; reenacting and amending RCW 41.56.030 and 41.04.230; adding new sections to chapter 41.56 RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2092 by Representatives Tate, Silver, Mielke, Vance, Brumsickle, Brough, Stevens, Dyer, Talcott, Carlson, Horn, Cooke, Chandler, Ballasiotes, Lisk, Morton, Ballard, Fuhrman, Van Luven, Schoesler, Sehlin, Padden, Sheahan and Casada

AN ACT Relating to limitations on state revenues; amending RCW 43.135.060 and 43.84.092; adding new sections to chapter 43.135 RCW; adding a new section to chapter 82.33 RCW; adding a new section to chapter 43.88 RCW; creating new sections; repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, 43.88.540, 43.135.010, 43.135.020, 43.135.030, 43.135.040, 43.135.050, 43.135.070, 43.135.900, and 43.135.901; and declaring an emergency.

Referred to Committee on Revenue.

HJM 4020 by Representatives Hansen, Chandler and Fuhrman

Asking Congress not to designate Hanford Reach a wild and scenic river or national wildlife refuge.

Referred to Committee on Natural Resources & Parks.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 25, 1993

HB 1006 Prime Sponsor, Representative R. Fisher: Enabling public-private transportation initiatives. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Finkbeiner; Forner; Fuhrman; Hansen; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative Eide and Heavey.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1094 Prime Sponsor, Representative Orr: Authorizing contracts between institutions of higher education and students to ensure availability of courses offered in sequences. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1146 Prime Sponsor, Representative Heavey: Requiring compliance with chapter 39.12 RCW of public works. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments: On page 1, beginning on line 8, after "lease," strike all material through "municipality" on line 10 and insert "or purchase at least fifty percent of the project by one or more state agencies or municipalities"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Morton; Sehlin; Sheahan; Stevens; and Talcott.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1198 Prime Sponsor, Representative Leonard: Implementing recommendations of the juvenile issues task force. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1220 Prime Sponsor, Representative Chappell: Revoking drivers' licenses for certain felonies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1221 Prime Sponsor, Representative G. Cole: Centralizing poison information services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1229 Prime Sponsor, Representative Romero: Making state agencies subject to growth management rules and impact fees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Referred to Committee on Appropriations.

February 26, 1993

HB 1327 Prime Sponsor, Representative Heavey: Changing provisions relating to telephone solicitations. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Excused: Representative Miller, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1387 Prime Sponsor, Representative Riley: Forfeiting vehicles used by repeat drunk drivers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1393 Prime Sponsor, Representative G. Cole: Providing for periodic adjustments of the state minimum wage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1399 Prime Sponsor, Representative Orr: Prohibiting unauthorized liquefied petroleum gas container use. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Excused: Representative Miller, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1452 Prime Sponsor, Representative Riley: Specifying information that must be made available to parties affected by adoption. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Excused: Representatives Patterson and Wolfe.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1457 Prime Sponsor, Representative Peery: Raising the minimum dollar amount requiring competitive bidding by school districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Stevens and Vance.

Excused: Representative Roland.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1500 Prime Sponsor, Representative R. Johnson: Modifying hearing aid regulatory authority. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1512 Prime Sponsor, Representative Brough: Changing provisions relating to dependent children. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1532 Prime Sponsor, Representative Veloria: Creating an interim permit for physical therapist licensure candidates. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Rules for second reading.

February 24, 1993

HB 1577 Prime Sponsor, Representative Dellwo: Reforming health care. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Appelwick; Campbell; Conway; Flemming; R. Johnson; Morris; Thibaudeau; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Cooke; Lisk; Mastin; and Mielke.

Referred to Committee on Revenue.

March 1, 1993

HB 1578 Prime Sponsor, Representative L. Johnson: Revising provisions relating to offenders under the jurisdiction of the department of corrections. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1592 Prime Sponsor, Representative Springer: Adjusting bid limitations for cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Referred to Committee on Appropriations.

March 1, 1993

HB 1595 Prime Sponsor, Representative Bray: Concerning elected officials as members of the public employee retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1623 Prime Sponsor, Representative Thibaudeau: Authorizing use of foster care services funds for therapeutic child care. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Thibaudeau; and Wolfe.

Excused: Representative Patterson

Referred to Committee on Appropriations.

February 26, 1993

HB 1673 Prime Sponsor, Representative Roland: Creating the aerospace industry legislative task force. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representatives Casada and Morris.

Referred to Committee on Appropriations.

March 2, 1993

HB 1689 Prime Sponsor, Representative Chappell: Making it a misdemeanor to impersonate a law enforcement officer. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second Reading.

March 1, 1993

HB 1693 Prime Sponsor, Representative Thibaudeau: Authorizing issuance of credit cards to foster parents for expenses relating to care and support of foster children. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk and Padden.

Referred to Committee on Appropriations.

February 26, 1993

HB 1694 Prime Sponsor, Representative Dellwo: Modifying the examination of health profession candidates for credentialing. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representative R. Johnson.

Referred to Committee on Appropriations.

March 2, 1993

HB 1728 Prime Sponsor, Representative Appelwick: Correcting unconstitutional provisions relating to resident employees on public works. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1731 Prime Sponsor, Representative Jones: Exempting certain public works involving electrical generating systems from bid laws. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Horn and Van Luven.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1752 Prime Sponsor, Representative Grant: Changing telephone relay service provisions. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Long; and Ludwig.

MINORITY recommendation: Without recommendation. Signed by Representative Kremen.

Excused: Representative Casada, Ranking Minority Member.

Referred to Committee on Revenue.

March 1, 1993

HB 1753 Prime Sponsor, Representative Leonard: Modifying provisions for juvenile structured transition services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk and Padden.

Referred to Committee on Appropriations.

March 1, 1993

HB 1758 Prime Sponsor, Representative Chappell: Including public safety directors in the definition of "law enforcement officer." Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1795 Prime Sponsor, Representative J. Kohl: Regulating vehicular pursuit. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1799 Prime Sponsor, Representative Wineberry: Clarifying the use of funds for economic development by the economic development finance authority. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Morris; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representatives Casada and Quall.

Referred to Committee on Capital Budget.

February 26, 1993

HB 1800 Prime Sponsor, Representative Ogden: Funding the office of minority and women's business enterprises. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representatives Casada, Morris and Quall.

Referred to Committee on Appropriations.

March 1, 1993

HB 1806 Prime Sponsor, Representative Bray: Changing regulation and licensure of well contractors and operators. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member; Edmondson; and Sheahan.

Referred to Committee on Revenue.

March 1, 1993

HB 1808 Prime Sponsor, Representative Shin: Creating the Washington council on international trade. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Casada.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1818 Prime Sponsor, Representative Karahalios: Providing for military dependent communities. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Casada.

Referred to Committee on Appropriations.

March 2, 1993

HB 1833 Prime Sponsor, Representative Jacobsen: Conforming statutes relating to firearm handling by minors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1859 Prime Sponsor, Representative Brown: Establishing short-term emergency services for runaways. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Brown; Karahalios; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk; and Padden.

Excused: Representative Patterson.

Referred to Committee on Appropriations.

March 2, 1993

HB 1864 Prime Sponsor, Representative Finkbeiner: Affording accelerant detection dogs the same protection as police dogs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1879 Prime Sponsor, Representative Springer: Affording local firms the maximum practicable opportunity to compete for and obtain public contracts for architectural and engineering services. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1886 Prime Sponsor, Representative Grant: Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Excused: Representative Miller, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1911 Prime Sponsor, Representative Zellinsky: Regulating fire protection districts in newly incorporated cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1912 Prime Sponsor, Representative Morris: Establishing guidelines for allowing witnesses at an execution. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; and Padden.

Excused: Representative Riley.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1953 Prime Sponsor, Representative Grant: Creating an energy siting process review committee. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Excused: Representative Miller, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 1, 1993

HB 1955 Prime Sponsor, Representative Dunshee: Concerning hearings related to improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1969 Prime Sponsor, Representative Wang: Creating the "Washington serves" voluntary service program. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Morris; Sheldon; Springer; Valle; and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Conway and Schoesler.

Excused: Representative Casada and Quall.

Referred to Committee on Appropriations.

March 3, 1993

HB 1988 Prime Sponsor, Representative Sheldon: Providing for employment and training services. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Campbell; Conway; Morris; Quall; Sheldon; Springer; and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Schoesler; and Wood.

Excused: Representative Casada.

Referred to Committee on Appropriations.

March 1, 1993

HB 1989 Prime Sponsor, Representative Wineberry: Creating grant programs to promote economic development. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Morris; Quall; Sheldon; Springer; Valle; and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Schoesler.

Excused: Representative Casada.

Referred to Committee on Appropriations.

March 2, 1993

HB 2031 Prime Sponsor, Representative Ludwig: Including spouses and dependents of civil and military personnel of Washington as state residents for higher education residency purposes. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Referred to Committee on Appropriations.

March 2, 1993

HB 2032 Prime Sponsor, Representative Appelwick: Authorizing counties with a population of one million or more to have family court and mental health commissioners. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 2048 Prime Sponsor, Representative Jacobsen: Allowing donations subject to conditions to be deposited in the American Indian scholarship endowment fund. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 2069 Prime Sponsor, Representative Mielke: Allowing institutions of higher education to cash student's and employee's checks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representative Dorn.

Passed to Committee on Rules for second reading.

March 1, 1993

HJM 4009 Prime Sponsor, Representative R. Johnson: Petitioning for consistency and flexibility of actions of the United States Army Corps of Engineers and the Federal Emergency Management Agency with regard to flood projects. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 26, 1993

HJM 4011 Prime Sponsor, Representative J. Kohl: Calling on the federal government to ensure affordable housing. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representatives Casada, Morris and Quall.

Passed to Committee on Rules for second reading.

February 26, 1993

HJM 4013 Prime Sponsor, Representative Kessler: Petitioning the federal government for coastal economic recovery investment. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representatives Casada, Morris and Quall.

Passed to Committee on Rules for second reading.

March 2, 1993

HJM 4014 Prime Sponsor, Representative R. Johnson: Asking the President and Congress to implement comprehensive natural resource management programs. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Excused: Representative Linville.

Passed to Committee on Rules for second reading.

March 1, 1993

HJM 4015 Prime Sponsor, Representative Veloria: Requesting the Philippines to keep its consulate open. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representative Vance, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 1, 1993

HCR 4406 Prime Sponsor, Representative J. Kohl: Creating a Joint Legislative Task Force on Educational Equity.
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Campbell;
Conway; Dyer; King; and Pruitt.

Excused: Representative Vance, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

On motion of Representative Peery, the bills, memorials and resolution listed on today's committee reports
under the fifth order of business were referred to the committees so designated.

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

MOTION

Representative Peery moved that the House immediately consider the following bills in the following order
on today's second reading calendar: House Bill No. 1127, House Bill No. 1112 and House Bill No. 1260.

SECOND READING

HOUSE BILL NO. 1127, by Representatives R. Fisher, Brumsickle, Brown, Horn, Long, Quall, Carlson and
Johanson; by request of Washington State Patrol

Controlling vehicle tax or license fee evasion.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1127
was substituted for House Bill No. 1127 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1127 was read the second time.

Representative Horn moved the following amendment by Representatives Horn and R. Fisher: On page 1,
line 19, after "RCW 46.16.028," strike all material through "evade" on page 2, line 1, and insert "~~((with willful intent to
evade))~~ evading"

Representatives Horn and R. Fisher spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative J. Kohl, Representative Leonard was excused.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and
the bill was placed on final passage.

Representatives R. Fisher, Horn and Carlson spoke in favor of passage of the bill and Representatives
Heavey and Riley spoke against the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill
No. 1127.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1127 and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Fisher, G., Fisher, R., Foreman, Forner, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Rust, Schmidt, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 77.

Voting nay: Representatives Appelwick, Ballard, Casada, Eide, Finkbeiner, Flemming, Fuhrman, Heavey, Karahalios, Lisk, Meyers, R., Mielke, Morton, Padden, Riley, Roland, Romero, Schoesler, Stevens and Vance - 20.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1127, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1212, by Representatives Dorn, Brumsickle, Hansen, Chappell, Lisk, Grant, Riley, Rayburn, Rust and Kremen

Changing the approval authority for state allocations for youth shows and fairs.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dorn and Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1212.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1212 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

House Bill No. 1212, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1260, by Representatives Linville, Horn and Rust; by request of Utilities & Transportation Commission

Modifying review of solid waste collection company tariff filings.

The bill was read the second time. On motion of Representative Rust, Substitute House Bill No. 1260 was substituted for House Bill No. 1260 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1260 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Horn spoke in favor of passage of the bill.

The Speaker stated the question to be final passage of Substitute House Bill No. 1260.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1260 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Substitute House Bill No. 1260, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative Rust presiding) called the House to order.

With consent of the House, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES (SUPPLEMENTAL & FIRST SUPPLEMENTAL)

March 3, 1993

HB 1045 Prime Sponsor, Representative Orr: Prohibiting the industrial welfare committee and the director of the department of labor and industries from limiting the hours of work by minors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Conway; Horn; King; and Veloria.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1084 Prime Sponsor, Representative Wineberry: Changing provisions relating to jury source lists. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill with the following amendments:

On page 8, beginning on line 27, after "**Sec. 14.**" strike all matter through "act." on line 33 and insert "If specific funding for section eleven of this act, referencing section eleven of this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, section eleven of this act is null and void."

On page 9, line 8, after "(3)" strike all matter through "(4)" on line 9

On page 2, line 35, after "residence." strike all matter through "number." on line 37

On page 7, line 32, after "voted." strike all matter through "number." on line 34

On page 8, beginning on line 3, strike all of section 12

On page 8, line 19, strike "social security number when available,"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1135 Prime Sponsor, Agriculture and Rural Development: Modifying the regulation of "alternative livestock."
Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Rural Development be substituted therefor and the substitute bill do pass with the following amendment: Strike everything after the enacting clause and insert the following:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that the husbandry of alternative livestock as a farming operation may provide a consistent source of healthful food, offers opportunities for new jobs and increased farm income stability, and improves the balance of trade.

The legislature finds that many areas of the state of Washington may be suitable for alternative livestock farms, and therefore the legislature encourages the promotion of appropriate alternative livestock farming activities, programs, and development with the same status as other agricultural activities, programs, and development within the state.

The legislature finds that alternative livestock farming should be considered a branch of the agricultural industry of the state for purposes of laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry within the state. The legislature further finds, however, that alternative livestock farming may pose threats to the state's wildlife, and therefore requires effective regulation to minimize these threats.

It is therefore the policy of this state to encourage the development and expansion of appropriate alternative livestock farming within the state. It is also the policy of this state to protect wildlife by providing for effective regulation of alternative livestock farming including but not limited to a disease inspection and control program for alternative livestock farming operations.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative livestock" means the following as long as they are confined by humans, raised or used in farm or ranch operations in the private sector, and produced on the farm or ranch or legally acquired for the farm or ranch: Fallow deer (dama dama); reindeer (all rangifer except rangifer tarandus caribou); and other nonresident vertebrate species listed by rules adopted jointly by the departments of agriculture and wildlife under section 5 of this act. "Alternative livestock" does not include: Wildlife species that currently exist in a wild state in the state of Washington, except that by rule which shall include methods that will ensure genetic integrity, the directors of the

department of agriculture and the department of wildlife may allow rocky mountain elk (*cervus elaphus nelsoni*) to be farmed in the same status and under the same regulatory provisions as "alternative livestock"; animals which have escaped confinement; a domestic dog (*canis familiaris*) or domestic cat (*felis domestica*); private sector aquatic products as defined in and regulated under chapter 15.85 RCW; an animal raised for release into the wild; an animal raised for the purpose of hunting that takes place in this state; an animal that is required to be identified under section 6 of this act and is not identified as required; or an animal located on, purchased from, or being transported to or from a farm or ranch that is required to be registered under section 8 of this act but is not registered as required at the time the livestock is located on, purchased from, or being transported to or from the farm or ranch.

(2) "Alternative livestock products" means the products of alternative livestock including, but not limited to, meat and meat products, velvet, antlers, horns, leather, hides, feathers, eggs, gametes, and genetic materials. "Alternative livestock products" does not include a product that is required to be identified under section 6 of this act and is not identified as required.

(3) "Department" means the department of agriculture.

NEW SECTION. Sec. 3. The department is the principal state agency for providing state marketing support services for the alternative livestock industry. The department shall exercise its authorities, including those provided by chapters 15.64, 15.65, 15.66, and 43.23 RCW, to develop a program for assisting the alternative livestock industry to market and promote the use of its products. The department shall consult the alternative livestock council in developing the program.

NEW SECTION. Sec. 4. It is unlawful to hunt or allow others to hunt for a fee, any alternative livestock or rocky mountain elk reared on or derived from an alternative livestock farm.

NEW SECTION. Sec. 5. (1) Any authority of the department of wildlife to regulate alternative livestock and alternative livestock products is limited to the authority granted by this section.

(2) The directors of the department of agriculture and the department of wildlife shall jointly adopt rules identifying species including deleterious species that may be raised in this state as alternative livestock. In identifying species under this section, the departments shall consider the risks that the presence of the animals in this state, or the concentration of their number through confinement, may pose, to the public health and safety, to the environment, to resident wildlife, and to traditional and alternative livestock. Consideration shall also be given to the ability of scientists to identify and distinguish the species and products made from such species, in all forms, based on accepted biological testing. A hybrid of an animal listed in section 2(1) of this act or identified in joint rules adopted under this subsection shall be considered to be alternative livestock only if it is expressly identified in joint rules adopted under this subsection. The animals listed in section 2(1) of this act and those identified in such joint rules constitute the only animals considered as alternative livestock under this chapter. The departments may, under jointly adopted rules, restrict the areas of the state in which animals listed in section 2(1) of this act or those identified under this subsection may be ranched or farmed.

(3) The department of agriculture and the department of wildlife may jointly adopt rules that authorize the department of agriculture to regulate the entry and intrastate movement, sale, transfer, possession, exhibition, disposition, and release of alternative livestock or alternative livestock products.

(4) Any rules adopted under this section shall specify the emergency enforcement actions that may be taken in accordance with the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 6. The director of agriculture shall, in consultation with the department of wildlife and the alternative livestock council, establish identification requirements for alternative livestock and alternative livestock products to the extent that identifying the livestock or the source or quantity of the products is necessary to permit the department of wildlife to effectively administer and enforce Title 77 RCW. The director shall also consult with the director of the department of wildlife to ensure that such rules enable the department of wildlife to enforce the programs administered under that title.

NEW SECTION. Sec. 7. The director of agriculture in consultation with the department of wildlife shall develop and administer a program of disease inspection and control for alternative livestock. The purpose of the program is to protect the alternative livestock industry from the loss of animals or productivity to disease and to

protect wildlife in this state. As used in this section "disease" means, in addition to its ordinary meaning, infestations of parasites or pests.

NEW SECTION. Sec. 8. The owner of a farm or ranch for alternative livestock shall register the farm or ranch annually with the department of agriculture. The director shall develop and maintain a registration list of all alternative livestock farms and ranches. Registered alternative livestock farms and ranches shall provide the department production statistical data. The director of agriculture shall, in consultation with the alternative livestock council, establish by rule annual registration fees sufficient to cover the costs of development of rules and the administration of this chapter and the rules adopted under this chapter. Fees collected under this section shall be deposited in the alternative livestock farm account within the agricultural local fund established in RCW 43.23.230 and shall be used solely to carry out the provisions of this chapter.

NEW SECTION. Sec. 9. The department of agriculture shall adopt rules for administering this chapter. Rules shall be adopted in accordance with chapter 34.05 RCW.

In developing and adopting rules under this chapter, the department of agriculture shall consult the alternative livestock council, the department of wildlife, appropriate federal agencies, and Indian tribes to assure the protection of state, federal, and tribal wildlife resources and to protect alternative livestock from disease that could originate from resources regulated or managed by public entities.

NEW SECTION. Sec. 10. If either the director of agriculture or the director of wildlife proposes a rule identifying a species of animal as alternative livestock under section 5 of this act or other rules of a scientific nature that are the subject of the joint rule-making authority of this chapter but the other director fails to propose the rule jointly, a scientific review board shall be assembled to make its recommendation regarding the proposed identification. The board shall be composed of: One member selected by the director of the department of agriculture and one member selected by the director of the department of wildlife. The members selected by the directors shall select a third member.

The board shall review the proposal based on the criteria for considering threats posed by section 5(2) of this act and make its recommendations to the directors of the departments of agriculture and wildlife. The directors shall consider the recommendations of the board. If the board recommends that the species be identified as alternative livestock by joint rule and either director determines not to adopt such a rule, the director so declining shall file a statement with the board and the director of the other agency specifying the director's reasons for declining.

NEW SECTION. Sec. 11. The director of agriculture and the director of wildlife shall study the needs for assuring adequate fences or other methods of enclosure for various species of alternative livestock. The directors shall jointly adopt rules establishing enclosure standards for one or more types of alternative livestock as deemed necessary to assure adequate protection to traditional farm animals, wildlife, and alternative livestock.

If an animal is not enclosed as required for the animal in rules adopted under this section or if it is found by a state wildlife or agricultural official or local law enforcement officer outside an area of an enclosure that is required for it in rules adopted under this section, the animal so unenclosed or so found is hereby declared to be a public nuisance. An owner of alternative livestock may request assistance from the department of agriculture, department of wildlife, or local law enforcement office in recapturing escaped alternative livestock and may be billed for the cost of services rendered.

Alternative livestock that escape a required enclosure shall be recaptured and impounded at a suitable facility at the owner's expense. Animals may not be returned to the owner's premises until sufficient repairs or improvement are made to assure that release will not reoccur. The owner of the animal is liable for damages that are shown to be caused by the animal during the time of the escape.

NEW SECTION. Sec. 12. The alternative livestock council of not more than seven persons is hereby created. Four members of the council shall be appointed by the director of agriculture to three-year terms. Three members of the council shall be appointed by the director of the department of wildlife to three-year terms. The director may shorten the initial term for a position on the council to stagger the expiration of terms on the council. Vacancies on the council shall be filled by the director by appointment. The council shall advise the department on all aspects of alternative livestock farming and the marketing of alternative livestock and alternative livestock products.

NEW SECTION. Sec. 13. Each owner of alternative livestock shall ensure that the livestock are confined to the property of the owner or secured at all times when not on that property. An owner who violates the requirements of this section is subject to a civil penalty in the form of a fine levied by the director of the department of agriculture as an order under chapter 34.05 RCW. The fine shall not exceed ten thousand dollars for each instance of a violation. In determining the amount of a fine, the director shall consider the risks or potential risks to the environment, resident wildlife, and traditional and alternative livestock posed by the violation.

NEW SECTION. Sec. 14. A new section is added to chapter 77.04 RCW to read as follows:

This title does not apply to alternative livestock or alternative livestock products, as defined in section 2 of this act or in rules adopted under section 5 of this act. The sole authority of the department of wildlife to regulate such alternative livestock and alternative livestock products is the authority granted by joint rules adopted under section 5 of this act.

Sec. 15. RCW 77.32.010 and 1987 c 506 s 76 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the director is required to:

- (a) Hunt for wild animals or wild birds or fish for game fish;
- (b) Practice taxidermy for profit;
- (c) Deal in raw furs for profit;
- (d) Act as a fishing guide;
- (e) Operate a game farm;
- (f) Purchase or sell anadromous game fish; or
- (g) Use department-managed lands or facilities as provided by rules adopted pursuant to this title.

(2) A permit issued by the director is required to:

- (a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;
- (b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or
- (c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department.

(4) A license or permit is not required for farming or ranching operations for alternative livestock as such livestock are defined in section 2 of this act or in rules adopted under section 5 of this act.

Sec. 16. RCW 77.32.211 and 1991 sp.s. c 7 s 4 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred eighty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred eighty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm ~~((to acquire, breed, grow, keep, and sell wildlife))~~ under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars.

(6) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars.

Sec. 17. RCW 77.12.570 and 1987 c 506 s 49 are each amended to read as follows:

The commission shall establish the qualifications and conditions for issuing a game farm license. The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 and alternative livestock as defined in section 2 of this act or in rules adopted under section 5 of this act are exempt from regulation under this section.

Sec. 18. RCW 77.12.580 and 1987 c 506 s 50 are each amended to read as follows:

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of game birds or game fish lawfully possessed as provided by rule of the director. The eggs of alternative livestock as defined in section 2 of this act or in rules adopted under section 5 of this act are exempt from regulation under this section.

Sec. 19. RCW 77.12.590 and 1987 c 506 s 51 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by rule of the director. Private sector cultured aquatic products as defined in RCW 15.85.020 and alternative livestock and alternative livestock products as defined in section 2 of this act or in rules adopted under section 5 of this act are exempt from regulation under this section.

Sec. 20. RCW 77.12.600 and 1985 c 457 s 24 are each amended to read as follows:

(1) A common carrier may transport wildlife shipped by a licensed game farmer if the wildlife is tagged, sealed, or invoiced as provided in RCW 77.12.590. Packages containing wildlife shall have affixed to them tags or labels showing the name of the licensee and the consignee.

(2) For purposes of this section, wildlife does not include private sector cultured aquatic products as defined in RCW 15.85.020 or alternative livestock or alternative livestock products as defined in section 2 of this act or in rules adopted under section 5 of this act. However, if a means of identifying such livestock or products is required by rules adopted under RCW 15.85.060 or section 6 of this act, this exemption from the definition of wildlife applies only if the ~~((aquatic))~~ livestock or products are identified in conformance with those rules.

NEW SECTION. Sec. 21. A new section is added to chapter 16.49A RCW to read as follows:

(1) Meat and meat by-products of alternative livestock, as defined in section 2 of this act or in rules adopted under section 5 of this act, whether or not such meat, meat by-products, or animals originate from within the state, shall not be sold or distributed for public consumption without prior inspection by the department, the United States department of agriculture, or another department-recognized local, state, or federal agency responsible for food safety and inspection.

(2) The department may adopt rules establishing a program for inspecting meat and meat by-products of alternative livestock. Such rules shall include a fee schedule that will provide for the recovery of the full cost of the inspection program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section. No appropriation is required for disbursement from the account. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 22. RCW 16.36.005 and 1987 c 163 s 1 are each amended to read as follows:

As used in this chapter:

"Alternative livestock" shall have the meaning as defined in section 2 of this act.

"Exotic wildlife" means any wild animal whose members do not exist in Washington in a wild state as of the effective date of this act but does not include alternative livestock as defined in section 2 of this act.

"Director" means the director of agriculture of the state of Washington or his authorized representative.

"Department" means the department of agriculture of the state of Washington.

"Garbage" means the solid animal and vegetable waste and offal together with the natural moisture content resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, markets, meat shops, packing houses and similar establishments or any other food waste containing meat or meat products.

"Veterinary biologic" means any virus, serum, toxin, and analogous product of natural or synthetic origin, or product prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components intended for use in the diagnosis, treatment, or prevention of diseases in animals.

Sec. 23. RCW 16.36.010 and 1927 c 165 s 2 are each amended to read as follows:

The word "quarantine" as used in this act shall mean the placing and restraining of any animal or animals by the owner or agents in charge thereof, either within a certain described and designated enclosure or area within this state, or the restraining of any such animal or animals from entering this state, as may be directed in writing by the director of agriculture, or his or her duly authorized representative. Any animal or animals so quarantined within the state shall at all times be kept separate and apart from other (~~domestic~~) animals and not allowed to have anything in common therewith.

Sec. 24. RCW 16.36.020 and 1987 c 163 s 2 are each amended to read as follows:

The director shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting animals within, in transit through and being imported into the state. The director may establish and enforce quarantine of and against any and all (~~domestic~~) animals which are affected with any such disease or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he or she deems necessary to determine whether any such animal is infected with any such disease. The director shall also enforce and administer the provisions of this chapter pertaining to garbage feeding and when garbage has been fed to swine, the director may require the disinfection of all facilities, including yard, transportation and feeding facilities, used for keeping such swine.

The director shall also have the authority to regulate the sale, distribution, and use of veterinary biologics in the state and may adopt rules to restrict the sale, distribution, or use of any veterinary biologic in any manner the director determines to be necessary to protect the health and safety of the public and the state's animal population.

The director shall also have the authority to adopt rules governing the importation and care of alternative livestock. In adopting such rules, the department shall consult with the department of wildlife of the state of Washington.

Sec. 25. RCW 16.36.050 and 1979 c 154 s 11 are each amended to read as follows:

It shall be unlawful for any person to intentionally falsely make, complete, alter, use, or sign an animal health certificate, certificate of veterinary inspection, or official written animal health instrument of the department of agriculture. It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any domestic animals, exotic wildlife, or alternative livestock without first having secured an official health certificate or certificate of veterinary inspection, certified by the state veterinarian of origin that such animals meet the health requirements (~~(promulgated)~~) adopted by the director of agriculture of the state of Washington: PROVIDED, That this section shall not apply to domestic animals imported into this state for immediate slaughter, or domestic animals imported for the purpose of unloading for feed, rest, and water, for a period not in excess of twenty-eight hours except upon prior permit therefor secured from the director of agriculture. It shall be unlawful for any person to divert en route for other than to an approved, inspected stockyard for immediate slaughter or to sell for other than immediate slaughter or to fail to slaughter within fourteen days after arrival, any animal imported into this state for immediate slaughter. It shall be unlawful for any person, railroad, transportation company, or other common carrier, to keep any domestic animals which are unloaded for feed, rest and water in other than quarantined pens, or not to report any missing animals to the director of agriculture at the time the animals are reloaded.

Sec. 26. RCW 16.36.040 and 1979 c 154 s 10 are each amended to read as follows:

The director of agriculture shall have power to (~~(promulgate)~~) adopt and enforce such reasonable rules(~~(, regulations)~~) and orders as he or she may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting domestic animals, exotic wildlife, or alternative livestock in this state, and to (~~(promulgate)~~) adopt and enforce such reasonable rules(~~(, regulations)~~) and orders as he or she may deem necessary or proper governing the inspection and test of all animals within or about to be imported into this state, and to (~~(promulgate)~~) adopt and enforce (~~(intercounty)~~) intrastate embargoes, hold orders, and quarantine (~~(to prevent the shipment, trailing, trucking, transporting or movement of bovine animals from any county that has not been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, into a county which has been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days and/or a negative brucellosis test made within the forty-five day~~

period prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or of the United States department of agriculture, animal and plant health inspection service, or an accredited veterinarian authorized by permit issued by the director of agriculture to execute such certificate)).

Sec. 27. RCW 16.36.060 and 1985 c 415 s 2 are each amended to read as follows:

It shall be unlawful for any person to willfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or her or them, when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter, and it shall be unlawful for any person to willfully fail to comply with or violate any rule (~~(, regulation)~~) or order (~~(promulgated)~~) adopted by the director of agriculture or his or her duly authorized representatives under the provisions of this chapter. The director of agriculture shall have the authority under such rules (~~(and regulations)~~) as shall be (~~(promulgated)~~) adopted by (~~(him)~~) the director to enter at any reasonable time the premises of any (~~(livestock)~~) domestic animals, exotic wildlife, or alternative livestock owner to make tests on any animals for diseased conditions, and it shall be unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his or her duly authorized representative.

Sec. 28. RCW 16.36.070 and 1947 c 172 s 6 are each amended to read as follows:

Whenever a majority of any board of health, board of county commissioners, city council or other governing body of any incorporated city or town, or trustees of any township, whether in session or not, shall, in writing or by telegraph, notify the director of agriculture of the prevalence of or probable danger of infection from any of the diseases of domestic animals, exotic wildlife, or alternative livestock the director of agriculture personally, or by the supervisor of dairy and livestock, or by a duly appointed and deputized veterinarian of the division of (~~(dairy and livestock)~~) food safety and animal health, shall at once go to the place designated in said notice and take such action as the exigencies may in his or her judgment demand, and may in case of an emergency appoint deputies or assistants, with equal power to act. The compensation to be paid such emergency deputies and assistants, shall be fixed by the director of agriculture in conformity with the standards effective in the locality in which the services are performed.

Sec. 29. RCW 16.36.080 and 1947 c 172 s 7 are each amended to read as follows:

It shall be unlawful for any person registered to practice veterinary medicine, surgery and dentistry in this state not to immediately report in writing to the director of agriculture the discovery of the existence or suspected existence among domestic animals, exotic wildlife, or alternative livestock within the state of any reportable diseases as published by the director of agriculture.

Sec. 30. RCW 16.36.100 and 1927 c 165 s 10 are each amended to read as follows:

The governor and the director of agriculture shall have the power to cooperate with the government of the United States in the prevention and eradication of diseases of domestic animals, exotic wildlife, or alternative livestock and the governor shall have the power to receive and receipt for any moneys receivable by this state under the provisions of any act of congress and pay the same into the hands of the state treasurer as custodian for the state to be used and expended in carrying out the provisions of this act and the act or acts of congress under which said moneys are paid over to the state.

Sec. 31. RCW 16.57.010 and 1989 c 286 s 22 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or a duly appointed representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry (~~(and)~~), rabbits, and alternative livestock as defined in section 2 of this act or in rules adopted under section 5 of this act.
- (5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

(8) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(9) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

NEW SECTION. Sec. 32. The directors of the department of agriculture and the department of wildlife shall prepare a report on the joint rule making under this act. The report shall also include a status report on the alternative livestock industry in the state and shall address questions related to the enforcement of the provisions of this act, containment, disease, genetic screening, and identification of individual animals. The report shall be transmitted to the chairpersons of the house of representatives committees on agriculture and rural development and fisheries and wildlife and the senate committees on agriculture and natural resources by July 1, 1995.

NEW SECTION. Sec. 33. Sections 1 through 13 of this act shall constitute a new chapter in Title 15 RCW."

Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Foreman; Lemmon; and Scott.

Excused: Representative Chappell.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1141 Prime Sponsor, Representative Riley: Increasing the penalty for driving under the influence of intoxicating liquor or drugs. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Locke.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1169 Prime Sponsor, Representative King: Regulating marine finfish rearing facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Fisheries & Wildlife be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives G. Fisher and Leonard.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1183 Prime Sponsor, Representative Chappell: Making it a crime for a person under age twenty-one to be under the influence of intoxicating liquor or drugs in public. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1204 Prime Sponsor, Representative Leonard: Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders". Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representatives Leonard, Chair, Brown and Karahalios.

Referred to Committee on Appropriations.

March 2, 1993

HB 1214 Prime Sponsor, Representative Appelwick: Modifying the definition of a reasonable fee for certain health care practices. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Flemming.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1224 Prime Sponsor, Representative Dellwo: Eliminating the termination of hospice care and service coverage as medical assistance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representatives Lemmon, Leonard, Peery and Wang.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1228 Prime Sponsor, Representative Jones: Allowing information exchange of all agencies, including schools, with youth in their care. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 10 after "schools" strike "s" and insert "s". On page 1, line 10 after "and" insert ", in addition,"

Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representative Leonard, Chair.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1235 Prime Sponsor, Representative Appelwick: Creating partnerships. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1236 Prime Sponsor, Representative Rust: Establishing fees for certain water rights. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Valle; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; Sheldon; and Thomas.

Referred to Committee on Revenue.

March 3, 1993

HB 1244 Prime Sponsor, Representative Franklin: Providing for payments for time lost from work while attending a medical examination for industrial insurance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative G. Fisher and Leonard.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1248 Prime Sponsor, Representative King: Regulating the increase of industrial insurance death and disability benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative G. Fisher and Leonard.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1249 Prime Sponsor, Representative Heavey: Increasing industrial insurance partial disability awards. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative G. Fisher and Leonard.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1259 Prime Sponsor, Representative Locke: Allowing for the destruction of forfeited firearms. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Johanson; Locke; H. Myers; Riley; Schmidt; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Campbell; Chappell; Forner; Long; Mastin; and Tate.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1262 Prime Sponsor, Representative Basich: Prohibiting local governments from making laws that change landlord-tenant duties. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Schoesler; Sheldon; Springer; and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Wineberry, Chair; Conway; and Quall.

Excused: Representative Morris and Valle.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1268 Prime Sponsor, Representative Dunshee: Creating a program of voluntary campaign spending limits for state offices. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Voloria, Vice Chair; Campbell; Conway; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; and Dyer.

Referred to Committee on Appropriations.

March 2, 1993

HB 1287 Prime Sponsor, Representative Heavey: Providing for collective bargaining for agricultural employees.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member;
Chandler, Assistant Ranking Minority Member; Conway; and Horn.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1288 Prime Sponsor, Representative Heavey: Increasing penalties for furnishing liquor to minors. Reported by
Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes,
Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley;
Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1307 Prime Sponsor, Representative Locke: Reauthorizing and modifying the Washington service corps.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development &
Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice
Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich;
Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers;
Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives G. Fisher and Leonard.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1333 Prime Sponsor, Representative Flemming: Providing for youth gang violence reduction. Reported by
Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler,
Assistant Ranking Minority Member; Campbell; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and
Wood.

Excused: Representative Casada.

Referred to Committee on Appropriations.

March 2, 1993

HB 1347 Prime Sponsor, Representative Forner: Authorizing the department of agriculture to control diseases in
alpacas and llamas. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Foreman; Grant; Karahalios; Lisk; and Roland.

Excused: Representative Chappell.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1350 Prime Sponsor, Representative King: Requiring pink shrimp endorsements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Fisheries & Wildlife be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives G. Fisher and Leonard.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1353 Prime Sponsor, Representative G. Cole: Regulating asbestos disease benefits claims. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 3, beginning on line 5, after "paid" strike all material through "difference" on line 7, and insert "in conformity with applicable federal and state law. Any legal costs remaining as an obligation of the department"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives G. Fisher and Leonard.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1358 Prime Sponsor, Representative Appelwick: Changing provisions relating to civil liability of joint tortfeasors. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Mastin; H. Myers; Riley; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Assistant Ranking Minority Member; Forner; Long; Schmidt; Scott; and Tate.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1370 Prime Sponsor, Representative Ludwig: Regulating public works. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1372 Prime Sponsor, Representative Pruitt: Creating the government accountability task force. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representative King.

Referred to Committee on Appropriations.

March 2, 1993

HB 1374 Prime Sponsor, Representative Brough: Authorizing rules to adopt fees for the teacher admission to practice examination. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1385 Prime Sponsor, Representative Chandler: Establishing mandatory fines for persons convicted of drunk driving while transporting minors. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1386 Prime Sponsor, Representative Chandler: Making it unlawful for a minor to purchase, possess, or use tobacco. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Chappell; Forner; Johanson; Locke; Long; H. Myers; Schmidt; Scott; and Tate.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Assistant Ranking Minority Member; Campbell; Mastin; Riley; and Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1389 Prime Sponsor, Representative Riley: Changing provisions relating to work crews. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Long, Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Excused: Representatives Edmondson, Assistant Ranking Minority Member and Mastin.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1396 Prime Sponsor, Representative Anderson: Creating a department of financial institutions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; G. Fisher; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representatives Valle, Vice Chair, Dunshee, Jacobsen, Lemmon, Leonard, Peery, and Wang.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1398 Prime Sponsor, Representative Ogden: Authorizing a study of the feasibility of expanding literacy in mathematics, science, and technology. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Casada.

Referred to Committee on Appropriations.

March 2, 1993

HB 1404 Prime Sponsor, Representative Ogden: Regulating personal service contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Voloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1406 Prime Sponsor, Representative Silver: Changing the name of the legislative budget committee. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1407 Prime Sponsor, Representative Sommers: Changing duties of the legislative auditor and attorney general regarding the legislative budget committee. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1418 Prime Sponsor, Representative Ogden: Changing provisions relating to state schools for the blind, deaf, and sensory impaired. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representatives Lemmon, Leonard, Peery and Wang.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1422 Prime Sponsor, Representative King: Specifying additional notice of any court ruling that material is "erotic material." Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Chappell; Forner; Long; Mastin; H. Myers; Schmidt; Scott; and Tate.

MINORITY recommendation: Do not pass. Signed by Representatives Johanson; Locke; and Riley.

Excused: Representatives Campbell and Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1425 Prime Sponsor, Representative Morris: Requiring adoption of health and safety standards for residential construction. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Horn; King; and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; and Veloria.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1437 Prime Sponsor, Representative R. Meyers: Requiring policy and performance audits of department of veteran affairs, Washington soldiers' home, and Washington veterans' home. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1441 Prime Sponsor, Representative R. Johnson: Providing for flood damage reduction. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Holm; L. Johnson; J. Kohl; Linville; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member; Edmondson; Hansen; and Sheahan.

Referred to Committee on Appropriations.

March 3, 1993

HB 1443 Prime Sponsor, Representative Anderson: Expanding the jurisdiction of the human rights commission. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Conway; Dyer; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Vance, Assistant Ranking Minority Member and Campbell.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1446 Prime Sponsor, Representative Wang: Striking civil service citizenship requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Conway; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams Ranking Assistant Minority Member; Vance Assistant Ranking Minority Member; Campbell; and Dyer.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1475 Prime Sponsor, Representative Locke: Regulating the Washington service corps. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Conway; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representatives Casada, Morris and Quall.

Referred to Committee on Appropriations.

March 3, 1993

HB 1493 Prime Sponsor, Representative Wineberry: Assisting minority and women-owned businesses. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Referred to Committee on Appropriations.

March 3, 1993

HB 1494 Prime Sponsor, Representative Wineberry: Requiring review of administrative rules. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Conway.

Referred to Committee on Appropriations.

March 3, 1993

HB 1495 Prime Sponsor, Representative Dorn: Changing local effort assistance distribution. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representatives Ballasiotes, Lemmon, Leonard, Silver, Wang and Peery.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1496 Prime Sponsor, Representative Dellwo: Regulating employment agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1497 Prime Sponsor, Representative Dellwo: Adopting the accredited foreign branch campus act. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Kessler; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Flemming.

Excused: Representative J. Kohl.

Referred to Committee on Revenue.

March 2, 1993

HB 1505 Prime Sponsor, Representative Heavey: Requiring verification of registration of contractors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1520 Prime Sponsor, Representative Holm: Expanding the use of skill centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representatives Lemmon, Leonard, Peery and Wang.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1536 Prime Sponsor, Representative Wineberry: Maintaining mobile home parks. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; and Wood.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1543 Prime Sponsor, Representative Zellinsky: Insuring longshore and harbor workers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1544 Prime Sponsor, Representative Appelwick: Requiring that criminal penalties set by cities and counties be the same as those set in state law. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1545 Prime Sponsor, Representative Appelwick: Prohibiting the establishment of new municipal courts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Forner.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1568 Prime Sponsor, Representative Dunshee: Modifying the provisions for city and town annexations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Referred to Committee on Appropriations.

March 3, 1993

HB 1572 Prime Sponsor, Representative Dorn: Changing funding allocations for high school students attending technical colleges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representatives Lemmon, Leonard, Peery and Wang.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1576 Prime Sponsor, Representative Brown: Specifying how a contempt action may be used to collect court-ordered child support. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Schmidt; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Riley; and Tate.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1579 Prime Sponsor, Representative G. Cole: Providing civil penalties for prohibited practices in industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1580 Prime Sponsor, Representative Quall: Requiring development of model student progression contracts. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Carlson and Casada.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1596 Prime Sponsor, Representative Karahalios: Authorizing funds for developing and implementing a modified student calendar. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Brough, Ranking Minority Member; Brumsickle; G. Cole; Eide; G. Fisher; Holm; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

MINORITY recommendation: Without recommendation. Signed by Representatives Cothorn, Vice Chair; Thomas, Assistant Ranking Minority Member; Carlson; Hansen; Jones; Stevens; and Vance.

Referred to Committee on Appropriations.

March 2, 1993

HB 1602 Prime Sponsor, Representative Chappell: Changing election provisions for regional committee members. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1603 Prime Sponsor, Representative Locke: Reforming higher education tuition and financial aid. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Flemming; Kessler; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Quall, Vice Chair, Finkbeiner and J. Kohl.

Referred to Committee on Appropriations.

March 2, 1993

HB 1619 Prime Sponsor, Representative Shin: Creating the Washington Task Force on International Education and Cultural Exchanges. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sheahan; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooke; Morton; Sehlin; and Stevens.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1622 Prime Sponsor, Representative Chappell: Modifying the regulation of fertilizer. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Foreman; Grant; Karahalios; Lisk; and Roland.

Excused: Representative Chappell.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1624 Prime Sponsor, Representative Appelwick: Decriminalizing certain misdemeanors. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; and Tate.

MINORITY recommendation: Do not pass. Signed by Representative Wineberry.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1630 Prime Sponsor, Representative Tate: Creating the crime of carjacking. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Schmidt; Scott; Tate; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Riley.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1633 Prime Sponsor, Representative Grant: Allowing counties to inspect electrical installations. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; and Long.

MINORITY recommendation: Without recommendation. Signed by Representatives Casada, Ranking Minority Member; and Ludwig.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1640 Prime Sponsor, Representative Johanson: Making the property of a convicted person acquired as a result of the crime subject to seizure and forfeiture. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1650 Prime Sponsor, Representative Romero: Providing administrative review of agency decisions concerning access to public records. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1651 Prime Sponsor, Representative Anderson: Removing the sunset provisions from the naturopathy statutes.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1653 Prime Sponsor, Representative King: Regulating vocational rehabilitation services in industrial insurance.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:
On page 3, line 37, after "or" strike "work hardening" and insert "transitional work"
On page 4, line 2, after "or" strike "work hardening" and insert "transitional work"

On page 4, line 3, after "program." insert "RCW 51.16.120(3) shall apply to the workers for whom coverage has been elected as authorized in this section."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Referred to Committee on Appropriations.

March 3, 1993

HB 1659 Prime Sponsor, Representative Anderson: Prohibiting the death penalty for the mentally retarded.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Mastin; H. Myers; Riley; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Assistant Ranking Minority Member; Forner; Long; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1672 Prime Sponsor, Representative Wineberry: Creating the eye care for the homeless program in Washington. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representative Leonard, Chair.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1684 Prime Sponsor, Representative Anderson: Requiring prevailing wages for state printing contracts.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; Conway; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; and Dyer.

Referred to Committee on Appropriations.

March 2, 1993

HB 1686 Prime Sponsor, Representative Anderson: Defining a term for the administrative procedure act. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1688 Prime Sponsor, Representative Campbell: Installing manufactured homes. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Campbell; Conway; Morris; Quall; Sheldon; Springer; and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Casada; Schoesler; and Wood.

Referred to Committee on Appropriations.

March 2, 1993

HB 1703 Prime Sponsor, Representative Johanson: Concerning alternate operator service companies. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; and Long.

MINORITY recommendation: Without recommendation. Signed by Representative Ludwig.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1706 Prime Sponsor, Representative Dunshee: Regulating metals mining. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Schoesler; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Sheldon; and Thomas.

Passed to Committee on Rules for second reading.

March 3 1993

HB 1721 Prime Sponsor, Representative R. Meyers: Authorizing jointly administered health and welfare benefits trusts for local government employees. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1724 Prime Sponsor, Representative Kremen: Requiring the superintendent of public instruction to develop and make available instructional material on sexual abstinence. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1727 Prime Sponsor, Representative Morris: Providing a procedure for releasing alien offenders for the purpose of deportation. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1729 Prime Sponsor, Representative Springer: Changing funding for fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Horn.

Referred to Committee on Revenue.

March 2, 1993

HB 1733 Prime Sponsor, Representative Linville: Clarifying productivity awards programs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1739 Prime Sponsor, Representative Finkbeiner: Creating the citizen suggestion program. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Referred to Committee on Appropriations.

March 2, 1993

HB 1741 Prime Sponsor, Representative Appelwick: Revising penalties for ignoring traffic tickets. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1749 Prime Sponsor, Representative Forner: Concerning state and local permit processing. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Quall; Schoesler; Sheldon; and Wood.

Excused: Representatives Morris, Springer and Valle.

Referred to Committee on Appropriations.

March 3, 1993

HB 1756 Prime Sponsor, Representative Veloria: Requiring the use of licensed or certified electricians for certain purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Horn.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1759 Prime Sponsor, Representative H. Myers: Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Referred to Committee on Appropriations.

March 2 1993

HB 1761 Prime Sponsor, Representative H. Myers: Clarifying and extending dates established under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1762 Prime Sponsor, Representative R. Johnson: Directing the parks and recreation commission to study river access. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Schoesler; Thomas; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; and Sheldon.

Referred to Committee on Appropriations.

March 3, 1993

HB 1764 Prime Sponsor, Representative Basich: Encouraging common schools serving students in grades seven through twelve to offer opportunities for students to do volunteer community service. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representatives Lemmon, Leonard, Peery and Wang.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1765 Prime Sponsor, Representative L. Johnson: Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Referred to Committee on Appropriations.

March 2, 1993

HB 1766 Prime Sponsor, Representative G. Cole: Concerning automotive repair. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1768 Prime Sponsor, Representative Appelwick: Creating a courthouse facilitator program. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Schmidt; Tate; and Wineberry.

Excused: Representatives Locke, Riley and Scott.

Referred to Committee on Revenue.

March 2, 1993

HB 1775 Prime Sponsor, Representative Heavey: Regulating alcohol servers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Referred to Committee on Appropriations.

March 3, 1993

HB 1778 Prime Sponsor, Representative Wolfe: Establishing the office of state employee child care. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Riley, Vice Chair; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk; and Padden.

Excused: Representative Leonard, Chair.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1785 Prime Sponsor, Representative Locke: Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Holm; L. Johnson; J. Kohl; Linville; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member; Edmondson; Hansen; and Sheahan.

Referred to Committee on Appropriations.

March 3, 1993

HB 1792 Prime Sponsor, Representative Zellinsky: Providing state flags and mementos for certain official purposes. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1801 Prime Sponsor, Representative Morris: Granting temporary licenses to dental hygienists licensed in another state. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1802 Prime Sponsor, Representative Veloria: Modifying marriage and family therapist certification. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1803 Prime Sponsor, Representative Campbell: Making election day a holiday. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; Conway; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; and Dyer.

Referred to Committee on Appropriations.

March 2, 1993

HB 1804 Prime Sponsor, Representative Campbell: Clarifying procedures for temporary remedies from agency action. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1810 Prime Sponsor, Representative Pruitt: Modifying enforcement of forest practices guidelines. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Morton, Ranking Minority Member and Stevens, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1812 Prime Sponsor, Representative Jones: Changing teacher evaluations for teachers with at least four years of satisfactory evaluations. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

MINORITY recommendation: Without recommendation. Signed by Representative Thomas, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1817 Prime Sponsor, Representative L. Johnson: Directing the department of corrections to review the offender health care system. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Referred to Committee on Appropriations.

March 2, 1993

HB 1820 Prime Sponsor, Representative Dorn: Creating the school-to-work transitions program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant

Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; and Vance.

MINORITY recommendation: Do not pass. Signed by Representative Stevens.

Referred to Committee on Appropriations.

March 2, 1993

HB 1824 Prime Sponsor, Representative Wolfe: Authorizing conversion of surplus public property to use for affordable housing. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Morris.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1826 Prime Sponsor, Representative H. Myers: Providing for criminal justice. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Referred to Committee on Revenue.

March 3, 1993

HB 1827 Prime Sponsor, Representative Bray: Establishing regional service centers for the deaf. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representative Leonard, Chair.

Referred to Committee on Appropriations.

March 2, 1993

HB 1828 Prime Sponsor, Representative H. Myers: Creating the office of crime victims' advocacy. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Voloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Referred to Committee on Appropriations.

March 2, 1993

HB 1841 Prime Sponsor, Representative Hansen: Adding instruction in renewable natural resources as part of the common schools curriculum. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1844 Prime Sponsor, Representative Horn: Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Excused: Representative Linville.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1850 Prime Sponsor, Representative King: Modifying the prevailing wage calculation for publicly contracted shipbuilding and ship repair. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1852 Prime Sponsor, Representative Ogden: Requiring the identification, recordation, and evaluation of potentially historically significant state-owned or leased facilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Referred to Committee on Appropriations.

March 3, 1993

HB 1854 Prime Sponsor, Representative Ogden: Aiding maritime historic restoration and preservation. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; Conway; King; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; and Dyer.

Referred to Committee on Revenue.

March 3, 1993

HB 1861 Prime Sponsor, Representative Orr: Allowing reopening of polling places to which access was obstructed.
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1870 Prime Sponsor, Representative Zellinsky: Licensing bail bond agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Referred to Committee on Appropriations.

March 2, 1993

HB 1871 Prime Sponsor, Representative Heavey: Regulating chiropractic care for industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Referred to Committee on Appropriations.

March 2, 1993

HB 1873 Prime Sponsor, Representative King: Providing a return-to-work and vocational retraining program for injured workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:
On page 5, line 3, after "criteria." insert "Organizations on the list shall include administrative entities of service delivery areas as established under the federal job training partnership act if the entities meet minimum standards established by the department."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Referred to Committee on Appropriations.

March 3, 1993

HB 1874 Prime Sponsor, Representative Anderson: Creating the department of emergency services. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

February 26, 1993

HB 1877 Prime Sponsor, Representative Flemming: Providing for examination of nursing home care and charges.
Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representative R. Johnson.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1883 Prime Sponsor, Representative King: Providing for salmon enhancement. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment: On page 2, beginning on line 24, strike section 3.

Signed by Representatives King, Chair; Orr, Vice Chair; Basich; Lemmon; and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; and Foreman.

Excused: Representative Chappell.

Referred to Committee on Appropriations.

March 3, 1993

HB 1897 Prime Sponsor, Representative Thibaudeau: Modifying provisions regarding mental health. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representative Leonard, Chair.

Referred to Committee on Appropriations.

March 3, 1993

HB 1908 Prime Sponsor, Representative Wineberry: Creating the Washington state community equalization program. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Campbell; Conway; Morris; Quall; Springer; and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; Casada; Schoesler; Sheldon; and Wood.

Referred to Committee on Capital Budget.

March 2, 1993

HB 1909 Prime Sponsor, Representative Wineberry: Concerning the creation of enterprise zones. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representative Morris.

Referred to Committee on Revenue.

March 3, 1993

HB 1913 Prime Sponsor, Representative Locke: Providing supports for people with developmental disabilities. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Riley, Vice Chair; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooke, Ranking Minority Member; Lisk; and Padden.

Excused: Representative Leonard, Chair.

Referred to Committee on Appropriations.

March 3, 1993

HB 1914 Prime Sponsor, Representative Brown: Allowing volunteers to assist agencies to serve at-risk children's needs. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representative Leonard, Chair.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1922 Prime Sponsor, Representative Lemmon: Creating a work ethic boot camp program within the department of corrections. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Excused: Representative Edmondson, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1923 Prime Sponsor, Representative Veloria: Modifying provisions relating to the advisory council on historic preservation. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1925 Prime Sponsor, Representative Orr: Requiring registration of persons carrying passengers for hire on whitewater river sections. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 14, strike "claim" and insert "~~(claim)~~ person"

Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Foreman; Lemmon; and Scott.

Excused: Representative Chappell.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1926 Prime Sponsor, Representative Anderson: Regulating the sale and distribution of state publications. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1941 Prime Sponsor, Representative Cothorn: Requiring school districts to notify parents of students carrying dangerous weapons at school. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; and Vance.

MINORITY recommendation: Do not pass. Signed by Representative Stevens.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1946 Prime Sponsor, Representative Chappell: Clarifying definitions relating to farmers. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Foreman; Grant; Karahalios; Lisk; and Roland.

Excused: Representative Chappell.

Referred to Committee on Revenue.

March 3, 1993

HB 1948 Prime Sponsor, Representative Bray: Modifying provisions regarding the state commission on Hispanic affairs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1956 Prime Sponsor, Representative Cothorn: Requiring computerized collection of health insurance coverage provided by certain state entities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Referred to Committee on Appropriations.

March 2, 1993

HB 1957 Prime Sponsor, Representative Dellwo: Creating the medical health coverage benefit determination committee. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Lisk.

Referred to Committee on Appropriations.

March 3, 1993

HB 1959 Prime Sponsor, Representative Heavey: Modifying the issuance of citations under the Washington industrial safety and health act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1960 Prime Sponsor, Representative Heavey: Fighting problem gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member;
Chandler, Assistant Ranking Minority Member; and Horn.

Referred to Committee on Revenue.

March 3, 1993

HB 1961 Prime Sponsor, Representative Shin: Commemorating the thirtieth anniversary of Washington's sister-state
relationship with Hyogo prefecture. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant
Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Referred to Committee on Appropriations.

March 3, 1993

HB 1966 Prime Sponsor, Representative Wineberry: Implementing juvenile justice racial disproportionality study
recommendations. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Brown; Karahalios; Lisk; Patterson;
Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Assistant Ranking Minority
Member and Padden.

Excused: Representative Leonard, Chair.

Referred to Committee on Appropriations.

March 2, 1993

HB 1971 Prime Sponsor, Representative Dyer: Creating a public and private partnership for long-term care
insurance. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes,
Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin;
Mielke; Morris; Thibaudeau; and Veloria.

Referred to Committee on Appropriations.

March 2, 1993

HB 1973 Prime Sponsor, Representative Quall: Allowing people to take early retirement who filed late applications.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Appelwick; Ballasiotes;
Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Sommers; Stevens;
Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Carlson, Assistant Ranking Minority Member; Morton; Rust; and Sehlín.

Excused: Representative Sheahan.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1975 Prime Sponsor, Representative Dunshee: Modifying provisions relating to nursing home reimbursement overpayments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sommers; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Morton; Sehlín; Sheahan; Stevens; and Talcott.

Excused: Representative Wineberry.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1977 Prime Sponsor, Representative Schoesler: Providing for a ten year water right certificate for persons in an acreage expansion program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1978 Prime Sponsor, Representative J. Kohl: Allowing counties to permit public libraries on county land used for park and recreation purposes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; R. Fisher; Horn; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee and Van Luven.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1980 Prime Sponsor, Representative R. Johnson: Modifying provisions regarding public waters. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Schoesler; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; and Thomas.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1985 Prime Sponsor, Representative Mielke: Regulating liquidators' rights to collect premiums. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

March 1, 1993

HB 1986 Prime Sponsor, Representative Wineberry: Facilitating neighborhood reinvestment. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Campbell; Conway; Quall; Sheldon; Springer; and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Morris; Schoesler; and Wood.

Excused: Representative Casada.

Referred to Committee on Revenue.

March 2, 1993

HB 1987 Prime Sponsor, Representative Wineberry: Studying the North American free trade agreement. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Forner, Ranking Minority Member;

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1991 Prime Sponsor, Representative Flemming: Authorizing the home health visitor program to address child abuse and neglect. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Riley, Vice Chair; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk; and Padden.

Excused: Representative Leonard, Chair.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1993 Prime Sponsor, Representative Finkbeiner: Making technical amendments to the future teachers and the health professionals conditional scholarship programs to continue existing repayment regulations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1995 Prime Sponsor, Representative Grant: Creating a task force to study federally licensed hydroelectric facilities. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Referred to Committee on Appropriations.

March 3, 1993

HB 1997 Prime Sponsor, Representative Quall: Redefining the relationship between the state and its postsecondary institutions. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Referred to Committee on Appropriations.

March 2, 1993

HB 1999 Prime Sponsor, Representative Campbell: Requiring back-up power for public water systems. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Long; and Ludwig.

MINORITY recommendation: Without recommendation. Signed by Representative Kremen.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 2003 Prime Sponsor, Representative Morris: Affecting juvenile offenders. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representatives Leonard, Chair and Karahalios.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 2004 Prime Sponsor, Representative Morris: Changing provisions relating to criminal sentencing and correctional industries. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; L. Johnson; Ogden; and Riley.

MINORITY recommendation: Do not pass. Signed by Representatives G. Cole and Padden.

Excused: Representative Edmondson.

Referred to Committee on Capital Budget.

March 2, 1993

HB 2008 Prime Sponsor, Representative Dunshee: Affecting withdrawal of territory by special districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Bray, Vice Chair; Edmondson, Ranking Minority Member; and Rayburn.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 2009 Prime Sponsor, Representative J. Kohl: Including condominiums in parking and business improvement areas. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 2010 Prime Sponsor, Representative J. Kohl: Allowing condominium associations to participate in parking and business improvement areas. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 2019 Prime Sponsor, Representative Rayburn: Authorizing bonds for the fruit commission. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Foreman; Grant; Karahalios; Lisk; and Roland.

Excused: Representative Chappell.

Referred to Committee on Capital Budget.

March 3, 1993

HB 2026 Prime Sponsor, Representative Karahalios: Requiring notice about fetal alcohol syndrome. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Referred to Committee on Appropriations.

March 2, 1993

HB 2029 Prime Sponsor, Representative Dorn: Changing funding procedures for high school students enrolled in the running start program in community or technical colleges. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Referred to Committee on Appropriations.

March 2, 1993

HB 2043 Prime Sponsor, Representative Kremen: Requiring a license to fish for bottomfish in Puget Sound. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Foreman; Lemmon; and Scott.

Excused: Representative Chappell.

Referred to Committee on Appropriations.

March 3, 1993

HB 2047 Prime Sponsor, Representative Anderson: Providing consolidated mail service for state agencies. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 2049 Prime Sponsor, Representative R. Fisher: Restructuring statutes on state participation in rail freight service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Cothorn; Eide; Finkbeiner; Forner; Hansen; Horn; Johanson; J. Kohl; Miller; Orr; Patterson; Quall; Sheldon; Shin; and Zellinsky.

Excused: Representatives Brown, Vice Chair, Brough, Fuhrman, Heavey, Brumsickle, R. Meyers, H. Myers and Wood.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 2053 Prime Sponsor, Representative Morris: Revising provisions relating to sentencing of offenders. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Long, Ranking Minority Member; G. Cole; L. Johnson; Ogden; and Riley.

MINORITY recommendation: Do not pass. Signed by Representatives Mastin, Vice Chair; Edmondson, Assistant Ranking Minority Member; and Padden.

Referred to Committee on Appropriations.

March 3, 1993

HB 2055 Prime Sponsor, Representative Hansen: Creating the department of fish and wildlife. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 2061 Prime Sponsor, Representative Chappell: Changing hunter education provisions. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 5, after "license" insert "after January 1, 1995"

Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Foreman; Lemmon; and Scott.

Excused: Representative Chappell.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 2071 Prime Sponsor, Representative L. Johnson: Regulating access to tobacco. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Referred to Committee on Revenue.

March 2, 1993

HB 2074 Prime Sponsor, Representative Wineberry: Creating a career-initiative pilot project. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Referred to Committee on Appropriations.

March 3, 1993

HJM 4016 Prime Sponsor, Representative Valle: Requesting the federal government to enhance the promotion of mathematics, science, and technology. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; Valle; and Wood.

Passed to Committee on Rules for second reading.

March 2, 1993

HJR 4206 Prime Sponsor, Representative Springer: Amending the Constitution to allow additional levies for fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Horn.

Referred to Committee on Revenue.

March 3, 1993

HCR 4402 Prime Sponsor, Representative Heavey: Encouraging brewers to adopt voluntary advertising standards and creating a joint select committee on alcohol advertising. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Horn; and Springer.

Referred to Committee on Appropriations.

March 2, 1993

HCR 4408 Prime Sponsor, Representative Jacobsen: Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn;

Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Passed to Committee on Rules for second reading.

On motion of Representative Peery, the bills, memorial and resolutions listed on today's Supplemental and first Supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Peery, the House adjourned until 11:00 a.m., Friday, March 5, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTY-SECOND DAY, MARCH 3, 1993

JOURNAL OF THE HOUSE

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

FIFTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 5, 1993

The House was called to order at 11:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sam De Bord and Sara Pelligrini. Prayer was offered by Reverend Hilton Jarvis, Minister of The Lacey Baptist Church.

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

MESSAGE FROM THE SENATE

March 4, 1993

Mr Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1303,
ENGROSSED SENATE BILL NO. 5020,
SENATE BILL NO. 5079,
ENGROSSED SENATE BILL NO. 5138,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
SENATE BILL NO. 5233,
SENATE BILL NO. 5275,
SENATE BILL NO. 5302,
SENATE BILL NO. 5340,
ENGROSSED SENATE BILL NO. 5378,
SENATE BILL NO. 5024,
SENATE BILL NO. 5060,
SENATE BILL NO. 5062,
SENATE BILL NO. 5124,
SENATE BILL NO. 5149,
SENATE BILL NO. 5247,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5284,
SENATE BILL NO. 5290,
SENATE BILL NO. 5301,
SENATE BILL NO. 5455,
SUBSTITUTE SENATE BILL NO. 5479,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2093 by Representatives Ballard and Jones

AN ACT Relating to limiting issuance of drivers' licenses for persons under eighteen; amending RCW 46.04.480 and 46.20.311; adding new sections to chapter 46.20 RCW; adding a new section to chapter 28A.175 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2094 by Representatives Heavey and G. Cole

AN ACT Relating to transit police; and amending RCW 35.58.240 and 36.57A.090.

Referred to Committee on Local Government.

HB 2095 by Representative Valle; by request of Department of Social and Health Services

AN ACT Relating to the medicaid payment system for nursing facilities; adding a new section to chapter 74.46 RCW; adding a new chapter to Title 82 RCW; and providing an expiration date.

Referred to Committee on Revenue.

HB 2096 by Representatives Dunshee and Brough; by request of Department of Veterans Affairs

AN ACT Relating to state institutions; amending RCW 72.36.020, 72.36.030, 72.36.035, 72.36.120, 72.36.130, and 74.09.120; adding new sections to chapter 72.36 RCW; repealing RCW 72.36.080; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 2097 by Representative Dunshee; by request of Department of Social and Health Services

AN ACT Relating to the tax on intermediate care facilities for the mentally retarded; amending RCW 82.65A.030; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 2098 by Representative Valle; by request of Department of Social and Health Services

AN ACT Relating to options in long-term care; nursing homes-resident care, operating standards; health planning and development; amending RCW 74.42.010, 70.38.111, and 70.128.130; reenacting and amending RCW 70.38.115; adding a new chapter to Title 74 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services.

HB 2099 by Representatives Peery, Ballard, Anderson, Jones, Kessler, Karahalios, Johanson, Campbell, Orr, J. Kohl, Shin and L. Johnson; by request of Governor Lowry and Attorney General

AN ACT Relating to establishing a commission on ethics in government and campaign practices; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.

HJM 4021 by Representatives Talcott, Campbell and Horn

Saluting the members of I Corps.

ESB 5020 by Senators Nelson and Winsley

Providing for a ten-day period to repair a vehicle before a traffic infraction may be issued for defective equipment.

Referred to Committee on Transportation.

SB 5024 by Senators A. Rasmussen, McDonald and McCaslin

Increasing the homestead exemption.

Referred to Committee on Judiciary.

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

Revising provisions relating to indeterminate sentencing.

Referred to Committee on Corrections.

SB 5062 by Senators Nelson and Vognild

Determining exempt fuel use by power take-off units.

Referred to Committee on Transportation.

SB 5079 by Senators Owen, Snyder, Hargrove and Erwin

Modifying conditions for the digging of razor clams for persons who have physical disability permits.

Referred to Committee on Fisheries & Wildlife.

SB 5124 by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries

Revising laws relating to commercial fishing licenses.

Referred to Committee on Fisheries & Wildlife.

ESB 5138 by Senators M. Rasmussen, Roach, Erwin, Moyer, A. Smith, Wojahn, Haugen, Spanel, McCaslin, Nelson, Quigley, Winsley and Oke

Making under-aged persons in a public place under the influence of alcohol guilty of a misdemeanor.

Referred to Committee on Judiciary.

SB 5139 by Senators Fraser, Wojahn, Prentice, Haugen, von Reichbauer, Williams, Winsley, Roach and McAuliffe; by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association

Consolidating the state capital historical association and the state historical society.

Referred to Committee on State Government.

SB 5149 by Senators Winsley and Roach

Prescribing monetary penalties for littering.

Referred to Committee on Environmental Affairs.

ESSB 5157 by Senate Committee on Law & Justice (originally sponsored by Senators Hargrove and Nelson)

Increasing statutory attorneys' fees.

Referred to Committee on Judiciary.

SB 5233 by Senators A. Smith, McCaslin, Spanel, Nelson and Hargrove

Specifying the fees allowed to prevailing parties for costs related to service of process.

Referred to Committee on Judiciary.

SB 5247 by Senators Skratek, Deccio, Erwin, Sheldon, M. Rasmussen, Moyer and Sellar

Allowing the creation of a less than county-wide port district not bordering on saltwater.

Referred to Committee on Local Government.

SSB 5261 by Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio and Talmadge)

Modifying the background check requirement on persons providing services for physically disabled or mentally impaired persons.

Referred to Committee on Human Services.

SB 5275 by Senators Oke, Haugen and Winsley

Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries.

Referred to Committee on State Government.

SSB 5284 by Senate Committee on Government Operations (originally sponsored by Senators Haugen and McAuliffe)

Authorizing city council members to serve as reserve police officers.

Referred to Committee on Local Government.

SB 5290 by Senators Wojahn, Snyder, Moyer, Sellar, Bauer, McCaslin, Deccio, Vognoild and Winsley

Reducing the tax burden on free hospitals.

Referred to Committee on Revenue.

SB 5301 by Senators Fraser, Oke, Barr, Haugen and Winsley

Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities.

Referred to Committee on Natural Resources & Parks.

SB 5302 by Senators Owen, Hargrove and Oke

Concerning food fish and shellfish rules.

Referred to Committee on Fisheries & Wildlife.

SB 5340 by Senators A. Smith, Quigley, McCaslin, Winsley, Talmadge, Fraser, von Reichbauer, M. Rasmussen, Roach and Oke

Increasing penalties for persons under the influence of intoxicating liquor or drugs.

Referred to Committee on Judiciary.

ESB 5378 by Senators M. Rasmussen, Barr, Loveland and Winsley; by request of Department of Agriculture

Modifying the regulation of horticultural plants and facilities.

Referred to Committee on Agriculture & Rural Development.

SB 5455 by Senators Fraser, Deccio and Talmadge; by request of Law Revision Commission

Correcting the codification of a section relating to chemical dependency.

Referred to Committee on Human Services.

SSB 5479 by Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio, Talmadge, Moyer, Franklin, M. Rasmussen and Oke)

Declaring Washington state children's day.

Referred to Committee on State Government.

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

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

REPORTS OF STANDING COMMITTEES

March 3, 1993

HB 1910 Prime Sponsor, Representative Silver: Creating an inventory system for state-owned or leased facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; Eide; R. Fisher; Heavey; Jacobsen; Jones; Ludwig; Romero; Silver; Sommers; and Thomas.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1942 Prime Sponsor, Representative R. Fisher: Facilitating state-wide transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide;

Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Brown, Vice Chair and Fuhrman.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 2001 Prime Sponsor, Representative H. Myers: Clarifying voter-approval procedures for transit agencies.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 2023 Prime Sponsor, Representative R. Meyers: Transferring jurisdiction for certain roads and highways.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Horn; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brown, Vice Chair, Brough, Fuhrman, Heavey and Johanson.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

With consent of the House, the House considered House Bill No. 1271 on today's second reading calendar.

HOUSE BILL NO. 1271, by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Horn and Wood; by request of Department of Transportation

Prescribing allowed vehicle lengths.

The bill was read the second time. Committee on Transportation recommendation: Majority do pass as amended. (For Committee amendment see Journal, 29 Day, February 8, 1993.)

Representative R. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative J. Kohl, Representatives Eide and Locke were excused.

On motion of Representative Wood, Representative Dyer was excused.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1271.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1271 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 4, Excused - 3.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Absent: Representatives Anderson, Mastin, Pruitt and Scott - 4.

Excused: Representatives Dyer, Eide and Locke - 3.

Engrossed House Bill No. 1271, having received the constitutional majority was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

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

INTRODUCTIONS AND FIRST READING (SUPPLEMENTAL)

SB 5956 by Senators Gaspard and Sellar; by request of Governor Lowry and Attorney General

Establishing a commission on ethics in government and campaign practices.

MESSAGE FROM THE SENATE

March 5, 1993

Mr Speaker:

The Senate has passed:

and the same is herewith transmitted.

SENATE BILL NO. 5956,

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Peery, the rules were suspended, Senate Bill No. 5956 on today's supplemental introduction sheet was placed on the second reading calendar and read the second time in full.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peery and Ballard spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5956.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5956 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dyer and Eide - 2.

Senate Bill No. 5956, having received the constitutional majority was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 11 a.m., Monday March 8, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTY-FOURTH DAY, MARCH 5, 1993

JOURNAL OF THE HOUSE

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

FIFTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 8, 1993

The House was called to order at 11:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Derick Dong and Steven Ayre. Prayer was offered by Representative Clyde Ballard.

Poetry was offered by Lisa Shipley:

Time in Jail

El Tiempo de la Carcel

by Lisa Shipley

time is a bird without wings
el tiempo es un pajoro sin alas

time is anger that eats the heart
el tiempo es colera que come el corazon

time is not sun or moon, but a cell without shadows
el tiempo es lo que te dan, no lo que tienes

time doesn't pass, it fills with more time
like throwing water into the sea
el tiempo no pasa, se llena con mas tiempo
como echar agua al mar

time is pushups you feel and count
tears you feel and cannot count
el tiempo, lagartijas que se puede sentir y contar
lagrimas que se puede sentir y nunca contar

time is sleep without dreams
or the rhythm of the earth
in a bed where covers don't fit
only time covers you
el tiempo es sueno sin suenes
sin el ritmo de la tierra
en una cama dondelas cobijas
no te cobijan
solamente el tiempo te cubre

time is an empty wall your eyes paint with sorrow and memory
el tiempo es una pared vacia que tus ojos pintan con dolor y recuerdos

time is what you wait for
el tiempo es lo que esperas
time is what you hope for
el tiempo es lo que esperas

tiempo afuera/time outside
tiempo que es tuyo/time that is yours

el tiempo que tanto quieres
recomenzar
time you want so much to renew

Painting the Sand

Like a Navajo I paint
my story in the sand
making a map
to climb down from the mountain

There is danger in the north
nothing in the west
an inked quill in the south
still waters at the heart

In the east there is trouble
I clear the hour
of my birth
cast the aquamarine
of my grandmother's eyes
the greying contours
of my grandmother's face

You come a wind across the desert
smell of spines and succulent flowers
scattering sand you uncover
desecrated ground I can't paint over

Inside the sweat lodge memory burns
but the smoke's not pure
the map is gone
the sand is waiting

Throw sage on the fire
while we sweat in silence
hand me a rock
and a shell from the sea
so I can hold them in my palms
and say there is peace

So I can turn to the east
this geography of sorrow
draw fresh water from the well
vermillion turquoise and
umber my colors
virgin sand falls to earth
on forgiven ground
a landscape I claim

a new compass I follow

Throw sage on the fire
while we sweat in silence
hand me a rock
and a shell from the sea
I can hold them in my palms
I can say there is peace.

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

MESSAGE FROM THE SENATE

March 5, 1993

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5053,
SUBSTITUTE SENATE BILL NO. 5075,
SENATE BILL NO. 5082,
SENATE BILL NO. 5228,
ENGROSSED SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
SENATE BILL NO. 5470,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGE FROM THE SENATE

March 8, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5956,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5956,

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

INTRODUCTIONS AND FIRST READING

HB 2100 by Representative Zellinsky

AN ACT Relating to fire protection district annexation; amending RCW 36.93.105 and 52.04.001;
and adding new sections to chapter 52.04 RCW.

Referred to Committee on Local Government.

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

Requiring the department of licensing to collect the local vessel excise tax on behalf of the
counties.

Referred to Committee on Transportation.

SSB 5075 by Senate Committee on Higher Education (originally sponsored by Senators Winsley, Fraser and Erwin)

Prohibiting hazing at institutions of higher education.

Referred to Committee on Higher Education.

SB 5082 by Senators M. Rasmussen, Barr, Erwin and Bauer

Including ratites in poultry farming regulations.

Referred to Committee on Agriculture & Rural Development.

SB 5228 by Senators Skratek, Haugen, A. Smith, Winsley and Quigley

Expanding eligibility for ongoing absentee voter status.

Referred to Committee on State Government.

ESB 5442 by Senators Vognild, Sellar, Skratek and von Reichbauer

Clarifying authority of tow truck operators.

Referred to Committee on Transportation.

ESSB 5452 by Senate Committee on Law & Justice (originally sponsored by Senators Hargrove, Deccio, Oke and Hochstatter)

Requiring misdemeanants to pay jail costs.

Referred to Committee on Judiciary.

SB 5470 by Senators Pelz, Bauer, Skratek, Drew and McAuliffe

Eliminating certain limitations on credit hours that may be used to determine compensation allocations for basic education certificated instructional staff.

Referred to Committee on Education.

SB 5484 by Senators Quigley, Roach, Vognild, Prince, Loveland, Moyer, McAuliffe and L. Smith

Preserving rights under prior lien laws.

Referred to Committee on Commerce & Labor.

SSCR 8400 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Talmadge, Skratek, Haugen, Owen, A. Smith, Pelz, Bluechel, Winsley and Erwin)

Declaring a sister state relationship with Taiwan.

Referred to Committee on Trade, Economic Development & Housing.

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

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

REPORTS OF STANDING COMMITTEES

March 4, 1993

HB 1144 Prime Sponsor, Representative Rust: Providing a funding mechanism for the office of marine safety's field operations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Dorn and Leonard.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1190 Prime Sponsor, Representative Anderson: Providing for voter registration by affidavit. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sommers; Stevens; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sheahan and Talcott.

Excused: Representatives Locke, Chair; Dorn and Leonard.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1337 Prime Sponsor, Representative Locke: Making changes regarding maternity care services and family planning. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Sheahan; Stevens; and Talcott.

Excused: Representatives Dorn and Leonard.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1354 Prime Sponsor, Representative G. Cole: Regulating industrial insurance death benefit payments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Dorn and Leonard.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1513 Prime Sponsor, Representative Zellinsky: Regulating watercraft registration. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1569 Prime Sponsor, Representative Appelwick: Changing provisions relating to malicious harassment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Morton; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Dorn and Leonard.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1591 Prime Sponsor, Representative Sommers: Adjusting the aggregate debt limit. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; Eide; R. Fisher; Jacobsen; Jones; Ludwig; Romero; Silver; Sommers; and Thomas.

Excused: Representative Heavey.

Passed to Committee on Rules for second reading.

March 3, 1993

HB 1635 Prime Sponsor, Representative Zellinsky: Purchasing jumbo ferries. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1662 Prime Sponsor, Representative Wineberry: Reauthorizing the community economic revitalization board. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendment by Committee on Capital Budget: On page 7, beginning on line 26, strike all material through "1999." on line 32 and insert:

~~"(The community economic revitalization board and its powers and duties shall be terminated on June 30, 1993, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, 1994. Any remaining duties of the community economic revitalization board after June 30, 1993, regarding repayment of loans made by the community economic revitalization board are transferred to the department of revenue on June 30, 1993.)~~ The community economic revitalization board shall report to the appropriate standing committees of the legislature by June 30, 1999, on the implementation of this chapter. The report must include an analysis of the effectiveness of the financial assistance provided under this chapter in accomplishing the objectives outlined in RCW 43.160.010, and a recommendation on whether the program established under this chapter should be continued, modified, or terminated."

On page 3, after line 2, insert:

"Sec. 2. RCW 43.160.030 and 1987 c 422 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the chairman of and one minority member appointed by the speaker of the house of representatives from the committee on trade and economic development of the house of representatives, the chairman of and one minority member appointed by the president of the senate from the committee on commerce and labor of the senate, or the equivalent standing committees, and the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor ~~((and should be a member of the governor's council of economic advisors))~~. The members of the board shall elect one of their members to serve as vice-chair. The director of trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Staff support shall be provided by the department of trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW."

Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; Eide; R. Fisher; Jacobsen; Jones; Romero; Sommers; and Thomas.

Excused: Representatives Heavey, Ludwig and Silver.

Passed to Committee on Rules for second reading.

March 2, 1993

HB 1928 Prime Sponsor, Representative R. Fisher: Providing for more comprehensive regional transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brown, Vice Chair and Fuhrman.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1931 Prime Sponsor, Representative Schmidt: Regulating steamboat operators. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1940 Prime Sponsor, Representative Orr: Establishing fishing guide licenses for Oregon residents. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Valle, Vice Chair, Dellwo, Dorn and Leonard.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1984 Prime Sponsor, Representative R. Fisher: Revising pilotage law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 2036 Prime Sponsor, Representative R. Fisher: Providing multimodal transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 2067 Prime Sponsor, Representative R. Fisher: Encouraging commute trip reduction programs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Cothorn; Finkbeiner; Heavey; Johanson; J. Kohl; R. Meyers; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brumsickle; Eide; Forner; Fuhrman; Hansen; Horn; Miller; and Wood.

Excused: Representative Brough.

Passed to Committee on Rules for second reading.

On motion of Representative Peery, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

Representative Peery moved that the House immediately consider the following bills in the following order: House Bill No. 1316, House Bill No. 1318, House Bill No. 1330 and House Bill No. 1346. The motion was carried.

SECOND READING

HOUSE BILL NO. 1316, by Representatives Springer, H. Myers and Thomas

Authorizing city councilmembers to serve as reserve police officers.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1316 was substituted for House Bill No. 1316 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1316 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Edmondson spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Locke and Appelwick were excused.

On motion of Representative Wood, Representatives Miller and Schmidt were excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1316.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1316, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Locke, Miller and Schmidt - 4.

Substitute House Bill No. 1316, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1318, by Representatives Pruitt, Ballard, Morton, Sheldon, Wolfe, Schoesler, R. Johnson and Jones

Changing boating safety provisions.

The bill was read the second time. On motion of Representative Pruitt, Substitute House Bill No. 1318 was substituted for House Bill No. 1318 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1318 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pruitt and Morton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1318.
ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1318 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Miller and Schmidt - 3.

Substitute House Bill No. 1318, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1330, by Representatives Horn, Heavey, G. Cole and Johanson; by request of Liquor Control Board

Regulating liquor licenses.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 31st Day, February 10, 1991.

Representative Heavey moved the adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading was considered the third and the bill was placed on final passage.

Representative Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1330.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1330 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Appelwick, Miller and Schmidt - 3.

Engrossed House Bill No. 1330, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1346, by Representatives G. Cole, Heavey, King, Veloria, Holm, J. Kohl, Brough, Sommers, Zellinsky, R. Fisher, Wang, Ogden, Wolfe, Valle, Riley, H. Myers, Wood, Jones, Leonard, Karahalios and Wineberry

Repealing enforcement and right of action provisions for family leave.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole, Thibaudeau and Heavey spoke in favor of passage of the bill and Representatives Lisk, Vance, Dyer and Mielke spoke against it.

Representative G. Cole again spoke in favor of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1346.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1346 and the bill passed the House by the following vote: Yeas - 71, Nays - 24, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Brumsickle, Carlson, Casada, Chandler, Dyer, Edmondson, Fuhrman, Lisk, Mielke, Padden, Reams, Roland, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 24.

Absent: Representative Morton - 1.

Excused: Representatives Appelwick and Miller - 2.

House Bill No. 1346, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Although present on the floor, my voting button did not work. Please record my "No" vote on House Bill No. 1346.

BOB MORTON, 7th District

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1243 and House Bill No. 1410 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1243, by Representatives King, Heavey, Franklin, G. Cole, Jones and Veloria

Making technical changes to the statute governing reconsideration of industrial insurance orders.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative King spoke in favor of passage of the bill and Representative Lisk spoke against it.

The Speaker stated the question before the House to be final passage of House Bill No. 1243.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1243, and the bill passed the House by the following vote: Yeas - 66, Nays - 30, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Basich, Bray, Brough, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen,

Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Tate, Thomas, Vance and Van Luven - 30.

Excused: Representatives Appelwick and Miller - 2.

House Bill No. 1243, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1410, by Representatives Morton and Appelwick

Concerning the distribution of intestate estates.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ludwig and Morton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1410.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1410 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Appelwick and Miller - 2.

House Bill No. 1410, having received the constitutional majority, was declared passed.

On motion of Representative Peery, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House was called the order at 2:00 p.m. by the Speaker.

The Clerk called the roll and a quorum was present.

MESSAGE FROM THE SENATE

March 8, 1993

Mr Speaker:

The Senate has passed:

SENATE BILL NO. 5172,
SUBSTITUTE SENATE BILL NO. 5262,
SUBSTITUTE SENATE BILL NO. 5337,
SUBSTITUTE SENATE BILL NO. 5360,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5379,
SUBSTITUTE SENATE BILL NO. 5404,
SUBSTITUTE SENATE BILL NO. 5443,
SUBSTITUTE SENATE BILL NO. 5481,

SENATE BILL NO. 5509,
SUBSTITUTE SENATE BILL NO. 5608,
SUBSTITUTE SENATE BILL NO. 5678,
SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1444 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1444, by Representatives Schmidt, Sheldon, Anderson, R. Fisher, Ballasiotes, Horn, Brough, Sheahan, Long, Campbell, Brumsickle, Ballard, Wood, Miller and Forner

Requiring identification for driver's licenses and identicards.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Mielke spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Van Luven was excused.

The Speaker stated the question before the House to be final passage of House Bill No. 1444.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1444 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representatives Veloria and Wineberry - 2.

Excused: Representatives Miller and Van Luven - 2.

House Bill No. 1444, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1484, by Representatives King, Orr and Fuhrman; by request of Department of Wildlife

Creating a wildlife violator compact.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: majority do pass as amended. (For committee amendment see Journal, 38th Day, February 17, 1993.)

Representative King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative King spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1484.
ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1484 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Engrossed House Bill No. 1484, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1501, by Representatives Silver, Jacobsen, Ballasiotes, Brumsickle, Carlson, Mielke, Talcott, Dyer, Cooke, Hansen, Jones, Quall, Padden and Wood

Notifying students at public institutions of higher education of the amount their education is supported by the state.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 38th Day, February 17th 1993.)

Representative Quall moved adoption of the amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1501.
ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1501 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Heavey and Wang - 2.

Absent: Representatives Horn and Linville - 2.

Excused: Representative Miller - 1.

Engrossed House Bill No. 1501, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1510, by Representatives Romero, H. Myers, Edmondson and Bray

Concerning the issuance of charge cards to employees of municipal corporations and political subdivisions.

The bill was read the second time.

Representative Padden moved adoption of the following amendment by Representative Padden:
On page 1, line 8, after "cards" insert ", other than an affinity card,"

Representatives Padden and H. Myers spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Edmondson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1510.
ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1510 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Engrossed House Bill No. 1510, having received the constitutional majority was declared passed.

HOUSE BILL NO. 1597, by Representatives Rust, Horn, Flemming and J. Kohl

Providing a private right of contribution under the model toxics control act.

The bill was read the second time. Representative Rust moved that Substitute House Bill No. 1597 be substituted for House Bill No. 1597 and that the substitute bill be placed on the second reading calendar.

Substitute House Bill No. 1597 was read the second time.

Representative Johanson moved adoption of the following amendment by Representative Johanson: On page 2, after line 10, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 70.105D RCW to read as follows:

(1) The private right of action and the right of contribution that are confirmed by section 1 of this act include but are not limited to a right of action or contribution by any real property owner upon whose real property storm water or wastewater is discharged.

(2) Notwithstanding subsection 1, the private right of action and the right of contribution that are confirmed by section 1 of this act do not apply to a right of action or contribution against any property owner on whose property a remedial action under this chapter is required due to storm water or wastewater discharge."

POINT OF ORDER

Representative Rust requested a ruling on the scope and object of the amendment.

Representative Peery moved that the House defer consideration of Substitute House Bill No. 1597 and the bill hold its place on the second reading calendar. The motion was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1011 on the Suspension calendar.

HOUSE BILL NO. 1011, by Representatives Appelwick and Shin

Enacting the 1991 uniform simultaneous death act.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1011.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1011 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Campbell - 1.

Excused: Representative Miller - 1.

Substitute House Bill No. 1011, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1013, by Representatives Appelwick and Riley

Adopting the revised uniform commercial code on bulk sales.

The bill was read the second time. Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1013.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1013 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust,

Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1013, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1015, by Representatives Appelwick and Riley

Adopting the Uniform Commercial Code article on leases.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1015.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1015 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 3, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representatives Brough, Peery and Sommers - 3.

Excused: Representative Miller - 1.

House Bill No. 1015, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1022, by Representatives Morris, Long, King and L. Johnson; by request of Sentencing Guidelines Commission

Adjusting the membership of the sentencing guidelines commission.

The bill was read the second time. Representative Morris moved that the committee recommendation be adopted (For committee amendment, see Journal, 40th Day, February 19, 1993.) The motion was carried.

Representatives Morris and Long spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1022.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1022 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust,

Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Engrossed House Bill No. 1022, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1028, by Representatives H. Myers, Vance, Jones, Orr, Flemming, Springer, Shin, Dunshee and Chappell

Allowing live-in care at mobile home parks.

The bill was read the second time.

Representative Wineberry moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative H. Myers and Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1028.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1028 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1028, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1038, by Representative Dellwo; by request of Law Revision Commission

Correcting a double amendment related to authorized functions of health care assistants.

The bill was read the second time.

Representative L. Johnson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Dellwo and Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1038.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1038 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King,

Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1038, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1061, by Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton

Modifying irrigation district mergers.

The Speaker called on Representative R. Meyers to preside.

The bill was read the second time.

Representative Rayburn moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Rayburn and Chandler spoke in favor of passage of the bill

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1061.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1061 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1061, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1076, by Representatives Ludwig, Padden, Appelwick, Orr and Johanson

Allowing a personal representative with nonintervention powers to determine time and manner of distributing income.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Ludwig and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1076.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1076 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1076, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1217, by Representatives Springer, Heavey, Chandler, King and Shin; by request of Liquor Control Board

Allowing seized liquor to be used for training and investigations.

The bill was read the second time.

Representative G. Cole moved that the committee amendment be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Springer and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1217.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1217 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1217, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1253, by Representatives Dellwo, Morris, Dyer and Wood; by request of Department of Health

Modifying provisions regarding physician assistants.

The bill was read the second time.

Representative L. Johnson moved that the committee amendment be adopted and the substitute bill be advanced to third reading.

Representatives Dellwo and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1253.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1253 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1253, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1254, by Representatives Dellwo, Morris, Dyer, Springer and Wood; by request of Department of Health

Modifying controlled substances definitions, standards, and schedule.

The bill was read the second time.

Representative L. Johnson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Dellwo and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1254.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1254 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1254, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1292, by Representatives Anderson, G. Cole, Chandler, Heavey, Veloria, Wood, Franklin, Springer, King and J. Kohl

Defining "employment" for unemployment compensation.

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Anderson and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1292.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1292 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1292, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1308, by Representatives Kremen, Tate and Jacobsen

Modifying beef commission membership.

The bill was read the second time.

Representative Rayburn moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Kremen and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1308.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1308 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1308, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1328, by Representatives Heavey, Riley and King

Setting the minimum rate of compensation for certain salespeople.

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to final passage of House Bill No. 1328.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1328 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Valle - 1.

Excused: Representative Miller - 1.

House Bill No. 1328, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1351, by Representatives Veloria, Heavey, King and Lisk; by request of Department of Labor & Industries

Defining hospital in regard to self-insurers.

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Veloria and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1351.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1351 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1351, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1355, by Representatives R. Fisher, Brough, R. Meyers, Edmondson, H. Myers and Van Luven

Increasing nonvoter-approved debt limit for metropolitan park districts.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives R. Fisher and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1355.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1355 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Fuhrman and Padden - 2.

Excused: Representative Miller - 1.

House Bill No. 1355, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1376, by Representatives Brough, Shin, Forner, Franklin, Casada, Ballard, Vance, Leonard, Chappell, Wineberry, Carlson, Roland, Long, Campbell, Cothorn, G. Cole, Flemming, H. Myers and Jacobsen

Allowing mobile home tenants to hold forums for candidates for public office.

The bill was read the second time.

Representative Wineberry moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Brough and Wineberry spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1376.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1376 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1376, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1379, by Representatives R. Fisher, Schmidt, Jones, Brumsickle, Horn, Quall, Brown, Brough, Orr and Wood; by request of Department of Licensing

Making housekeeping changes in various service programs of the department of licensing.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers) stated the question before the House to be final passage of House Bill No. 1379.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1379 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1379, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1384, by Representatives Chandler, Hansen, Karahalios, Dorn, Brough and Foreman

Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher.

The bill was read the second time.

Representative Cothorn moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Cothorn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1384.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1384 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate,

Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1384, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1401, by Representatives Dunshee, Horn, R. Fisher and H. Myers

Describing when tax foreclosed property may be disposed of by private negotiations.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Dunshee and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1401.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1401 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1401, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1428, by Representatives Grant, Casada, Finkbeiner, Long, King and Jacobsen

Removing the expiration date and correcting references for the Washington telephone assistance program.

The bill was read the second time.

Representative Grant moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Grant and Kessler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1428.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1428 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King,

Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1428, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1447, by Representatives Appelwick and Padden

Authorizing the filing of foreign judgments in district court.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1447.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1447 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1447, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1454, by Representatives King, G. Cole, Horn, Foreman, R. Johnson, Sheahan, Chandler, Vance, Brough, Miller, Ballasiotes, Brumsickle, Wood, Van Luven, Springer, Silver, Cooke, Long, Dyer, Morton, Talcott and Sehlin

Revising the definition of "acting in the course of employment."

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives King and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1454.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1454 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1454, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1460, by Representatives Zellinsky, Mielke and R. Meyers; by request of Department of Licensing

Regulating investment advisory contracts.

The bill was read the second time.

Representative Scott moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1460.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1460 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1460, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1479, by Representatives G. Fisher, Foreman, Wang and Anderson; by request of Department of Revenue

Modifying the uniform unclaimed property act.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives G. Fisher and Flemming spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question to be final passage of House Bill No. 1479.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1479 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1479, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1582, by Representatives Zellinsky, Mielke, R. Meyers, Dellwo, Campbell, Dorn, Dyer and Basich

Permitting certain transactions by insurance agent-brokers.

The bill was read the second time.

Representative Scott moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question to be final passage of Substitute House Bill No. 1582.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1582 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1582, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1707, by Representatives R. Fisher, Schmidt, R. Meyers and Johanson; by request of Utilities & Transportation Commission

Regulating motor carriers.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1707.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1707 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1707, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1735, by Representatives Anderson, Sommers, King and Silver; by request of Department of Retirement Systems

Authorizing the department of retirement systems to be divided into three divisions.

The bill was read the second time.

Representative Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1735.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1735 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1735, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1773, by Representatives Pruitt and R. Meyers

Adding certain miniature models to boiler regulation exemptions.

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Pruitt, Lisk and Van Luven spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1773.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1773 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1773, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1815, by Representatives Rust and Valle

Recodifying vessel operation provisions.

The bill was read the second time.

Representative Rust moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Rust spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1815.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1815 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1815, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1838, by Representatives R. Johnson, Mielke, R. Meyers, Rayburn, King, Kremen and Holm; by request of Insurance Commissioner

Requiring minimum standards for benefits in medicare supplement insurance.

The bill was read the second time.

Representative Scott moved that the committee recommendation be adopted and bill be advanced to third reading. The motion was carried.

Representatives R. Johnson and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1838.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1838 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1838, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1857, by Representatives Shin, Brumsickle, L. Johnson, Wood and Romero; by request of State Board for Community and Technical Colleges

Changing travel expense provisions for prospective employees of institutions of higher education.

The bill was read the second time.

Representative Jacobsen moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Shin and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1857.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1857 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1857, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1867, by Representatives Anderson, Edmondson, Jacobsen, Rayburn and Thibaudeau

Designating the Washington park arboretum as an official state arboretum.

The bill was read the second time.

Representative Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1867.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1867 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1867, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1915, by Representatives Patterson, H. Myers, Brough and Valle

Allowing less restrictive easements concerning aircraft noise.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Patterson and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1915.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1915 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust,

Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1915, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1929, by Representatives R. Fisher, Chappell, Springer, Quall and Johanson

Adjusting requirements for regional transportation planning organizations.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1929.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1929 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1929, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4007, by Representatives Bray, Ludwig, Lisk, Grant, Mastin and Rayburn

Petitioning Congress and the Secretary of Energy to name the Hanford and Lands Ecology Reserve after Richard Fitzner and Les Eberhardt.

The bill was read the second time.

Representative Grant moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Bray and Casada spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Joint Memorial No. 4007.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4007 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn,

Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Joint Memorial No. 4007, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider the following bills in the following order: Senate Bill No. 5166, House Bill No. 1552, Substitute House Bill No. 1597 and House Bill No. 1359. The motion was carried.

SENATE BILL NO. 5166, by Senators Vognild, Nelson and Sheldon; by request of State Treasurer and Department of Transportation

Authorizing refunding revenue bonds.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker assumed the chair.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5166.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5166 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Wang - 1.

Excused: Representative Miller - 1.

Senate Bill No. 5166, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1552, by Representatives Leonard, Sommers, Ogden, Riley, Talcott, Flemming, Silver, H. Myers, Thibaudeau, Padden, Karahalios, Johanson and Quall

Modifying provisions regarding persons with developmental disabilities.

The bill was read the second time. On motion of Representative Leonard Substitute House Bill No. 1552 was substituted for House Bill No. 1552 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1552 was read the second time.

Representative Wolfe moved adoption of the following amendment by Representative Wolfe:

On page 6, after line 14, insert:

"All employees of closed residential habilitation centers or major portions of residential habilitation centers, who are classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the personnel board pursuant to RCW 41.06.150. The personnel board shall provide employees under this section with the opportunity to transfer to other state jobs for which the employee is qualified in the department of social and health services and other state agencies."

Representatives Wolfe and Cooke spoke in favor of the adoption and it was adopted.

Representative Thibaudeau moved adoption of the following amendment by Representative Thibaudeau:

On page 6, line 14, after "community." insert "If residential habilitation centers or major portions of residential habilitation centers are closed under this section, the secretary shall notify the appropriate policy and fiscal committees of the senate and house of representatives of the decisions."

Representative Thibaudeau spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard, Cooke, H. Myers, Talcott, Silver, Riley, Sommers and Chappell spoke in favor of passage of the bill.

Representatives G. Cole, Anderson, Vance, Heavey, Ludwig and Edmondson spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1552.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1552 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dunshee, Eide, Finkbeiner, Fisher, R., Flemming, Forner, Fuhrman, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Mastin, Meyers, R., Mielke, Morris, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Reams, Riley, Romero, Schmidt, Scott, Sehlin, Sheldon, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Anderson, Ballard, Ballasiotes, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dyer, Edmondson, Fisher, G., Foreman, Grant, Heavey, Horn, Lisk, Ludwig, Morton, Patterson, Rayburn, Roland, Rust, Schoesler, Sheahan, Shin, Stevens, Valle, Vance, Van Luven and Wood - 31.

Excused: Representative Miller - 1.

Engrossed Substitute House Bill No. 1552, having received the constitutional majority, was declared passed.

The House resumed consideration of Substitute House Bill No. 1597.

Representative Rust withdrew her request for a scope and object ruling.

On motion of Representative Johanson, the amendment was withdrawn.

House Bill No. 1597 was passed to Rules.

HOUSE BILL NO. 1359, by Representatives Appelwick, Campbell, Riley, R. Meyers, Johanson, Chappell, Ludwig, H. Myers, Kessler, Eide, Locke, Roland, Pruitt, Jacobsen, Mastin, Long, Karahalios, Jones, L. Johnson, J. Kohl, Wineberry, Basich, Dellwo and G. Cole

Requiring full disclosure of civil court proceedings relating to public hazards.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick, Campbell and R. Meyers spoke in favor of passage of the bill and Representatives Forner, Dyer and Tate spoke against it.

Representative Appelwick again spoke in favor of the passage of the bill.

Representative Dyer again spoke against the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1359.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1359 and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Schmidt, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Kremen, Lisk, Mielke, Morton, Padden, Rayburn, Reams, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance and Van Luven - 31.

Excused: Representative Miller - 1.

House Bill No. 1359, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House now consider House Joint Resolution No. 4201 on the regular second reading calendar. The motion was carried.

HOUSE JOINT RESOLUTION NO. 4201, by Representatives Ludwig, Padden, Appelwick, Foreman and Johanson

Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity.

The resolution was read the second time.

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

Representatives Ludwig and Padden spoke in favor of passage of the resolution.

The Speaker called upon Representative R. Meyers to preside.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Joint Resolution No. 4201.

ROLL CALL

The Clerk called the roll on final passage of House Joint Resolution No. 4201 and the resolution passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Joint Resolution No. 4201, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1018, by Representatives Springer, Morris, Chappell, Dunshee, Finkbeiner, Riley, Brough, R. Johnson, Carlson, Edmondson, Flemming, Orr and Hansen

Making the office of sheriff nonpartisan.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1018 was substituted for House Bill No. 1018 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1018 was read the second time.

Representative Ludwig moved adoption of the following amendment by Representative Ludwig:

On page 3, after line 20, insert a new section as follows:

"Sec. 7. RCW 36.28.010 and 1965 c 92 s 1 are each amended to read as follows:

The sheriff is the chief (~~(executive)~~) law enforcement officer and conservator of the peace of the county. In the execution of his office, he and his deputies:

- (1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;
- (2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;
- (3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;
- (4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;
- (5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;
- (6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary."

Representative Ludwig spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Edmondson and Carlson spoke in favor of passage of the bill and Representative Dunshee spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1018.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1018 and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Grant, Hansen, Holm, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Casada, Cooke, Dunshee, Fisher, R., Foreman, Forner, Fuhrman, Heavey, Horn, Jacobsen, King, Morton, Padden, Stevens, Tate, Vance, Van Luven and Wang - 19.

Excused: Representative Miller - 1.

Engrossed Substitute House Bill No. 1018, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1069, by Representatives Ludwig, Mielke, Riley, Mastin, Bray, Orr, Vance, H. Myers, Lisk, R. Johnson, Grant, Basich, Edmondson, Schmidt, Campbell, Van Luven, Rayburn, Foreman, Ballasiotes, Long, Kremen, Brough, Brumsickle, Horn, Forner, Karahalios, Chandler, Wood, Cooke, Roland and Silver

Providing for seizure of property involved in a felony.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the substitute bill was placed on the second reading calendar. The motion was carried.

Substitute House Bill No. 1069 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1069.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1069 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1069, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1090, by Representative Scott

Protecting communications in law enforcement officers peer support groups.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1090 was substituted for House Bill No. 1090 and the substitute bill was placed on the second reading calendar. The motion was carried.

Substitute House Bill No. 1090 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Scott spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1090.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1090 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1090, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1108, by Representatives Vance, Reams and Anderson

Extending the filing period for certain nonpartisan offices when no candidate or one candidate files for an office.

The bill was read the second time. On motion of Representative Anderson, Substitute House Bill No. 1108 was substituted for House Bill No. 1108 and the substitute bill placed on the second reading calendar.

Substitute House Bill No. 1108 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill be placed on final passage.

Representatives Anderson and Vance spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1108.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1108 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott,

Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Cole, G., Heavey and Quall - 3.

Excused: Representative Miller - 1.

Substitute House Bill No. 1108, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1111, by Representatives Van Luven, Heavey, Schmidt, Riley, Forner, Finkbeiner, Johanson, Campbell and Wood

Protecting pedestrians in crosswalks.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven and Heavey spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1111.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1111 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

House Bill No. 1111, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1275, by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Shin and Horn; by request of Department of Transportation

Exempting site exploration from shorelines management regulation.

The bill was read the second time. On motion of Representative Rust, Substitute House Bill No. 1275 was substituted for House Bill No. 1275 and the substitute bill be placed on today's second reading calendar.

Substitute House Bill No. 1275 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Horn spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1275.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1275 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Miller - 1.

Substitute House Bill No. 1275, having received the constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES (SUPPLEMENTAL)

March 4, 1993

HB 1063 Prime Sponsor, Representative Rayburn: Modifying provisions regarding the Washington wine commission. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Rural Development be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1089 Prime Sponsor, Representative J. Kohl: Changing air quality operating permit requirements. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill with the following amendments by Committee on Revenue:

On page 2, after line 23, insert the following:

"Sec. 2. RCW 43.79A.040 and 1991 sp.s. c 13 s 82 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The American Indian scholarship endowment fund, the air operating permit account, the energy account, the game farm alternative account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service ~~((account fund))~~ fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the ferry system account, the ferry system insurance claim reserve account, the ferry system operation and maintenance account, the ferry system revenue account, the ferry system revenue bond account, the high occupancy vehicle account, and the local rail service assistance account.

(3) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 10, after "under RCW 70.94.152(1)" insert "and section 8(7) of this act"

On page 2, line 14, strike "section 6" and insert "sections 6 and 8(7)"

On page 2, line 18, strike "section 6" and insert "sections 6 and 8(7)"

On page 14, beginning on line 22, after "department" strike all material through "council" on line 24

On page 18, line 28, after "renewal" insert ", preparing a draft permit and fact sheet, and preparing a final permit,"

On page 18, beginning on line 30, after "pollutants" strike all material through "permit" on line 31

On page 22, line 16, strike "source" and insert "sources"

On page 22, line 22, after "costs" insert "not recovered through general permit fees"

On page 22, line 33, after "70.94.152(1)" insert "and section 8(7) of this act"

On page 25, beginning on line 21, strike "and 70.94.161 (15) and (16)" and insert ", 70.94.161 (14) and (15), and sections 6 and 8(7) of this act"

On page 26, line 9, after "a list of" insert "sources and"

On page 26, beginning on line 23, after "organizations." strike all material through "years." on line 24

On page 27, line 7, strike "70.94.161" and insert "70.94.331(9)"

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Talcott; and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member and Van Luven.

Excused: Representatives Silver and Wang.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1128 Prime Sponsor, Representative G. Fisher: Funding blood and breath alcohol testing programs. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; and Van Luven.

Excused: Representative Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1136 Prime Sponsor, Representative Reams: Encouraging home matching. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1197 Prime Sponsor, Representative Leonard: Allowing families to retain a greater percentage of income before public benefits are reduced or terminated. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. The legislature finds that:

- (1) Many states are currently evaluating and developing new program directions for the aid to families with dependent children program;
 - (2) The state expects new initiatives from the federal government aimed at reforming the public assistance system;
 - (3) Washington's family independence program will complete its five-year demonstration period in June 1993;
 - (4) Current welfare-to-work evaluations and studies emphasize a strong connection between recent work experience and employability. Further, studies have found that targeting services to specific welfare population segments is a cost-effective strategy in successful welfare-to-work programs;
 - (5) Public assistance programs are more likely to succeed when expectations are clearly established and the state, service providers, and recipients work together to develop an employability plan; and
 - (6) The current public assistance system requires a reduction in grant payments when income is earned.
- The legislature intends to create a stronger economic incentive for working while on welfare by allowing families to retain a greater percentage of earned income before it results in the reduction or termination of grant benefits.

NEW SECTION. Sec. 4. The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable. The department shall seek federal approval for the amendment to the state plan and report on federal action to the appropriate standing committees of the legislature by December 1, 1993.

NEW SECTION. Sec. 5. The department of social and health services shall design a program for implementation involving recipients of aid to families with dependent children. A goal of this program is to develop a system that segments the aid to families with dependent children recipient population and identifies subgroups, matches services to the needs of the subgroup, and prioritizes available services. The department shall specify the services to be offered in each population segment, and not all services shall be available to each segment. The general focus of the services offered shall be on job training, work force preparedness, and job retention.

The program shall be designed for state-wide implementation on July 1, 1994. Any proposal for implementation may include phasing certain components over time or geographic area.

NEW SECTION. Sec. 6. The secretary of social and health services shall appoint an advisory committee to give recommendations and advice on the design and implementation of the program. The advisory committee shall consist of no more than fifteen individuals and shall be composed of representatives from business, the private industry council, labor, state job placement services, private nonprofit job placement services, and recipient advocate groups.

NEW SECTION. Sec. 7. The department of social and health services shall consider the following in developing the program:

- (1) An employment incentive program that strengthens the ability of recipients to reach a level of self-sufficiency as determined by the department. Aid to families with dependent children grants may be used to supplement a program participant's wages;
- (2) Development of a community work program that includes nonpaid work experience for those persons who are long-term recipients of aid to families with dependent children;
- (3) Services that are limited in duration. This limitation shall be clearly conveyed to program participants;
- (4) Segmentation of the recipient population based on factors such as work experience, education level, age of recipient, wage history, child support history, and length of time the person has been an aid to families with dependent children recipient;
- (5) Matching appropriate services to each segment of the recipient population. The criteria may include an array of services that targets high cost, intensive services to the least employable groups and low cost, less intensive services to the most employable groups;
- (6) Use of contracts between recipients and the department that set forth employability/self-sufficiency plans and sanctions for noncompliance;
- (7) Training and education services for absent parents that increase their ability to support their children;
- (8) The elimination of work disincentives for recipients of aid to families with dependent children;
- (9) Providing food cash assistance or electronic benefit transfer in lieu of food stamps; and

(10) Appropriate education and training services designed to promote economic self-sufficiency.

NEW SECTION. Sec. 8. The department of social and health services in consultation with the governor shall determine what statutory or regulatory waivers are necessary to eliminate barriers to full implementation of the program.

NEW SECTION. Sec. 9. The department of social and health services shall present the proposed program including an implementation strategy to the appropriate committees of the legislature by December 15, 1993."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1204 Prime Sponsor, Representative Leonard: Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders". Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1261 Prime Sponsor, Representative Sommers: Regulating portability of retirement benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1268 Prime Sponsor, Representative Dunshee: Creating a program of voluntary campaign spending limits for state offices. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; and Stevens.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1294 Prime Sponsor, Representative Locke: Changing provisions in LEOFF Plan II to allow retirement at age fifty. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sheahan and Stevens.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1309 Prime Sponsor, Representative King: Protecting and recovering wild salmonids. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Fisheries & Wildlife be substituted therefor and the substitute bill with the following amendments by Committee on Appropriations:

On page 8, after line 22, insert:

"NEW SECTION. Sec. 17. If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

On page 6, line 31, after "claims." insert "The department shall attempt to integrate the requirements of this subsection into its existing compliance workload priorities, but shall prioritize the requirements of this subsection ahead of the existing compliance workload where a delay may cause the decline of wild salmonids."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sheahan and Stevens.

Excused: Representatives Morton, Dorn and G. Fisher.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1333 Prime Sponsor, Representative Flemming: Providing for youth gang violence reduction. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations: On page 2, beginning on line 32, strike "three hundred fifty" and insert "one hundred ninety"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes; Sehlin; Sheahan; and Stevens.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1369 Prime Sponsor, Representative Jacobsen: Changing provisions relating to vocational education. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill with the following amendment by Committee on Revenue: On page 7, beginning on line 20, strike all of section 4.

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1440 Prime Sponsor, Representative Dellwo: Reducing the tax burden on free hospitals. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Cothorn; Leonard; Morris; and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representatives Romero; Rust; and Wang.

Excused: Representatives Silver, Brown, Talcott and Van Luven.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1465 Prime Sponsor, Representative Kessler: Continuing tax deferral programs. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1493 Prime Sponsor, Representative Wineberry: Assisting minority and women-owned businesses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.168.020 and 1991 c 314 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's

unemployment rate; or (d) a county designated as a timber impact area under RCW 43.31.601 if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(8) "Minority" means persons of color, including African-Americans, Hispanic/Latino Americans, Native Americans, and Asian/Pacific Islander Americans.

(9) "Minority or women-owned business" means any resident minority business enterprise or women's business enterprise, as determined by the committee to be consistent with the requirements of chapter 39.19 RCW and subsection (8) of this section.

Sec. 2. RCW 43.168.030 and 1985 c 164 s 3 are each amended to read as follows:

(1) The Washington state development loan fund committee is established as an entity within the department of community development. The committee shall have ~~((seven))~~ eight members. The director shall appoint the members, subject to the following requirements: (a) Three members shall be experienced in investment finance and have skills in providing capital to new and innovative businesses, in starting and operating businesses and providing professional services to small or expanding businesses; (b) two members shall be residents of distressed areas; (c) one member shall represent organized labor; ~~((and))~~ (d) one member shall represent a minority business; and (e) one member shall represent a women-owned business. Careful consideration in making these appointments shall be taken to ensure that the various geographic regions of the state are represented, that members will be available for meetings on a regular basis, and will have a commitment to working with local governments and local development organizations.

(2) Each member appointed by the director shall serve a term of three years, except that of the members first appointed, two shall serve two-year terms and two shall serve one-year terms. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the director only for cause.

(3) The director shall designate a member of the board as its chairperson. The committee may elect such other officers as it deems appropriate. Five ~~((Four))~~ members of the committee constitute a quorum and five ~~((four))~~ affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members of the committee shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for wilful dishonesty or intentional violations of law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 3. RCW 43.168.050 and 1990 1st ex.s. c 17 s 74 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities, ~~((the))~~ the maintenance of threatened employment, or development or expansion of business ownership by minorities and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, ~~((and))~~ the employment of disadvantaged workers, and development or expansion of business ownership by minorities and women, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) For loans not made to minority and women-owned businesses, the committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. For loans not made to minority and women-owned businesses, the committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

(12) For loans to minority and women-owned businesses, the committee may consider non-traditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses in the economy. For applicants with "high potential" who do not meet the credit criteria, the committee shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the committee shall provide financial counseling within available resources and referrals to credit rehabilitation services.

NEW SECTION. Sec. 4. A new section is added to chapter 43.168 RCW to read as follows:

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the committee under this chapter shall conform to applicable federal requirements. The committee shall prioritize available funds for loan guarantees rather than loans when possible. The committee may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the committee may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the committee from making individual loan guarantees.

Sec. 5. RCW 43.168.070 and 1987 c 461 s 5 are each amended to read as follows:

The committee may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The committee shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

Sec. 6. RCW 43.168.100 and 1986 c 204 s 1 are each amended to read as follows:

The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements; and (3) spend at least the same (~~double the~~) amount of the grant for loans to businesses from the federal funds received by the entitlement community.

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Wineberry.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1518 Prime Sponsor, Representative Valle: Creating a water trail recreation program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Rust; Sehlin; Sheahan; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Stevens.

Excused: Representatives Morton, Peery, Appelwick and Dorn.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1519 Prime Sponsor, Representative Ballard: Creating an office of housing affordability and regulatory reform. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendments by Committee on Appropriations:

On page 2, line 15, after "person" strike all material through "and" on page 2, line 16

On page 2, line 21, after "(4)" strike all material through "(5)" on page 2, line 23

On page 2, beginning on line 30, strike all of subsections (6), (7), and (8)

On page 3, beginning on line 6, strike all of section 3

On page 3, line 11, strike "duties of the office include" and insert "department shall"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Leonard; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Ballasiotes, G. Fisher, Stevens, Lemmon and Peery.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1530 Prime Sponsor, Representative Morris: Providing for continuation of property tax exemptions for senior citizens confined in hospitals and nursing homes. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1583 Prime Sponsor, Representative Jacobsen: Clarifying eligibility requirements for state-funded benefits for part-time academic employees of community and technical colleges. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1612 Prime Sponsor, Representative Morton: Testing the feasibility of remote site incubators for salmon enhancement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; G. Fisher; Jacobsen; Lemmon; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Excused: Representatives Dorn, Leonard, Ballasiotes and Linville.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1653 Prime Sponsor, Representative King: Regulating vocational rehabilitation services in industrial insurance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Commerce & Labor:

On page 3, line 37, after "or" strike "work hardening" and insert "transitional work"

On page 4, line 2, after "or" strike "work hardening" and insert "transitional work"

On page 4, line 3, after "program." insert "RCW 51.16.120(3) shall apply to the workers for whom coverage has been elected as authorized in this section."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Talcott.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1670 Prime Sponsor, Representative Sommers: Providing service credit for periods of paid leave. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant

Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1673 Prime Sponsor, Representative Roland: Creating the aerospace industry legislative task force. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1678 Prime Sponsor, Representative Eide: Continuing funding for Operation New Market. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Silver, Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Carlson, Assistant Ranking Minority Member;

Excused: Representatives Valle, Vice Chair, Leonard, Morton and Peery.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1688 Prime Sponsor, Representative Campbell: Installing manufactured homes. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations: On page 5, line 27, after "be" insert "deposited in the general fund and"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Rust; Sommers; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Morton, Peery, Appelwick and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1694 Prime Sponsor, Representative Dellwo: Modifying the examination of health profession candidates for credentialing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1739 Prime Sponsor, Representative Finkbeiner: Creating the citizen suggestion program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 3, after line 27, insert the following:

"NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; Jacobsen; Leonard; Linville; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Morton, Dorn, G. Fisher, Lemmon, Peery and Wineberry.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1744 Prime Sponsor, Representative Heavey: Changing provisions relating to the LEOFF system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Stevens.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1751 Prime Sponsor, Representative Anderson: Modifying compensation of forest practices board members. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Valle, Vice Chair, Leonard, Morton and Peery.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1759 Prime Sponsor, Representative H. Myers: Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Stevens.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1765 Prime Sponsor, Representative L. Johnson: Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Ballasiotes.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1817 Prime Sponsor, Representative L. Johnson: Directing the department of corrections to review the offender health care system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1820 Prime Sponsor, Representative Dorn: Creating the school-to-work transitions program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 6, line 31, after "**Sec. 13.**" strike all matter through "plan" on page 7, line 15 and insert "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Carlson, Assistant Ranking Minority Member, Leonard, and Morton.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1845 Prime Sponsor, Representative Lemmon: Modifying certain horse racing purses. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Talcott; Thibaudeau; Van Luven; and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Silver.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1855 Prime Sponsor, Representative Zellinsky: Enabling accreditation of the insurance commissioner. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1870 Prime Sponsor, Representative Zellinsky: Licensing bail bond agents. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 4, 1993

HB 1884 Prime Sponsor, Representative Holm: Exempting nonprofit organizations providing credit services from the business and occupation tax. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Silver; and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust and Wang.

Excused: Representatives Romero, Talcott and Thibaudeau.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1895 Prime Sponsor, Representative Eide: Raising the limit for the business and occupation tax exemption.
Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, strike "two" and insert "four"

On page 1, line 13, strike "two" and insert "four"

Signed by Representatives G. Fisher, Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Morris; Romero; Silver; Talcott; Van Luven; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Cothorn; Leonard; Rust; and Thibaudeau.

Excused: Representative Holm, Vice Chair.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1897 Prime Sponsor, Representative Thibaudeau: Modifying provisions regarding mental health. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 13, line 24, after "patients." strike all material through "networks." on line 29.

On page 17, line 16, after "1995." strike all language through "department" on line 18.

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1913 Prime Sponsor, Representative Locke: Providing supports for people with developmental disabilities.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 1943 Prime Sponsor, Representative Brumsickle: Allowing community and technical college foundations to manage funds for their exceptional faculty awards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1953 Prime Sponsor, Representative Grant: Creating an energy siting process review committee. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Energy & Utilities be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; and Wolfe.

Excused: Representatives Morton, Dellwo, G. Fisher, Jacobsen, Wang and Wineberry.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1956 Prime Sponsor, Representative Cothorn: Requiring computerized collection of health insurance coverage provided by certain state entities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Cooke and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1957 Prime Sponsor, Representative Dellwo: Creating the medical health coverage benefit determination committee. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that health care coverage providers employ a variety of methods to determine whether a particular health care service or treatment will be denied because such service or treatment is considered by the provider to be experimental, investigative, or similarly questionable as to its efficacy. The denial of coverage may prevent access to necessary health care services or treatment when the person seeking coverage has no other method of affording such health care service or treatment.

The legislature further finds that similarly situated persons with the same health care need but with different health care coverage providers face the possibility that one provider will deny coverage while the other will permit coverage. This inconsistency in coverage determinations requires an impartial body to provide technical guidance to health care coverage providers in determining whether certain health care services or treatments should be covered under a disability insurance policy, health care service contract or agreement, or under any other similar health care benefit program.

NEW SECTION. Sec. 2. (1) Unless the context requires otherwise, the following definitions apply throughout this chapter:

(a) "Committee" means the medical health coverage benefit determination committee created in this chapter.

(b) "Health care coverage provider" or "provider" means:

(i) Every insurer, as defined in RCW 48.01.050, having a certificate or authority to transact disability insurance as defined in RCW 48.11.030, in this state;

(ii) Every health care service contractor, as defined in RCW 48.44.010(3), registered to transact business in this state;

(iii) Every health maintenance organization, as defined in RCW 48.46.020(1), registered to transact business in this state;

(iv) The Washington basic health plan, as defined in RCW 70.47.020(1);

(v) The Washington state health care authority, as defined in chapter 41.05 RCW;

- (vi) Every local government self-insured health and welfare benefit plan or program regulated under chapter 48.62 RCW; or
- (vii) The Washington State Health Insurance Pool as defined in chapter 48.41 RCW.

NEW SECTION. Sec. 3. (1) There is hereby created in the office of the insurance commissioner, the medical health coverage benefit determination committee consisting of seven members appointed by the commissioner on the basis of their knowledge and experience in health care services. In appointing such members the commissioner shall seek to appoint members from diverse health care professions that may include medical research, pharmacology, oncology, internal medicine, gynecology, pediatrics, or any other health profession capable of providing expertise for purposes of this act. The commissioner may not appoint members who work for or with a provider in a capacity similar to the purposes of the committee and may not appoint members who are advocates for groups, associations, or other organizations promoting the use or coverage of a particular procedure, treatment, drug, or other health care service.

(2) Members of the committee shall be appointed for a term of four years and until their successors are appointed. In the event of a vacancy, the commissioner shall appoint a person to fill the unexpired portion of the term. The terms of the first four members of the committee shall be staggered so that one member shall be appointed to serve until June 1, 1994, one member until June 1, 1995, one member until June 1, 1996, and one member until June 1, 1997.

(3) The commissioner may remove a member of the committee only for inefficiency, malfeasance, or misfeasance.

(4) The committee shall operate on a part-time basis. The committee shall meet at the request of the commissioner and may meet at the request of a majority of members of the committee to consider, develop, and recommend criteria to guide future actions of health care coverage providers in determining whether a procedure, treatment, drug or other health care service is experimental, investigative, or efficacious for purposes of extending coverage. The committee shall also consider and make recommendations as to whether a procedure, treatment, drug, or other health care service is experimental, investigative, or efficacious.

(5) The committee shall as soon as practicable after the initial appointment of the members, meet and elect a chairperson and shall at least biennially thereafter meet and elect such chairperson.

(6) Members of the committee shall receive reimbursement for travel expenses incurred in the discharge of their duties in accordance with RCW 43.03.050 and 43.03.060.

(7) The insurance commissioner shall provide the committee with administrative, material, and staff support necessary for the proper functioning of the committee and may adopt all rules necessary to implement the provisions of this chapter.

NEW SECTION. Sec. 4. (1) In making a recommendation as to whether a procedure, treatment, drug, or other health care service is experimental, investigative, or efficacious the committee shall:

(a) Take into account findings, studies, or research conducted at qualified research centers in this country and abroad;

(b) Consider whether treating physicians find the procedure, drug or treatment efficacious or necessary for the health or survival of the patient, or whether there is a potential benefit to the public as a whole, as for example, where a disease is rare and treatment for it may remain experimental for the foreseeable future; and

(c) Consider other similar relevant information.

(2) After considering the facts and without reference to any particular dispute between a provider and the person seeking coverage of a procedure, drug, treatment, or other health care service, the committee shall issue a written recommendation to the commissioner detailing its findings and conclusions.

(3) The commissioner shall publish at least once a year, and disseminate to the public and providers, a summary of the committee's determinations and deliberations.

NEW SECTION. Sec. 5. This chapter shall expire on July 1, 1998.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in title 48 RCW."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wineberry.

Excused: Representatives Leonard, Morton and Wolfe.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1966 Prime Sponsor, Representative Wineberry: Implementing juvenile justice racial disproportionality study recommendations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 7, after line 27, insert:

"NEW SECTION. Sec. 10. The implementation of this act, or any section of this act, is subject to the availability of funds."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1969 Prime Sponsor, Representative Wang: Creating the "Washington serves" voluntary service program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1997 Prime Sponsor, Representative Quall: Redefining the relationship between the state and its postsecondary institutions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations: On page 3, beginning on line 8, strike all of sections 3 through 7.

On page 5, line 23, after "rules" strike everything through "state." on line 25 and insert ". The higher education coordinating board shall report to the governor and appropriate legislative committees its recommendations for any statutory changes necessary to enhance institutional efficiencies. In cooperation with affected institutions, the board shall work with appropriate agencies to reduce administrative barriers that do not require statutory changes."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 2026 Prime Sponsor, Representative Karahalios: Requiring notice about fetal alcohol syndrome. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations: On page 2, beginning on line 1, strike all of section 3.

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 5, 1993

HB 2029 Prime Sponsor, Representative Dorn: Changing funding procedures for high school students enrolled in the running start program in community or technical colleges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Lemmon.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 2066 Prime Sponsor, Representative J. Kohl: Changing school levy provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 4, 1993

HJM 4008 Prime Sponsor, Representative Mastin: Requesting a full deduction for sales taxes on federal tax returns. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Van Luven; and Wang.

Excused: Representatives Talcott and Thibaudeau.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES (1ST SUPPLEMENTAL)

March 6, 1993

HB 1209 Prime Sponsor, Representative Peery: Reforming education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill with the following amendments by Committee on Appropriations:

On page 10, beginning on line 35, strike all of section 203

On page 13, beginning on line 30, strike all of section 303

On page 18, beginning on line 18, strike all of sections 408, 409, 410 and 411

On page 21, beginning on line 3, strike all of section 503

On page 26, beginning on line 17, strike all of section 613

On page 30, beginning on line 1, strike all of sections 711, 712, 713 and 714

On page 31, beginning on line 30, strike all of section 803

On page 36, beginning on line 13, strike all of section 905

On page 43, after line 32, insert:

"NEW SECTION. Sec 1204. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

On page 12, line 3, after "by" insert "up to"

On page 12, after line 16, insert:

"(8) If specific funding for education restructuring grants, referencing this act by bill number and specifying that the funding is for education restructuring grants, is not provided by June 30, 1993 in the omnibus appropriation act, this section is null and void."

On page 12, line 20, strike "implementation"

On page 13, line 14, after "by" insert "up to"

On page 13, after line 29, insert:

"(8) If specific funding for education restructuring grants, referencing this act by bill number and specifying that the funding is for education restructuring grants, is not provided by June 30, 1995 in the omnibus appropriation act for the 1995-97 biennium, this section is null and void."

On page 6, line 38, strike "required" and insert "~~(required)~~ reviewed"

On page 7, line 5, after "districts" insert "for purposes of assessing the adequacy of its curriculum and teaching methods in educating students in the essential academic learning requirements"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Sheahan; Stevens; and Talcott.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1236 Prime Sponsor, Representative Rust: Establishing fees for certain water rights. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill with the following amendment by Committee on Revenue: On page 8, after line 20, strike all material through line 24 on page 9 and insert the following:

"NEW SECTION. Sec. 6. (1) There is created a water rights fees task force. The task force shall be comprised of fourteen members, who are appointed as follows:

(a) Two members of the Washington state house of representatives, one from each major caucus, to be appointed by the speaker of the house;

(b) Two members of the Washington state senate, one from each major caucus, to be appointed by the president of the senate;

(c) Ten members, to be appointed jointly by the speaker of the house of representatives and the president of the senate, to represent the following interests: Agriculture, aquaculture, business, cities, counties, the state department of ecology, environmentalists, water recreation interests, water utilities, and hydropower interests. The task force may establish technical advisory committees as necessary to complete its tasks.

(2) The task force shall conduct a comprehensive review of water rights fees and related policy issues. The task force's tasks shall include but not be limited to:

(a) Identification of the costs associated with the various types of activities and services provided in the water resource program and examination of how these costs compare with the fees charged for these activities and services;

(b) Identification of appropriate accountability measures for the department to employ in administration of the water rights program. Recommendations of accountability requirements and measurements shall take into account the distinctive characteristics of the water rights program, that is, that the department receives a large number of applications on a one-time basis and that the department must meet its legal obligations under the doctrine of prior appropriation.

(c) Identification of which program activities should be eligible for cost recovery from fees, as well as which direct and indirect costs of program administration;

(d) Review of the application, examination, and water rights permit requirements for marine water users, to determine if these users should receive special consideration;

(e) Review of the definition and treatment of nonconsumptive water uses, to determine if and what special consideration should be given to these uses;

(f) Review of the fees and accounting methods for the dam safety program;

(g) Review of the findings of the water resource data management task force, and identification of the appropriate distribution of responsibility between the applicant and the department for provision of technical information and analysis; and

(h) Establishment of a reasonable time framework for completion of new and pending water rights applications, and an analysis of the staff and funding levels required to meet the established time framework."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Romero; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Morris; Silver; Talcott; and Van Luven.

Excused: Representative Leonard.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1320 Prime Sponsor, Representative Pruitt: Modifying the forest fire protection assessment. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill with the following amendment by Committee on Revenue: On page 6, after line 18, insert:

"**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Van Luven.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1336 Prime Sponsor, Representative Karahalios: Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1372 Prime Sponsor, Representative Pruitt: Creating the government accountability task force. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.88.160 and 1992 c 118 s 8 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in (a) through (e) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state (~~PROVIDED, That nothing in this section may be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085).~~)

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 2. RCW 44.28.085 and 1975 1st ex.s. c 293 s 15 are each amended to read as follows:

The legislative budget committee shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any public agency, officer, administrator, or employee has discharged the responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by subsection (3) of RCW 43.88.160 ((as now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor)).

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member and Carlson, Assistant Ranking Minority Member.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1395 Prime Sponsor, Representative Scott: Allowing counties to impose additional marriage license fees for funding family services. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member and Van Luven.

Excused: Representative Leonard.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1419 Prime Sponsor, Representative G. Fisher: Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1441 Prime Sponsor, Representative R. Johnson: Providing for flood damage reduction. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill with the following amendments by Committee on Appropriations:

On page 12, line 3, after "transfer" strike "four million dollars"

On page 12, line 5, after "account" strike all material through "~~dollars~~)" on line 7, and insert "an amount of money, which, when combined with money remaining in the account from the previous biennium, will equal four million dollars"

On page 4, beginning on line 6, insert "(1)"

On page 4, after line 11, insert "(2) This section shall expire on July 1, 1998."

On page 17, on line 8, after "writing" insert "at least 5 days"

On page 6, line 1, after "(4)" strike all material through "county" on line 13, and insert "A flood-prone county shall submit to the department of ecology a flood hazard management plan consistent with the model ordinance developed pursuant to section 101 of this act by the later of July 1, 1997, or two years after the county has been designated as a flood-prone county. A flood-prone county, and all applicants within that county, are eligible for state matching funds for the public assistance and mitigation programs under P. L. 93-288 Sec. 404, 406, and 407, only if the county has adopted a plan meeting the requirements of this subsection"

On page 7, line 9, after "county" strike all material through "act" on page 8, line 2, and insert "has adopted an ordinance pursuant to section 104 of this act, the county legislative authority of each flood-prone county shall submit an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act, by the later of July 1, 1995, or within two years of becoming a flood-prone county. A flood-prone county and all applicants within the county are eligible for state matching funds for the public assistance and mitigation programs under P.L. 93-288 Secs. 404, 406, and 407, only if the county has adopted an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act."

(4) A city or town within a flood-prone county, and all the applicants within that city or town, are eligible for state matching funds for the public assistance and mitigation programs under P.L. 93-288 Secs. 404, 406, and 407, only if the city or town has adopted an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sommers; Wang; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Basich; Sehlin; Sheahan; and Stevens.

Excused: Representatives Morton, Talcott, G. Fisher and Wolfe.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1442 Prime Sponsor, Representative R. Johnson: Creating a watershed management task force. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1445 Prime Sponsor, Representative J. Kohl: Modifying the scope of the state law against discrimination.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 4, line 28, after "1993." insert "However, the human rights commission may not consider a complaint against an employer having fewer than eight employees until after June 30, 1995 and the commission shall dismiss any such complaint filed after June 30, 1995 if the unfair practices have not been conducted after June 30, 1995. This postponed effective date does not apply to civil actions filed in court under RCW 49.60.030(2)."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1471 Prime Sponsor, Representative King: Regulating the non-Puget Sound coastal commercial crab fishery.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Fisheries & Wildlife be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations: On page 3, after line 21, insert:

"NEW SECTION. Sec. 5. A surcharge of one hundred and twenty-five dollars shall be collected with each coastal crab pot license issued under RCW 75.28.130 until June 30, 1999."

On page 8, line 5, after "The" strike the remainder of the section and insert "industry shall prepare a gear reduction plan to stabilize the coastal crab industry in Washington. The industry shall submit the plan to the department of fisheries by November 31, 1995. The department shall evaluate the plan and submit it to the Legislature by December 31, 1995."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Cooke; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Morton, Appelwick, Dellwo, Dorn, Sommers and Wineberry.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1483 Prime Sponsor, Representative Pruitt: Creating the surface mining reclamation account. Reported by
Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill with the following amendment by Committee on Revenue: On page 2, line 5, strike "six hundred fifty" and insert "four hundred fifty-eight"

On page 2, line 8, strike "six hundred fifty" and insert "four hundred fifty-eight"

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Leonard; Morris; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Silver; Talcott; and Van Luven.

Excused: Representative Romero.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1497 Prime Sponsor, Representative Dellwo: Adopting the accredited foreign branch campus act. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Van Luven.

Excused: Representative Cothorn.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1509 Prime Sponsor, Representative Locke: Increasing flexibility of institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sheahan and Stevens.

Excused: Representatives Morton and Leonard.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1529 Prime Sponsor, Representative Springer: Reauthorizing certain timber programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendments by Committee on Appropriations:

On page 9, after line 8, insert:

"NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 9, after line 8, insert:

"NEW SECTION. Sec. 12. If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

On page 2, after line 30, strike all of section 5

On page 6, beginning on line 11, strike all of sections 7, 8, and 9

On page 1, line 12, after "governments" strike "including local port districts when the port district project is in compliance with local land use plans"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1562 Prime Sponsor, Representative Brown: Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.
Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill with the following amendment by Committee on Revenue:
On page 5, after line 24, insert the following:

"Sec. 5. RCW 84.52.069 and 1991 c 175 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

~~((7) No taxing district may levy under this section more than twenty-five cents per thousand dollars of assessed value of property if reductions under RCW 84.52.010(2) are made for the year within the boundaries of the taxing district.))"~~

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; and Van Luven.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1571 Prime Sponsor, Representative Ogden: Raising the limit counties may levy to acquire property interests. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Silver; and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1603 Prime Sponsor, Representative Locke: Reforming higher education tuition and financial aid. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1641 Prime Sponsor, Representative Chandler: Excluding pollination agents from "sale at retail" and "retail sale" definition for business and occupation tax. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1690 Prime Sponsor, Representative Rust: Changing provisions relating to hazardous waste permits. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Silver and Van Luven.

Excused: Representative Fuhrman, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1704 Prime Sponsor, Representative G. Fisher: Authorizing the secretary of state to set fees by rule. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman,

Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1734 Prime Sponsor, Representative Appelwick: Adding new judges to the court of appeals. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.06.020 and 1989 c 328 s 10 are each amended to read as follows:

The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have ~~((nine))~~ twelve judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have ~~((six))~~ eight judges;

(b) District 2 shall consist of Snohomish county and shall have two judges; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have ~~((one))~~ two judges.

(2) The second division shall have ~~((four))~~ six judges from the following districts:

(a) District 1 shall consist of Pierce county and shall have two judges;

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties and shall have ~~((one))~~ two judges;

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties and shall have ~~((one))~~ two judges.

(3) The third division shall have ~~((four))~~ five judges from the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties and shall have two judges;

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, and Whitman counties and shall have one judge;

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties and shall have ~~((one))~~ two judges.

NEW SECTION. Sec. 2. A new section is added to chapter 2.06 RCW to read as follows:

(1) Any judicial position created by section 1, chapter ..., Laws of 1993 (section 1 of this act) shall be effective only if that position is specifically funded and is referenced by division and district in an omnibus appropriations act.

(2)(a) The full term of office for the judicial positions authorized pursuant to this act shall be six years.

(b) The authorized judicial positions shall be filled at the general election in the November immediately preceding the beginning of the full term.

(c) The six-year terms shall be staggered as provided in (c)(i) through (iii) of this subsection.

(i) In the first division, the initial full terms of six years for the two positions in district 1 shall begin the second Monday in January following the general election held in November 1993. If the effective dates for the judicial positions are later than the deadline to include them in the November 1993 election, the initial full terms shall begin the second Monday in January following the general election held in November 1999. The initial full term of six years for the position in district 3 shall begin on the second Monday in January following the general election held in November 1996. If the effective date for the judicial position is later than the deadline to include it in the November 1996 election, the initial full term shall begin the second Monday in January following the general election held in November 2002.

(ii) In the second division, the initial full terms of six years for the two positions in district 2 shall begin the second Monday in January following the general election held in November 1994. If the effective dates of the judicial positions are later than the deadline to include them in the November 1994 election, the initial full terms shall begin the second Monday in January following the general election held in November 2000. The initial full term for the position in district 3 shall begin the second Monday in January following the general election held in November 1998. If the effective date of the judicial position is later than the deadline to include it in the November 1998 election, the initial full term shall begin the second Monday in January following the general election held in November 2004.

(iii) In the third division, the initial full term of six years for the position in district 3 shall begin the second Monday in January following the general election held in November 1994. If the effective date of the judicial position is later than the deadline to include it in the November 1994 election, the initial full term will begin the second Monday in January following the general election held in November 2000.

(d) Upon becoming effective pursuant to subsection (1) of this section, the governor shall appoint judges to the additional judicial positions authorized in section 1, chapter ..., Laws of 1993 (section 1 of this act). The appointed judges shall hold office until the second Monday in January following the general election following the effective date of the position. The appointed judges and other judicial candidates are entitled to run for the judicial position at the general election following appointment.

(e) The initial election for these positions shall be held in November following the effective date of the position. If the initial election of a newly authorized position is not held on a date which corresponds to the beginning of a full term as specified in (c)(i) through (iii) of this subsection, the election shall be for a partial term.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1752 Prime Sponsor, Representative Grant: Changing telephone relay service provisions. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Energy & Utilities be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman, Assistant Ranking Minority Member;

Excused: Representative Morris.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1768 Prime Sponsor, Representative Appelwick: Creating a courthouse facilitator program. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill with the following amendment by Committee on Revenue:

On page 1, beginning on line 16, strike all of section 2.

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representative Fuhrman, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1776 Prime Sponsor, Representative Wineberry: Creating the office of science and technology. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 2, after line 14, strike section 2

On page 3, line 1, after "**Sec. 3.**" strike all material through "(2)" on line 5 and insert "Subject to the receipt of funds in the account created in section 5 of this act, the department of trade and economic development shall work with representatives from the appropriate private sector businesses and research laboratories to undertake the following:

(1)"

On page 3, line 23, after "(1)" strike the remainder of the section and insert: "The department may form an advisory council on science and technology. Expenses of the council shall be supported from the account created in section 5 of this act."

On page 5, after line 23, insert:

"NEW SECTION. Sec. 5. The science and technology support account is created in the state treasury. The department of trade and economic shall administer the account. Moneys received in the account shall include all donations, gifts, and grants in support of the duties and responsibilities outlined in section 3 of this act. No appropriation is required to permit expenditures and payments of obligations from the account."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1785 Prime Sponsor, Representative Locke: Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations: On page 1, after line 19, insert:

"(3) The legislature finds that unemployed workers and Washington's economically distressed communities can benefit from opportunities for employment through labor intensive restoration projects.

(4) The legislature recognizes that stewardship activities on state-owned lands is a responsible investment consistent with the provisions of this act. It is the intent of the legislature that stewardship activities funded under this chapter provide labor intensive employment.

(5) Employment under this chapter is not intended to displace or partially displace currently employed workers, including but not limited to, state employees and service employees under existing contracts."

On page 6, after line 24, insert:

"NEW SECTION. Sec. 13. If specific funding for section 9 of this act, specifically referencing the section by section number, is not provided by June 30, 1993, in the omnibus appropriations act, this section is null and void."

On page 5, line 35, after "conservation" insert "and service"

On page 4, line 7, after "(6)" strike "Money" and insert "Except for essential administrative and supervisory purposes, money"

On page 5, line 29, after "(2)" strike "Recipients of funds" and insert "Employers receiving funds from the account"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1799 Prime Sponsor, Representative Wineberry: Clarifying the use of funds for economic development by the economic development finance authority. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; Eide; R. Fisher; Jacobsen; Jones; Ludwig; Romero; and Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey and Silver.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1806 Prime Sponsor, Representative Bray: Changing regulation and licensure of well contractors and operators. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill with the following amendment by Committee on Revenue:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.104.010 and 1971 ex.s. c 212 s 1 are each amended to read as follows:

The legislature declares that the drilling, making or constructing of ~~((water))~~ wells ~~((using the ground water resources))~~ within the state is a business and activity of vital interest to the public. In order to protect the public health, welfare, and safety of the people it is necessary that provision be made for the regulation and licensing of ~~((water))~~ well contractors and operators and for the regulation of ~~((water))~~ well design and construction.

Sec. 2. RCW 18.104.020 and 1983 1st ex.s. c 27 s 14 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless a different meaning is plainly required by the context.

(1) "Abandoned well" means a well that is unused, unmaintained, and is in such disrepair as to be unusable.

~~((2))~~ (2) "Constructing a well" or "construct a well" means ~~((and includes))~~:

(a) Boring, digging, drilling, or excavating ~~((and))~~ a well;

(b) Installing casing, sheeting, lining, or well screens, ~~((whether in the installation of a new well or))~~ in a well;

or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

~~((2))~~ (3) "Decommission" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

(4) "Department" means the department of ecology.

~~((3))~~ (5) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a landslide, or protecting an aquifer.

(6) "Director" means the director of the department of ecology.

~~((4))~~ (7) "Geotechnical soil boring" or "boring" means an uncased well drilled for purpose of obtaining soil samples to ascertain structural properties of the subsurface. Geotechnical soil boring includes auger borings, rotary borings, cone penetrometer probes and vane shear probes, or any other uncased ground penetration for geotechnical information.

(8) "Ground water" means and includes ground waters as defined in RCW 90.44.035~~((, as now or hereafter amended))~~.

~~((5))~~ (9) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes borehole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(10) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevation in either clean or contaminated water or soil.

(11) "Observation well" means a well designed to measure the depth to the water level elevation in either clean or contaminated water or soil.

(12) "Operator" means ~~((any))~~ a person~~((, other than a person exempted by RCW 18.104.180,))~~ who (a) is employed by a ~~((water))~~ well contractor ~~((for the control and supervision of the));~~ (b) is licensed under this chapter; or (c) who controls, supervises, or oversees the construction of a ~~((water))~~ well ~~((or for the operation of water))~~ or who operates well construction equipment.

~~((6))~~ (13) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation association, or other entity who owns the property on which the well is or will be constructed.

(14) "Pollution" and "contamination" have the meanings provided in RCW 90.48.020.

(15) "Resource protection well" means a cased boring used to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, vapor extraction wells, and instrumentation wells.

(16) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(17) "Water well" means ~~((and includes))~~ any excavation that is ~~((drilled, cored, bored, washed, driven, dug, jotted, or otherwise))~~ constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering, or withdrawal of ground water. ~~(("Water well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.))~~

~~(7))~~ (18) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(19) "Well" means water wells, resource protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(20) "Well contractor" means a resource protection well contractor and a water well contractor.

Sec. 3. RCW 18.104.030 and 1971 ex.s. c 212 s 3 are each amended to read as follows:

It is unlawful:

(1) For any ~~((water well contractor))~~ person to supervise, construct, alter, or decommission a ~~((water))~~ well ~~((for compensation))~~ without complying with the ~~((licensing))~~ provisions of this chapter~~((;))~~

~~(2) For any water well contractor to construct a water well for compensation without complying with))~~ and the rules ~~((and regulations))~~ for ~~((water))~~ well construction adopted pursuant to this chapter;

~~((3) For any water well construction operator to supervise the construction of a water well without having an operators license as provided in this chapter))~~ (2) For any person to cause a well to be constructed in violation of the standards for well construction established by this chapter and rules adopted by the department pursuant to this chapter:

(3) For a prospective water well owner to have a water well constructed without first obtaining a water right permit, if a permit is required;

(4) For any person to construct, alter, or decommission a well unless the fees required by section 9 of this act have been paid;

(5) For a person to tamper with or remove a well identification tag except during well alteration; and

(6) Except as provided in RCW 18.104.180, for any person to contract to engage in the construction of a well or to act as a well operator without first obtaining a license pursuant to this chapter.

Sec. 4. RCW 18.104.040 and 1991 c 3 s 249 are each amended to read as follows:

The department shall have the power:

(1) To issue, deny, suspend or revoke licenses pursuant to the provisions of this chapter;

(2) At all reasonable times, to enter upon lands for the purpose of inspecting, taking measurements from, or tagging any ((water)) well, ((drilled or being drilled, at all reasonable times)) constructed or being constructed;

(3) To call upon or receive professional or technical advice from ~~((any))~~ the department of health, the technical advisory group created in section 25 of this act, or any other public agency or ~~((any))~~ person;

(4) To ~~((make such))~~ adopt rules, in consultation with the department of health and the technical advisory group created in section 25 of this act, governing licensing ~~((hereunder))~~ and ~~((water))~~ well construction as may be appropriate to carry out the purposes of this chapter. ~~((Without limiting the generality of the foregoing,))~~ The rules adopted by the department may ~~((in cooperation with the department of health make rules regarding))~~ include, but are not limited to:

(a) Standards for the construction and maintenance of ~~((water))~~ wells and their casings;

(b) Methods of capping, sealing ~~((artesian)),~~ and decommissioning wells ~~((and water wells to be abandoned or which may contaminate other))~~ to prevent contamination of ground water resources and to protect public health and safety;

(c) Methods of artificial recharge of ground water bodies and of construction of wells which insure separation of individual water bearing formations;

(d) The manner of conducting and the content of examinations required to be taken by applicants for license hereunder;

- (e) Requirements for the filing of notices of intent, well reports, and the payment of fees;
- (f) Reporting requirements of ((water)) well contractors;
- ~~((f))~~ (g) Limitations on ((water)) well construction in areas identified by the department as requiring intensive control of withdrawals in the interests of sound management of the ground water resource;
- (5) To require the operator in the construction of a well and the property owner in the maintenance of a well to guard against waste and contamination of the ground water resources;
- (6) To require the operator to place a well identification tag on a new well and on an existing well on which work is performed after the effective date of rules requiring well identification tags and to place or require the owner to place a well identification tag on an existing well;
- (7) To require the well owner to repair or decommission any well:
 - (a) That is abandoned, unusable, or not intended for future use; or
 - (b) That is an environmental, safety, or public health hazard.

Sec. 5. RCW 18.104.043 and 1992 c 67 s 2 are each amended to read as follows:

- (1) If requested in writing by the governing body of a local health district or county, the department by memorandum of agreement may delegate to the governing body the authority to administer and enforce the well tagging, sealing, and decommissioning portions of the water well construction program.
- (2) The department shall determine whether a local health district or county that seeks delegation under this section has the resources, capability, and expertise, including qualified field inspectors, to administer the delegated program. If the department determines the local government has these resources, it shall notify ~~((drilling))~~ well contractors, consultants, and operators of the proposal. The department shall accept written comments on the proposal for sixty days after the notice is mailed.
- (3) If the department determines that a delegation of authority to a local health district or county to administer and enforce the well sealing and decommissioning portions of the water well construction program will enhance the public health and safety and the environment, the department and the local governing body may enter into a memorandum of agreement setting forth the specific authorities delegated by the department to the local governing body. The memorandum of agreement shall provide for an initial review of the delegation within one year and for periodic review thereafter.
- (4) The local governing body shall exercise any authority delegated under this section in accordance with this chapter, other applicable laws, the memorandum of agreement, and applicable ordinances. If, after a public hearing, the department determines that a local governing body is not administering the program in accordance with this chapter, it shall notify the local governing body of the deficiencies. If corrective action is not taken within a reasonable time, not to exceed sixty days, the department by order shall withdraw the delegation of authority.
- (5) The department shall promptly furnish the local governing body with a copy of each water well report and notification of start cards received in the area covered by a delegated program.
- (6) The department and the local governing body shall coordinate to reduce duplication of effort and shall share all appropriate information including technical reports, violations, and well reports.
- (7) Any person aggrieved by a decision of a local health district or county under a delegated program may appeal the decision to the department. The department's decision is subject to review by the pollution control hearings board as provided in RCW ~~((18.104.130))~~ 43.21B.110.
- (8) The department shall not delegate the authority to license ~~((water))~~ well contractors, renew licenses, receive notices of intent to commence ~~((drilling))~~ constructing a well, receive well reports, or collect state fees provided for in this chapter.

Sec. 6. RCW 18.104.048 and 1987 c 394 s 3 are each amended to read as follows:

~~((To enable the department to monitor the construction, reconstruction, and abandonment of water wells more efficiently and effectively, water well contractors))~~ A property owner or the owner's agent shall ((provide notification to)) notify the department of ((their)) his or her intent to begin well construction, reconstruction, or ((abandonment)) decommissioning procedures at least seventy-two hours in advance of commencing work. The ((notification)) notice shall be submitted on forms provided by the department and shall be accompanied by the fees required by section 9 of this act. The notice shall contain the name of the owner of the well, location of the well, proposed use, approximate start date, ((driller's)) well contractor's or operator's name and license number, ((drilling)) company's name, and other pertinent information as prescribed by rule of the department. Rules of the department shall also provide for prior telephonic notification by well ((drillers)) contractors or operators in exceptional situations. The department shall issue a receipt indicating that the notice required by this section has been filed and the fees required by section 9 of this act have been paid not later than three business days after the department has received the notice and fees.

NEW SECTION. Sec. 7. A new section is added to chapter 18.104 RCW to read as follows:

The department by rule shall adopt procedures to permit a well operator to modify construction standards to meet unforeseen circumstances encountered during the construction of a well. The procedures shall be developed in consultation with the technical advisory group established in section 25 of this act.

Sec. 8. RCW 18.104.050 and 1971 ex.s. c 212 s 5 are each amended to read as follows:

~~((In order to enable the state to protect the welfare, health and safety of its citizens, any water)) (1) A well contractor shall furnish a ((water)) well report to the director within thirty days after the completion of the construction or alteration of a well by ((him or any water well)) the contractor. The director, by ((regulation)) rule, shall prescribe the form of the report and the information to be contained therein.~~

~~(2) In the case of a dewatering well project:~~

~~(a) A single well construction report may be submitted for all similar dewatering wells constructed with no significant change in geologic formation; and~~

~~(b) A single well decommissioning report may be submitted for all similar dewatering wells decommissioned that have no significant change in geologic formation.~~

NEW SECTION. Sec. 9. A new section is added to chapter 18.104 RCW to read as follows:

(1) A fee is hereby imposed on each well constructed in this state on or after July 1, 1993.

(2)(a) The fee for one new water well, other than a dewatering well, with a minimum top casing diameter of less than twelve inches is one hundred dollars.

(b) The fee for one new water well, other than a dewatering well, with a minimum top casing diameter of twelve inches or greater is two hundred dollars.

(c) The fee for a new resource protection, observation, and monitoring well is forty dollars for each well.

(d) The combined fee for construction and decommissioning of a dewatering well system shall be forty dollars for each two hundred horizontal lineal feet, or portion thereof, of the dewatering well system.

(3) The fees imposed by this section shall be paid at the time the notice of well construction is submitted to the department as provided by RCW 18.104.048. The department by rule may adopt procedures to permit the fees required for resource protection wells to be paid after the number of wells actually constructed has been determined. The department shall refund the amount of any fees collected for any wells on which construction is not started.

Sec. 10. RCW 18.104.060 and 1971 ex.s. c 212 s 6 are each amended to read as follows:

Notwithstanding and in addition to any other powers granted to the department, whenever it appears to the director, or to an assistant authorized by the director to issue regulatory orders under this section, that a person is violating or is about to violate any of the provisions of this chapter, the director, or ((his)) the director's authorized assistant, may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to the addressee only with return receipt requested and acknowledged by him or her. The order shall specify the provision of this chapter, and if applicable, the rule ((or regulation)) adopted pursuant to this chapter alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. ((A regulatory)) An order issued ((hereunder)) under this chapter shall become effective immediately upon receipt by the person to whom the order is directed, and shall become final unless review thereof is requested as provided in this chapter.

NEW SECTION. Sec. 11. A new section is added to chapter 18.104 RCW to read as follows:

(1) The department may order a well contractor or well operator to repair, alter, or decommission a well if the department demonstrates that the construction of the well did not meet the standards for well construction in effect at the time construction of the well was completed.

(2) The department may not issue an order pursuant to this section:

(a) For wells for which construction has been substantially completed before July 1, 1993, more than six years after construction has been substantially completed; or

(b) For wells for which construction has been substantially completed on or after July 1, 1993, more than three years after construction has been substantially completed.

For purposes of this subsection, "construction has been substantially completed" has the same meaning as "substantial completion of construction" in RCW 4.16.310.

(3) Subsection (2) of this section shall only apply to a well for which the notice of construction required by RCW 18.104.048 and the report required by RCW 18.104.050 have been filed with the department.

Sec. 12. RCW 18.104.070 and 1987 c 394 s 2 are each amended to read as follows:

~~((Except as provided in RCW 18.104.180, no person may contract to engage in the construction of a water well and no person may act as an operator without first obtaining a license by applying to the department.))~~

A person shall be qualified to receive a water well ((construction)) operator's license if ((he)) the person:

(1) Has ((made)) submitted a completed application ((therefor)) to the department on forms provided by the department and has paid to the department ((an)) the application fee ((of twenty-five dollars)) determined by rule adopted pursuant to this chapter; and

(2) Has ~~((at least two years of field experience with a licensed well driller or one year of field experience and an equivalent of at least one school year of qualifying educational training that satisfies the criteria established by department rule))~~ the field experience and educational training required by rule adopted by the department pursuant to this chapter; and

(3) Has passed a written examination as provided for in RCW 18.104.080(~~(- PROVIDED, That should any applicant establish his illiteracy to the satisfaction of the department, such applicant shall be entitled to an oral examination in lieu of the written examination authorized herein); and~~

(4) Has passed an on-site examination by the department if the person's qualifying field experience under subsection (2) of this section is from another state. The department may waive the on-site examination.

NEW SECTION. Sec. 13. A new section is added to chapter 18.104 RCW to read as follows:

The department may issue a water well construction operator's training license if the person:

(1) Has submitted a completed application to the department on forms provided by the department and has paid to the department the application fee required by rules adopted pursuant to this chapter;

(2) Has acquired field experience and educational training required by rules adopted pursuant to this chapter;

(3) Has passed a written examination as provided for in RCW 18.104.080;

(4) Has passed an on-site examination by the department; and

(5) Presents a statement by a person licensed under this chapter, other than a trainee, signed under penalty of perjury as provided in RCW 9A.72.085, verifying that the applicant has the field experience required by rules adopted pursuant to this chapter and assuming liability for any and all well construction activities of the person seeking the training license.

A person with a water well construction operator's training license may operate a drilling rig without the direct supervision of a licensed operator if a licensed operator is available by radio, telephone, or other means of communication.

NEW SECTION. Sec. 14. A new section is added to chapter 18.104 RCW to read as follows:

A person shall be qualified to receive a resource protection well operator's license if the person:

(1) Has submitted a completed application to the department on forms provided by the department and has paid to the department the application fee required by rules adopted pursuant to this chapter;

(2) Has acquired field experience and educational training required by rules adopted pursuant to this chapter;

(3) Has passed a written examination as provided for in RCW 18.104.080. This requirement shall not apply to a person who passed the written examination to obtain a resource protection well construction operator's training license; and

(4) Has passed an on-site examination by the department if the person's qualifying field experience is from another state. The department may waive the on-site examination.

A person with a license issued pursuant to this chapter before the effective date of this section may obtain a resource protection well construction operator's license by paying the application fee determined by rule adopted by the department pursuant to this chapter and submitting evidence required by the department to demonstrate that the person has the required experience to construct resource protection wells.

NEW SECTION. Sec. 15. A new section is added to chapter 18.104 RCW to read as follows:

The department may issue a resource protection well operator's training license if the person:

(1) Has submitted a completed application to the department on forms provided by the department and has paid to the department the application fee required by rules adopted pursuant to this chapter;

(2) Has acquired field experience and educational training required by rules adopted pursuant to this chapter;

(3) Has passed a written examination as provided for in RCW 18.104.080;

(4) Has passed an on-site examination by the department; and

(5) Presents a statement by a person licensed under this chapter, other than a trainee, signed under penalty of perjury as provided in RCW 9A.72.085, verifying that the applicant has the field experience required by rules adopted pursuant to this chapter and assuming liability for any and all well construction activities of the person seeking the training license.

A person with a resource protection well construction operator's training license may operate a drilling rig without direct supervision of a licensed operator if a licensed operator is accessible by radio, telephone, or other means of communication.

Sec. 16. RCW 18.104.080 and 1991 c 3 s 250 are each amended to read as follows:

The examination(~~(, which is made a prerequisite for obtaining a license hereunder,))~~ for a license issued pursuant to this chapter shall be prepared to test knowledge and understanding of at least the following subjects:

- (1) Washington ground water laws as they relate to well construction;
- (2) Sanitary standards for ~~((water))~~ well drilling and construction of ~~((water))~~ wells;
- (3) Types of ~~((water))~~ well construction;
- (4) Drilling tools and equipment;
- (5) Underground geology as it relates to ~~((water))~~ well construction; and
- (6) Rules of the department and the department of health relating to ~~((water))~~ well construction.

Examinations shall be held at such times and places as may be determined by the department but not later than thirty days after an applicant has filed a completed application with the department. The department shall make a determination of the applicant's qualifications for a license within ten days after the examination.

Sec. 17. RCW 18.104.100 and 1971 ex.s. c 212 s 10 are each amended to read as follows:

~~((The term for the effectiveness of any license))~~ (1) Licenses issued pursuant to this chapter shall be ~~((one))~~ renewed every two years ~~((, commencing on the date the license is issued))~~. ~~((Every))~~ A license shall be renewed ~~((annually))~~ upon payment of a renewal fee ~~((of ten dollars))~~ and completion of continuing education required by rule adopted by the department. If a licensee fails to submit an application for renewal, ~~((together with))~~ the renewal fee, ~~((before the end of the effective term of his license, his license shall be suspended for thirty days on notice by the director. If his renewal fee is paid prior to the end of said suspension period, the suspension shall automatically terminate. If during the period of suspension renewal is not completed, his license shall be revoked. PROVIDED, That the director shall give the licensee ten days notice prior to the revocation of any license for failure to renew))~~ and proof of completion of the required continuing education, the license shall expire at the end of its effective term.

(2) A person whose license ~~((is revoked under this section and who thereafter desires to engage in the supervision of construction of water wells))~~ has expired must ~~((make application))~~ apply for a new license ~~((and pay twenty-five dollars))~~ as provided in ~~((RCW 18.104.070))~~ this chapter. The department may waive the requirement for a written examination and on-site testing for a person whose license has expired.

(3) The department may refuse to renew a license if the licensee has not complied with an order issued by the department or has not paid a penalty imposed in accordance with this chapter, unless the order or penalty is under appeal.

(4) The department may issue a conditional license to enable a former licensee to comply with an order to correct problems with a well.

Sec. 18. RCW 18.104.110 and 1991 c 3 s 251 are each amended to read as follows:

In cases other than those relating to the failure of a licensee to renew a license, ~~((any license issued hereunder may be suspended or revoked by))~~ the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons:

- (1) For fraud or deception in obtaining the license;
- (2) For fraud or deception in reporting under RCW 18.104.050;
- (3) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health.

No license shall be suspended for more than six months. No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation.

Sec. 19. RCW 18.104.120 and 1983 c 93 s 1 are each amended to read as follows:

Any person with an economic or noneconomic interest may make a complaint against any ~~((water))~~ well contractor or operator for violating this chapter or any regulations under it to the department of ecology. The complaint shall be in writing, signed by the complainant, and specify the grievances against the licensee. The department shall respond to the complaint by issuance of an order it deems appropriate. Review of the order shall be subject to the hearings procedures set forth in RCW 18.104.130.

Sec. 20. RCW 18.104.150 and 1971 ex.s. c 212 s 15 are each amended to read as follows:

~~((All receipts realized in the administration of this chapter shall be paid into the general fund.))~~ (1) All fees paid under this chapter shall be credited by the state treasurer to the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the fees collected under this chapter shall be allocated and expended by the director for the administration of the well construction, well operators' licensing, and education programs.

(2) The department shall provide grants to local governing entities that have been delegated portions of the well construction program pursuant to RCW 18.104.043 to assist in supporting well inspectors hired by the local governing body. Grants provided to a local governing body shall not exceed the revenues generated from fees for the portion of the program delegated and from the area in which authority is delegated to the local governing body.

Sec. 21. RCW 18.104.155 and 1987 c 394 s 1 are each amended to read as follows:

(1) The department of ecology may ~~((levy))~~ assess a civil penalty ~~((of up to one hundred dollars per day))~~ for a violation of this chapter or rules or orders of the department adopted or issued pursuant to it. ~~((Procedures of RCW 90.48.144 shall be applicable to all phases of levying of such a penalty as well as review and appeal of them))~~

(2) There shall be three categories of violations: Minor, serious, and major.

(a) A minor violation is a violation that does not seriously threaten public health, safety, and the environment. Minor violations include, but are not limited to:

(i) Failure to submit completed start cards and well reports within the required time;

(ii) Failure to submit variance requests before construction;

(iii) Failure to submit well construction fees;

(iv) Failure to place a well identification tag on a new well; and

(v) Minor or reparable construction problems.

(b) A serious violation is a violation that poses a critical or serious threat to public health, safety, and the environment. Serious violations include, but are not limited to:

(i) Improper well construction;

(ii) Intentional and improper location or siting of a well;

(iii) Construction of a well without a required permit;

(iv) Violation of decommissioning requirements;

(v) Repeated minor violations; or

(vi) Construction of a well by a person whose license has expired or has been suspended for not more than ninety days.

(c) A major violation is the construction of a well by a person:

(i) Without a license; or

(ii) After the person's license has been suspended for more than ninety days or revoked.

(3)(a) The penalty for a minor violation shall be not less than one hundred dollars and not more than five hundred dollars. Before the imposition of a penalty for a minor violation, the department may issue an order of noncompliance to provide an opportunity for mitigation or compliance.

(b) The penalty for a serious violation shall be not less than five hundred dollars and not more than five thousand dollars.

(c) The penalty for a major violation shall be not less than five thousand dollars and not more than ten thousand dollars.

(4) In determining the appropriate penalty under subsection (3) of this section the department shall consider whether the person:

(a) Has demonstrated a general disregard for public health and safety through the number and magnitude of the violations;

(b) Has demonstrated a disregard for the well construction laws or rules in repeated or continuous violations;
or

(c) Knew or reasonably should have known of circumstances that resulted in the violation.

(5) Penalties provided for in this section shall be imposed pursuant to RCW 43.21B.300. The department shall provide thirty days written notice of a violation as provided in RCW 43.21B.300(3).

(6) For ~~((each notice regarding))~~ informational purposes, a copy of the notice of violation, resulting from the improper construction of a well, that is sent to a water well contractor or water well construction operator, ~~((the department shall send a copy of the notice for information purposes only to the owner of the land on which the improperly constructed well is located))~~ shall also be sent by the department to the well owner.

(7) Penalties collected by the department pursuant to this section shall be deposited in the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the penalties may be spent only for purposes related to the restoration and enhancement of ground water resources in the state.

Sec. 22. RCW 43.21B.110 and 1992 c 174 s 13 and 1992 c 73 s 1 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, the administrator of the office of marine safety, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, and 90.48.120.

(c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Any other decision by the department, the administrator of the office of marine safety, or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 23. RCW 43.21B.300 and 1992 c 73 s 2 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330 shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department, the administrator of the office of marine safety, or the local air authority, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department, the administrator, or the authority for the remission or mitigation of the penalty. Upon receipt of the application, the department, the administrator, or authority may remit or mitigate the penalty upon whatever terms the department, the administrator, or the authority in its discretion deems proper. The department or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department, the administrator, or authority thirty days after receipt by the person penalized of the notice imposing the penalty or thirty days after receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department or the administrator within thirty days after it becomes due and payable, the attorney general, upon request of the department or the administrator, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account, created by RCW 70.105.180, and RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390.

Sec. 24. RCW 18.104.180 and 1971 ex.s. c 212 s 18 are each amended to read as follows:

No license (~~(hereunder)~~) under this chapter shall be required of:

(1) Any individual who personally (~~(drills)~~) constructs a well on land which is owned or leased by (~~(him)~~) the individual or in which (~~(he)~~) the individual has a beneficial interest as a contract purchaser and is used by the individual for farm or (~~(noncommercial-domestic)~~) single-family residential use only. An individual who constructs a well without a license pursuant to this subsection shall comply with all other requirements of this chapter and rules adopted by the department, including but not limited to, well construction standards, payment of well construction fees, and notification of well construction required by RCW 18.104.048. An individual without a license may construct not more than one well every two years pursuant to the provisions of this subsection.

(2) (~~(Any)~~) An individual who performs labor or services for a (~~(water)~~) well contractor in connection with the (~~(drilling)~~) construction of a well at the direction and under the supervision and control of a licensed operator who is present at the construction site.

(3) A person licensed under the provisions of chapter 18.08 or 18.43 RCW if in the performance of duties covered by those licenses.

NEW SECTION. Sec. 25. A new section is added to chapter 18.104 RCW to read as follows:

(1) For the purpose of carrying out the provisions of this chapter, the director shall appoint a technical advisory group, chaired by the department. The technical advisory group shall have twelve members: Two members shall represent the department of ecology, six members shall represent resource protection well contractors or water well contractors, one member shall represent the department of health, one member shall represent local health departments, one member shall represent licensed professional engineers, and one member shall be a scientist knowledgeable in the design and construction of wells.

(2) The technical advisory group shall assist the department in the development and revision of rules; the preparation and revision of licensing examinations; the development of training criteria for inspectors, well contractors, and well operators; and the review of proposed changes to the minimum standards for construction and maintenance of wells by local governments for the purpose of achieving continuity with technology and state rules.

(3) The group shall meet at least twice each year to review rules and suggest any necessary changes.

(4) Each member of the group shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses while engaged in the business of the group as prescribed in RCW 43.03.050 and 43.03.060.

Sec. 26. RCW 18.104.900 and 1971 ex.s. c 212 s 19 are each amended to read as follows:

This chapter shall be known and may be cited as the "~~Washington (Water) well construction act~~(5)."

Sec. 27. RCW 89.16.055 and 1981 c 216 s 1 are each amended to read as follows:

In addition to the powers provided in RCW 89.16.050, the department of ecology is authorized and empowered to:

(1) Conduct surveys, studies, investigations, and water right examinations for proposed reclamation projects or the rehabilitation of existing reclamation projects that may be funded fully or partially from the receipts of the sale of bonds issued by the state of Washington.

(2) Support the preparation for and administration of proceedings, provided in RCW 90.03.110 or 90.44.220, or both, pertaining to river systems or other water bodies that are associated with existing or proposed reclamation projects.

(3) Conduct a regulatory program for well construction as provided in chapter 18.104 RCW.

Funds of the account established by RCW 89.16.020 may, as appropriated by the legislature, be used in relation to the powers provided in this section, notwithstanding any other provisions of chapter 89.16 RCW that may be to the contrary.

NEW SECTION. Sec. 28. Section 5 of this act expires on June 30, 1996."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Minority Member, and Van Luven.

Excused: Representative Cothorn.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1818 Prime Sponsor, Representative Karahalios: Providing for military dependent communities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Linville; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Lemmon, Leonard, Perry and Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1862 Prime Sponsor, Representative Mastin: Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Romero; Silver; Talcott; and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Morris; Rust; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1871 Prime Sponsor, Representative Heavey: Regulating chiropractic care for industrial insurance. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill with the following amendments by Committee on Appropriations:

On page 1, line 6, after "18.25 RCW" strike all material through "prohibited" on line 9
On page 1, line 11, after "chapter 18.25 RCW" strike "must" and insert "may"
On page 1, line 16, after "department" strike "shall" and insert "may"
On page 2, line 8, after "treatments" strike all material through "reviewers" on line 20
On page 2, line 21, after "appoint an" strike all material through "director" on line 32 and insert "associate director for chiropractic. The associate director must be eligible to be licensed under chapter 18.25 RCW"
On page 3, line 2, after "representatives" strike "shall" and insert "may"
On page 3, line 3, after "and" strike "shall" and insert "may"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sommers; Stevens; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member and Sheahan.

Excused: Representatives Leonard, Morton and Talcott.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1946 Prime Sponsor, Representative Chappell: Clarifying definitions relating to farmers. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Rural Development be substituted therefor and the substitute bill with the following amendment by Committee on Revenue:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.

(2) "Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking,

cultivating, or raising timber. "Farmer" does not include any association of persons whatever, whether mutual, cooperative, or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of:

- (1) Feed, seed, seedlings, fertilizer, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program, or to farmers for the purpose of producing for sale any agricultural product.
- (2) Chemical sprays or washes to persons for the purpose of post harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

- (1) Feed, seed, seedlings, fertilizer, and spray materials by persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program, or by farmers for the purpose of producing for sale any agricultural product.
- (2) Chemical sprays or washes by persons for the purpose of post harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

Sec. 4. RCW 82.04.050 and 1988 c 253 s 1 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon, or (e) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner; (d) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (e) the sale

of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (f) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (g) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind. ~~((The term shall also not include sales of food, seed, seedlings, fertilizer, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture, or to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.))~~

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 5. RCW 82.04.330 and 1988 c 253 s 2 are each amended to read as follows:

This chapter shall not apply to any ~~((person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products))~~ farmer that sells any agricultural product at wholesale ~~((by such grower, producer, or raiser thereof))~~. This exemption shall not apply to any person selling such products at retail ~~((or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession))~~.

This chapter shall also not apply to any persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representative Morris.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1949 Prime Sponsor, Representative Morris: Prohibiting tax exempt nonprofit organizations from political activity. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott and Van Luven.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 1986 Prime Sponsor, Representative Wineberry: Facilitating neighborhood reinvestment. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendment by Committee on Revenue: Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that:

- (a) Neighborhoods are a powerful indicator of the diversity and health of the state;
 - (b) There are geographic areas within communities that are characterized by a lack of employment opportunities and high unemployment, by an average income level that is below the median income level for the surrounding community, by a lack of affordable housing, by deteriorating infrastructure, and by a lack of facilities for community services, job training, and education;
 - (c) Strategies to encourage reinvestment in these neighborhoods by assisting local businesses to become stronger and neighborhood residents to gain economic power involve a variety of activities;
 - (d) Reinvestment in these neighborhoods cannot be accomplished with only governmental resources and requires a comprehensive approach that integrates various incentives, initiatives, and programs to meet the economic, physical, and social needs of the neighborhood;
 - (e) Successful neighborhood reinvestment depends on a local government's ability to coordinate public resources in a cohesive strategy designed to leverage long-term private investment;
 - (f) Neighborhood reinvestment can strengthen the overall community tax base through increased taxes realized from the establishment of new business and physical property improvements;
 - (g) Local governments, in cooperation with neighborhood residents, can provide leadership as well as planning and coordination of resources and necessary services to address reinvestment in neighborhoods; and
 - (h) It is in the public interest to adopt a targeted approach to neighborhood reinvestment and enlist the resources of the public and private sectors, and neighborhood groups to revitalize neighborhoods.
- (2) The legislature declares that the purposes of the neighborhood reinvestment act are to:
- (a) Encourage neighborhood reinvestment through strong partnerships and cooperation between all levels of government, community-based organizations, neighborhood residents, and the private sector;
 - (b) Involve and educate the private sector and stimulate private reinvestment through the judicious use of public resources;
 - (c) Target governmental resources to those neighborhoods in greatest need; and
 - (d) Include neighborhood individuals and organizations in the policy-making process.

PART I -- GENERAL PROVISIONS AND POLICIES

NEW SECTION. Sec. 101. (1) It is the goal of the state of Washington to create an environment that fosters economic reinvestment and empowerment of neighborhood residents through public and private sectors, and neighborhood efforts. The legislature declares that attainment of that goal is a state priority.

(2) The objectives of the neighborhood reinvestment act are to attain the state's goal of economic reinvestment and empowerment of neighborhood residents by working with the public and private sectors, and neighborhood residents to:

(a) Develop local comprehensive neighborhood reinvestment strategies that reflect the diverse elements of the neighborhood;

(b) Expand homeownership and rental housing opportunities;

(c) Increase employment opportunities for neighborhood residents;

(d) Link housing and supportive services;

(e) Revitalize the physical infrastructure;

(f) Develop new private investment in the neighborhood; and

(g) Stimulate neighborhood business development and retention.

NEW SECTION. Sec. 102. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Business firm" means any incorporated or unincorporated business entity authorized to do business in the state of Washington and subject to the state's business and occupation taxes levied in chapter 82.04 RCW.

(3) "Community service" means any type of counseling and advice, emergency assistance, or medical care furnished to individuals or groups in a designated neighborhood reinvestment area.

(4) "Crime prevention" means any activity that aids in the reduction of crime in a designated neighborhood reinvestment area.

(5) "Designated neighborhood reinvestment area" means a geographic area within the boundaries of a local government that meets the requirements of section 104 of this act and is so designated by the director of the department of community development.

(6) "Education" means any type of scholastic instruction or scholarship assistance to any person who resides in a designated neighborhood reinvestment area that enable that person to prepare for better employment opportunities.

(7) "Housing assistance" means any activity that aids in the acquisition, preservation, rehabilitation, or construction of affordable housing within a designated neighborhood reinvestment area.

(8) "Job training" means any type of instruction to any person who resides in a designated neighborhood reinvestment area that enable that person to acquire vocational skills to become employable or seek a higher grade of employment.

(9) "Local government" means a city, town, or county.

(10) "Neighborhood assistance" means furnishing financial assistance, labor, material, or technical assistance to aid in the provision of community services, crime prevention, education, job training, and housing assistance activities in a designated neighborhood reinvestment area.

(11) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to neighborhood assistance activities in designated neighborhood reinvestment areas. The term also includes public housing authorities created under chapter 35.82 RCW and public corporations created under chapter 35.21 RCW that are located in designated neighborhood reinvestment areas.

NEW SECTION. Sec. 103. (1) Any local government may apply to the director of the department of community development for designation of an area within the local government as a designated neighborhood reinvestment area.

(2) The application shall be in the form and manner and contain such information as the director of the department of community development may, by rule, determine, provided that the application for designation shall:

(a) Contain information sufficient for the director of the department of community development to determine if the criteria established in section 104 of this act have been met.

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government.

(c) Contain a five-year neighborhood reinvestment plan that describes the proposed designated neighborhood reinvestment area's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and

businesses, investment within the area, or other related components of community economic development; and social service needs.

The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (2)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(d) Certify that neighborhood residents were given the opportunity to participate in the development of the five-year neighborhood reinvestment strategy required under (c) of this subsection.

(3) No local government shall submit more than two neighborhoods to the director of the department of community development for possible designation as a designated neighborhood reinvestment area under this section.

(4)(a) Within ninety days after January 1, 1994, the director of the department of community development may designate up to six designated neighborhood reinvestment areas from among the applications eligible for designation as a designated neighborhood reinvestment area under this section. The director of the department of community development shall make determinations of designated neighborhood reinvestment areas on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year neighborhood reinvestment plan required under this section.

(ii) The level of private commitments by private entities of additional resources and contribution to the designated neighborhood reinvestment area.

(iii) The potential for reinvestment in the area as a result of designation as a designated neighborhood reinvestment area.

(iv) Other factors the director of the department of community development deems necessary.

(b) The determination of the director of the department of community development as to the areas designated as neighborhood reinvestment areas shall be final.

NEW SECTION. Sec. 104. (1) The director of the department of community development may not designate any area as a designated neighborhood reinvestment area unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year neighborhood reinvestment plan for the area that meets the requirements of section 103(2)(c) of this act and as further defined by the director of the department of community development must be adopted.

(2) The director of the department of community development may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this section are satisfied.

(3) In determining if an area meets the requirements of this section, the director of the department of community development may consider data provided by the United State bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

PART II -- BUSINESS AND HOUSING TAX INCENTIVES

Subpart A - Business and Occupation Tax Credits for Contributions

NEW SECTION. Sec. 201. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 202 through 206 of this act.

(1) "Affordable housing" has the same meaning as in section 102 of this act.

(2) "Business firm" has the same meaning as in section 102 of this act.

(3) "Community service" has the same meaning as in section 102 of this act.

(4) "Crime prevention" has the same meaning as in section 102 of this act.

(5) "Designed neighborhood reinvestment area" has the same meaning as in section 102 of this act.

(6) "Education" has the same meaning as in section 102 of this act.

(7) "Housing assistance" has the same meaning as in section 102 of this act.

(8) "Job training" has the same meaning as in section 102 of this act.

(9) "Neighborhood assistance" has the same meaning as in section 102 of this act.

(10) "Nonprofit organization" has the same meaning as in section 102 of this act.

(11) "Recipient" means the person or business firm receiving tax credits under this chapter.

NEW SECTION. Sec. 202. The department shall establish a program to provide tax credits to business firms making contributions to nonprofit organizations that are undertaking neighborhood assistance activities in designated neighborhood reinvestment areas. The tax credit may be used as a credit against any of the taxes imposed on the business firm under this chapter.

NEW SECTION. Sec. 203. (1) Application for tax credit under this chapter must be made before the actual contribution to the neighborhood assistance activity is made. The application shall be made to the department of community development in a form and manner prescribed by the department of revenue and department of community development.

(2) The department of community development shall transmit a copy of the completed application for tax credits to the department of revenue, with its recommendations, within ten working days after receipt thereof. Within thirty days after receipt of the completed application from the department of community development, the department of revenue shall determine the amount of tax credits to be allocated to the business firm. The department of revenue shall notify the department of community development of its decision within ten working days.

(3) The department of revenue, in consultation with the department of community development, shall adopt rules specifying the administrative procedures applicable to applicants for tax credits, the form and manner in which the applications shall be filed, and the information to be contained therein. The rule shall apply to administrative procedure before the department of revenue and the department of community development.

NEW SECTION. Sec. 204. In order to qualify for the tax credits in section 202 of this act, the neighborhood assistance activity must meet the following requirements:

(1) The neighborhood assistance activity must be located in a designated neighborhood reinvestment area;

(2) The business firm's contribution must be made to a nonprofit organization that is undertaking neighborhood assistance activities that are consistent with the area's five-year neighborhood reinvestment strategy under section 103 of this act.

NEW SECTION. Sec. 205. (1) No tax credit under this chapter for neighborhood assistance activities may be issued after December 31, 2001.

(2) The department shall grant a credit against the tax due under this chapter of an amount equal to fifty percent of the approved amount contributed by the business firm for eligible neighborhood assistance activities in designated neighborhood reinvestment areas during the taxable year.

(3) Any tax credit not used during the taxable year in which the contribution was made may be carried forward for the five immediately succeeding taxable years until the full credit has been used.

(4) The department shall keep a running total of all tax credits granted under this chapter during each fiscal biennium. The department shall not allow any credits that would cause the total tabulation for a biennium to exceed one million dollars. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium.

(5) No tax credit shall be granted to any bank, bank and trust company, trust company, national bank, savings bank, savings association, or savings and loan association for activities that are a part of its normal course of business.

(6) No recipient is eligible for tax credits in excess of one hundred thousand dollars during the taxable year and no tax credit shall be granted to any business firm for any amount contributed of less than two hundred fifty dollars.

NEW SECTION. Sec. 206. Applications and any other information received by the department under sections 202 through 205 of this act shall not be confidential and shall be subject to disclosure.

Subpart B - Tax Incentives for the Preservation of Affordable Housing

NEW SECTION. Sec. 207. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to the retail sale of building materials used in the remodeling, rehabilitation, or new construction of affordable housing or to the labor used to incorporate such building materials into real estate. As used in this section, "affordable housing" is as defined in section 102 of this act.

(2) In order to qualify for the exemption of retail sales tax on materials or labor under this section, the affordable housing must meet the following requirements:

(a) The affordable housing must be located in a designated neighborhood reinvestment area under section 103 of this act;

(b) The affordable housing development must be owned by an organization eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW;

(c) The affordable housing development must contain two or more residential rental dwelling units. Rental units used on a transient basis shall not be considered under this section; and

(d) At least fifty percent of the dwelling units must be set aside for occupancy by households with incomes at or below eighty percent of the median income, adjusted for household size, for the county where the dwelling unit is located for a period of at least twenty-five years.

(3) The department of revenue, in consultation with the department of community development, shall adopt rules specifying the administrative procedures applicable to applicants for exemption from retail sales tax on materials or labor, the form, manner, and time in which applications shall be filed, the information to be contained therein, and criteria for the approval or denial of requests for the exemption from retail sales tax on materials or labor under this chapter. The rules shall apply to both the department of revenue and the department of community development.

(4) The department of revenue shall grant an exemption from retail sales tax on materials or labor for affordable housing that is approved by the department of community development. The department of revenue shall keep a running total of exemptions granted under this section and section 208 of this act during each fiscal biennium. The department of revenue shall not allow any exemption that would cause the total tabulation for a biennium to exceed seven hundred fifty thousand dollars.

(5) This section shall expire January 1, 2002.

NEW SECTION. Sec. 208. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of building materials used in the remodeling, rehabilitation, or new construction of affordable housing or to the labor used to incorporate such building materials into real estate. As used in this section, "affordable housing" is as defined in section 102 of this act.

(2) In order to qualify for the exemption granted by this section, the affordable housing must meet the following requirements:

(a) The affordable housing must be located in a designated neighborhood reinvestment area under section 103 of this act;

(b) The affordable housing development must be owned by an organization eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW;

(c) The affordable housing development must contain two or more residential rental dwelling units. Rental units used on a transient basis shall not be considered under this section; and

(d) At least fifty percent of the dwelling units must be set aside for occupancy by households with incomes at or below eighty percent of the median income, adjusted for household size, for the county where the dwelling unit is located for a period of at least twenty-five years.

(3) The department of revenue, in consultation with the department of community development, shall adopt rules specifying the administrative procedures applicable to applicants for the tax exemption under this section, the form, manner, and time in which applications shall be filed, the information to be contained therein, and criteria for the approval or denial of requests for the tax exemption under this chapter. The rules shall apply to both the department of revenue and the department of community development.

(4) This section shall expire January 1, 2002.

Subpart C - Tax Incentives for Business Development and Retention

Sec. 209. RCW 82.62.010 and 1988 c 42 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~((-- Applications under this subsection (3)(b) shall be filed by April 30, 1989))~~; or (c) a designated neighborhood reinvestment area approved under section 103 of this act.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the

production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 210. RCW 82.62.040 and 1988 c 41 s 4 are each amended to read as follows:

RCW 82.62.020 and 82.62.030 shall expire (~~July 1, 1994~~) January 1, 2002.

Sec. 211. RCW 82.60.020 and 1988 c 42 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~((Applications under this subsection (3)(b) shall be filed by April 30, 1989))~~; or (c) a designated neighborhood reinvestment area approved under section 103 of this act.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 212. RCW 82.60.050 and 1988 c 41 s 5 are each amended to read as follows:
RCW 82.60.030 and 82.60.040 shall expire (~~July 1, 1994~~) January 1, 2002.

Sec. 213. RCW 82.61.010 and 1988 c 41 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means:

(a) Construction of new buildings and the acquisition of new related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, (~~1994~~) 2001; or

(b) Acquisition prior to December 31, (~~1994~~) 2001, of new machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(c) Acquisition of all new or used machinery, equipment, or other personal property for use in the production or casting of aluminum at an aluminum smelter or at facilities related to an aluminum smelter, if the plant was in operation prior to 1975 and has ceased operations or is in imminent danger of ceasing operations for economic reasons, as determined by the department, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represented employees of the plant pursuant to a collective bargaining agreement that was in effect either immediately prior to the time the plant ceased operations or during the period when the plant was in imminent danger of ceasing operations, on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(d) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after May 19, 1987, and are intended to increase the operating efficiency of existing plants which are either aluminum smelters or aluminum rolling mills or of facilities related to such plants, if the plant was in operation prior to 1975, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represents employees of the plant on the proposed operation of the plant and the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this chapter, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment may be treated as new equipment and machinery if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences.

Sec. 214. RCW 82.61.040 and 1988 c 41 s 2 are each amended to read as follows:
RCW 82.61.020 and 82.61.030 shall expire ((July 1, 1994)) January 1, 2002.

Sec. 215. RCW 82.61.070 and 1988 c 41 s 3 are each amended to read as follows:

The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1 of each year through ((1995)) 2003.

NEW SECTION. Sec. 216. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to the retail sale of building materials used in the remodeling or expansion of a commercial or industrial structure or to the labor used to incorporate such building materials into real estate.

(2) In order to qualify for the exemption of retail sales tax on materials or labor under this section, the commercial or industrial structure must be located in a designated neighborhood reinvestment area under section 103 of this act.

(3) The department of revenue, in consultation with the department of community development, shall adopt rules specifying the administrative procedures applicable to applicants for exemption from retail sales tax on materials or labor, the form, manner, and time in which applications shall be filed, the information to be contained therein, and criteria for the approval or denial of requests for the exemption from retail sales tax on materials or labor under this chapter. The rules shall apply to both the department of revenue and the department of community development.

(4) The department of revenue shall grant an exemption from retail sales tax on materials or labor for commercial or industrial structures that are approved by the department of community development. The department of revenue shall keep a running total of exemptions granted under this section and section 217 of this act during each fiscal biennium. The department of revenue shall not allow any exemption that would cause the total tabulation for a biennium to exceed two hundred fifty thousand dollars.

(5) This section shall expire January 1, 2002.

NEW SECTION. Sec. 217. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of building materials used in the remodeling or expansion of a commercial or industrial structure or to the labor used to incorporate such building materials into real estate.

(2) In order to qualify for the exemption granted by this section, the commercial or industrial structure must be located in a designated neighborhood reinvestment area under section 103 of this act.

(3) The department of revenue, in consultation with the department of community development, shall adopt rules specifying the administrative procedures applicable to applicants for the tax exemption under this section, the form, manner, and time in which applications shall be filed, the information to be contained therein, and criteria for the approval or denial of requests for the tax exemption under this chapter. The rules shall apply to both the department of revenue and the department of community development.

(4) This section shall expire January 1, 2002.

PART III -- COMMUNITY REINVESTMENT AND PRIVATE INVESTMENT Subpart A - Deposit of Surplus State Funds

NEW SECTION. Sec. 301. (1) No later than fifteen days after receipt of a written evaluation under the federal community reinvestment act (12 U.S.C. Sec. 2901 et seq.) each qualified public depository under the provisions of chapter 39.58 RCW shall submit to the Washington public deposit protection commission a copy of such written evaluation.

(2) Only those qualified public depositories assigned a rating of satisfactory or better shall be eligible to receive deposits under the provisions of chapter 43.86A RCW. Those qualified public depositories assigned a rating less than satisfactory shall be notified by the Washington public deposit protection commission that a failure to receive at least a rating of satisfactory, at the next written evaluation, will make the qualified public depository ineligible to receive deposits under chapter 43.86A RCW.

(3) Those qualified public depositories assigned less than satisfactory ratings for two consecutive evaluations shall be ineligible to receive deposits under the provisions of chapter 43.86A RCW, until the performance

of the qualified public depository in meeting the community credit needs is determined to be at least satisfactory by the Washington public deposit protection commission.

NEW SECTION. Sec. 302. The Washington public deposit protection commission shall compile community reinvestment act ratings required under the federal community reinvestment act (12 U.S.C. Sec. 2901 et seq.). The Washington public deposit protection commission shall make this information available to the public.

Subpart B - Linked Deposit Program

NEW SECTION. Sec. 303. (1) The legislature finds that:

- (a) There are parts of communities throughout the state that are experiencing economic stagnation or decline;
 - (b) The unemployment and underemployment in these areas threaten the safety, health, and welfare of residents of these areas, decreasing the value of private investment and jeopardizing the sources of public revenue; and
 - (c) The revitalization of these areas requires the development of new business ventures and the stimulation of private investment.
- (2) The legislature declares that it is the intent of the linked deposit program to provide capital to promote community economic development and job creation in designated neighborhood reinvestment areas by authorizing the state treasurer to operate a program which links state deposits to business and residential loans by financial institutions.

NEW SECTION. Sec. 304. (1) The state treasurer shall establish a linked deposit program for investments in certificates of deposit in Washington financial institutions. As a condition of participating in the program, financial institutions must make qualifying loans as provided in section 305 of this act. Each certificate of deposit purchased by the state treasurer shall be equal to the amount of the qualifying loan made by the financial institution. The state treasurer is authorized to set interest rates on certificates and on qualifying loans consistent with the intent of sections 303 through 306 of this act and sound financial practices.

- (2) Qualifying loans under the linked deposit program are those which:
- (a) Are made in designated neighborhood reinvestment areas as defined in section 102 of this act;
 - (b)(i) Are made to a small business with a majority of employees in the state or (ii) are residential mortgage loans for single-family or multifamily housing that is affordable to low-income households as defined in RCW 43.185A.010; and
 - (c) Are consistent with other criteria set by the state treasurer.
- (3) In setting interest rates on certificates, the state treasurer shall offer rates so that a two percent preference in lending will be given to businesses engaged in manufacturing, export, providing services for sale outside the state, or residential mortgage lending.

NEW SECTION. Sec. 305. The state and those acting as its agents are not liable in any manner for payment of the principal or interest on qualifying loans under the linked deposit program. Any delay in payments or default on the part of the borrower does not in any manner affect the deposit agreement between the financial institution and the state treasurer.

NEW SECTION. Sec. 306. The state treasurer may use up to fifty million dollars per year of state funds for the linked deposit program.

PART IV -- EMPLOYMENT OF NEIGHBORHOOD RESIDENTS

NEW SECTION. Sec. 401. A business receiving assistance under chapter . . . , Laws of 1993 (this act) shall seek to employ as many of its employees as possible from the designated neighborhood reinvestment area the assistance is related to, with a minimum goal of at least thirty percent of the employees from the respective designated neighborhood reinvestment area.

NEW SECTION. Sec. 402. The department shall require that local governments receiving financial assistance under chapter . . . , Laws of 1993 (this act) include a provision in their construction contracts for projects in neighborhood reinvestment areas, that require the contractor to increase outreach and recruitment efforts to employ as many of its employees as possible from the designated neighborhood reinvestment area the assistance is related to, with a minimum goal of thirty percent of the employees from the respective designated neighborhood reinvestment area.

PART V -- TECHNICAL PROVISIONS

NEW SECTION. Sec. 501. (1) Sections 1, 101 through 104, 401, and 402 of this act shall constitute a new chapter in Title 43 RCW.

(2) Sections 201 through 206 of this act are each added to chapter 82.04 RCW.

(3) Sections 301 and 302 of this act are each added to chapter 30.60 RCW.

(4) Sections 303 through 306 of this act are each added to chapter 43.84 RCW.

NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. Part and subpart headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 504. This act may be known and cited as the "neighborhood reinvestment act."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Talcott; Thibaudeau; and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Romero; Rust; Silver; and Wang.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 1988 Prime Sponsor, Representative Sheldon: Providing for employment and training services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations:

On page 4, line 34, after "sources." insert "For fiscal year 1994, the state board for community and technical colleges may borrow from the general fund to initiate the programs authorized under this act. However, the board shall repay the borrowed amount by the end of the fiscal biennium from funds appropriated to it from the employment and training trust fund."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 2004 Prime Sponsor, Representative Morris: Changing provisions relating to criminal sentencing and correctional industries. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill with the following amendment by Committee on Capital Budget:

On page 3, line 27, after "RCW 43.19.534." insert "The rules must reference the following: Goods and services purchased from correctional industries must meet the reasonable requirements of the purchaser including timeliness of delivery, equal or better quality compared to goods or services provided by the private sector, and cost-effectiveness based on fair market value. The preference assured under the rules must be no more than ten percent of the total bid amount."

On page 4, line 4, after "quantity" insert ", cost."

On page 4, line 13, after "asbestos" strike "removal and the cleanup of leaking" and insert "abatement and the removal, replacement, and cleanup of"

On page 4, beginning on line 18, strike "removal and underground storage tank removal" and insert "abatement and underground storage tank removal, replacement, and cleanup"

On page 4, line 21, after "removal" insert "replacement, and cleanup"

On page 4, line 22, after "programs" strike "based on" and insert "on a"

On page 4, beginning on line 26, strike all material through "budget" on line 27 and insert "to contracting with correctional industries for asbestos abatement and underground storage tank removal, replacement, and cleanup projects authorized in the state capital budget"

On page 4, line 24, after "information." insert "The teams must be available to contract for work with state agencies."

On page 4, line 27, after "budget." insert "When contracting for asbestos abatement and underground storage tank removal, replacement, and clean up projects state agencies shall consider factors including the cost and complexity of the project, the qualifications of bidders, project time constraints, and the availability of work crews."

Signed by Representatives Wang, Chair; Ogden, Vice Chair; Brough; Eide; Jacobsen; Jones; Ludwig; Romero; and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; R. Fisher; Heavey; Silver; and Thomas.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 2007 Prime Sponsor, Representative Ogden: Allowing tax proceeds to be used for low-income housing.
Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Romero; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Morris; Silver; Talcott; and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1993

HB 2054 Prime Sponsor, Representative Peery: Reforming public employment law. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sommers; Wang; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; Stevens; Talcott; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 2058 Prime Sponsor, Representative G. Fisher: Providing a homestead property tax exemption. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; Van Luven; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Silver; and Talcott.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 2059 Prime Sponsor, Representative G. Fisher: Reducing gross receipts taxes for small businesses. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:
On page 10, line 30, strike "Three and ~~((sixty-two one-hundredths))~~ four" and insert "~~((Three and sixty-two one-hundredths))~~ Four"

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Silver; Talcott; and Van Luven.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 2071 Prime Sponsor, Representative L. Johnson: Regulating access to tobacco. Reported by Committee on Revenue

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill with the following amendment by Committee on Revenue:

On page 7, line 4, after "products" insert ", other than general business taxes and license fees not primarily levied on tobacco products.

On page 6, line 12, after "account" insert: ", except that thirteen percent of the all such fees and penalties shall be deposited in the state general fund"

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Talcott; Thibaudeau; Van Luven; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member and Silver.

Passed to Committee on Rules for second reading.

March 8, 1993

HB 2073 Prime Sponsor, Representative Wang: Modifying eligibility requirements for the nonprofit homes for the aging property tax exemption. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Silver; and Van Luven.

Passed to Committee on Rules for second reading.

March 8, 1993

HJR 4213 Prime Sponsor, Representative G. Fisher: Amending the Constitution to authorize the legislature to provide a homestead exemption for real property occupied as residences by the owners. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, strike "The" and insert "Notwithstanding any other provision of this Constitution, the"

Signed by Representatives G. Fisher, Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; Van Luven; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Silver; and Talcott.

Excused: Representative Holm, Vice Chair.

Passed to Committee on Rules for second reading.

On motion of Representative Peery, the bills, memorial and resolution on the Supplemental and first Supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Tuesday March 9, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTY-SEVENTH DAY, MARCH 8, 1993

JOURNAL OF THE HOUSE

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

FIFTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 9, 1993

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Linde and Tyler White. Prayer was offered by Reverend Sandra Lee of the Unitarian Universalist Fellowship of Olympia.

Poetry was offered by Paul Harding.

There's No Such Thing As the End of The World

there's no such thing as the end of the world,
there is no such thing as the end of the world,
there's no such thing as the end of the world,
there are
intricate, delicate
fine rhythms,
souls... the
smallest things, children
all,
growing things,
souls
making it through the universes,
inevitable broken bicycles,
sure yet mis-fired missiles,
down payment for youth,
priceless rhythms,
down playing truth,
intricate, yes, a different kind of small,
fine shaped tears,
from an onion of hope,
every possibility a rhythm,
souls freshly grounded,
peppered into morning rhythms,
understanding the smallest things,
truly healing rhythm,

there's no such thing as the end of the world,
there's.. no such thing as the end of the world;

souls all, as long
as souls, a solitary big fat
dark cloud, no such thing..
hanging over a different blue head,
after this america's real funk,

a ribbon of sunrise,
smallest thing that's due,
over a homeless dread, no
such thing, no such thing
as the end of the end..
what a mother knows will and can
be done before dusk,
no such thing as what a father might
know detailed in sidewalk cracks
between jobs ..and
no such thing as brief yet ritual
campaign trailing sunlight
more than sometimes hiding behind long robed clouds,
so as long as souls,
souls all
loyal ducks across a dry breasted sky,
precious rhythms,
drawn to like rhythm, the gigolo
of gravity, all smallest things;
golden souls,
smallest souls
trumpets blowing songs,
humankind on one side of the awful wind,
listening still a middle beating voice
blessed will to begin, born
morning's smallest naked heart,
the finery of rhythm, a
simplest first breath can start,
souls all, souls all,
no such thing, but as long as souls all
what is inside us all, the
real milk,
raw sugar and rice, no
such- as pious sacrifice,
intricate earth,
Aubrey Jowcol, my son born first, no
such.. delicate yet all power-ful waters,
Darius Dolphy my son whose smile can
quench a deepest thirst, no
such thing as the finest jeweler's third eye, as
sure as there's no such thing as the end of this earth;

no such thing as the sun the moon, essential
smallest rhythm between a glistening seaweed and
the tide,
no such thing as the unspoken words of two old sisters,
near dusk only they can behold,
one soil,
one root, 60 and 65,
drinking something hot, a warm porch,
unmoving rhythm, the
silence between their all-seeing lips, a
laughter, a
knowing that unlike history, is alive
because there's no such thing as the end of the world;

all souls as long as there are souls, human drums,
energy, no such thing as lives
who have to paint rotten peaches in oils- art!
who drive the trucks that deliver the foodstuff (& more)
to the big grocery stores,
-stuff that wometimes dulls the body, spirit and mind,

yet rhythms
golden smallest rhythms of truer, earnest realists,
choices when twisted race up against brother and sister,
as what is what compared to the glory?
to be timelessly shared
between elders, babies, youth, disabled, war-torn,
persecuted souls
without the beginning of anything...
in a world without end
between two old dusking men
in front of a tv screen, both
familiar with gunfire and hard labor,
the Yankees against the Tigers, no
such thing.. as the deeper yellow-eyed one,
the color of young African tobacco, the
color of drying rhythm, the
small dimming intoxicating sun,
not a breeze from a baseball game's retrieve,
and no such thing as the smallest knobs
on the tube, understanding
horizon, vertical,
brightness, focus, color, clarity, the
sureness of limitations,
as long as there are souls, defects and all.
no matter the pressure of the extra innings, the
base-stealing night game fears, the ironic hip-hop melody
of bombs bursting in air, there's
-there is no such thing as quit, as
closing down a child's dream factory's lair

we are behind what we do,

summer evening lightning bugs, no such..
laughter when the new puppy peed on the kitchen floor, no
such... Billie
Holiday records, what fortunate sound I've been fortunate to implore,
no such..
wonderful things before and in-between each dusk
we could do, smallest
things before
there's any ever such thing as some end of a world,
because there ain't..
there's no such thing as the end
of the world, the thing
the souls have promised all if
to ourselves we try to be true,
the weaving of a sweetest rhythm, because
there's no such thing as the end of love, for
is a heart, and from every beat a calling,

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

MESSAGE FROM THE SENATE

March 8, 1993

Mr Speaker,

The president has signed:

and the same is herewith transmitted.

SENATE BILL NO. 5166,

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5166

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

INTRODUCTIONS AND FIRST READING

HB 2101 by Representative R. Meyers

AN ACT Relating to public employee collective bargaining; amending RCW 41.56.460; and reenacting and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

SB 5172 by Senators Wojahn, Moore, Fraser, Prentice and Pelz

Requiring notifications from impaired insurers.

Referred to Committee on Financial Institutions & Insurance.

SSB 5262 by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen and Barr)

Modifying composition of the beef commission.

Referred to Committee on Agriculture & Rural Development.

SSB 5337 by Senate Committee on Transportation (originally sponsored by Senators Sutherland and Vognild)

Regulating aeronautics.

Referred to Committee on Transportation.

SSB 5360 by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer)

Creating new procedures for reporting domestic violence.

Referred to Committee on Judiciary.

ESSB 5379 by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Barr, Loveland, Hochstatter and Winsley; by request of Department of Agriculture)

Making major changes to milk and milk products regulations.

Referred to Committee on Agriculture & Rural Development.

SSB 5404 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser and Barr)

Allowing a private right of action under the model toxic control act.

Referred to Committee on Environmental Affairs.

SSB 5443 by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Barr and Loveland; by request of Department of Agriculture)

Modifying the regulation of livestock.

Referred to Committee on Agriculture & Rural Development.

SSB 5481 by Senate Committee on Government Operations (originally sponsored by Senators Roach, Quigley, Hargrove, Amondson, L. Smith, McCaslin and Oke)

Canceling voter registration of felons.

Referred to Committee on State Government.

SB 5509 by Senators Hargrove, Owen, Hochstatter, L. Smith, Snyder, Oke, Amondson, Sellar, Jesernig, Nelson, Newhouse, Bauer, Erwin, Roach and McDonald

Prohibiting mandatory child support for postsecondary education of adult children.

Referred to Committee on Judiciary.

SSB 5608 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, Snyder, Bluechel, M. Rasmussen, Anderson, Moore, Winsley, Franklin and von Reichbauer; by request of Department of Trade and Economic Development)

Reauthorizing the community economic revitalization board.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5678 by Senate Committee on Agriculture (originally sponsored by Senators Loveland, Newhouse, Deccio and Winsley)

Exempting licensed domestic wineries from commission merchant requirements.

Referred to Committee on Agriculture & Rural Development.

SJM 8001 by Senator Sutherland

Requesting amending the Copyright Act to address current situations.

Referred to Committee on Energy & Utilities.

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

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

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1326, House Bill No. 1367, House Bill No. 1461, House Bill No. 1477, House Bill No. 1557 and House Bill No. 1618. The motion was carried.

SECOND READING

HOUSE BILL NO. 1326, by Representatives Finkbeiner, Grant, Miller, Casada, R. Meyers, Ludwig, Heavey, Long and Johanson

Relating to conservation tariffs allowing transfer of payment obligations to successive property owners.

The bill was read the second time. On motion of Representative Grant, Substitute House Bill No. 1326 was substituted for House Bill No. 1326 and the substitute bill was placed on the second reading calendar. The motion was carried.

Substitute House Bill No. 1326 was read the second time.

With the consent of the House, consideration of Substitute House Bill No. 1326 was deferred and that it held its place on the second reading calendar.

HOUSE BILL NO. 1367, by Representatives Jones, Reams and Kessler

Providing for mandatory election recounts.

The bill was read the second time. On motion of Representative Anderson, Substitute House Bill No. 1367 was substituted for House Bill No. 1367 and the substitute bill was placed on the second reading calendar. The motion was carried.

Substitute House Bill No. 1367 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jones and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1367.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1367 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremers, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.
Absent: Representative Wang - 1.

Substitute House Bill No. 1367, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration of Substitute House Bill No. 1326.

Representative Finkbeiner moved adoption of the following amendment by Representative Finkbeiner:

On page 2, line 8, strike "conservation tariffs" and insert "a notice of a conservation tariff payment obligation" The amendment was adopted.

Representative Finkbeiner spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Finkbeiner and Heavey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1326.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1326 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1326, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1461, by Representatives Kremen, Miller, Jacobsen and Long

Extending the prohibition on mandatory local measured service.

The bill was read the second time. On motion of Representative Grant, Substitute House Bill No. 1461 was substituted for House Bill No. 1461 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1461 was read the second time.

Representative Kremen moved adoption of the following amendment by Representative Kremen:

On page 3, after line 17, insert:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Kremen spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kremen and Casada spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1461.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1461 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1461, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1477, by Representatives Wood, Schmidt, R. Fisher, Mielke, Brumsickle, Ludwig, Casada and Shin

Creating a fuel tax exemption.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1477.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1477 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1477, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1557, by Representatives Forner, Appelwick, Jones and Karahalios; by request of Department of Social and Health Services

Removing the expiration date for Washington state support registry employer reporting.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1557.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1557 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1557, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1618, by Representatives Shin, Wood, Forner, Pruitt, Sheldon, Brough, Ballasiotes, Brumsickle, Carlson, Vance, Jones, Foreman, Padden, Fuhrman, Sheahan, Schoesler, Miller, Campbell, Casada,

Long, Jacobsen, Stevens, Linville, Kremen, Silver, Finkbeiner, Morton, Talcott, Horn, Sehlin, Tate, Van Luven and Anderson

Terminating defunct boards, commissions, and committees.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shin, Wood and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1618.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1618 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1618, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Peery moved that the House consider the following bills in the following order and then proceed with the second reading calendar. The motion was carried.

HOUSE BILL NO. 1165, by Representatives Riley, Cooke, Leonard, Appelwick and Johanson

Revising provisions relating to guardians ad litem for juveniles.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Riley spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1165.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1165 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant,

Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1165, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1118, by Representatives Orr, Scott, Shin, Dunshee, Silver, Mielke, Schoesler, Sheahan, Riley, Tate, Vance, Chappell, Ludwig, Forner, H. Myers, Johanson and Springer

Classifying the criminal use of explosives.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1118 was substituted for House Bill No. 1118 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1118 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orr and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1118.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1118 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1118, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1169, by Representatives King, Basich, Orr, Fuhrman, Chappell and Wood

Regulating marine finfish rearing facilities.

The bill was read the second time. On motion of Representative King, Substitute House Bill No. 1169 was substituted for House Bill No. 1169 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1169 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives King and Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1169.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1169 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1169, having received the constitutional majority, was declared passed.

The Speaker declared the House to be recessed until 2:00 p.m.

The Speaker (Representative G. Cole presiding) called the House to order at 2:00 p.m.

The Speaker (Representative R. Meyers presiding) assumed the chair.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1211, House Bill No. 1218, House Bill No. 1252, House Bill No. 1370 and House Bill No. 1374. The motion was carried.

HOUSE BILL NO. 1211, by Representatives Ogden, Brumsickle, Franklin, Jacobsen, Carlson, Springer, Orr, Leonard, H. Myers and Basich

Granting additional powers to boards of directors of educational service districts.

The bill was read the second time. On motion of Representative Dorn, Substitute Bill No. 1211 was substituted for House Bill No. 1211 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1211 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden, Brumsickle and Carlson spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Mielke was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1211.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1211 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Jacobsen - 1.

Excused: Representative Mielke - 1.

Substitute House Bill No. 1211, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1218, by Representatives Ludwig, Edmondson, Mastin, Reams, Scott, Bray, Riley, R. Fisher, Grant, Rayburn, Dellwo, Van Luven, Chandler, Zellinsky, Appelwick, Roland, Fuhrman, Kremen and Johanson

Changing requirements for claims against local governmental agencies.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ludwig and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1218.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1218 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

House Bill No. 1218, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1352, by Representatives Veloria, G. Cole and Franklin; by request of Department of Labor & Industries

Revising provisions for fee schedules for industrial insurance medical aid.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1352 was substituted for House Bill No. 1352 and the substitute bill was placed on the second reading calendar.

Substitute House Bill no. 1352 was read the second time.

Representative Veloria spoke in favor of passage of the bill and Representative Lisk spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1352.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1352 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Stevens, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Flemming, Foreman, Forner, Fuhrman, Lisk, Morton, Padden, Rayburn, Reams, Riley, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 33.

Excused: Representative Mielke - 1.

Substitute House Bill No. 1352, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to record my vote on Substitute House Bill No. 1352 as a "NO" vote.

VAL STEVENS, 39th District

HOUSE BILL NO. 1370, by Representatives Ludwig, Heavey, Orr, Bray, Veloria, King and G. Cole
Regulating public works.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1370 was substituted for House Bill No. 1370 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1370 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading was considered the third and the bill was placed on final passage.

Representatives Ludwig and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1370.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1370 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

Substitute House Bill No. 1370, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1012 on the Suspension Calendar. The motion was carried.

HOUSE BILL NO. 1012, by Representatives Appelwick, King and Jacobsen

Adopting the uniform anatomical gift act.

The bill was read the second time.

Representative L. Johnson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1012.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1012 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

Substitute House Bill No. 1012, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1063, by Representatives Rayburn, Chandler, Chappell, Grant, Roland, Ludwig, Riley, Padden, Hansen, Lemmon and Lisk

Modifying provisions regarding the Washington wine commission.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1063.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1063 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

Substitute House Bill No. 1063, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, House Bill No. 1088 was referred to the Committee on Rules.

HOUSE BILL NO. 1210, by Representatives Ludwig, Padden, Long, Forner and Johanson

Increasing statutory attorneys' fees.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute be advanced to third reading. The motion was carried.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1210.

ROLL CALL

The Clerk called the roll on final passage of final passage of Substitute House Bill No. 1210 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Finkbeiner, Flemming, Heavey and Sheldon - 4.

Substitute House Bill No. 1210, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1277, by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Johanson, Horn, Wood and Dunshee; by request of Department of Transportation

Articulating desirable land use patterns in transit plans.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1277.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1277 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1277, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1325, by Representatives Bray, Edmondson, Orr, H. Myers, Long and Springer

Giving local governments the option to acquire services or goods under arrangements by state agencies.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1325.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1325 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1325, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1415, by Representative G. Cole

Modifying the imprinting law for over-the-counter medications in solid dosage form.

The bill was read the second time.

Representative L. Johnson moved that the committee recommendation be adopted (For committee amendments see Journal, 50th Day, March 1, 1993.) and the engrossed bill be advanced to third reading. The motion was carried.

Representatives G. Cole and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1415.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1415 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate,

Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Bill No. 1415, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1424, by Representatives Heavey, G. Cole and Franklin; by request of Department of Labor & Industries

Affecting insurance assessments notice.

The bill was read the second time.

Representative Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1424.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1424 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1424, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1429, by Representatives Rayburn, Chandler, Orr and Lisk

Exempting licensed domestic wineries from commission merchant requirements.

The bill was read the second time.

Representative Rayburn moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1429.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1429 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris,

Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1429, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1480, by Representatives G. Fisher, Foreman, Wang and Springer; by request of Department of Revenue

Subjecting certain travel trailers and campers to ad valorem taxation.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1480.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1480 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1480, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1547, by Representatives Chappell, Long and Appelwick; by request of Secretary of State

Changing provisions relating to nonprofit corporations.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Chappell and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1547.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1547 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1547, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1555, by Representatives Springer, Riley, Edmondson, Zellinsky, Horn, Sheldon, Kremen, Bray, Ludwig and Quall

Concerning the use of funds by a public corporation formed by a municipality.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Springer and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1555.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1555 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 1, Excused - 0. Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Heavey - 1.

Absent: Representative Basich - 1.

Substitute House Bill No. 1555, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1567, by Representatives H. Myers, Johanson, Chappell, Riley, Ballasiotes, Ludwig, Appelwick, Tate, Jones, Quall and Wineberry

Authorizing interpreters for jurors in judicial and administrative proceedings.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative H. Myers spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1567.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1567 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Riley - 1.

Substitute House Bill No. 1567, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1572, by Representatives Dorn, Brumsickle, Miller, Jones and Talcott

Changing funding allocations for high school students attending technical colleges.

The bill was read the second time.

Representative Cothorn moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Dorn and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1572.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1572 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1572, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1587, by Representatives Ogden, Wood, J. Kohl, Jacobsen, Forner, Quall, Ludwig, Pruitt, Jones, Basich, King, Johanson, Thibaudeau, R. Meyers, Kessler, Bray, Dorn, Karahalios, Roland, Eide, Sheldon, Kremen, Finkbeiner, Voloria, Morris, Hansen, Leonard, Van Luven, H. Myers and L. Johnson

Helping single parents obtain a higher education.

The bill was read the second time.

Representative Jacobsen moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Ogden and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1587.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1587 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1587, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1595, by Representatives Bray, Ballard, Peery, Ludwig, Locke, Finkbeiner and J. Kohl

Concerning elected officials as members of the public employee retirement system.

The bill was read the second time.

Representative Locke moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Bray and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1595.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1595 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1595, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1643, by Representatives King, Voloria, Heavey, Reams and Jacobsen; by request of Department of Licensing

Modifying licensure requirements for landscape architects.

The bill was read the second time.

Representative Heavey moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives King and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1643.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1643 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1643, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1748, by Representatives Shin, Quall, Wood, Jacobsen, Voloria, Wineberry, Valle, Morris, Basich, Kessler, Orr, L. Johnson and J. Kohl

Changing financial aid provisions.

The bill was read the second time.

Representative Jacobsen moved that the committee recommendation be adopted (For committee amendment see Journal, 43rd Day, February 22, 1993.) and the engrossed bill be advanced to third reading. The motion was carried.

Representatives Shin and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1748.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1748 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Bill No. 1748, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1777, by Representatives Karahalios, Cooke, Leonard, Edmondson, Eide, Wolfe, Jones, Jacobsen, Brough, Quall, Mastin, Roland and Lemmon

Attempting to ensure that teen parents receiving public benefits complete high school and gain economic independence.

The bill was read the second time.

Representative Leonard moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Karahalios and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1777.

ROLL CALL

The Clerk called the roll of final passage of House Bill No. 1777 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1777, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1784, by Representatives Locke, Sommers, Dellwo, Wang, Brough, Jacobsen, Karahalios, Peery, Talcott, Dorn, Cothorn, Ogden, Holm, Pruitt, Jones, Romero, Campbell, Valle, Thibaudeau, King, Ballard, Basich, Quall, Voloria, Linville, Rayburn, Kessler, Orr, Carlson, Johanson, L. Johnson, Leonard, J. Kohl, Lemmon, H. Myers, Hansen, Patterson and Shin

Allowing retired and disabled school employees to purchase health care insurance from the state health care authority.

The bill was read the second time.

Representative Locke moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1784.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1748 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1748, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1787, by Representatives Linville, R. Johnson, Pruitt, Kremen, Rust, Foreman, Quall, Morton, Grant, Johanson, Mastin, Eide and Fuhrman

Eliminating certain provisions about water resource inventory and planning areas.

The bill was read the second time.

Representative R. Johnson moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Linville and Morton spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1787.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1787 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1787, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1865, by Representatives Mielke, Kremen, Zellinsky, Dorn, R. Meyers, Schmidt, Tate and Dellwo

Preventing check cashers and sellers from operating without a license.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question to be final passage of House Bill No. 1865.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1865 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1865, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1930, by Representatives Schmidt and Zellinsky

Restricting consideration of old traffic tickets.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1930.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1930 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1930, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2028, by Representatives Orr and Wolfe

Requiring notice to retirement system members who are eligible to restore contributions.

The bill was read the second time.

Representative Locke moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Orr spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2028.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2028 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Dorn - 1.

House Bill No. 2028, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2048, by Representatives Jacobsen, Quall, Brumsickle, Finkbeiner and Miller

Allowing donations subject to conditions to be deposited in the American Indian scholarship endowment fund.

The bill was read the second time.

Representative Jacobsen moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2048.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2048 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 2048, having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Jacobsen, Brumsickle, Quall, Shin, Flemming, Carlson, Rayburn, Kessler, J. Kohl, Bray, Ogden, Wood, Horn and L. Johnson

Commending the Higher Education Coordinating Board and approving goals of the update of its master plan for higher education.

The resolution was read the second time.

Representative Locke moved that the committee recommendation be adopted and the substitute resolution be advanced to third reading. The motion was carried.

Representatives Jacobsen and Sheahan spoke in favor of adoption of the resolution.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final adoption of Substitute House Concurrent Resolution No. 4408.

ROLL CALL

The Clerk called the roll on final adoption of Substitute House Concurrent Resolution No. 4408 and the resolution was adopted by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Concurrent Resolution No. 4408, having received the constitutional majority, was declared adopted.

MESSAGE FROM THE SENATE

March 9, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5270,
SENATE BILL NO. 5300,
SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5391,
SUBSTITUTE SENATE BILL NO. 5402,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5491,
SUBSTITUTE SENATE BILL NO. 5528,
ENGROSSED SENATE BILL NO. 5545,
SENATE BILL NO. 5563,
SUBSTITUTE SENATE BILL NO. 5634,
ENGROSSED SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5800,
SENATE BILL NO. 5841,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheldon moved that the House immediately consider House Bill No. 1374 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1374, by Representatives Brough and Peery

Authorizing rules to adopt fees for the teacher admission to practice examination.

The bill was read the second time. On motion of Representative Dorn, Substitute House Bill No. 1374 was substituted for House Bill No. 1374 and the substitute was placed on the second reading calendar.

Substitute House Bill No. 1374 was read the second time.

Representative Peery moved that the House defer consideration of Substitute House Bill No. 1374 and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MOTION

Representative Peery moved that the House immediately consider the following bills in the following order: House Bill No. 1324, House Bill No. 1110 and House Bill No. 1408. The motion was carried.

HOUSE BILL NO. 1324, by Representatives Cothorn, Wood, G. Cole, Horn, Wang, Brumsickle, Ogden, Miller, Leonard, Brough, J. Kohl, Ludwig, Dellwo, Kremen, Basich, Jones, Chappell, Shin, Johanson, Rayburn and Mielke

Providing property tax exemptions for charitable fund-raising organizations.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cothorn and Foreman spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Brown was excused.

On motion of Representative Wood, Representatives Mielke and Lisk were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1324.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1324 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representative Valle - 1.

Excused: Representatives Brown, Lisk and Mielke - 3.

House Bill No. 1324, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1110, by Representatives Vance, Leonard, Cooke, Sheldon, Basich, Foreman, Brough, Long, Karahalios, Miller, Brumsickle and Kremen

Prescribing treatment for sexually aggressive youth.

The bill was read the second time.

Representative Riley moved adoption of the following amendment by Representatives Riley and Vance:

On page 11, after line 27, insert the following,

"**NEW SECTION** Sec.7. The secretary of the department of social and health services is authorized to transfer surplus, unused treatment funds from the civil commitment center operated under chapter 71.09 RCW to the division of children and family services to provide treatment services for sexually aggressive youth."

Representatives Riley and Vance spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Vance spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1110.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1110 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed House Bill No. 1110, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1408, by Representatives Sommers, Leonard, Cooke, Thibaudeau, Brough, Riley, Wolfe, Thomas, Karahalios, Ballasiotes, Forner, Long, Schmidt, Flemming, Silver, Eide, Wood, Shin, Linville, R. Meyers, J. Kohl, Ogden, Valle, Ludwig, Bray, Basich, Wineberry, Jones, Roland, Mielke, Wang, Heavey, Pruitt, Brown, Dellwo, Scott, Rayburn, King, Cothorn, Kessler, G. Cole, Rust, Springer, Kremen, Johanson, L. Johnson, Locke, Sheldon, Morris, H. Myers, Jacobsen and Anderson

Providing a comprehensive program for teen pregnancy prevention.

The bill was read the second time. Committee On Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendment see Journal, 47th Day, February 26, 1993.)

On motion of Representative Leonard, Substitute House Bill No. 1408 was substituted for House Bill No. 1408 and the substitute bill was placed on the second reading calendar. The motion was carried.

Substitute House Bill No. 1408 was read the second time.

Representative Locke moved adoption of the committee amendment and spoke in favor of them. The committee amendment was adopted.

Representative Kremen moved adoption of the following amendment by Representatives Kremen and Sheahan:

On page 3, line 21, strike everything beginning with "Include" through "70.24.210." on line 23, an insert "Give substantial emphasis to sexual abstinence as the most effective means, method and strategy for pregnancy prevention."

Representatives Kremen and Sheahan spoke in favor of adoption of the amendment and Representative Leonard spoke against it.

Representative Kremen again in favor of the amendment.

A division was called.

The Speaker (Representative R. Meyers presiding) called upon the House to divide.

The result of the division was, 47-YEAS, 48-NAYS. The amendment was not adopted.

Representative Stevens moved adoption of the following amendment by Representative Stevens:

On page 3, line 21, strike everything beginning with "Include" through "proposal." on line 27, and insert the following:

"Present sexual abstinence exclusively as the means, method and strategy for teen pregnancy prevention."

Representative Stevens spoke in favor of adoption of the amendment and Representative Sommers spoke against it. The amendment was not adopted.

Representative Sommers moved adoption of the following amendment by Representatives Sommers, Brough and Cooke:

On page 4, after line 8, insert:

"Sec. 9. RCW 74.09.790 and 1990 c 151 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 74.09.760 through 74.09.820 and 74.09.510:

(1) "At-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) "Department" means the department of social and health services.

(4) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to this chapter or the prenatal care program administered by the department.

(5) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) "Support services" means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, family planning services and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose.

(7) "Family planning services" means planning the number of one's children by use of contraceptive techniques.

Sec. 9. RCW 74.09.800 and 1989 1st ex.s. c 10 s 5 are each amended to read as follows:

The department shall, consistent with the state budget act, develop a maternity care access program designed to ensure healthy birth outcomes as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy;

~~(7) ((Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989; and~~

~~(8))~~ Refer persons eligible for maternity care services under the program established by this section to persons, agencies, or organizations with maternity care service practices that primarily emphasize healthy birth outcomes;

(8) Provide family planning services for twelve months immediately following a pregnancy to women who were eligible for medical assistance under the maternity care access program during that pregnancy or who were eligible only for emergency labor and delivery services during that pregnancy; and

(9) Within available resources, provide family planning services to women who meet the financial eligibility requirements for services under subsections (1) and (2) of this section."

Representatives Sommers and Brough spoke in favor of the adoption of the amendment and it was adopted.

Representative Stevens moved adoption of the following amendment by Representative Stevens:

On page 3, after line 3, insert the following:

"For purposes of this act, teen pregnancy prevention shall mean teen impregnation prevention."

Representative Stevens and Padden spoke in favor of the adoption of the amendment and Representative Sommers spoke against it. The amendment was not adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Forner, Basich, Ogden, Brough, Cooke and Locke spoke in favor of passage of the bill.

Representatives Sheahan, Padden and Vance spoke against passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1408.

The Speaker assumed the chair.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1408 and the bill passed the House by the following vote: Yeas - 83, Nays - 12, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Casada, Chandler, Chappell, Fuhrman, Morton, Padden, Sheahan, Stevens, Tate, Vance and Van Luven - 12.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed Substitute House Bill No. 1408, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1505, by Representatives Heavey, Kremen, King, Lisk, G. Cole, Linville, Springer, Vance and R. Johnson

Requiring verification of registration of contractors.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1505 was substituted for House Bill No. 1505 and the substitute bill was placed on second reading calendar.

Substitute House Bill No. 1505 was read the second time.

Representative Kremen moved adoption of the following amendment by Representatives Kremen and Linville:

On page 3, line 8, after "number." insert "A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required."

On page 3, after line 32, insert the following:

"**Sec. 4.** RCW 18.27.102 and 1987 c 362 § 4 are each amended to read as follows:

When determining a violation of RCW 18.27.100, the director and administrative law judge shall hold responsible the person who purchased or offered to purchase the advertising."

On page 4, line 27, after "suspended;" strike "or" and insert "~~(or)~~"

On page 4, line 28 after "(c)" insert "Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; or

(d)"

Representatives Kremen and Heavey spoke in favor of adoption of the amendment and it was adopted.

Representative Heavey moved adoption of the following amendment by Representative Heavey:

On page 3, line 12, after "advertising" strike "shall" and insert "should".

Representative Heavey spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey and Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1505.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1505 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed Substitute House Bill No. 1505, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1617, by Representatives R. Fisher, Chandler, Schmidt, Eide, Johanson, J. Kohl, Kremen, Cothorn, Jacobsen, Brough, Pruitt, Thomas, R. Meyers, Miller, Shin, Karahalios, Locke, Finkbeiner, Ogden, Quall, Orr, Wineberry, Veloria, Wood, H. Myers, L. Johnson and Anderson

Planning high-speed ground transportation.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 43rd Day, February 22, 1993.)

Representative R. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage. The motion was carried.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1617.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1617 and the bill passed by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Voting nay: Representatives Fuhrman, Padden, Schoesler, Sheahan and Silver - 5.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed House Bill No. 1617, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1198, by Representatives Leonard, Padden, Appelwick, King, Brough, Johanson, Jones, Roland, Long, G. Cole, Voloria, Horn, Karahalios, Springer, Wood, Flemming, Kessler, Lemmon and Pruitt

Implementing recommendations of the juvenile issues task force.

The bill was read the second time. On motion of Leonard, Substitute House Bill No. 1198 was substituted for House Bill No. 1198 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1198 was read the second time.

Representative Padden moved adoption of the following amendment by Representative Padden:

On page 2, line 24, after "counseling." strike "outpatients"

Representatives Padden and Leonard spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard, Cooke and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House No. 1198.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1198 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed Substitute House Bill No. 1198, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1204, by Representatives Leonard, Cooke, Riley, Karahalios, Brough, Long, Horn and Wood; by request of Department of Social and Health Services

Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders".

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1204.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1204 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Brown, Lisk and Mielke - 3.

House Bill No. 1204, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1228, by Representatives Jones, Miller, Riley, Vance, Kessler, Basich, Karahalios and Leonard

Allowing information exchange of all agencies, including schools, with youth in their care.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 52nd Day, March 3, 1993.)

Representative Leonard moved adoption of the committee amendment. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jones and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1228.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1228 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed House Bill No. 1228, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1238, by Representatives R. Johnson, Ballasiotes, Ludwig, King, Karahalios, Johanson, Jones, Sheahan, Schoesler, Brumsickle, Roland, Long, Flemming, Horn, Mielke, Tate, Wood, Kremen, Foreman and Pruitt; by request of Department of Social and Health Services

Requiring notice be given to various parties before release from confinement of a juvenile who has committed stalking.

The bill was read the second time. Committee on Corrections recommendation: Majority, do pass as amended. (For committee amendment see Journal, 43rd Day, February 22, 1993.)

Representative Morris moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Johnson and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage Engrossed House Bill No. 1238.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1238 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed House Bill No. 1238, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer further consideration of House Bill No. 1333 and that the bill hold its place on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1535, by Representatives Johanson, Padden, Horn, Wood, Cothorn, Finkbeiner, R. Meyers, H. Myers, J. Kohl, Brown, Shin, Eide, Zellinsky, Thibaudeau, Leonard, Long, Rayburn, Basich and L. Johnson

Authorizing counties to charge a fee for juvenile court diversion services.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johanson and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1535.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1535 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Brown, Lisk and Mielke - 3.

House Bill No. 1535, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1966, by Representatives Wineberry, Leonard, Appelwick, Foreman, Riley, Cooke, H. Myers, Lemmon, Basich, Kessler, Holm, J. Kohl and Anderson

Implementing juvenile justice racial disproportionality study recommendations.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Leonard, Substitute House Bill No. 1966 was substituted for House Bill No. 1966 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1966 was read the second time.

Representative Valle moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative Leonard moved adoption of the following amendment by Representatives Leonard, Wineberry and Cooke:

On page 6, after line 27, insert the following subsection:

"(4) One juvenile court administrator;" and renumber the remaining subsections accordingly.

Representative Leonard spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wineberry, Cooke and Leonard spoke in favor of passage of the bill and Representative Padden spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1966.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1966 and the bill passed the House by the following vote: Yeas - 87, Nays - 8, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlín, Sheldon, Shin, Sommers, Springer, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Voting nay: Representatives Morton, Padden, Schoesler, Sheahan, Silver, Stevens, Talcott and Thomas - 8.

Excused: Representatives Brown, Lisk and Mielke - 3.

Engrossed Substitute House Bill No. 1966, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 9:30 a.m., March 10, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTY-EIGHTH DAY, MARCH 9, 1993

JOURNAL OF THE HOUSE

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

FIFTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 10, 1993

The House was called to order at 9:30 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adam Elhardt and Taura Lemmon. Prayer was offered by Sandra Lee, Minister of the Unitarian Universalist Church of Olympia. Poetry was offered by Pauline Escudero.

The Speaker assumed the chair.

Two Stories

Bellingham thickets tilt up
pocket his small heaven like the cupped paws
of a burrowed mouse
Wooden stairs and wooden houses rise up
And the one voice he hears is not his own

And so it is of a sort
A girl with maple hair A boy with pearl heart
The burn on the hand
The man with his tongue out The slow dance of a slow death
Knuckles buckling on wood

But Outside Tacoma trees
are deep velvet
tipping down touching
trunked ground
A bruised skin sky
welcomes her back home
Horizon to horizon, tipped
by needled pines
A violet black morning rise
spilled across with pink orange sage
blue And over the hill breathing
water, slaps beach sand away,
With such wonder she holds
a voice in
With a muffled croak
"I am home"

The bed she made for his sleeptime
with vines and hollows indented to his form
His leaf-flecked cradle His greentime dream
And he waits as if in stasis For the time of life
to come For the hand open living
When no more the scald of metal abrupts the earth
And when a child stumbles upon him
They see still pools reflect But when a killer comes
peeling green leaf back or policemen with their blue clinking

His body pulls into the rattler's spiral
His eyes open onto theirs And his lips part wide Opening
And down in the deep of the earth
They see a pearl heart rising
Pulsing a song strong and flying
But their souls cannot believe And they forget
what they have seen And he and she go on waiting.

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

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

INTRODUCTIONS AND FIRST READING

HJM 4022 by Representative Zellinsky

Urging repeal of unfairly restrictive and burdensome federal banking laws.

Referred to Committee on Financial Institutions & Insurance.

SSB 5270 by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Prentice and Amondson)

Creating a department of financial institutions.

Referred to Committee on Financial Institutions & Insurance.

SB 5300 by Senators Skratek, Erwin, Williams, M. Rasmussen, Sheldon and Winsley

Promoting economic development.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5332 by Senate Committee on Ecology & Parks (originally sponsored by Senators West, Oke, Nelson, Owen, Pelz, Sutherland, Hargrove, Winsley, von Reichbauer, Erwin and Sheldon)

Permitting the establishment of an underwater parks system.

Referred to Committee on Natural Resources & Parks.

SSB 5391 by Senate Committee on Health & Human Services (originally sponsored by Senators L. Smith, Talmadge, McCaslin, Deccio, Erwin, Moyer, Oke and Winsley)

Providing a program to assess and monitor infants exposed to drugs.

Referred to Committee on Human Services.

SSB 5402 by Senate Committee on Higher Education (originally sponsored by Senators Jesernig, Sellar, Bauer and Hochstatter)

Authorizing a study of the feasibility of expanding literacy in mathematics, science, and technology.

Referred to Committee on Higher Education.

ESSB 5491 by Senate Committee on Law & Justice (originally sponsored by Senators Niemi and A. Smith)

Creating a task force on sentencing disparities.

Referred to Committee on Corrections.

SSB 5528 by Senate Committee on Law & Justice (originally sponsored by Senator Quigley)

Altering court fees.

Referred to Committee on Judiciary.

ESB 5545 by Senators Williams, Bluechel and Moore

Modifying qualifications for registered architects.

Referred to Committee on Commerce & Labor.

SB 5563 by Senators Barr, Vognild, Prince, M. Rasmussen, Quigley, Deccio and Hochstatter

Permitting monthly licensed farm vehicles to buy trip permits.

Referred to Committee on Transportation.

SSB 5634 by Senate Committee on Government Operations (originally sponsored by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew)

Requiring state agencies to submit interagency disputes to mediation before filing lawsuits.

Referred to Committee on State Government.

ESB 5694 by Senators Snyder, Sutherland and Vognild

Lowering the age for use of an out-of-state license or learner's permit.

Referred to Committee on Transportation.

SSB 5699 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Bluechel, Snyder, Cantu, Gaspard, Jesernig, Skratek, Erwin and M. Rasmussen; by request of Governor Lowry)

Changing the organizational structure of the Pacific Northwest Economic Region.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5800 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, A. Smith and Winsley)

Increasing the penalty for violating human remains.

Referred to Committee on Judiciary.

SB 5841 by Senators Moyer, Prentice, Talmadge, Quigley, Prince, Hochstatter, McAuliffe, Erwin, West, Sheldon and Winsley

Requiring an outreach campaign on shaken baby syndrome.

Referred to Committee on Human Services.

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

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

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 2003, House Bill No. 1029 and House Bill No. 1466. The motion was carried.

The Speaker called upon Representative R. Meyers to preside.

SECOND READING

HOUSE BILL NO. 2003, by Representative Morris

Affecting juvenile offenders.

The bill was read the second time. On motion of Representative Leonard, Substitute House Bill No. 2003 was substituted for House Bill No. 2003 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2003 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Cooke spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Mielke was excused.

On motion of Representative J. Kohl, Representatives Locke and Wineberry were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2003.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2003 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representative Veloria - 1.

Excused: Representatives Locke, Mielke and Wineberry - 3.

Substitute House Bill No. 2003, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1029, by Representatives H. Myers, Vance and Flemming

Purchasing manufactured homes.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1029.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1029 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Locke, Mielke and Wineberry - 3.

House Bill No. 1029, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1466, by Representatives Jacobsen, Wang, Ludwig, G. Cole and Romero

Regulating motorized wheelchair warranties.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1466.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1466 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Locke and Wineberry - 2.

House Bill No. 1466, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1541, House Bill No. 1363 and House Bill No. 1374. The motion was carried.

HOUSE BILL NO. 1541, by Representatives Orr, Flemming, King, Dellwo and Mielke

Requiring continuing emergency medical technician training instead of recertification.

The bill was read the second time. On motion of Representative Dellwo Substitute House Bill No. 1541 was substituted for House Bill No. 1541 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1541 was read the second time.

Representative Orr moved the following amendment by Representative Orr:
On page 2, line 5, after "responder" insert ", emergency medical service provider,"

Representative Orr spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Orr spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1541.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1541 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Locke and Wineberry - 2.

Engrossed Substitute House Bill No. 1541, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer consideration of House Bill No. 1363 and that it hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1374, by Representatives Brough and Peery

Authorizing rules to adopt fees for the teacher admission to practice examination.

The bill was read the second time. On motion of Representative Dorn, Substitute House Bill No. 1374 was substituted for House Bill No. 1374 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1374 was read the second time.

Representative Quall moved the following amendment by Representative Quall:

On page 2, line 2, after "RCW 28A.630.885." insert "In administering the assessment, the state board shall address the needs of certification candidates who have specific learning disabilities, such as dyslexia."

Representative Quall and Foreman spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brough and Valle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1374.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1374 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Wineberry - 1.

Engrossed Substitute House Bill No. 1374, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider the following bills in the following order: House Bill No. 1631, House Bill No. 1703, and then continue down the second reading calendar. The motion was carried.

HOUSE BILL NO. 1631, by Representatives Conway, Brumsickle, G. Cole, Horn, Wood, Appelwick and Thibaudeau

Regulating going out of business sales.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1631 was substituted for House Bill No. 1631 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1631 was read the second time.

On motion of Representative Sheldon, the rules were suspended the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Lisk, and Brumsickle spoke in favor of passage of the bill and Representative Fuhrman spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1631.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1631 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Ballard, Fisher, R., Fuhrman, Locke, Morton, Padden, Stevens and Thomas - 8.

Excused: Representative Wineberry - 1.

Substitute House Bill No. 1631, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1703, by Representatives Johanson, Grant and Jacobsen; by request of Utilities & Transportation Commission

Concerning alternate operator service companies.

The bill was read the second time. On motion of Representative Finkbeiner, Substitute House Bill No. 1703 was substituted for House Bill No. 1703 and the substitute placed on second reading.

Substitute House Bill No. 1703 was read the second time.

With consent of the House, Substitute House Bill No. 1703 was passed to Committee on Rules for third reading.

The Speaker assumed the chair.

HOUSE BILL NO. 1766, by Representatives G. Cole, Heavey, Ogden, Zellinsky, R. Meyers, Wang, Conway and J. Kohl; by request of Attorney General

Concerning automotive repair.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1766 was substituted for House Bill No. 1766 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1766 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1766.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1766 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Wineberry - 1.

Substitute House Bill No. 1766, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1839, by Representatives R. Johnson, Mielke, R. Meyers, Jones and Wang; by request of Insurance Commissioner

Investing by domestic insurers.

The bill was read the second time. On motion of Representative Zellinsky, Substitute House Bill No. 1839 was substituted for House Bill No. 1839 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1839 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Johnson and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1839.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1839 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1839, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1907, by Representatives Wineberry, Jones and Lemmon

Penalizing carriers that exceed estimates for moving household goods.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1907 was substituted for House Bill No. 1907 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1907 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wineberry spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1907.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1907 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1907, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the House reverted to consideration of House Bill No. 1363.

HOUSE BILL NO. 1363, by Representatives Peery, H. Myers, Springer, Dunshee, Romero, Zellinsky and Wineberry

Requiring the county assessor to verify that all necessary building permits have been issued when conducting a physical appraisal.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1363 was substituted for House Bill No. 1363 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1363 was read the second time.

Representative H. Myers moved adoption of the following amendment by Representative H. Myers: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.21.080 and 1989 c 246 s 4 are each amended to read as follows:

(1) The county assessor is authorized to place any property that is increased in value due to construction or alteration for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits on the assessment rolls for the purposes of tax levy up to August 31st of each year. The assessed valuation of the property shall be considered as of July 31st of that year.

(2) In conducting a physical appraisal under RCW 36.21.070 or subsection (1) of this section, the county assessor shall notify the local building official of any increase in the size of the building, and any other significant modifications that are apparent from an exterior inspection of the building, since the last physical appraisal.

NEW SECTION. Sec. 2. A new section is added to chapter 19.27 RCW to read as follows:

A copy of any verification of final inspection issued upon completion of construction or alteration work on a single or multifamily residential building shall be transmitted by the issuing authority to the county auditor of the county where the property on which the construction or alteration work is located to be recorded in the real property records. The verification of final inspection shall contain the county assessor's parcel number.

NEW SECTION. Sec. 3. A new section is added to chapter 48.29 RCW to read as follows:

The existence of verifications of final inspection that are recorded pursuant to section 2 of this act shall be disclosed as an attachment to every title insurance report provided to the purchasers of real property. Nothing in this section requires a title insurer to include such verifications within the coverage provided under a title insurance contract."

Representative H. Myers spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peery, Edmondson, Van Luven, Carlson and Zellinsky spoke in favor of passage of the bill and Representatives Forner, Brough, Heavey, Horn and Morton spoke against it.

Representative Heavey again spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1363.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1363 and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen,

Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sehlin, Shin, Sommers, Springer, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dyer, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Johanson, Johnson, R., Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Schmidt, Schoesler, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance and Wood - 37.

Engrossed Substitute House Bill No. 1363, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Representative Jacobsen presiding) called the House to order.

The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

MOTION

Representative Peery moved that the House considered the following bills in the following order: House Bill No. 1400, House Bill No. 1411 and House Bill No. 1209. The motion was carried.

HOUSE BILL NO. 1400, by Representatives Heavey and Franklin; by request of Department of Licensing
Regulating real estate appraisers.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Heavey spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Romero was excused.

On motion of Representative Wood, Representatives Lisk and Dyer were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1400.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1400 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Absent: Representatives Fuhrman, Morris and Wang - 3.

Excused: Representatives Dyer, Lisk and Romero - 3.

House Bill No. 1400, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1411, by Representatives Pruitt, Morton, R. Johnson, Brown and Brough

Allowing metropolitan park districts to acquire open space, land, or rights to future development.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pruitt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1411.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1411 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Morris - 1.

Excused: Representative Romero - 1.

House Bill No. 1411, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1209, by Representatives Peery, Ballard, Dorn, Jones, Brough, R. Meyers, Cothorn, Sheldon, Brumsickle, Roland, Eide, Holm, Jacobsen, Thomas, J. Kohl, Ogden, Franklin, G. Cole, Veloria, Wang, H. Myers, Horn, Scott, Karahalios, L. Johnson, Thibaudeau, Wolfe, Leonard, Locke, Basich, Orr, Kessler, Campbell, Linville, Pruitt and Wineberry; by request of Council on Education Reform and Funding

Reforming education.

The bill was read the second time. Committee on Education recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Education as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day March 8, 1993.)

On motion of Representative Dorn, Substitute House Bill No. 1209 was substituted for House Bill No. 1209 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1209 was read the second time.

Representative Valle moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of them. The committee amendments were adopted.

MESSAGES FROM THE SENATE

March 10, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5054,

SUBSTITUTE SENATE BILL NO. 5219,
SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5430,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5612,
SENATE BILL NO. 5759,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 9, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5066,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5255,
SENATE BILL NO. 5265,
SENATE BILL NO. 5287,
SENATE BILL NO. 5447,
SENATE BILL NO. 5526,
SENATE BILL NO. 5541,
SUBSTITUTE SENATE BILL NO. 5567,
SUBSTITUTE SENATE BILL NO. 5698,
SENATE BILL NO. 5799,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5844,
SENATE JOINT MEMORIAL NO. 8017,
SENATE JOINT MEMORIAL NO. 8021,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

Representative Stevens moved the following amendment by Representative Stevens:

On page 3, line 26, after "problems;" insert "and"

On page 3, beginning on line 28, after "opportunities" strike everything through "communities" on line 31.

Representative Stevens spoke in favor of adoption of the amendment and Representatives Dorn and Pruitt spoke against it. The amendment was not adopted.

Representative Vance moved adoption of the following amendment by Representatives Vance, Dorn, Ballard and Peery:

On page 6, line 13, after "completed" strike "as determined by the commission" and insert "no later than September 1, 1996"

On page 7, beginning on line 18, after "requirements." strike all material down to and including "commission." on line 21 and insert "Prior to beginning the development of assessments for RCW 28A.150.210(5), goal five, the commission shall submit a report to the legislature on the feasibility of developing assessments for this goal. The report shall be submitted by December 1, 1996."

Representatives Vance, Dorn and Carlson spoke in favor of the amendment and Representatives Basich and Cothorn spoke against it. The amendment was adopted.

The Speaker assumed the chair.

Representative Brough moved the following amendment by Representatives Brough and Pruitt:

On page 14, line 12, after "of a" strike "beginning"

On page 14, beginning on line 31, after "difficulties" strike ". These mentors may participate in evaluations under RCW 28A.405.100"

On page 15, after line 4, insert the following: "**Sec. 402.** RCW 28A.405.140 and 1990 c 33 s 387 are each amended to read as follows:

After an evaluation conducted pursuant to RCW 28A.405.100, the ~~((school-district))~~ principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such improvement."

Representatives Brough and Pruitt spoke in favor of the amendment and it was adopted.

Representative Brough moved the following amendment by Representatives Brough and Peery:

On page 30, after line 24, strike all material down to and including "program" on page 31, line 23, and insert the following:

"(1) Effective August 31, 1995, the state board of education shall require ~~((a uniform state admission to practice examination for))~~ teacher certification candidates~~((Commencing August 31, 1993, teacher certification candidates completing a teacher preparation program shall be required))~~ to pass an ~~((admission to practice examination))~~ individual assessment before being granted an initial certificate. The ~~((examination))~~ assessment shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, ~~((and))~~ student behavior and development~~((The examination shall consist primarily of essay questions)), oral and written language skills, student performance-based assessment skills, and other knowledge, skills, and attributes~~ needed to be successful in assisting all students, including students with diverse and unique needs, in achieving mastery of the essential academic learning requirements established pursuant to RCW 28A.630.885.

(2) The state board of education shall adopt such rules as may be necessary to implement this section, including, but not limited to, rules establishing the fees assessed persons who apply to take the assessment and the circumstances, if any, under which such fees may be refunded in whole or part. Fee revenues received under this section shall be deposited in the teacher assessment revolving fund hereby established in the custody of the state treasurer. The fund is subject to the allotment procedures provided under chapter 43.88 RCW, but no appropriation is required for disbursement. The superintendent of public instruction shall be responsible for administering the assessment program consistent with state board of education rules, and may enter into contracts for six or fewer years with public and private contractors to establish, equip, maintain, and operate the program, in whole or part. The superintendent of public instruction shall expend moneys from the teacher assessment revolving fund exclusively for the direct and indirect costs of establishing, equipping, maintaining, and operating the assessment program"

Representative Quall moved adoption of the following amendment to the amendment:

On page 1, line 20, after "RCW 28A.630.885." insert "In administering the assessment, the state board shall address the needs of certification candidates who have specific learning disabilities, such as dyslexia."

Representatives Quall, Eide and Dorn spoke in favor of the amendment and it was adopted.

Representatives Brough and Dorn spoke in favor of the amendment as amended by the House. The amendment as amended was adopted.

Representative Stevens moved adoption of the following amendment by Representative Stevens, Tate, Thomas, Vance and Ballard:

On page 43, line 27, strike everything beginning with "NEW SECTION." through "immediately." on line 30.

Representative Stevens spoke in favor of the adoption of the amendment.

POINT OF ORDER

Representative R. Meyers asked that Representative Stevens confine her remarks to the bill. The Speaker sustained the point of order.

Representatives Padden, Vance and Pruitt spoke in favor of adoption of the amendment and Representatives Dorn and Jones spoke against it.

Representative Stevens again spoke in favor of adoption of the amendment and the amendment was not adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Morton moved the adoption of the following amendment by Representative Morton:

On page 3, after line 35, insert the following:

" Part II

Quality Student Learning Environment

Sec. 201. RCW 28A.600.020 and 1990 c 33 s 497 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to insure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first(~~(= PROVIDED, That)~~). Except in emergency circumstances, the teacher shall have first attempted one or more alternative forms of corrective action (~~(= PROVIDED FURTHER, That)~~). In no event without the consent of the teacher shall an excluded student be returned during the balance of that class or activity period.

(3) Permanent expulsion may be imposed for consistent disobedience or disruptive behavior by a student that substantially interferes with the educational process or the ability of a teacher, principal, or superintendent to maintain discipline or provide a quality learning environment.

Consistent disobedience or disruptive behavior includes constantly walking or moving around, talking or making noise, or other such behaviors engaged in by a student without specific permission from the teacher, principal, or superintendent.

Before permanent expulsion, a parent or legal guardian of the student subject to permanent expulsion shall meet with the authorities considering permanent expulsion and shall be given the opportunity to sign a written understanding that the parent or legal guardian and the student will work with school officials in specific ways to eliminate the disruptive behavior, and that the student is on a probationary status and further disruptive behavior may result in permanent expulsion.

For violations of this section, a teacher may permanently expel a student from his or her individual classroom and instructional or activity area, a school principal may permanently expel a student from the school, and a district superintendent may permanently expel a student from the district.

(4) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district.

Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or superintendent or their designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems.

Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section, or permanently, if such students have repeatedly disrupted the learning of other students(~~(= PROVIDED, That)~~). The procedures ((are)) shall be consistent with the regulations of the state board of education and provide for early involvement of parents in attempts to improve the student's behavior(~~(= PROVIDED FURTHER, That) Pursuant to RCW 28A.400.110, the procedures shall assure that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom."~~

Representatives Morton, Tate and Padden spoke in favor of the amendment and Representatives Dorn, G. Cole, Pruitt, Shin, Heavey and Quall spoke against it.

Representatives Tate and Morton again spoke in favor of the amendment and it was not adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peery, Brough, Dorn, Ballard, Talcott, Carlson, G. Fisher, Thomas, Leonard, Holm, Vance, Conway and Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1209.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1209 and the bill passed the House by the following vote: Yeas - 85, Nays - 12, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 85.

Voting nay: Representatives Ballard, Bray, Casada, Chandler, Edmondson, Fuhrman, Lisk, Ludwig, Padden, Silver, Stevens and Tate - 12.

Excused: Representative Romero - 1.

Engrossed Substitute House Bill No. 1209, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: House Bill No. 1437, House Bill No. 1519, House Bill No. 1640, House Bill No. 1673 and House Bill No. 1737. The motion was carried.

HOUSE BILL NO. 1437, by Representatives R. Meyers, Dorn, Pruitt and Campbell

Requiring policy and performance audits of department of veteran affairs, Washington soldiers' home, and Washington veterans' home.

The bill was read the second time.

Representative Anderson moved adoption of the following amendment by Representative R. Meyers: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislative budget committee shall conduct an examination of the department of veterans affairs, the Washington soldiers' home at Orting, and the Washington veterans' home at Retsil. The examination shall specifically address:

(a) The quality of patient care at the Washington soldiers' home and the Washington veterans' home to determine the quality of patient care and whether staffing ratios and funding are sufficient; and

(b) A determination as to whether funds in the revolving funds governed under RCW 72.36.120 and 72.36.130 are being expended for the benefit and welfare of the members of these homes, and whether any of these funds are being inappropriately transferred to administrative offices in Olympia.

(2) To ensure that there is no duplication of effort, prior to conducting the examination, the legislative budget committee shall confirm that these specific issues have not been fully addressed by recent federal or other audits. If these issues have been fully addressed by other audits, the legislative budget committee shall report on the findings of these audits. If these issues have not been fully addressed by other audits, the legislative budget committee shall conduct the examination described in subsection (1) of this section.

(3) The legislative budget committee shall report the results of their findings and any recommendations to the legislature by January 1, 1994."

Representative Anderson spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dorn and Campbell spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1437.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1437 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Engrossed House Bill No. 1437, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1519, by Representative Ballard

Creating an office of housing affordability and regulatory reform.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative Wineberry, Substitute House Bill No. 1519 was substituted for House Bill No. 1519 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1519 was read the second time.

Representative Valle moved adoption of the committee amendments and spoke in favor of the amendments. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballard and Heavey spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1519.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1519 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Engrossed Substitute House Bill No. 1519, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1640, by Representatives Johanson, Ballasiotes, Wineberry, Padden, Schmidt, Ludwig, Mastin, Riley, Thibaudeau, Campbell, Long, Forner, H. Myers, Brough, Vance, Jones, Foreman, Fuhrman, Schoesler, Miller, Casada, Jacobsen, Stevens, Rayburn, Kremen, Silver, Quall, Talcott, Tate, Orr, Van Luven and Anderson

Making the property of a convicted person acquired as a result of the crime subject to seizure and forfeiture.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1640 was substituted for House Bill No. 1640 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1640 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johansen and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1640.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1640 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Substitute House Bill No. 1640, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Sheldon, the House deferred action on the remaining second reading calendar and proceeded with the Suspension calendar beginning with House Bill No. 1014.

MESSAGE FROM THE SENATE

March 10, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5135,
SUBSTITUTE SENATE BILL NO. 5256,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,
ENGROSSED SENATE BILL NO. 5362,
SENATE BILL NO. 5645,
SUBSTITUTE SENATE BILL NO. 5839,

and the same herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE BILL NO. 1014, by Representatives Appelwick and Riley

Updating uniform commercial code Articles 1, 3, and 4.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1014.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1014 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Substitute House Bill No. 1014, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1074, by Representatives Ludwig, Padden, Appelwick and Johanson

Regulating corporations.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the bill be advanced to third reading.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1074.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1074 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

House Bill No. 1074, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1084, by Representatives Wineberry, Padden, Appelwick, Vance, Wang, Pruitt, Campbell, Johanson, Orr and Anderson

Changing provisions relating to jury source lists.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted (For committee amendment see Journal, 52nd Day, March 3, 1993.) and the engrossed substitute bill be advanced to third reading.

Representatives Wineberry and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1084.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1084 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Engrossed Substitute House Bill No. 1084, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1195, by Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard

Allowing a person to dictate the disposition of his or her remains.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1195.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1195 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Substitute House Bill No. 1195, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1220, by Representatives Chappell, Brumsickle, Campbell, Mastin, Ludwig, H. Myers, Johanson, Riley, Romero, Karahalios, Jones, Padden, Roland, Long, L. Johnson and Flemming

Revoking drivers' licenses for certain felonies.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Chappell spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1220.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1220 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Heavey - 1.

Excused: Representative Romero - 1.

House Bill No. 1220, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1235, by Representatives Appelwick, Padden, Ludwig and Johanson

Creating partnerships.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1235.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1235 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Substitute House Bill No. 1235, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1315, by Representatives H. Myers and Springer

Specifying the uses for the tax on the sale of real property.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1315.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1315 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Quall - 1.

Excused: Representative Romero - 1.

House Bill No. 1315, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1347, by Representatives Forner, Rayburn, Dyer, Thomas, Wood, Morton and Silver

Authorizing the department of agriculture to control diseases in alpacas and llamas.

The bill was read the second time.

Representative Rayburn moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1347.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1347 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

House Bill No. 1347, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1402, by Representatives Springer and Heavey; by request of Department of Licensing

Changing licensing provisions.

The bill was read the second time.

Representative Heavey moved that the committee recommendation be adopted (For committee amendment see Journal, 45th Day, February 22, 1993.) and the engrossed bill be advanced to third reading. The motion was carried.

Representatives Springer and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1402.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1402 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Engrossed House Bill No. 1402, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1406, by Representatives Silver, Sommers, Chandler, Fuhrman, Locke and Ogden; by request of Legislative Budget Committee

Changing the name of the legislative budget committee.

The bill was read the second time.

Representative Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Anderson and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1406.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1406 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Valle - 1.

Excused: Representative Romero - 1.

House Bill No. 1406, having received the constitution majority, was declared passed.

HOUSE BILL NO. 1407, by Representatives Sommers, Silver, Chandler, Fuhrman, Locke, Ogden and Brough; by request of Legislative Budget Committee

Changing duties of the legislative auditor and attorney general regarding the legislative budget committee.

The bill was read the second time.

Representative Anderson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1407.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1407 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

House Bill No. 1407, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1476, by Representatives Wineberry, Ballard, Shin, G. Cole, Brough, Ogden, Forner, J. Kohl, Voloria, Vance, Leonard, Casada, Miller, Ballasiotes, Foreman, Chandler, Wood, Cooke, H. Myers and Lisk; by request of Human Rights Commission

Revising provisions relating to meeting federal fair housing act requirements for housing equivalency.

The bill was read the second time.

Representative Wineberry moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Wineberry and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1476.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1476 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

House Bill No. 1476, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1508, by Representatives Zellinsky and Pruitt

Regulating prescription claims for insurance coverage that were initially approved over the telephone or by other means.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to final passage of Substitute House Bill No. 1508.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1508 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Substitute House Bill No. 1508, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1514, by Representatives Kessler, Jacobsen, Basich, Jones, Holm, Sheldon and Riley

Requiring the board of directors of the Olympic natural resources center to administer the Olympic natural resources center.

The bill was read the second time.

Representative Jacobsen moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Kessler and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1514.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1514 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Substitute House Bill No. 1514, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 9:30 a.m., Thursday March 11, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTY-NINTH DAY, MARCH 10, 1993

JOURNAL OF THE HOUSE

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

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 11, 1993

The House was called to order at 9:45 a.m. by the Speaker (Representative Holm presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Windy Gill and Collette Jacques. Prayer was offered by Reverend Kosho Yukawa of the Tacoma Buddhist Temple.

Poetry was offered by Judith Roach:

HOT BONES

This is for my son, Robin,
whose chromosomes count too many
and whose ears are stopped
by the word profound,
who speaks with his hands,
even in the delirium of a high fever,
and who has images of hot bones
in his poems, which he performs
in the flourish of a fervid dance,
accompanied by a tambourine he doesn't hear,
the swirling from inside
his own strong internal rhythm,
his eyes seeing a poetry of agile hands
connected to body, to honest work
-stacking wood or sorting scrap metal-
which is his passion,
tied, as it is, to trust
in the rightness of giving oneself
wholly, to the task at hand.

THE FLOWERS

When you ask them
what they do for a living
they do not mention photosynthesis
but unfurl their slender petals
spread them a little wider
like a slow dance move
throb a sweet surge
of deep scent
unsound the shadow

of a sob

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

MESSAGE FROM THE SENATE

March 10, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5230,
SENATE BILL NO. 5352,
SUBSTITUTE SENATE BILL NO. 5407,
SUBSTITUTE SENATE BILL NO. 5432,
SENATE BILL NO. 5584,
SUBSTITUTE SENATE BILL NO. 5837,
SUBSTITUTE SENATE BILL NO. 5937,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2102 by Representatives Chappell and Jones

AN ACT Relating to the motorcycle safety education account; and amending RCW 46.68.065.

Referred to Committee on Transportation.

HB 2103 by Representative Chappell

AN ACT Relating to arrests by enforcement officers of the Washington state liquor control board; and amending RCW 10.88.330.

Referred to Committee on Judiciary.

HB 2104 by Representatives Wineberry, Locke, Jacobsen and Anderson

AN ACT Relating to funding for the Seattle Vocational Institute; creating a new section; and making an appropriation.

Referred to Committee on Capital Budget.

HB 2105 by Representatives Wineberry, Dorn and Brumsickle

AN ACT Relating to creating the successful tutoring of at-risk students program; adding new sections to chapter 28A.630 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SSB 5025 by Senate Committee on Natural Resources (originally sponsored by Senator Owen)

Clarifying forest fire fighting duties.

Referred to Committee on Natural Resources & Parks.

ESSB 5054 by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Winsley and Erwin)

Requiring the sellers of sports memorabilia to authenticate the merchandise.

Referred to Committee on Judiciary.

SSB 5066 by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, McCaslin and Nelson)

Limiting powers of trustees.

Referred to Committee on Judiciary.

ESSB 5110 by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Drew and Winsley)

Changing provisions relating to sewer and water districts.

Referred to Committee on Local Government.

SSB 5135 by Senate Committee on Government Operations (originally sponsored by Senators Talmadge and McCaslin)

Establishing requirements for ballot titles for referenda.

Referred to Committee on State Government.

ESSB 5162 by Senate Committee on Law & Justice (originally sponsored by Senators Niemi, A. Smith, Prentice, McAuliffe, Drew, Spanel, Skratek, Loveland, Talmadge, Moore, Wojahn, Snyder, Fraser, Rinehart, Vogniid, Williams, Bluechel, Bauer, Sheldon, Newhouse, Sutherland, Prince, Pelz, Jesernig and Gaspard)

Prohibiting interference with access to or from a health care facility.

Referred to Committee on Judiciary.

SSB 5195 by Senate Committee on Labor & Commerce (originally sponsored by Senator Moore)

Regulating excessive securities transactions.

Referred to Committee on Financial Institutions & Insurance.

SSB 5219 by Senate Committee on Ways & Means (originally sponsored by Senators M. Rasmussen, Newhouse and Barr)

Modifying provisions regarding the Washington wine commission.

Referred to Committee on Revenue.

ESSB 5230 by Senate Committee on Government Operations (originally sponsored by Senators Hargrove, Anderson, Roach, Snyder, M. Rasmussen, Haugen, Jesernig, Deccio and Oke)

Clarifying and extending dates established under the growth management act.

Referred to Committee on Local Government.

SB 5248 by Senators M. Rasmussen, Barr, Loveland, Newhouse and Bauer

Excluding pollination agents from "sale at retail" and "retail sale" definition for business and occupation tax.

Referred to Committee on Revenue.

SSB 5255 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr, Talmadge, Bluechel and Haugen)

Providing for evaluation and transfer to the parks and recreation commission of land acquired by the state by escheat.

Referred to Committee on Natural Resources & Parks.

SSB 5256 by Senate Committee on Government Operations (originally sponsored by Senators Sutherland, McCaslin and Erwin)

Restricting the use of city or town facilities to advocate for or against an annexation.

Referred to Committee on Local Government.

SB 5265 by Senators Snyder, Winsley, A. Smith, Bauer, Hochstatter, Gaspard, L. Smith, Loveland, Vognild, Skratek and Pelz

Modifying funeral expenses of a deceased person.

Referred to Committee on Appropriations.

ESSB 5285 by Senate Committee on Labor & Commerce (originally sponsored by Senators Gaspard, Moore and von Reichbauer)

Expanding the state investment board.

Referred to Committee on State Government.

SB 5287 by Senators Barr, M. Rasmussen, Hochstatter, Loveland, Snyder, Newhouse, Bauer, Deccio, Jesernig, Owen, Sutherland, Oke, Amondson, Moore, Fraser, Anderson, Prince, Sellar, Winsley and Erwin

Prescribing additional penalties for failure to make restitution for theft of livestock.

Referred to Committee on Judiciary.

SB 5352 by Senators Newhouse, Spanel, Moore, Bauer and Winsley; by request of Joint Committee on Pension Policy

Specifying how payments based on retirement agreements shall affect calculation of pension benefits.

Referred to Committee on Appropriations.

ESB 5362 by Senators A. Smith, Niemi, Pelz, Spanel and Quigley

Requiring full disclosure of civil court proceedings relating to public hazards.

Referred to Committee on Judiciary.

SB 5381 by Senators Vognild, Newhouse, Deccio, Hochstatter, Sellar and Erwin

Extending periods for overheight load permits.

Referred to Committee on Transportation.

SSB 5407 by Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Barr and M. Rasmussen)

Regarding county administration of agricultural burning permits.

Referred to Committee on Environmental Affairs.

SSB 5430 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Fraser, Bluechel, Pelz, Prentice, Moore, Prince, Moyer, Skratek and Deccio)

Commemorating the thirtieth anniversary of Washington's sister-state relationship with Hyogo prefecture.

Referred to Committee on State Government.

SSB 5432 by Senate Committee on Labor & Commerce (originally sponsored by Senators Pelz, Prentice, Moore, Franklin, Bauer, Wojahn, Fraser and Skratek)

Studying discrimination based on race and national origin in home mortgage lending.

Referred to Committee on Financial Institutions & Insurance.

SB 5447 by Senator Fraser; by request of Utilities & Transportation Commission

Modifying review of solid waste collection company tariff filings.

Referred to Committee on Environmental Affairs.

SB 5523 by Senators Barr, Snyder and Prince

Expanding authority for appointment of district court judges pro tem.

Referred to Committee on Judiciary.

SB 5526 by Senators Barr, Bauer, Prince and Sutherland

Providing for the Columbia river resource task force.

Referred to Committee on Energy & Utilities.

SB 5541 by Senators Fraser, A. Smith, Sellar, McAuliffe, Quigley and Winsley

Revising the statute of limitations for certain sex offenses.

Referred to Committee on Judiciary.

SSB 5567 by Senate Committee on Government Operations (originally sponsored by Senators Barr, Owen and Erwin)

Allowing benefits for emergency medical service district volunteers.

Referred to Committee on Local Government.

SB 5584 by Senators Franklin, Winsley, McAuliffe, Skratek, M. Rasmussen, Hargrove, Wojahn, Niemi, Drew and Pelz

Creating the Washington housing policy act.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5612 by Senate Committee on Transportation (originally sponsored by Senators Erwin, Skratek, Prentice, von Reichbauer, M. Rasmussen, Nelson, Sellar, Vognild, Winsley, Hochstatter, Barr and Oke)

Reorganizing the transportation improvement board.

Referred to Committee on Transportation.

SB 5645 by Senators Spanel and Fraser

Restricting property divisions.

Referred to Committee on Local Government.

SSB 5698 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Bluechel, Skratek, Sheldon, Williams and Erwin)

Assisting companies to adopt ISO-9000 quality standards.

Referred to Committee on Trade, Economic Development & Housing.

SB 5759 by Senators McAuliffe, Prentice, Skratek, Loveland, von Reichbauer, Haugen, Prince, McDonald, Drew, Owen, Moyer, Erwin, Winsley, Anderson and M. Rasmussen

Extending the involuntary treatment act to cover the commitment of chemically dependent adults.

Referred to Committee on Human Services.

SB 5799 by Senators Nelson and Sutherland

Providing address designations on subdivision approvals for improved utility placements.

Referred to Committee on Local Government.

SSB 5837 by Senate Committee on Government Operations (originally sponsored by Senators Quigley, Moore, Pelz, A. Smith, Prentice, Bauer, Hargrove, Sheldon, Erwin, Niemi, Jesernig and Talmadge)

Financing state and local government.

Referred to Committee on Local Government.

SSB 5839 by Senate Committee on Government Operations (originally sponsored by Senators Cantu, Drew, Haugen and Winsley)

Providing consolidated mail service for state agencies.

Referred to Committee on State Government.

ESSB 5844 by Senate Committee on Government Operations (originally sponsored by Senators McAuliffe, Erwin, M. Rasmussen, Amondson, Drew, Prentice, Pelz, Niemi, Winsley, Sheldon, McDonald, Talmadge, Owen, Snyder, Haugen, Hargrove, Moyer, Quigley, Roach, Jesernig, Oke, Hochstatter and Spanel)

Allowing volunteers to assist agencies to serve at-risk children's needs.

Referred to Committee on Human Services.

SSB 5937 by Senate Committee on Ways & Means (originally sponsored by Senators Quigley, Snyder, Gaspard, von Reichbauer, Vognild, A. Smith, Rinehart, McAuliffe, Drew, Hargrove, Sheldon, Loveland, Haugen, Erwin, Sutherland, Jesernig, Skratek, Spanel, Niemi, Roach, Hochstatter and Deccio)

Including certain indebtedness in the calculation of the seven percent debt limitation.

Referred to Committee on Capital Budget.

SJM 8017 by Senators Jesernig and Loveland

Requesting the United States Department of Energy to support the Fast Flux Test Facility at Hanford.

Referred to Committee on Energy & Utilities.

SJM 8021 by Senators Williams, McCaslin, Fraser, Talmadge, M. Rasmussen, Moore, Deccio, Sutherland, Barr and Franklin

Requesting federal assistance with implementing the safe drinking water act.

Referred to Committee on Environmental Affairs.

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

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

SECOND READING

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1221 and House Bill No. 1673. The motion was carried.

HOUSE BILL NO. 1221, by Representatives G. Cole, Ballard, Flemming, Jacobsen, Veloria, Cothorn, Dellwo, Thibaudeau, Appelwick, Johanson, Orr, Scott, Ballasiotes, Silver, Lisk, Leonard, Cooke, J. Kohl, L. Johnson, Mielke and Kremen

Centralizing poison information services.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. Committee on Appropriations recommendation: Majority, do pass substitute. (For committee recommendation see Journal, 52nd Day, March 3, 1993.)

Representative Dellwo moved adoption of the committee amendment and spoke in favor of adoption of the committee amendment and it was adopted.

On motion of Representative Valle, Substitute House Bill No. 1221 was substituted for House Bill No. 1221 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1221 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole, Morton and Dyer spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Springer was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1221.

ROLL CALL

The Clerk called the roll on final passage on Substitute House Bill No. 1221 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representatives Appelwick and Wineberry - 2.

Excused: Representative Springer - 1.

Substitute House Bill No. 1221, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1673, by Representatives Roland, Eide, Vance, Brough, Campbell, Wang, Jacobsen, Patterson and Forner

Creating the aerospace industry legislative task force.

The bill was read the second time. On motion of Representative Shin, Substitute House Bill No. 1673 was substituted for House Bill No. 1673 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1673 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roland and Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1673.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1673 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Wineberry - 1.

Excused: Representative Springer - 1.

Substitute House Bill No. 1673, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House now consider House Bill No. 1521 on the Suspension Calendar. The motion was carried.

HOUSE BILL NO. 1521, by Representative Valle; by request of Office of Financial Management

Funding the state auditor municipal corporation division.

The bill was read the second time.

Representative Locke moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Valle and Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1521.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1521 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Wineberry - 1.

Excused: Representative Springer - 1

House Bill No. 1521, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1530, by Representatives Morris, Foreman, Springer, Ogden, Carlson, Riley, Silver, Leonard, Chappell, H. Myers, Rayburn, Mastin, Thibaudeau, Anderson, Holm, Campbell, Brough, King, Hansen, Jones, Basich, Quall, Conway, Van Luven, Cothorn, Long and Finkbeiner

Providing for continuation of property tax exemptions for senior citizens confined in hospitals and nursing homes.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Morris and Foreman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1530.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1530 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Wineberry - 1.

Excused: Representative Springer - 1.

House Bill No. 1530, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1544, by Representatives Appelwick and Johanson

Requiring that criminal penalties set by cities and counties be the same as those set in state law.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1544.
ROLL CALL

The Clerk called the roll on final passage on Substitute House Bill No. 1544 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Wineberry - 1.

Excused: Representative Springer - 1.

Substitute House Bill No. 1544, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1566, by Representative H. Myers
Changing who gives notice of estate tax findings filings.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative H. Myers spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Wineberry was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1566.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1566 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Springer and Wineberry - 2.

Substitute House Bill No. 1566, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1578, by Representatives L. Johnson, Morris, G. Cole, Padden, Riley, Edmondson, Mastin, Johanson, Jones, Basich, King, Valle, Campbell, Long, Shin, Springer, Karahalios, Roland, Rayburn, Conway, Kremen, Ogden, Cothorn and H. Myers; by request of Department of Corrections

Revising provisions relating to offenders under the jurisdiction of the department of corrections.

The bill was read the second time.

Representative Mastin moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives L. Johnson and Long spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1578.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1578 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Springer and Wineberry - 2.

Substitute House Bill No. 1578, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1602, by Representatives Chappell, Cothorn and Thomas; by request of Superintendent of Public Instruction

Changing election provisions for regional committee members.

The bill was read the second time.

Representative Cothorn moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Chappell and Brough spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1602.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1602 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Springer and Wineberry - 2.

Substitute House Bill No. 1602, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

AFTERNOON SESSION

The Speaker (Representative R. Meyers presiding) called the House to order at 1:00 p.m.

The Clerk called the roll and a quorum was present.

MOTION

Representative Peery moved that the House immediately consider the following bills in the following order and then proceed with the remaining bills on the second reading calendar: House Bill No. 1808, House Bill No. 1812, House Bill No. 1914, House Bill No. 1931 and House Bill No. 1756. The motion was carried.

HOUSE BILL NO. 1808, by Representatives Shin, Mastin, Forner, Wineberry, Rayburn, Jones, Cothorn, J. Kohl, Wang, Van Luven, Chandler and Linville

Creating the Washington council on international trade.

The bill was read the second time. On motion of Representative Shin, Substitute House Bill No. 1808 was substituted for House Bill No. 1808 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1808 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shin and Forner spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Springer and Locke were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1808.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1808 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 4, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Absent: Representatives Basich, Conway, Johnson, R. and Lemmon - 4.

Excused: Representatives Locke and Springer - 2.

Substitute House Bill No. 1808, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1812, by Representatives Jones, Dorn, R. Meyers, Schmidt, Pruitt, Kessler, Karahalios and Carlson

Changing teacher evaluations for teachers with at least four years of satisfactory evaluations.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jones, Carlson and Dorn spoke in favor of passage of the bill and Representative Thomas spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1812.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1812 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Dyer and Thomas - 2.

Absent: Representative Basich - 1.

Excused: Representatives Locke and Springer - 2.

House Bill No. 1812, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1914, by Representatives Brown, Long, Johanson, L. Johnson, Edmondson, Cothorn, Scott, Wood, Leonard, Brough, Kremen, Dyer, Brumsickle, Jones, King, Carlson, Karahalios, Schoesler, Hansen, Lemmon, Springer, Rayburn, Patterson, J. Kohl and Cooke

Allowing volunteers to assist agencies to serve at-risk children's needs.

The bill was read the second time. On motion of Representative Leonard, Substitute House Bill No. 1914 was substituted for House Bill No. 1914 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1914 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brown and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1914.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1914 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Basich - 1.

Excused: Representative Springer - 1.

Substitute House Bill No. 1914, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1931, by Representatives Schmidt, Zellinsky and Wood

Regulating steamboat operators.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1931 was substituted for House Bill No. 1931 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1931 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1931.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1931 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Basich - 1.

Excused: Representative Springer - 1.

Substitute House Bill No. 1931, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1756, by Representatives Veloria, Brumsickle and Casada

Requiring the use of licensed or certified electricians for certain purposes.

The bill was read the second time.

Representative Veloria moved adoption of the following amendment by Representatives Veloria and Heavey:

Strike everything after the enacting clause and insert the following:

"Sec. I. RCW 19.28.610 and 1992 c 240 s 3 are each amended to read as follows:

Nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her, unless the electrical work is on the construction of a new building intended for rent, sale, or lease: PROVIDED, HOWEVER, That nothing in RCW 19.28.510 through 19.28.620 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010~~((2))~~(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade: AND PROVIDED FURTHER, That RCW 19.28.510 through 19.28.620 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in RCW 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems. The licensing provisions of RCW 19.28.510 through 19.28.620 shall not apply to:

(1) Persons making electrical installations on their own property~~((;~~

~~((2)))~~ or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease; or

~~((3)))~~ (2) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.200 so long as such employees have registered in the state of Washington with or

graduated from a state-approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work: AND PROVIDED FURTHER, That nothing in RCW 19.28.510 through 19.28.620 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter."

Representatives Veloria and Horn spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Veloria spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1756.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1756 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Springer - 1.

Engrossed House Bill No. 1756, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1688.

HOUSE BILL NO. 1688, by Representatives Campbell, Forner, Roland, Tate, Mastin, Conway, Shin and Sheldon

Installing manufactured homes.

The bill was read the second time. On motion of Representative Wineberry, Substitute House Bill No. 1688 was substituted for House Bill No. 1688 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1688 was read the second time.

MOTION

On motion of Representative Peery, the House deferred further consideration of Substitute House Bill No. 1688 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1085, by Representatives R. Fisher, Jacobsen, Pruitt, Romero, J. Kohl, Leonard, Basich, Shin, Wood, Dunshee, R. Meyers, Brough, Kessler, Johanson and Wolfe

Authorizing community and technical colleges to develop and fund transportation demand management programs.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1085 was substituted for House Bill No. 1085 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1085 was read the second time.

Representative R. Fisher moved the following amendment by Representatives Jacobsen and R. Fisher:

On page 2, line 29, after "charged" strike "students registering" and insert "to employees and students"
On page 3, beginning on line 1, after "**Sec. 3.**" strike everything through "fees." on line 7 and insert "The governing board of an institution of higher education as defined in RCW 28B.10.016 may impose either a voluntary or a mandatory transportation fee on employees and on students at the institution. The transportation fee shall be used solely to fund transportation demand management programs that reduce the demand for campus and neighborhood parking, and promote alternatives to single-occupant vehicle driving. If the board charges a mandatory transportation fee to students, it shall charge a mandatory transportation fee to employees. The transportation fee for employees may exceed, but shall not be lower than the transportation fee charged to students. The transportation fee for employees may be deducted from the employees' paychecks. The transportation fee for students may be imposed annually, or each academic term. For students, the transportation fee shall not exceed ten percent of the tuition and services and activities fees rate for resident undergraduate students. The board may make a limited number of exceptions to the fee based on a policy adopted by the board."

Representative R. Fisher spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1085.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1085 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehnin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Morris - 1.

Excused: Representative Springer - 1.

Engrossed Substitute House Bill No. 1085, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the House deferred consideration of House Bill No. 1146 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1177, by Representatives Jacobsen, R. Fisher, Dunshee, King, Johanson, R. Meyers, J. Kohl, Springer and Orr

Requiring an evaluation of the potential for wildlife enhancement projects on state rights of way.

The bill was read the second time.

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

On page 1, at the beginning of line 6, strike "wildlife" and insert "raptor"

On page 1, line 6 after "managed for" strike "wildlife" and insert "raptor"

On page 1 at the beginning of line 12, strike "wildlife" and insert "raptor"

On page 1, beginning on line 12, after "rights of way" strike ", with particular emphasis on raptor habitat enhancement"

Representative Fuhrman spoke in favor of the amendment and Representative R. Fisher spoke against it. The amendment was not adopted.

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

On page 1, line 10 after "potential of" insert "select"

On page 1, line 12 after "projects on" insert "select"

On page 1 after line 16, insert:

"For purposes of this section, 'select state rights of way' shall mean a corridor owned and managed by the department of transportation and designated as a state highway under chapter 47.17 RCW."

Representative Fuhrman spoke in favor of the amendment and Representative R. Fisher spoke against it.

The Speaker called on the House to divide. The result of the division was 38 YEAS; 59 NAYS. The amendment was lost.

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

On page 1, line 11, after "potential for" insert "three"

Representative Fuhrman and R. Fisher spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jacobsen spoke in favor of passage of the bill and Representatives Fuhrman, Brough and Mielke spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1177.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1177 and the bill passed the House by the following vote: Yeas - 64, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall,

Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Fisher, G., Foreman, Forner, Fuhrman, Horn, Lisk, Mastin, Mielke, Morton, Padden, Patterson, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance and Wood - 34

Engrossed House Bill No. 1177, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1183, by Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance

Making it a crime for a person under age twenty-one to be under the influence of intoxicating liquor or drugs in public.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1183, was substituted for House Bill No. 1183 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1183 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chappell and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1183.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1183 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1183, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1219, by Representatives Orr, Locke, Heavey, Basich, Jones, Dellwo, Dunshee, Bray, Wang, Jacobsen, R. Meyers, Springer, Veloria, G. Cole, King, Johanson and Franklin

Creating the public works administration account.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. Committee on Appropriations recommendation: Majority do pass substitute. (For committee amendment, see Journal , 47th Day, February 26, 1993.)

MOTIONS

On motion of Representative Peery, the House deferred consideration of House Bill No. 1219 and the bill held its place on the second reading calendar.

Representative Peery moved that the House immediately consider House Bill No. 1681 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1681, by Representatives Eide, Dyer, Pruitt, Vance, Kessler, Locke, G. Fisher, Anderson, Roland, Zellinsky, Brough, Jones, R. Meyers, Dorn, Leonard, Finkbeiner, J. Kohl and Johanson

Requiring a statement of responsibility to accompany political advertising.

The bill was read the second time. On motion of Representative Anderson, Substitute House Bill No. 1681 was substituted for House Bill No. 1681 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1681 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Eide and Reams spoke in favor of passage of the bill.

POINT OF ORDER

Representative Miller: Thank you Mr. Speaker. I would ask the Speaker to make a ruling on whether this particular piece of legislation would be amending Initiative 134?

On motion of Representative Sheldon, Substitute House Bill No. 1681 was deferred and it held its place on the second reading calendar.

MOTION

Representative Peery moved the House consider House Bill No. 1469 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1469, by Representatives L. Johnson, Morris, Long and Thibaudeau

Clarifying that the department of social and health services is not required to reimburse certain health care costs under the limited casualty program.

The bill was read the second time. On motion of Representative Morris, Substitute House Bill No. 1469 was substituted for House Bill No. 1469 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1469 was read the second time.

Representative Riley moved the following amendment by Representative Riley and others:

On page 2, line 4, after "borne" strike all material down to and including "unit." on line 5 and insert "in the following manner: (1) In counties with a population of one hundred thousand or less, the county is not responsible for paying any of the unpaid balance, the medical care provider is responsible for paying the amount of the unpaid client liabilities which are a condition of eligibility or participation under chapter 74.09 RCW, and the department is responsible for paying the remaining unpaid balance up to the amount that the department would pay for similar services provided under Title XIX medicaid; and (2) In counties with a population of more than one hundred thousand, the unpaid balance shall be borne equally between the medical care provider and the governing unit, except that any unpaid balance in excess of two hundred thousand dollars per incident shall be borne by the department."

Representatives Riley, Mastin, Chandler and Sheahan spoke in favor of the amendment and Representatives Morris, Long, Locke, Ballard, Sommers and L. Johnson spoke against it.

Representative Riley again spoke in favor of the amendment and Representative Morris again spoke against it.

The Speaker called on the House to divide and the result of the division was 31 YEAS; 67 NAYS. The amendment was not adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson, Dyer and Zellinsky spoke in favor of passage of the bill and Representative Riley spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1469.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1469 and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Brough, Campbell, Carlson, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Meyers, R., Miller, Morris, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Reams, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Basich, Bray, Brown, Brumsickle, Casada, Chandler, Chappell, Dunshee, Edmondson, Foreman, Fuhrman, Grant, Hansen, Lisk, Ludwig, Mastin, Mielke, Morton, Orr, Padden, Rayburn, Riley, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Tate and Zellinsky - 31.

Substitute House Bill No. 1469, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: House Bill No. 1512, House Bill No. 1637 and House Bill No. 1956. The motion was carried.

HOUSE BILL NO. 1512, by Representatives Brough, Leonard, Chappell, Romero, Veloria, Riley, Karahalios, Horn, Wolfe, Ballasiotes, Talcott, G. Cole, Flemming and J. Kohl

Changing provisions relating to dependent children.

The bill was read the second time. On motion of Representative Leonard, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1512 was read the second time.

Representative Leonard moved the following amendment by Representatives Leonard, Brough and Ludwig:

On page 6, beginning on line 33, after "shall: (a)" strike "~~((Approve a permanent plan of care))~~ Accept the" and insert "Approve a ~~((permanent plan of care))~~"

Representative Leonard spoke in favor of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brough, Leonard, Karahalios and Shin spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1512.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1512 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1512, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1637, by Representatives Conway, Heavey, King, G. Cole, Basich, Kessler, G. Fisher, Karahalios, Jacobsen, Ogden and Voloria

Including municipal street railways in the definition of public work.

The bill was read the second time.

Representative Horn moved the following amendment by Representative Horn and others:

On page 2, line 2, strike "~~((,but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system))~~" and insert ",but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system when such construction, alteration, repair, or improvement has not been approved by the voters who are to pay for the same."

Representative Horn and Long spoke in favor of the amendment and Representative Heavey spoke against it.

POINT OF ORDER

Representative Miller: Thank you Mr. Speaker. I believe it's not necessary for the speaker to speak against this amendment, to speak about who drafted the amendment, that is not germane to the amendment.

The Speaker (Representative R. Meyers presiding): Representative Miller, your point of order with respect to whether this amendment was drafted by the House Republican Caucus, I think that there was an HRC at the bottom of the amendment, OPR at the bottom of others. That's not necessary an indicator of where it was actually drafted. In any event, it is a point well taken, Representative Heavey's remarks were out of order.

Representative Fuhrman demanded a electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2 line 2 by Representative Horn and others to House Bill No. 1637, and the amendment was not adopted by the following vote: Yeas- 41, Nays - 57, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Flemming, Foreman, Forner, Fuhrman, Hansen, Horn, Karahalios, Kohl, J., Lisk, Long, Mielke, Miller, Morton, Padden, Patterson, Peery, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Voloria and Wood - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Kessler, King, Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 57.

With the consent of the House, Engrossed House Bill No. 1637 was passed to the Committee on Rules for third reading.

HOUSE BILL NO. 1956, by Representatives Cothorn, Locke, Wolfe and Springer; by request of Department of Social and Health Services

Requiring computerized collection of health insurance coverage provided by certain state entities.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cothorn and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1956.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1146 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1956, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1973, by Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl

Allowing people to take early retirement who filed late applications.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1973 was substituted for House Bill No. 1973 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1973 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Silver and Basich spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1973.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1973 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant,

Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1973, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1977, by Representatives Schoesler, Sheahan, Rayburn, Chappell, Vance, Morton, Dyer, Fuhrman, Long, Chandler, Brumsickle, Foreman and Mastin

Providing for a ten year water right certificate for persons in an acreage expansion program.

The bill was read the second time. On motion of Representative Pruitt, Substitute House Bill No. 1977 was substituted for House Bill No. 1977 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1977 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler, Mastin and Sheahan spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1977.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1977 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1977, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2023, by Representative R. Meyers

Transferring jurisdiction for certain roads and highways.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 2023 was substituted for House Bill No. 2023 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2023 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2023.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2023 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Heavey - 1.

Substitute House Bill No. 2023, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4013, by Representatives Kessler, Basich, Riley, Jones, Holm and J. Kohl

Petitioning the federal government for coastal economic recovery investment.

The memorial was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Forner, Basich and Van Luven spoke in favor of passage of the memorial.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Joint Memorial No. 4013.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4013 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Joint Memorial No. 4013, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1146 and House Bill No. 1369. The motion was carried.

HOUSE BILL NO. 1146, by Representatives Heavey, King, G. Cole, Voloria, Orr, Quall, Dunshee, Franklin, Scott, Ludwig, Jones, Basich, Springer and J. Kohl

Requiring compliance with chapter 39.12 RCW of public works.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Commerce

& Labor as amended by Committee on Appropriations. (For committee amendments see Journal, 52nd Day, March 3, 1993.)

Representative Heavey moved adoption of the committee amendment and spoke in favor of it.

Representative Chandler moved the following amendment to the committee amendment by Representatives Chandler and Lisk:

On page 1, line 5, of the amendment, after "part of" strike "the project" and insert "any construction, alteration, repair, or improvement"

Representative Chandler spoke in favor of the adoption of the amendment to the committee amendment and Representative Heavey spoke against it. The amendment to the committee amendment was not adopted.

The Speaker stated the question to be adoption of the committee amendment and it was adopted.

Representative Lisk moved the following amendment by Representatives Lisk and Chandler:

On page 1, line 6, after "Any" strike "work,"

Representative Lisk spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

Representative Horn moved the following amendment by Representative Horn.

On page 1, line 10, after "39.12 RCW" insert "This chapter and chapter 39.12 RCW shall not apply to the renovation or construction of common schools in the state."

Representatives Horn, Carlson, Thomas, Vance and Brumsickle spoke in favor of the adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

Representative Heavey again spoke against the amendment and Representative Horn again spoke in favor of it.

POINT OF ORDER

Representative Van Luven: Thank you Mr. Speaker. This is the last time I want to hear him talk about some of my friends and neighbors down in Mexico like he does. It personally offends me, those people are very good people, they're hard workers, they come across, many of my friends across legally.

Mr. Speaker: Representative Van Luven, I'm not sure we can honor your request about what you can or can't hear but I will ask Representative Heavey to stick to the manner at hand.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1, line 10 by Representative Horn to House Bill No. 1146 and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Leonard, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wolfe and Wood - 42.

Voting nay: Representatives Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Veloria, Wang, Wineberry, Zellinsky and Mr. Speaker - 56.

Representative Ballasiotes moved the adoption of the following amendment by Representatives Ballasiotes and Padden:

On page 1, line 10, after "39.12 RCW" insert "This chapter and chapter 39.12 RCW shall not apply to the renovation or construction of a correctional facility.

Representatives Ballasiotes and Padden spoke in favor of the adoption of the amendment and Representative Heavey spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1, line 10 by Representatives Ballasiotes and Padden to House Bill No. 1146, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Representative Schoesler moved adoption of the following amendment by Representatives Schoesler and Sheahan:

On page 1, line 10, after "39.12 RCW" insert "This chapter and chapter 39.12 RCW shall not apply to counties with a population of less than seventy thousand."

Representatives Schoesler and Sheahan spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

Representative Brumsickle moved the following amendment by Representative Brumsickle:

On page 1, line 10, after "39.12 RCW" insert "This chapter and chapter 39.12 RCW shall not apply to the renovation or construction of buildings at an institution of higher education as defined in RCW 28B.10.016."

Representative Brumsickle spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

Representative Lisk moved adoption of the following amendment by Representatives Lisk and Chandler:

On page 1, strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.82.015 and 1987 c 321 s 1 are each amended to read as follows:

State agencies shall not cause the major renovation of a facility owned by a private party or a facility of new construction to be built by a private party through a contract to rent, lease or purchase at least eighty percent of such facility for occupation by ((a)) state ((agency)) unless the agreement requires the contractor or developer to comply with the prevailing wage provisions of chapter 39.12 RCW. This section shall not apply to any construction project for which a call for competitive bids was made before July 26, 1987."

Representative Lisk spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

Representative Lisk moved the following amendment by Representatives Lisk and Chandler:

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.04.010 and 1989 c 363 s 5 are each amended to read as follows:

The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, major renovation, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster under the authority of RCW 39.04.150, 35.22.620, 28B.10.355, 35.82.075, and 57.08.050 need not be advertised."

Representative Lisk spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

The bill was ordered engrossed.

Engrossed House Bill No. 1146 was passed to the Committee on Rules for third reading.

MESSAGE FROM THE SENATE

March 11, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5217,
SENATE BILL NO. 5363,
SUBSTITUTE SENATE BILL NO. 5418,
SUBSTITUTE SENATE BILL NO. 5520,
SUBSTITUTE SENATE BILL NO. 5704,
SENATE BILL NO. 5725,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5913,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE BILL NO. 1369, by Representatives Jacobsen, Brumsickle, Quall, Pruitt, Wood, Basich, G. Cole, Carlson, Orr, Bray, Rayburn, Finkbeiner, Flemming, Kessler, J. Kohl, Shin, Campbell, Lemmon, Johanson, Jones and L. Johnson

Changing provisions relating to vocational education.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass substitute. Committee on Higher Education recommendation: Majority do pass as amended by Committee on Higher Education as amended by Committee on Revenue (For committee amendment, see Journal 57th Day, March 8, 1993.)

On motion of Representative Jacobsen, Substitute House Bill No. 1369 was substituted for House Bill No. 1369 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1369 was read the second time.

Representative G. Fisher moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker called upon Representative R. Meyers to preside.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

The Speaker (R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1369.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1369 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Reams - 1.

Engrossed Substitute House Bill No. 1369, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please change my vote on Substitute House Bill No. 1369 to "YEA" instead of "NAY".

BILL REAMS, 48th District

HOUSE BILL NO. 1495, by Representatives Dorn, Brough, Ogden, Rayburn, G. Cole, Springer and G. Fisher

Changing local effort assistance distribution.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dorn and Brough spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1495.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1495 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn,

Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1495, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1509, by Representatives Locke, Sommers, Silver, Jacobsen, Ludwig and Bray

Increasing flexibility of institutions of higher education.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1509 was substituted for House Bill No. 1509 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1509 was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 3, following line 3, insert "(3) Any purchase of goods or services by an institution of higher education which exceeds fifteen thousand dollars must be by a formal sealed bid process which allows both public and private entities to compete for the contract."

Representative Mielke spoke in favor of adoption of the amendment and Representative Locke spoke against it. The amendment was not adopted.

Representative Locke moved the adoption of the following amendment by Representatives Locke and Sommers:

On page 19, line 33, after "act" insert "and the estimated interest on operating fees revenue"

Representative Locke spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Locke and Silver spoke in favor of final passage of the bill.

The Speaker (R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1509.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1509 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1509, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1520, by Representatives Holm, Brumsickle, Wolfe, Chappell, Sheldon, Romero, Dorn, Basich, Kessler, Jones, Zellinsky, Pruitt, Brough, Cothorn, Riley, King, R. Meyers, Rayburn and Quall; by request of Superintendent of Public Instruction

Expanding the use of skill centers.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1520 was substituted for House Bill No. 1520 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1520 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Holm and Brough spoke in favor of passage of the bill.

The Speaker (R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1520.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1520 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1520, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1580, by Representatives Quall, Brumsickle, Jacobsen, Bray, Rayburn, Finkbeiner, Kessler, J. Kohl, Shin, G. Fisher, Springer, Romero, R. Johnson, Linville and Basich

Requiring development of model student progression contracts.

The bill was read the second time. On motion of Representative Jacobsen, Substitute House Bill No. 1580 was substituted for House Bill No. 1580 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1580 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Casada and Carlson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1580.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1580 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1580, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the House deferred consideration of House Bill No. 1603 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1619, by Representatives Shin, Jacobsen, Campbell, Finkbeiner, Sheldon, J. Kohl, Wood, Schoesler, Veloria, Dorn, G. Cole, Forner, Wineberry, Heavey, Edmondson, Cothorn, Long, Horn, Pruitt, Quall, Basich and King

Creating the Washington Task Force on International Education and Cultural Exchanges.

The bill was read the second time. On motion of Representative Jacobsen, Substitute House Bill No. 1619 was substituted for House Bill No. 1619 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1619 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shin and Heavey spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1619.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1619 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1619, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1820, by Representatives Dorn, Brough, Brumsickle, Heavey, Vance, Mastin, R. Meyers, Jones, Peery, Cothorn, Campbell, Orr, Holm, Carlson, Springer, Stevens, Jacobsen, Thomas, Pruitt, Foreman, Finkbeiner, Lemmon, Leonard, Rayburn, Riley, Patterson, Conway, King, Johanson, Roland, Tate, Karahalios, Mielke, Eide, Wolfe, Romero, Edmondson, Morris, Shin, G. Fisher, Horn, L. Johnson, Thibaudeau, Kremen, Basich, Miller, J. Kohl, H. Myers, Long, Cooke, Fuhrman, Van Luven, Talcott, Forner, Ballasiotes, Hansen, Kessler, Silver and Wood

Creating the school-to-work transitions program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass substitute. Committee on Appropriation recommendation: Majority, do pass substitute by Committee on Education as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative Dorn, Substitute House Bill No. 1820 was substituted for House Bill No. 1820 and the substitute bill was placed on the second reading calendar. The motion was carried.

Substitute House Bill No. 1820 was read the second time.

Representative Valle moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dorn, Brough and Pruitt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1820.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1820 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Engrossed House Bill No. 1820, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the House deferred consideration of House Bill No. 1988 and it held its place on the second reading calendar.

HOUSE BILL NO. 1993, by Representatives Finkbeiner, Jacobsen, Quall, Wood, Brumsickle, Ogden, Basich, Dellwo and Miller

Making technical amendments to the future teachers and the health professionals conditional scholarship programs to continue existing repayment regulations.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Finkbeiner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1993.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1993 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1993, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1997, by Representatives Quall, Jacobsen, Ogden, Brumsickle, Miller, Basich, Shin, Locke, Wood, Silver and J. Kohl

Redefining the relationship between the state and its postsecondary institutions.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. Committee on Appropriations recommendation: Majority, do pass substitute. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative Jacobsen, Substitute House Bill No. 1997 was substituted for House Bill No. 1997 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1997 was read the second time.

Representative Valle moved the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Quall spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1997.

ROLL CALL

The Clerk called the House to be final passage of Engrossed Substitute House Bill No. 1997 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1997, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2029, by Representatives Dorn, Brough, Holm, Zellinsky and Rayburn; by request of Superintendent of Public Instruction

Changing funding procedures for high school students enrolled in the running start program in community or technical colleges.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dorn and Brough spoke in favor of passage of the bill.

The Speaker assumed the chair.

The Speaker stated the question before the House to be final passage of House Bill No. 2029.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2029 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 2029, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1303,

HOUSE BILL NO. 2066, by Representatives J. Kohl, Wang, G. Cole, Silver, Leonard, R. Fisher, Patterson, Peery, Locke, Pruitt, Brough, Cothorn, Appelwick and Eide

Changing school levy provisions.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives J. Kohl, Thomas, Dorn and Silver spoke in favor of passage of the bill and Representative Campbell spoke against it.

The Speaker stated the question before the House to be final passage of House Bill No. 2066.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2066 and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Brown, Brumsickle, Campbell, Chandler, Finkbeiner, Hansen, Heavey, Morris and Padden - 9.

House Bill No. 2066, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House immediately consider House Bill No. 1988 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1988, by Representatives Sheldon, Forner, Wineberry, Wood, Shin, Jones, Peery, Roland, Flemming, Quall, Springer, Conway, Morris, Valle, Dorn, Campbell, Linville, Karahalios, Eide, J. Kohl, H. Myers, Kessler, Holm, Wang, Wolfe, Anderson, Appelwick, Orr, Ogden, G. Cole, Scott, Lemmon, Leonard, Locke, R. Fisher, L. Johnson, Rayburn, Pruitt and Patterson

Providing for employment and training services.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Wineberry, Substitute House Bill No. 1988 was substituted for House Bill No. 1988 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1988 was read the second time.

Representative Valle moved adoption of the amendment and spoke in favor of the amendment. The committee amendment was adopted.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon:

On page 1, on line 16, strike "may" and insert "many"

Representative Sheldon spoke in favor of the amendment and it was adopted.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen, Wineberry and Sheldon:

On page 3, line 6, after "services" insert ", including financial aid,"

On page 4, line 11, after "services" insert ", including financial aid,"

On page 4, line 32, after "services" insert ", including financial aid,"

On page 5, after line 10, insert the following new subsection:

"(3) First priority for receipt of financial aid funds provided through chapter ..., Laws of 1993 (this act) shall be given to those eligible individuals who are needy students as defined in RCW 28B.10.802(3) and who are attending technical colleges."

On page 18, line 12, strike "twenty-six million four hundred" and insert "twenty-five million nine hundred"

On page 18, line 13, after "enrollments," insert "five-hundred thousand dollars shall provide for financial aid for individuals being trained under this section at technical colleges,"

Representatives Jacobsen and Sheldon spoke in favor of adoption of the amendment and Representative Forner spoke against it. The amendment was adopted.

Representative Sheldon moved adoption of the following amendment by Representatives Sheldon, Conway and Wineberry:

On page 3, line 33, strike "three" insert "four".

Representatives Sheldon and Forner spoke in favor of the amendment and it was adopted.

Representative Locke moved adoption of the following amendment by Representative Locke:

On page 4 after line 6, insert the following:

"NEW SECTION. Sec. 5. Aerospace workers unemployed as the result of downsizing and restructuring of the aerospace industry will be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043."

The Speaker called on Representative Wang to preside.

Representative Locke spoke in favor of adoption of the amendment and Representative Forner spoke against it.

Representative Locke again spoke in favor of the amendment and Representative Forner again spoke against it.

POINT OF INQUIRY

Representative Locke yielded to a question by Representative Carlson.

Representative Carlson: Representative Locke, If this new section 5 is passed and becomes part of the bill will that additional cost come be from the trust fund.

Representative Locke: Representative Carlson, It's from the trust fund but it's not being affected because these individuals are already or would normally be collecting unemployment in any event. They will stand in line like anybody else for unemployment. The only question is because they are collecting unemployment and Boeing is giving them a two-thousand dollar education allowance does the more fact that they are getting that education allowance disqualify that person from getting unemployment. The commissioner is looking at it on a case-by-case basis and if the commissioner does it by case-by-case basis he's going to allow unemployment compensation to be given out and the education allowance but that would require a huge bureaucracy. This says that you don't have to do it on a case-by-case basis with respect to perhaps certain job classifications, some jobs classifications will not be eligible perhaps for both unemployment or for the educational allowance because that person might need a job which that person is easily trainable or can get into another job quickly, but this is really trying to streamline the administrative process. These are people who are going to collect unemployment anyway, these are people who are getting an education allowance paid for by Boeing and the employees, the question is, should they be denied those benefits except on a case-by-case review by the Employment Commissioner.

Representative Heavey demanded an electronic roll call and it was sustained.

The Speaker assumed the chair.

ROLL CALL

The Clerk called the roll of adoption of the amendment on page 4 after line 6 by Representative Locke and others to Substitute House Bill No. 1988 and the amendment was adopted by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Voting nay: Representatives Ballard, Edmondson, Forner, Fuhrman, Mielke, Morris, Morton, Padden, Stevens and Thomas - 10.

Representative Linville moved adoption of the amendment by Representative Linville:

On page 18, after line 5, insert the following:

"NEW SECTION. Sec. 13. Prior to any increase in the employer tax schedule as provided in sec. 10 of this act, the commissioner shall provide a report to the appropriate committees of the legislature specifying to what extent the work force training expenditures in this act elevated employer contribution rates for the effective tax schedule.

Representatives Linville and Wineberry spoke in favor of the amendment and it was adopted.

Representative Linville moved the following amendment by Representative Linville:

On page 19, line 2, after "achieved" insert ". The department also shall include in its report the number of repeat clients as a percentage of all clients served by programs provided in this act"

Representatives Linville and Forner spoke in favor of adoption of the amendment and it was adopted.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon:

On page 19, beginning on line 32, strike all of section 19 and insert

"NEW SECTION. Sec. 19:

- (1) Sections 7 and 9 of this act shall take effect June 30, 1999;
- (2) Section 11 of this act shall take effect on January 1, 1998."

Representative Sheldon spoke in favor of the amendment and it was adopted.

Representative Forner moved adoption of the following striking amendment by Representative Forner:

Strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 28C.18 RCW to read as follows:

- (1) It is the intent of the legislature, to the extent possible, that all public funds related to training and retraining be deposited in a single account administered by the board.
- (2) The state job training trust fund is created in the custody of the state treasurer. All state and federal general fund appropriations for training and retraining, including but not limited to programs currently administered or provided by the employment security department, the state board for community and technical colleges, the workforce training and education coordinating board, the department of social and health services, the department of labor and industries, the higher education coordinating board, the Washington institute of applied technology, and the department of transportation, shall be deposited into the fund. Only the director of the workforce training and education coordinating board or the director's designee may authorize expenditures from the fund. Expenditures from the fund may be used only for training and retraining programs that are consistent with the board's state comprehensive plan developed under RCW 28C.18.060(4). No appropriation is required for expenditures from the fund.

NEW SECTION. Sec. 2. For the Biennium ending June 30, 1995, all state and federal general funds for training and retraining, including but not limited to programs traditionally administered or provided by the employment

security department, the state board for community and technical colleges, the workforce training and education coordinating board, the department of social and health services, the department of labor and industries, the higher education coordinating board, the Washington institute of applied technology, and the department of transportation, shall be appropriated to the state job training trust fund.

NEW SECTION. Sec. 3. The governor shall designate the workforce training and education coordinating board as the administrative agency for federal training and retraining funds. The governor shall take other executive actions necessary to carry out the intent of this act.

NEW SECTION. Sec. 4. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Representative Forner, Morton, Sheldon, Dyer and Silver spoke in favor of the amendment and Representatives Wineberry and Campbell spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the striking amendment by Representative Forner to Substitute House Bill No. 1988, and the amendment was not adopted by the following vote: Yeas - 34, Nays - 64, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

Representative Zellinsky demanded the previous question and the demand was sustained.

The bill was ordered engrossed.

Engrossed Substitute House Bill No. 1988 was passed to the Committee on Rules for third reading.

SPEAKER'S RULING

Representative Miller has made a parliamentary inquiry as to whether Substitute House Bill No. 1681 amends initiative 134 and therefore requires a two-thirds vote for passage.

Under the terms of Article 2, section 41 of the Washington Constitution, a bill which amends an initiative within two years of the measure's passage requires a two-thirds vote in each House of the Legislature.

In deciding whether a bill amends an initiative, it is necessary to recognize the difference between an "amendment" and a "supplemental act". An amendment creates an alteration or change of an existing law. A supplemental act simply adds to or extends that which is in existing law without changing or modifying the original. The Legislature may validly enact by majority vote new legislation that deals with the same general subject matter as a prior initiative so long as the essential purpose and effect of the prior initiative is not altered. Such new legislation would not be considered an amendment for purposes of Article 2, Section 41.

While provisions of initiative 134 and Substitute House Bill No. 1681 deal with the same general subject matter -- political advertising requirements -- Substitute House Bill No. 1681 does not change or modify the initiative.

Even though Substitute House Bill No. 1681 amends RCW 42.17.510, which was also amended by initiative 134, it does not amend the new language added by the initiative. The initiative added subsections (2) and (3) to

RCW 42.17.510. Subsection 2 relates solely to independent expenditures by organizations other than a party organization or a campaign committee. Subsection 3 relates solely to the size of type and other means to make required disclosures explicit. In contrast, Substitute House Bill No. 1681 adds a new subsection 4, which relates solely to requiring a responsible party to accept responsibility for the accuracy of the message.

The Speaker therefore finds that Substitute House Bill No. 1681 does not amend initiative 134 within the meaning of Article 2, Section 41.

SUBSTITUTE HOUSE BILL NO. 1681, by Representatives Eide, Dyer, Pruitt, Vance, Kessler, Locke, G. Fisher, Anderson, Roland, Zellinsky, Brough, Jones, R. Meyers, Dorn, Leonard, Finkbeiner, J. Kohl and Johanson

Requiring a statement of responsibility to accompany political advertising.

Representatives Eide, Dyer, Pruitt, Foreman and Kessler spoke in favor of passage of the bill and Representative Heavey spoke against it.

The Speaker (R.Meyers presiding) assumed the chair.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1681.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1681 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Fisher, R., Heavey, Lisk and Wang - 4.

Substitute House Bill No. 1681, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1737, by Representatives Ballasiotes, Campbell, Dyer, Morris, Thomas, Schoesler, Chappell, Dorn, Riley, Anderson, H. Myers, Mielke, Van Luven, Cooke, Scott, Foreman, Jones, Ballard, Jacobsen, Brough, Kremen, Silver, Rayburn, G. Fisher, Orr, Long, Johanson, Schmidt and Wood

Changing provisions relating to crimes against minors and developmentally disabled persons.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1737 was substituted for House Bill No. 1737 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1737 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill and Representative Heavey spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1737.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1737 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Cothorn, Dunshee, Heavey and Wang - 4.

Substitute House Bill No. 1737, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider the following bills in the following order: House Bill No. 1603, House Bill No. 1130 and House Bill No. 1224. The motion was carried.

HOUSE BILL NO. 1603, by Representatives Locke, Jacobsen, Quall, Shin, R. Johnson, Zellinsky, Pruitt, Carlson, Jones, Basich, Wang, Patterson, Thibaudeau, R. Meyers, Kessler, Bray, Campbell, Dorn, G. Fisher, Springer, Karahalios, Roland, Eide, Sheldon, Finkbeiner, Ogden, Orr, Wineberry, Veloria, Morris, Hansen and Wolfe

Reforming higher education tuition and financial aid.

The bill was read the second time. On motion of Representative Jacobsen, Substitute House Bill No. 1603 was substituted for House Bill No. 1603 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1603 was read the second time.

Representative Locke moved the following amendment by Representatives Locke and Jacobsen:

On page 9, line 36, strike "fifteen" and insert "fourteen"

On page 10, line 3, strike "eleven" and insert "ten"

Representative Locke spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved the following amendment by Representatives Locke and Sommers:

On page 12, beginning on line 20, strike all of sections 14, 15, and 16

On page 18, line 38, after "RCW 28B.80.580;" strike all material through "(aa)" on page 19, line 2, and insert "and (y)"

Representative Locke spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved the following amendment by Representative Locke and others:

On page 19, beginning on line 10, strike all of sections 20, 21, and 22

Representative Locke spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved the following amendment by Representative Locke and others:

On page 15, beginning on line 7, after "community" strike "and technical"

On page 15, line 16, after "equivalent" strike "((-,)) except at technical colleges"

On page 17, after line 28, insert:

"NEW SECTION. Sec. 19. A new section is added to chapter 28B.15 RCW to read as follows:

Each technical college shall deposit two and one-half percent of revenues collected from tuition and fees into a local financial aid fund. Moneys in the fund shall be used to provide financial aid to needy students who are post high school students, and who demonstrate the financial inability to meet the total cost of board, room, books, and tuition and fees."

On page 26, after line 24, insert:

"NEW SECTION. Sec. 33. If specific funding for section 19 of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, section 19 is null and void.

Representative Locke spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen, Sheahan, J. Kohl, Basich and Heavey spoke in favor of passage of the bill.

The Speaker (R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1603.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1603 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1603, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

EVENING SESSION

The Speaker called the House to order.

The Clerk called the roll and a quorum was present.

HOUSE BILL NO. 1130, by Representatives Ludwig, Riley, Ballasiotes, Basich, Brough and Orr; by request of Washington State Patrol

Modifying furlough notification requirements.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Long spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1130.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1130 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1130, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1244, House Bill No. 1246 and House Bill No. 1255. The motion was carried.

HOUSE BILL NO. 1244, by Representatives Franklin, Heavey, King, G. Cole, Springer, Jones and Veloria

Providing for payments for time lost from work while attending a medical examination for industrial insurance.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole spoke in favor of passage of the bill and Representative Lisk spoke against it.

The Speaker stated the question before the House to be final passage of House Bill No. 1244.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1244 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman, Lisk, Morton and Sheahan - 4.

House Bill No. 1244, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1246, by Representatives G. Cole, Heavey, King, Franklin, Jones, Veloria and Johanson

Revising provisions for maintaining employee benefits for temporarily disabled workers.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Cole spoke in favor of passage of the bill and Representative Lisk spoke against it.

The Speaker stated the question before the House to be final passage of House Bill No. 1246.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1246 and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Silver, Sommers, Springer, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Stevens, Talcott, Tate, Thomas and Vance - 28.

House Bill No. 1246, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1255, by Representatives Dellwo, Morris, Dyer, Flemming and Wood; by request of Department of Health

Requiring podiatric physicians and surgeons to have one year of postgraduate podiatric medical training.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1255.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1255 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1255, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1395, by Representatives Scott, Long, G. Cole, Riley, Johanson, Leonard, Ogden, King and Locke

Allowing counties to impose additional marriage license fees for funding family services.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Scott, Long, Leonard and Talcott spoke in favor of passage of the bill.

Representatives Fuhrman and Padden spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1395.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1395 and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 75.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Casada, Chandler, Chappell, Cooke, Forner, Fuhrman, Horn, Lisk, Mielke, Morton, Padden, Reams, Schoesler, Sehlin, Sheahan, Stevens, Tate, Thomas, Vance and Van Luven - 23.

House Bill No. 1395, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1500, by Representatives R. Johnson, Dyer, L. Johnson and Mastin

Modifying hearing aid regulatory authority.

The bill was read the second time. On motion of Representative L. Johnson, Substitute House Bill No. 1500 was substituted for House Bill No. 1500 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1500 was read the second time.

Representative R. Johnson moved the following amendment by Representatives R. Johnson, Flemming and Dyer:

On page 6, line 32, strike "six" and insert "seven"

On page 6, line 37, after "One" insert "advisory nonvoting"

On page 7, line 15, after "year." insert "In event of a tie, the issue shall be brought to a second vote and the chair shall refrain from voting."

Representative R. Johnson spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Johnson and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1500.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1500 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1500, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1528, by Representatives Dunshee, Locke and R. Meyers; by request of Office of Financial Management

Modifying the state's cash management system.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1528 was substituted for House Bill No. 1528 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1528 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1528.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1528 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Cole, G., Heavey and Quall - 3.

Substitute House Bill No. 1528, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1612, by Representatives Morton, King, Basich, Kremen, Sheldon, Foreman, Fuhrman, Chandler and Padden

Testing the feasibility of remote site incubators for salmon enhancement.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1612 was substituted for House Bill No. 1612 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1612 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1612.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1612 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1612, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer consideration of House Bill 1761 and the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1764, by Representatives Basich, Dorn, Carlson, Jacobsen, Wood, Roland, Karahalios, Eide, Brumsickle, G. Cole, Rayburn, G. Fisher, Leonard, Linville, Wineberry, Kremen, Pruitt, Brough, Wang, Quall, Flemming, Johanson, L. Johnson, J. Kohl, H. Myers, Hansen, Patterson and Anderson

Encouraging common schools serving students in grades seven through twelve to offer opportunities for students to do volunteer community service.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1764.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1764 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1764, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1818, by Representatives Karahalios, Sehlin, R. Meyers, Schmidt, Peery, Wood, Zellinsky, Edmondson, Stevens, Schoesler, Flemming, Mielke, Thomas, Foreman, Eide, Campbell, Pruitt, Holm and Talcott

Providing for military dependent communities.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1818 was substituted for House Bill No. 1818 and the substitute bill was placed on the second reading calendar. The motion was carried.

Substitute House Bill No. 1818 was read the second time.

Representative Karahalios moved adoption of the following amendment by Representatives Karahalios, Wood, Peery and Locke:

On page 1, line 5, strike "closures" and insert "expansions, closures,"

On page 1, line 10, after "base" insert "expansions or"

On page 1, line 15, strike "a reduction of"

On page 2, line 7, strike "significant reduction" and insert "change"

On page 2, line 33, after "assistance account" insert ", department of trade and economic development, employment security department, and department of transportation"

Representatives Karahalios, Forner and Conway spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered third and the bill was placed on final passage.

Representatives Karahalios, Campbell, Sehlin and Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1818.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1818 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1818, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1844, by Representatives Horn, Rust, Van Luven, Appelwick, Wineberry, Edmondson, Forner, Brumsickle, Long, Foreman, Chandler, Dyer, Ballard, Cooke, Miller, Vance, Finkbeiner, Reams and Silver

Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

The bill was read the second time. On motion of Representative Pruitt, Substitute House Bill No. 1844 was substituted for House Bill No. 1844 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1844 was read the second time.

Representative Horn moved the following amendment by Representative Horn and others:

On page 3, line 37, strike subsection (8)

Representatives Horn, Rust and Morton spoke in favor of adoption of the amendment and Representative Pruitt spoke against it.

The Speaker divided the House. The result of the division was 48 YEAS; 48 NAYS. The amendment was declared lost.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Horn, Pruitt and Morton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1844.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1844 and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Dunshee, Fisher, G., Morris, Patterson, Romero and Springer - 6.

Substitute House Bill No. 1844, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1849, by Representatives Zellinsky, Mielke, Peery, Kessler, Dyer, R. Johnson, Jones, R. Meyers, Jacobsen and Kremen

Providing for security of automated teller machines and night depositories.

The bill was read the second time. On motion of Representative Zellinsky, Substitute House Bill No. 1849 was substituted for House Bill No. 1849 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1849 was read the second time.

Representative R. Meyers moved the following amendment by Representative R. Meyers:

On page 5, line 26, after "issued on or" delete "before" and insert "after"

Representatives R. Meyers and Mielke spoke in favor of adoption of the amendment and it was adopted.

Representative R. Meyers moved the following amendment by Representative R. Meyers:

On page 3, line 16, after "safety," strike "substantial"

On page 3, line 17, after "chapter." strike all material through "facility." on line 22

On page 6, after line 16, insert the following:

"NEW SECTION. Sec. 9. Compliance with the objective standards and information requirements of this chapter is prima facie evidence that the operator of the automated teller machine or night deposit facility in question has provided adequate measures for the safety of users of the automated teller machine or night depository."

Representative R. Meyers spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1849.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1849 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Heavey - 1.

Engrossed Substitute House Bill No. 1849, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1249, House Bill No. 1761, and House Bill No. 1897 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1249, by Representatives Heavey, King, Franklin, Orr, G. Cole, Jones, Veloria, Johanson and R. Meyers

Increasing industrial insurance partial disability awards.

The bill was read the second time. On motion of Representative Locke, Substitute House Bill No. 1249 was substituted for House Bill No. 1249 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1249 was read the second time.

Representative Heavey moved adoption of the following amendment by Representative Heavey and others:

On page 3, line 9, after "by" strike "thirty-two" and insert "thirty-five"

On page 4, line 12, strike "seventeen thousand" and insert "twenty-one thousand five hundred"

On page 4, line 24, after "hundred" strike "seventeen thousand" and insert "twenty-one thousand five hundred"

Representative Heavey spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey, Conway, King, Silver, Morton and Foreman spoke in favor of passage of the bill.

Representatives Lisk and Horn spoke against the passage of the bill.

Representative Heavey again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1249.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1249 and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Casada, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlín, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Brumsickle, Chandler, Chappell, Edmondson, Grant, Horn, Lisk, Mastin, Morris, Morton, Schoesler, Sheahan and Stevens - 14.

Absent: Representative Veloria - 1.

Engrossed Substitute House Bill No. 1249, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1761, by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlín, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Forner

Clarifying and extending dates established under the growth management act.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1761 was substituted for House Bill No. 1761 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1761 was read the second time.

Representative H. Meyers moved the striking amendment by Representative H. Myers:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((adopt comprehensive land use plans and development regulations under))~~ conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and

development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with ~~((RCW 36.70A.040 through 36.70A.160))~~ all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet ~~((the requirements of))~~ either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall ~~((adopt a comprehensive land use plan in accordance with))~~ conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county ~~((cannot remove itself from))~~ and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to ~~((adopt a comprehensive land use plan))~~ conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and governing body of each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) the county legislative authority and governing body of each city located within the county shall adopt ~~((the))~~ a comprehensive plan under this chapter on or before ~~((July 1, 1993))~~ a date from January 1, 1994, through August 1, 1994, as specified by the department under RCW 36.70A.045; and (e) the county legislative authority and each city governing body shall adopt development regulations that are consistent with and implement its comprehensive plan by the same date it is required to adopt its comprehensive plan, but a county or city may obtain an extension for this deadline by the shorter of an additional six months or until December 31, 1994, by submitting a letter to the department of community development prior to the deadline for adopting both a comprehensive plan and development regulations stating its need for the extension, detailing reasons for the needed extension, and proposing a schedule of actions that will be taken leading to the adoption of the development regulations.

(4) Any county or city that is required to ~~((adopt a comprehensive land use plan))~~ conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and governing body of each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county legislative authority and governing body of each city that is located within the county shall adopt ~~((the))~~ a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than ~~((three))~~ four years one month from the date the county legislative ~~((body takes action as required by subsection (2) of this section))~~ authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter to the department of community development prior to the deadline for adopting both a comprehensive plan and development regulations stating its need for the extension, detailing reasons for the needed extension, and proposing a schedule of actions that will be taken leading to the adoption of the development regulations.

~~((4))~~ (5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the ~~((requirements of))~~ sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall ~~((adopt))~~ take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and each city governing body shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; ~~((b))~~ (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county legislative authority and each city governing body shall adopt a comprehensive land use plan ~~((under this chapter))~~ and development regulations that are consistent with and implement the comprehensive plan within ~~((three))~~ four years one month of the certification by the office of financial management ~~((; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan))~~, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter to the department of community development prior to the deadline for adopting both a comprehensive plan and development regulations stating its need for the extension, detailing reasons for the needed extension, and proposing a schedule of actions that will be taken leading to the adoption of the development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

Sec. 2. RCW 36.70A.045 and 1991 sp.s. c 32 s 15 are each amended to read as follows:

(1) By no later than June 1, 1993, the department ((may)) shall adopt a schedule ((to permit)) phasing ((of)) the dates, from January 1, 1994, through July 31, 1994, on or before which each county initially required to plan under all the requirements of this chapter by RCW 36.70A.040(1), and each city located within the county, must adopt a comprehensive plan ((submittal for counties and cities planning under RCW 36.70A.040. This schedule shall not permit a comprehensive plan to be submitted greater than one hundred eighty days past the date that the plan was required to be submitted and shall be used)) under this chapter.

To facilitate expeditious review and interjurisdictional coordination of comprehensive plans and development regulations, the date designated on or before which a county must adopt a comprehensive plan shall be the same date designated on or before which each city located in that county must adopt its comprehensive plan. Where a city is located in more than one of such counties that have differing designated dates, the department shall designate which date applies to that city.

(2) The following criteria shall be used by the department in establishing this schedule: (a) How close the county and cities in the county are to adopting their comprehensive plans; (b) the extent of a consensus between the county and cities in the county over a date; (c) the relative financial burdens on the county and the cities in the county to prepare, consider, and adopt their comprehensive plans; and (d) the sufficiency of opportunities the public has had to provide input into the planning process in the county and the cities in the county. This schedule does not have to evenly spread the deadlines for counties over this period and may designate deadlines for all or most of these counties at the end of this period.

Sec. 3. RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended to read as follows:

(1) Each county that is required or chooses to ((adopt a comprehensive land use)) plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county ((required to designate urban growth areas)) that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall designate urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall designate urban growth areas under this chapter. A permit or other authorization allowing land use activities not already vested shall not be issued or approved by a county or city after the county designates its urban growth areas if the permit or other authorization is inconsistent with these designations.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 4. RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each amended to read as follows:

((Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under RCW 36.70A.040 shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities)) Each county and city that is required or chooses to plan under

RCW 36.70A.040 shall perform ~~((their))~~ its activities and make capital budget decisions in conformity with ~~((their))~~ its comprehensive plan~~((s))~~.

Sec. 5. RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of ~~((the))~~ each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy~~((;))~~. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith~~((;))~~.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340~~((;))~~.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction~~((; and))~~.

(e) No later than July 1, 1992, the legislative authority of ~~((the))~~ each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

The governor may impose a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Prior to imposing a sanction or sanctions on a county or city, the governor shall make a written finding that the county or city has not proceeded in good faith or has unreasonably delayed taking required action by the date such action was required to have been taken.

Sec. 7. RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is required to adopt its comprehensive plan and development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representatives H. Myers and Edmondson spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers, Edmondson and Horn spoke in favor of passage of the bill and Representative Forner spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1761.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1761 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Cole, G., Dunshee and Flemming - 3.

Engrossed Substitute House Bill No. 1761, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please change my vote on Engrossed Substitute House Bill No. 1761 from "YES" to "NO".

ELMIRA FORNER, 47th District

HOUSE BILL NO. 1897, by Representatives Thibaudeau, Leonard, Brown, Patterson, J. Kohl and L. Johnson

Modifying provisions regarding mental health.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments see Journal 57th Day, March 8, 1993.)

On motion of Representative Leonard, Substitute House Bill No. 1897 was substituted for House Bill No. 1897 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1897 was read the second time.

Representative Valle moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thibaudeau and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1897.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1897 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Bray and Ludwig - 2.

Engrossed Substitute House Bill No. 1897, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1910, by Representatives Silver, Wang, Sommers, Brough, Mielke, Foreman, Dyer, Brumsickle, Long, Edmondson, Horn, Casada, Wood, Flemming, Morton, Miller, Cooke, Forner and Anderson

Creating an inventory system for state-owned or leased facilities.

The bill was read the second time. On motion of Representative Wang, Substitute House Bill No. 1910 was substituted for House Bill No. 1910 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1910 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1910.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1910 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1910, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1943, by Representatives Brumsickle, Jacobsen, Dorn, Quall, Shin, L. Johnson, King and Long

Allowing community and technical college foundations to manage funds for their exceptional faculty awards.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1943.

ROLL CALL

The Clerk called the roll on final of House Bill No. 1943 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1943, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1957, by Representatives Dellwo, Wolfe, R. Meyers, Pruitt, L. Johnson, J. Kohl, Conway and Karahalios; by request of Insurance Commissioner

Creating the medical health coverage benefit determination committee.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Health Care as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative Dellwo, Substitute House Bill No. 1957 was substituted for House Bill No. 1957 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1957 was read the second time.

Representative Locke moved the committee amendments and spoke in favor of it. The committee amendments was adopted.

The bill was ordered engrossed.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dellwo, Flemming and L. Johnson spoke in favor of passage of the bill and Representative Mielke spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1957.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1959 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Voting nay: Representatives Casada, Edmondson, Fuhrman, Lisk, Mielke, Morton, Padden, Sheahan, Stevens and Tate - 10.

Engrossed Substitute House Bill No. 1957, having received constitutional majority, was declared passed.

HOUSE BILL NO. 1985, by Representatives Mielke, Zellinsky, Dyer, R. Johnson, Kremen, Anderson, Dorn, Peery, R. Meyers, Kessler, Grant, Reams, Appelwick, Schmidt and Tate

Regulating liquidators' rights to collect premiums.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1985.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1985 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1985, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House consider the following bills in the following order: House Bill No. 1333 and House Bill No. 1259. The motion was carried.

HOUSE BILL NO. 1333, by Representatives Flemming, Leonard, Voloria, Chappell, R. Fisher, Dunshee, Linville, Eide, Franklin, Ludwig, Roland, Rayburn, Pruitt, Finkbeiner, Holm, Basich, Lemmon, Johanson, Karahalios, Jones, H. Myers, Morris, L. Johnson, Ogden and J. Kohl

Providing for youth gang violence reduction.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Wineberry, Substitute House Bill No. 1333 was substituted for House Bill No. 1333 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1333 was read the second time.

Representative Locke moved the committee amendment.

Representative Flemming moved the striking amendment by Representatives Flemming and others:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) The number of youth who are members and associates of gangs and commit gang violence has significantly increased throughout the entire greater Puget Sound, Spokane, and other areas of the state;

(2) Youth gang violence has caused a tremendous strain on the progress of the communities impacted. The loss of life, property, and positive opportunity for growth caused by youth gang violence has reached intolerable levels. Increased youth gang activity has seriously strained the budgets of many local jurisdictions, as well as threatened the ability of the educational system to educate our youth;

(3) Among youth gang members the high school drop-out rate is significantly higher than among nongang members. Since the economic future of our state depends on a highly educated and skilled work force, this high school drop-out rate threatens the economic welfare of our future work force, as well as the future economic growth of our state;

(4) The unemployment rate among youth gang members is higher than that among the general youth population. The unusual unemployment rate, lack of education and skills, and the increased criminal activity could significantly impact our future prison population;

(5) Most youth gangs are subcultural. This implies that gangs provide the nurturing, discipline, and guidance to gang youth and potential gang youth that is generally provided by communities and other social systems. The subcultural designation means that youth gang participation and violence can be effectively reduced in Washington communities and schools through the involvement of community, educational, criminal justice, and employment systems working in a unified manner with parents and individuals who have a firsthand knowledge of youth gangs and at-risk youth; and

(6) A strong unified effort among parents and community, educational, criminal justice, and employment systems would facilitate: (a) The learning process; (b) the control and reduction of gang violence; (c) the prevention of youth joining negative gangs; and (d) the intervention into youth gangs.

NEW SECTION. Sec. 2. It is the intent of the legislature to cause the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government. It is also the intent of the legislature that if the prevention and intervention pilot programs are determined to be effective in reducing problems associated with youth gang violence, that other counties in the state be eligible to receive special state funding to establish similar positive prevention and intervention programs.

NEW SECTION. Sec. 3. Unless the context otherwise requires, the following definitions shall apply throughout sections 1 through 11 of this act:

(1) "School" means any public school within a school district any portion of which is in a county with a population of over one hundred ninety thousand.

(2) "Community organization" means any organization recognized by a city or county as such, as well as private, nonprofit organizations registered with the secretary of state.

(3) "Gang risk prevention and intervention pilot program" means a community-based positive prevention and intervention program for gang members, potential gang members, at-risk youth, and elementary through high school-aged youth directed at all of the following:

(a) Reducing the probability of youth involvement in gang activities and consequent violence.

(b) Establishing ties, at an early age, between youth and community organizations.

(c) Committing local business and community resources to positive programming for youth.

(d) Committing state resources to assist in creating the gang risk prevention and intervention pilot programs.

(4) "Cultural awareness retreat" means a program that temporarily relocates at-risk youth or gang members from their usual social environment to a different social environment, with the specific purpose of having them performing activities which will enhance or increase their positive behavior and potential life successes.

NEW SECTION. Sec. 4. (1) The department of community development may recommend existing programs or contract with school districts for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1994-95 session, and last for a duration of two years.

(3) The school district proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the school district. To the extent possible, proposals shall contain empirical data on current problems, such as drop-out rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

(4) Grants awarded under this section may not be used for the administrative costs of the school district or the individual school.

NEW SECTION. Sec. 5. (1) A school district in a county with a population of over one hundred ninety thousand may request proposals for establishing gang risk prevention and intervention pilot programs from either public entities that apply jointly with individual schools or community organizations. The proposals shall be reviewed and recommendations for awarding grants shall be made by a committee made up of: (a) A representative from the school district taking the proposal, appointed by the school district's board of directors; (b) a representative appointed by the director of the department of community development or designate; and (c) a representative from the local juvenile court administration.

(2) A school district, upon its election to enter into a contract pursuant to section 4 of this act, shall, no later than March 1, 1994, distribute a standard request for proposals.

(3) Proposals made to the school district must comply with the conditions of the grant.

(4) The school district shall additionally monitor and evaluate the gang risk prevention and intervention pilot programs pursuant to the following criteria:

(a) Success in obtaining stated goals.

(b) Reduction in drop-out rates.

(c) Reduction in violence among students, on and off campus.

(d) Development of techniques for early identification of at-risk youth.

(5) The school district shall report to the department of community development the results of the program.

(6) Grants awarded under this section may not be used for administrative costs of the school district or the individual school.

NEW SECTION. Sec. 6. Gang risk prevention and intervention pilot programs shall include, but are not limited to:

(1) Counseling for targeted at-risk students, parents, and families, individually and collectively.

(2) Exposure to positive sports and cultural activities, promoting affiliations between youth and the local community.

(3) Job training, which may include apprentice programs in coordination with local businesses, job skills development at the school, or information about vocational opportunities in the community.

(4) Positive interaction with local law enforcement personnel.

(5) The use of local organizations to provide job search training skills.

(6) Cultural awareness retreats.

(7) The use of specified state resources, as requested.

(8) Full service schools under section 9 of this act.

(9) Community service such as volunteerism and citizenship.

NEW SECTION. Sec. 7. (1) Upon request from the local community organization receiving an award under section 5 of this act or the granting local school district, or both, the employment security department shall provide a job counselor or counselors to assist at cultural awareness retreats. The counselor shall provide assistance with the following:

(a) Testing for job occupation preferences.

(b) Information on the skills needed for different occupations.

(c) Coordinating the personal appearance of small business owners or corporate managers to explain the type of skills and characteristics businesses currently need in prospective employees, as well as those of prospective future employees.

(d) Establishing a business mentor program between the small business owners or corporate managers and the youth who are willing to participate.

(e) Establishing a specific program that provides help with employment opportunities for youth who attend cultural awareness retreats.

The department may provide other services than those specified.

(2) Upon request from the local community organization awarded the grant, the local school district, or both, the department may provide those services specified in subsection (1) of this section for the youth who are receiving services from the local community organization.

NEW SECTION. Sec. 8. Upon request from the local community organization receiving an award under section 5 of this act or the granting local school district, or both, the department of labor and industries shall:

(1) Provide information and assistance with regards to the skills and educational backgrounds needed to apply for apprenticeship programs.

(2) Provide direction and assistance with applications for apprenticeship programs.

(3) Explore and examine the feasibility of establishing preapprenticeship programs for those youth who cannot qualify for apprenticeships because of age or educational deficiencies, and are participating or have participated in the retreat.

(4) Provide assistance for and coordination of the personal appearance of representatives of the joint apprenticeship committee with the specific purpose of discussing the skills needed to perform different occupations.

(5) Provide assistance for and coordination of the establishment of a joint apprenticeship mentor program with those youth who are participating or have participated in the retreat program.

The department may provide other services.

Upon request from the local community organization receiving the award under section 5 of this act or the local school district, or both, the department shall provide the services in this section either at the grant-receiving school or at the cultural awareness retreat, or both.

NEW SECTION. Sec. 9. (1) The purpose of a full service school shall be to increase the interaction between youth and the community at large. A full service school shall provide a wide range of opportunities for all citizens, including goals under RCW 28A.620.010 (1), (2), (3), and (6), and subsection (2) of this section.

(2) The local school district and the local community organization that received a grant under section 5 of this act shall work with other community organizations, the superintendent of public instruction, and school personnel in the selected school to determine the services needed by the community that shall be offered at the full service school.

NEW SECTION. Sec. 10. (1) Upon request, the division of juvenile rehabilitation shall through cooperation with private business or through interagency agreement with the state parks and recreation commission or department of natural resources, or both, provide facilities for cultural awareness retreats. The requests for facilities must be made by one of the following: (a) The community organization receiving the grant, or (b) the local school district that assisted in awarding the grant. The division may provide other services as requested.

(2) The services may be, but are not limited to, persons knowledgeable of juvenile gang behavior.

(3) Upon receiving a request for cultural awareness retreat facilities, the division shall notify the departments of employment security and labor and industries of the organization requesting the retreat, and the time, place, and date of the retreat.

NEW SECTION. Sec. 11. Cultural awareness retreats shall include but are not limited to the following programs:

(1) To develop positive attitudes and self-esteem.

(2) To develop youth decision-making ability.

(3) To assist with career development and educational development.

(4) To help develop respect for the community, and ethnic origin.

NEW SECTION. Sec. 12. Sections 2 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void.

With the consent of the House, Representative Vance withdrew amendment No. 56.

Representative Vance moved the following amendment to the striking amendment by Representative Vance:

On page 11 of the amendment, after line 12, insert " **Sec. 14** RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary activities the commission of a criminal act or acts.

(14) "Department" means the department of corrections.

~~((14))~~ (15) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((15))~~ (16) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((16))~~ (17) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((17))~~ (18) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((18))~~ (19) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((19))~~ (20) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((20))~~ (21) (a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit ~~((of))~~ of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

~~((21))~~ (22) "Nonviolent offense" means an offense which is not a violent offense.

~~((22))~~ (23) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((23))~~ (24) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

~~((24))~~ (25) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((25))~~ (26) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((26))~~ (27) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((27))~~ (28) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((28))~~ (29) "Sentencing range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((29))~~ (30) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((30))~~ (31) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((31))~~ (32) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((32))~~ (33) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((33))~~ (34) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((34))~~ (35) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection ~~((29))~~ (30) of this section are not eligible for the work crew program.

~~((35))~~ (36) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((36))~~ (37) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 15. RCW 9.94A.390 and 1990 c 3 s 603 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

- (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
- (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- (e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).
- (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- (h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
- (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
- (i) The current offense involved multiple victims or multiple incidents per victim;
- (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;
- (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.
- (d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:
- (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or
- (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or
- (iii) The current offense involved the manufacture of controlled substances for use by other parties; or
- (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or
- (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or
- (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).
- (e) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.
- (f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.
- (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- (h) The offense was committed for the benefit of, at the direction of, or in association with any criminal street gang as defined in RCW 9.94A.030, with the specific intent to promote, further, or assist in any criminal conduct by gang members.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

POINT OF ORDER

Representative Wineberry: Thank you, Mr. Speaker. I would request a ruling on scope and object regarding amendment No. 126 on Substitute House Bill No. 1333.

With consent of the House, the House deferred consideration of Substitute House Bill No. 1333 and the bill held its place on today's second reading calendar.

HOUSE BILL NO. 1259, by Representatives Locke, Appelwick, J. Kohl, Wang, Reams, Veloria, Johanson, L. Johnson, Flemming and Pruitt

Allowing for the destruction of forfeited firearms.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1259 was substituted for House Bill No. 1259 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1259 was read the second time.

Representative Appelwick moved the following amendment by Representative Appelwick:

On page 3, line 12, after "in (b)" strike "and (c)" and insert ", (c), and (d)"

On page 4, line 9, after "(c)" strike "Antique" and insert "Except as provided in (d) of this subsection, antique"

On page 4, after line 13, insert "(d)Firearms in the possession of the Washington state patrol on or after the effective date of this act that are judicially forfeited or forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010, and that are no longer needed for evidence, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) The Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) All other legal firearms must be auctioned to commercial sellers. The Washington state patrol may retain any proceeds of an auction."

Representative Appelwick spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick and Campbell spoke in favor of passage of the bill and Representative Padden spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1259.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1259 and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Edmondson, Forner, Fuhrman, Grant, Horn, King, Kremen, Lisk, Long, Mastin, Mielke, Morton, Padden, Schoesler, Sheahan, Silver, Stevens, Tate, Thomas and Vance - 27.

Engrossed Substitute House Bill No. 1259, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider House Bill No. 1443 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1443, by Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller

Expanding the jurisdiction of the human rights commission

The bill was read the second time. On motion of Representative Anderson, Substitute House Bill No. 1443 was substituted for House Bill No. 1443 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1443 was read the second time.

Representative Fuhrman moved the following amendment by Representative Fuhrman and others:

On page 14, after line 6, insert the following:

"NEW SECTION. Sec. 19. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Representative Fuhrman spoke in favor of adoption of the amendment and Representative Anderson spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 14, after line 6 by Representative Fuhrman to House Bill No. 1443, and the amendment was not adopted by the following vote: Yeas - 29, Nays - 69, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Basich, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Morton, Padden, Reams, Schoesler, Sheahan, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 29.

Voting nay: Representatives Anderson, Appelwick, Ballasiotes, Bray, Brough, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 69.

Substitute House Bill No. 1443 was passed to the Committee on Rules for third reading.

MOTION

Representative Peery moved that the House consider House Bill No. 1299 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1299, by Representatives Pruitt, Forner, J. Kohl, Shin, Flemming, Carlson, Peery, Basich, Scott, Cothorn, Thibaudeau, Kessler, Holm, Karahalios, Eide, Linville, Johanson, G. Cole, Riley, Van Luven, Jacobsen, Wang, Leonard, Quall, Silver, Brumsickle, Thomas, H. Myers, Rayburn and L. Johnson; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1299 was substituted for House Bill No. 1299 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1299 was read the second time.

Representative Pruitt moved adoption of the following amendment by Representative Pruitt:

On page 2, line 23, after "(f)" strike all matter through "(g)" on page 2, line 25

Representative Mastin moved adoption of the following amendment to the amendment:

On page 1, after line 4 of the amendment, insert the following:

"On page 2, line 24, after "student," strike "or"

On page 2, line 28, after "student" insert "or

(h) A person who, upon entering school premises, immediately places the firearm or other dangerous weapon in a locked box provided for weapon storage, or who checks the firearm or other dangerous weapon with a school official designated to receive weapons for safekeeping during the owner's visit to the school. Each school shall provide a locked box and key to a weapon owner for weapon storage, or shall designate a school official to receive weapons for safekeeping, during the owner's visit to school premises. A locked box shall be located in the school office or in the reception area. A school official designated to receive weapons shall be located within school premises. The school shall be liable for damage to or loss of a weapon either placed in a locked box or left with a designated school official during the owner's visit to school premises"

Representative Mastin spoke in favor of adoption of the amendment to the amendment, and Representatives Pruitt and Appelwick spoke against it. The amendment to the amendment was not adopted.

Representatives Pruitt, Dorn and Foreman spoke in favor of adoption of the amendment by Representative Pruitt as amended, and the amendment as amended was not adopted.

Representatives Fuhrman, Appelwick, Padden, Chappell and G. Cole spoke against the amendment.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

The Speaker called upon Representative R. Meyers to preside.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2, line 23, by Representative Pruitt to House Bill No. 1299 and the amendment was not adopted by the following vote: Yeas - 19, Nays - 79, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Brown, Cothorn, Dorn, Fisher, G., Fisher, R., Flemming, Johnson, L., Johnson, R., Kohl, J., Locke, Myers, H., Patterson, Pruitt, Rust, Thibaudeau, Valle, Voloria and Wang - 19.

Voting nay: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Jones, Karahalios, Kessler, King, Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Ogden, Orr, Padden, Peery, Quall, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 79.

Representative Casada moved the following amendment by Representatives Casada and others:

On page 4, after line 36, insert "**NEW SECTION. Sec. 7** A new section is added to chapter 9.41 RCW to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44,

69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 8 RCW 13.40.265 and 1989 c 271 s 116 are each amended to read as follows:

(1)(a) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) If the offense is the juvenile's first violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later. If the offense is the juvenile's second or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

(2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

Sec. 9 RCW 46.20.265 and 1991 c 260 s 1 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to chapter 9.41 RCW, RCW 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection.

(b) If the diversion agreement was for the juvenile's first violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 9.41, 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker: I would request ruling on scope and object regarding the amendment offered by Representative Casada to on Substitute House Bill No. 1299

With the consent of the House, further consideration of Substitute House Bill No. 1299 was deferred.

HOUSE BILL NO. 1833, by Representatives Jacobsen and Appelwick

Conforming statutes relating to firearm handling by minors.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick, Jacobsen and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1833.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1833 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Cole, G. - 1.

House Bill No. 1833, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1941, by Representatives Cothorn, Foreman, L. Johnson, Jones, Vance, Campbell, Pruitt, Shin, Holm, Springer, Brough, Horn, King, J. Kohl, Hansen, Johanson, Miller, Long, Casada, Edmondson, Mielke and Karahalios

Requiring school districts to notify parents of students carrying dangerous weapons at school.

The bill was read the second time. On motion of Representative Cothorn, Substitute House Bill No. 1941 was substituted for House Bill No. 1941 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1941 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cothorn and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1941.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1941 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1941, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1976, by Representatives Scott, Riley and Anderson

Requiring firearms dealers to offer trigger-locking devices.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1976 was substituted for House Bill No. 1976 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1976 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Scott and Appelwick spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1976.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1976 and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Bray, Brown, Cole, G., Cothorn, Dorn, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Miller, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schmidt, Scott, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Basich, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dellwo, Dunshee, Dyer, Edmondson, Finkbeiner, Forner, Fuhrman, Grant, Hansen, Heavey, Kessler, King, Mastin, Mielke, Morris, Morton, Orr, Padden, Roland, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Tate, Thomas and Vance - 39.

Substitute House Bill No. 1976, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please change my vote on Substitute House Bill No. 1976 from "YEA" to a "NAY."

BARBARA LISK, 15th District

HOUSE BILL NO. 1059, by Representatives Franklin, Scott, Anderson, R. Fisher, Thibaudeau, Ludwig, Pruitt, Jacobsen, Flemming, J. Kohl, Wineberry, Riley, G. Cole, Forner, Appelwick, Johanson, Karahalios and Wang

Regulating possession of weapons in court facilities.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1059 was substituted for House Bill No. 1059 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1059 was read the second time.

Representative Appelwick moved the following amendment by Representative Appelwick:

On page 2, line 9, after "(1)(b)." make a new paragraph

On page 2, line 9, after "local" strike "court" and insert "legislative authority"

On page 2, line 10, after "box" insert "sufficient in size for short firearms"

On page 2, line 11, after "designate" strike "a court" and insert "an"

On page 2, line 14, after "The" strike "court" and insert "local legislative authority"

On page 2, line 16, after "with" strike "a court" and insert "an"

On page 2, line 18, after "local" strike "court" and insert "legislative authority"

Representative Appelwick spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1059.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1059 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Fuhrman and Sheldon - 2.

Engrossed Substitute House Bill No. 1059, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 11, 1993

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1303

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGE FROM THE SENATE

March 11, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5129,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,
SECOND SUBSTITUTE SENATE BILL NO. 5237,
SECOND SUBSTITUTE SENATE BILL NO. 5239,
SUBSTITUTE SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5278,
ENGROSSED SENATE BILL NO. 5351,
SENATE BILL NO. 5375,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5590,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5615,
SUBSTITUTE SENATE BILL NO. 5625,

SUBSTITUTE SENATE BILL NO. 5686,
SUBSTITUTE SENATE BILL NO. 5751,
SENATE BILL NO. 5757,
SECOND SUBSTITUTE SENATE BILL NO. 5781,
SUBSTITUTE SENATE BILL NO. 5802,
SECOND SUBSTITUTE SENATE BILL NO. 5836,
SENATE BILL NO. 5856,
SUBSTITUTE SENATE BILL NO. 5878,
SENATE BILL NO. 5883,
SUBSTITUTE SENATE NO. 5909,
SENATE BILL NO. 5943,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1651 on the Suspension Calendar. The motion was carried.

HOUSE BILL NO. 1651, by Representatives Anderson, Reams, Campbell, Valle, King, Pruitt and Jacobsen

Removing the sunset provisions from the naturopathy statutes.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1651.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1651 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1651, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1689, by Representatives Chappell, Springer, Appelwick, Riley, Campbell, Brough, Basich, J. Kohl and Johanson

Making it a misdemeanor to impersonate a law enforcement officer.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Chappell spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1689.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1689 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1689, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1721, by Representatives R. Meyers, Dorn, Zellinsky, Wang, Reams, G. Fisher, H. Myers and Mielke

Authorizing jointly administered health and welfare benefits trusts for local government employees.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1721.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1721 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1721, having received the majority, was declared passed.

HOUSE BILL NO. 1728, by Representative Appelwick; by request of Law Revision Commission

Correcting unconstitutional provisions relating to resident employees on public works.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1728.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1728 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1728, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1741, by Representatives Appelwick, Ludwig, Johanson and Orr

Revising penalties for ignoring traffic tickets.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1741.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1741 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1741, having received the constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1768, by Representatives Appelwick, Padden and Johanson

Creating a courthouse facilitator program.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted (For committee amendment see Journal, 57th Day, March 8, 1993.) and the engrossed substitute bill be advanced to third reading. The motion was carried.

Representative Padden spoke against the favor of passage of the bill and Representative G. Fisher spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative G. Fisher yielded to a question by Representative Appelwick.

Representative Appelwick: Representative G. Fisher, in that previous bill was it the intent that those fees could be used for family court services and family reconciliation services within the meaning of family services.

Representative G. Fisher: Representative Appelwick, I think so. This bill, the revenue committee action has returned the bill to its original form which authorizes the county to raise fees locally to help support a courthouse facilitator project, that is being piloted in seven counties at the moment, there are at least 13 that would like to do this but who had no revenue source or other funds to do so. The purpose of this project is to assist pro se litigants in finding their way around the courthouse and the legal maze, not to give them legal advice but to help take the burden off the clerks of courts who are there to file papers not to give people directions and it takes the burden off the courts. This a modest start in that facilitator program and I urge your support.

Representative Appelwick: The answer to the question, given by Representative G. Fisher, I think, is important because family court services which do investigation and counseling and family reconciliation services which try to help those people who want to get back together immediately, are an important component of those support services. I urge your support.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1768.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1768 and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlín, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Casada, Cooke, Finkbeiner, Fuhrman, Mielke, Padden, Schoesler, Sheahan and Vance - 9.

Engrossed Substitute House Bill No. 1768, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1769, by Representatives Linville, R. Johnson, Dunshee, Wolfe, Pruitt, Rust, Karahalios, Stevens, Schoesler, Jacobsen, Basich and J. Kohl

Expanding the authority of the interagency committee for outdoor recreation regarding recreational trails.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representatives Linville and Morton spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1769.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1769 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Ballasiotes - 1.

House Bill No. 1769, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please record my vote as "YES" on House Bill No. 1769.

IDA BALLASIOTES, 41st District

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

MOTION

On motion of Representative Peery, the House adjourned until 9:30, Monday March 15, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

SIXTIETH DAY, MARCH 11, 1993

JOURNAL OF THE HOUSE

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

SIXTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 12, 1993

The House was called to order at 9:30 a.m. by the Speaker (Representative Kremen presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair .

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Eric Haeker and Cecily Joque. Prayer was offered by Reverend Sandra Lee, Minister of the Unitarian Universalist Church of Olympia.

Poetry was offered by Bart Baxter.

Blowin' Tattoo

Hackles cracked, buckles glass,
rain worked against the window
my head held low at some angle
appropriate
to being ripped off and jacked up
by some union discipline,
some cackling hack idiot,
with a beer-belly brain
and an attitude let loose
bent me double,
beat me down,
scared me penniless,
sheep-shanked and burned out,
ripped up like the ratty old rags
in a yellowing sofa,
and my head felt the aches
of the bad crapped out gambles
and rotten mistakes,
backed out and backed down,
with bad knees and bad knuckles,
drawin' faces to twelve,
dealer sittin'on twenty,

and then from out of the blues,
from the bedroom upstairs,
come a B Flat staccato
blowin' bebop and Dizzy,
blowin' Maynard, blowin' scat, blowin'
barkin' and bitchin' and bootin'up
with the low moan o' Dixie,
like a psalm in cut glass,
like an arc welder's torch,

burnin'in and come blistering
long linear notes reaching higher and higher,
like a tracer, like a flare set off,
my boy was upstairs,
he was blowin' the roof off,
he was blowin' the roof off o' Jericho.

He was blowin' Tattoo
to an old buoy tender,
blowin' Tattoo, at a bunk in the bow
of an icebreaker, at a floor of the flight deck
in the wake of a steamer,
in the wake of a cutter,
at the wake of a flyer
gunned down like a driveby in the fog over Aniak,
gunned down at the ice floes,
where fishing boats heeled,
faced with failure, fatigue,
and we drank 'til we fell over,
knocked over bottles,
and felt up the XO's wife, I say, Gabriel,
get down, she was blowin' Tattoo.

And I come undone
in the whiskey wet winters,
beggin' mercy, forgiveness
for unprincipled actions, unspeakable agonies,
brought down on myself
like a seven day rainfall,
unbearable, unending, unhealing,
from old injuries that seem to be lethal,
all the ills done to others, unimagined atrocities,
like a big piece of broken glass
eaten by accident, but nonetheless fatal,

when from out of the blues,
from the bedroom upstairs,
come an angel on horn,
come a cirrus high note,
like a wire between me an' the Lord God almighty,
between me an' the archangel,
He has saved me, forgiven, takin' up crosses
in the wash of a jazz riff, he has given me Pentecost
in a pitiful world, come a boy on horn,
come an angel in turtleneck,
from the bedroom upstairs,
blowin' Dixieland doits like salvation,
he was blowin' Tattoo
like a Gospel evangelist,
like a riverbed baptism,
he was holding me under,
where the water and blood rush
come speaking in tongues,
come together, come, Gabriel,
I was crying Tattoo
because I love him so much,
so be kind to my boy, I say,
Heaven help the horn man,
keep him safe in dark alleys,
keep him paid by the hour,
keep his embouchure holy,
keep his luck at the shoe

hittin' twelve, drawin' nines,
at a soft seventeen,
Heaven sure to be kind,
he is blowin' Tattoo.

The Speaker assumed the chair.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.
There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 5129 by Senate Committee on Education (originally sponsored by Senators Bauer, Sheldon, Barr, Haugen, Owen, Moyer, Gaspard, Sellar, Rinehart, Sutherland and McAuliffe)

Allowing educational service district boards of directors to provide cooperative and informational services.

Referred to Committee on Education.

ESSB 5131 by Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Gaspard, Moyer, Prentice, A. Smith, Spanel, Deccio, Haugen, Quigley, Pelz and Talmadge)

Authorizing destruction of confiscated firearms.

Referred to Committee on Judiciary.

ESB 5217 by Senators Pelz, Jesernig, A. Smith, Prentice, Moore, Vognild, Winsley, Roach, Sutherland and Quigley

Requiring compliance with chapter 39.12 RCW of public works.

Referred to Committee on Commerce & Labor.

2SSB 5237 by Senate Committee on Ways & Means (originally sponsored by Senators M. Rasmussen, A. Smith, Nelson, Winsley, Haugen, von Reichbauer, Oke, Roach and Spanel; by request of Attorney General and Secretary of State)

Regulating charitable solicitations.

Referred to Committee on Judiciary.

2SSB 5239 by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Prentice, Moyer, Deccio, Talmadge, Hargrove, Winsley, West and Erwin)

Centralizing poison information services.

Referred to Committee on Health Care.

SSB 5274 by Senate Committee on Labor & Commerce (originally sponsored by Senator Oke)

Adding certain boilers to boiler regulation exemptions.

Referred to Committee on Commerce & Labor.

SSB 5278 by Senate Committee on Natural Resources (originally sponsored by Senators Hargrove and Owen)

Exempting from the shoreline management act certain projects that have been granted hydraulic permits.

Referred to Committee on Environmental Affairs.

ESB 5351 by Senators Newhouse, Spanel, Moore, Bauer, Winsley, von Reichbauer and Roach; by request of Joint Committee on Pension Policy

Regarding death benefits for disabled teacher retirees under plan I.

Referred to Committee on Appropriations.

SB 5363 by Senators Newhouse, Sutherland, Snyder, Anderson, Loveland, Hochstatter and Barr

Modifying water rights claims provision.

Referred to Committee on Agriculture & Rural Development.

SB 5375 by Senators Bauer, Wojahn, Barr, Oke, Rinehart, von Reichbauer and Winsley; by request of Legislative Budget Committee

Regulating personal service contracts.

Referred to Committee on State Government.

SSB 5380 by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, West, Pelz, Winsley, A. Smith, L. Smith, Snyder, Roach, Owen, Talmadge, Skratek, Niemi, Haugen, Spanel, Drew, Moyer, Jesernig, Sutherland, Rinehart, Williams, Vognild, Sheldon, Loveland, Hargrove, M. Rasmussen, Bauer, Gaspard, Wojahn, Sellar, Quigley and McAuliffe)

Concerning collective bargaining for members of the Washington state patrol.

Referred to Committee on Commerce & Labor.

SSB 5418 by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Anderson, Loveland, Barr, Roach, Prince, Oke, Haugen, Erwin, Owen, Newhouse and Amondson)

Regulating alternative livestock.

Referred to Committee on Agriculture & Rural Development.

SSB 5492 by Senate Committee on Law & Justice (originally sponsored by Senators Spanel, Snyder, Nelson and M. Rasmussen; by request of Secretary of State)

Authorizing the secretary of state to set fees by rule.

Referred to Committee on Judiciary.

SSB 5520 by Senate Committee on Health & Human Services (originally sponsored by Senators Wojahn, Moyer, Hargrove and Prentice; by request of Department of Health)

Modifying controlled substances definitions, standards, and schedule.

Referred to Committee on Health Care.

SSB 5590 by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Newhouse, Talmadge, Spanel, West, Roach, Prentice, Prince, Vognild and Bauer)

Providing service credit for periods of paid leave.

Referred to Committee on Appropriations.

ESSB 5615 by Senate Committee on Education (originally sponsored by Senators M. Rasmussen and Oke; by request of Superintendent of Public Instruction)

Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts.

Referred to Committee on Education.

SSB 5625 by Senate Committee on Law & Justice (originally sponsored by Senators Prentice, Hargrove, Rinehart, A. Smith, Williams, Moyer, Drew, Prince, Erwin, Skratek and McAuliffe)

Prohibiting the death penalty for the mentally retarded.

Referred to Committee on Judiciary.

SSB 5686 by Senate Committee on Labor & Commerce (originally sponsored by Senators Williams and Pelz)

Limiting the penalty charge for late payment of a credit card balance.

Referred to Committee on Financial Institutions & Insurance.

SSB 5704 by Senate Committee on Law & Justice (originally sponsored by Senators Prentice, Moore and Amondson)

Penalizing unlawful factoring of credit card transactions.

Referred to Committee on Judiciary.

SB 5725 by Senators Rinehart, McDonald and Moyer; by request of Department of Social and Health Services

Requiring computerized collection of health insurance coverage provided by certain state entities.

Referred to Committee on Health Care.

SSB 5751 by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Spanel)

Authorizing rural partial-county library districts.

Referred to Committee on Local Government.

SB 5757 by Senators Snyder, Owen and Hargrove

Controlling burrowing shrimp.

Referred to Committee on Environmental Affairs.

2SSB 5781 by Senate Committee on Ways & Means (originally sponsored by Senators Jesernig, Bauer, Moyer, Pelz, Bluechel, Spanel, Hargrove, Drew, von Reichbauer, Snyder, Sheldon, Loveland, McDonald, Erwin, M. Rasmussen, Barr, Prentice, Sutherland, McAuliffe, West, Oke, Amondson, Haugen, Franklin, Sellar, Hochstatter, Fraser, Deccio, A. Smith and Winsley)

Improving access to public institutions of higher education.

Referred to Committee on Higher Education.

SSB 5802 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr and Drew)

Regarding state environmental policy act documents.

Referred to Committee on Environmental Affairs.

2SSB 5836 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Prince, West, Drew, Jesernig, Sheldon, Snyder and Gaspard)

Redefining the relationship between the state and its postsecondary institutions.

Referred to Committee on Higher Education.

SB 5856 by Senators Vognild, Nelson and Skratek

Authorizing certain real property transactions.

Referred to Committee on Transportation.

SSB 5878 by Senate Committee on Higher Education (originally sponsored by Senator Bauer)

Decentralizing posttenure evaluation for higher education faculty.

Referred to Committee on Higher Education.

SB 5883 by Senators Bauer, Erwin, M. Rasmussen and Roach; by request of Superintendent of Public Instruction

Changing funding procedures for high school students enrolled in the running start program in community or technical colleges.

Referred to Committee on Education.

SSB 5889 by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Prince, Loveland, Jesernig, Drew, Sheldon, Snyder and Spanel)

Awarding grants for pilot regional collaborative professional development school projects.

Referred to Committee on Education.

SSB 5909 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Sheldon, Oke and Owen)

Enhancing the community diversification program.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5913 by Senate Committee on Government Operations (originally sponsored by Senator Sellar)

Modifying annexation procedures for public hospital districts.

Referred to Committee on Local Government.

SB 5943 by Senators Loveland and M. Rasmussen

Changing the responsibilities of the pesticide incident reporting and tracking review panel.

Referred to Committee on Commerce & Labor.

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

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

With the consent of the House the House began consideration of House bills on the suspension calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1795, by Representatives J. Kohl, Padden, Riley, Appelwick, Foreman, Roland, R. Fisher, Dellwo, Campbell, Anderson, Wineberry and Johanson

Regulating vehicular pursuit.

The bill was read the second time.

Representative Ludwig moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

On motion of Representative J. Kohl, Representative Locke was excused.

Representative J. Kohl spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1795.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1795 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 3, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representatives Grant, Linville and Wineberry - 3.

Excused: Representative Locke - 1.

Substitute House Bill No. 1795, having received the constitutional majority, was declared passed.

The Speaker introduced the Superintendent of Public Instruction, Judith Billings.

Judith Billings briefly addressed the House and introduced the Washington State Teacher of the Year, Kathy Paris. Kathy Paris made the following speech:

Mr. Speaker and members of the House. Thank you for inviting me today.

When I visited the Soviet Union in 1976 with 3 teachers and 30+ students, I would never have dreamed that this empire would no longer exist in the 1990's. That same year, I also visited the Berlin Wall with its slivers of glass on top of the brick to prevent people from crawling over the top. I will never forget when our bus full of students went across the border into that bleak, drab nation. The border guards used mirrors to look under the bus to make sure no one was underneath; visas were thoroughly studied to make sure we were who our visas said we were. It was terrifying, but very real. When we returned to West Berlin, we climbed some towers that allowed us to view, with binoculars, East Berlin, across no man's land, where guard towers, mines and tank traps were located, we could see some apartment buildings. A little old woman was looking at us so we waved. She waved back and in unison, we all began to cry. For probably the first time, we realized how precious freedom was; how precious the ability to change almost anything you want. Who would have dreamed that this Germany too would no longer exist? Amazing things can happen. Things can change!

Some of our education problems seem insurmountable, but so too did the fall of the Soviet Union and East Germany. While our problems can not be compared to the problems of these nations, their downfall illustrates that anything can change. If we all work together, we can overcome almost any obstacle. Change is already beginning with schools and teachers, but change must also occur outside our schools. More people must change and value education if we are to succeed!! The following are my suggestions to bring about change.

To my fellow teachers: we can value education by continually taking classes and/or going to conferences so we can keep up with the newest techniques and strategies. We can present at conferences/workshops to share, share, share with our colleagues and above all, above all, we can share our excitement of learning with our students. In addition, we must be willing to change as our students change. Change can be very beneficial and exciting for all of us--teachers and students alike. We should look at change as opportunity not an obstacle.

To the parents: get involved with your schools. Offer to chaperon fieldtrips, come to parent conferences and open houses, ask your child to see his/her grades and homework, ask them what they learned today. In other words, show that you think their education is important. If you don't value education, how do you expect your child to? Keep in mind that we are very successful with children who are ready to learn and feel learning is important.

To Society in general: If society fails to value education, students will think learning is not important. Doctors and dentists of students can help. All they would have to do is not schedule so many office visits during school--this would say they value education. Employers could ask for student attendance records and grades and not hire anyone who is failing a class or showing poor attendance. This would tell the students something--learning is important. There's an owner of a McDonald's in Renton who rewards good grades with money. He also offers them hourly wages for studying at a special study table. What a wonderful idea!! He definitely values education!! Businesses could ask to join school building councils to provide direct input to teachers. They could ask a teacher or two to sit on their advisory board and/or offer summer internships to let us know what they need. Besides telling us what we are doing wrong, they could tell us what we are doing right.

To elected officials: Did you think I was going to forget you? I am very aware that this is not a good time to ask for money. But I would like you to put the following on your list of things to do when money is available: First, try to reduce class size so that teachers can teach and not worry about crowd control. This is especially critical in the elementary years, but it is also important in secondary. Thirty two or more students in one classroom is not conducive to learning. Rarely does a teacher have the twenty or so students that is commonly advertised as the "average class size". Perhaps only classroom teachers should be figured in the formula to determine a real average class size. A separate formula should be used for supportive personnel. Second, provide full funding so that we can get the supplies, equipment and support we need to teach. Relying on levies is not full funding. The rich districts often get what they need (computers and other technology equipment) because they can pass levies and the poorer districts keep losing ground. Teachers in the U. S. spend an average of \$500 of their own money each year (Carnegie Foundation for the Advancement of Teaching) to buy things they need to help inspire their students. Washington teachers are no exception. Full funding would stop this. Full funding would mean schools would have enough up-to-date equipment. It is not unusual for a science department, for example, to have equipment 25 years old or older. This often forces us to teach like we did 20 years ago. If a department wants new equipment, they have to take it from their supply budget and that leaves nothing for supplies. Allowing schools to charge a lab fee, as in years past, would help tremendously. Last, but not least, provide teachers, especially those starting out, with a competitive wage. We must attract and retain the brightest and most creative teachers if we want to inspire our young people. Cost of living increases do help. (and don't forget our retired teachers need COLA's too). Contrary to popular opinion, when teachers are in their 40's and 50's, they can still be bright and creative. However, our current system says that when teachers reach a certain number of college credits and years of experience, they can't receive additional compensation beyond the 2-3% granted by the legislature. Where is the incentive for these teachers to go back to college to learn new skills and techniques at their own expense if no additional compensation or time is provided?

The remainder of my suggestions won't cost any money to enact and can be accomplished this session.

Instead of requiring 60% yes votes on levies, require a simple majority like most other elections. The way it is set up now, a "no" vote counts more than a "yes" vote and that isn't fair. In addition, don't force schools to get 40% of the last general election to validate. If only 5 people come out to vote, then they should be the ones to determine the levy's outcome. If others do not choose to vote, then they would have no say in the matter. As it is now, a person can sit at home, and, by not voting, cause a levy to fail.

You could require passing grades and regular attendance in school in order for students to get their driver's license--that would sure tell students that education is important.

If you could reduce the regulations that districts must follow, this would enable them, hopefully, to reduce their administrative staff. This would free up some money to hire support personnel such as counselors and social workers or teachers who would directly help our students. Extra administrators do not directly help our students. A teacher or support person in the classroom would be money much better spent.

To the media: you could make more of an effort to tell the good thing that many schools, students and teachers are doing. You could help teach the public the value of learning.

Even teacher training colleges and universities can change and make the classes they teach more relevant to the real world of teaching.

Efforts by all of these societal members would tell students that education is valuable, unlike the message they often receive now.

Last, but not least, the students have a major responsibility in the learning process. Teachers have all had some of those wonderful students who love to learn, who thirst for learning--they make teaching a pleasure. We need more of them!!! But we have also had the students who just want fun and games and to be entertained as on

MTV. These students need to understand that teachers are not trained, nor paid, to be entertainers. If teachers had the props, the costume designers, the sound crews, the writers, the secretaries, the sets, and the money, they could entertain. In the meantime, most teachers do the best with limited resources and huge classes. If parents and teachers and society do their respective jobs, the student has no excuse for not learning. If they fail, they have chosen to do so. If more people value education, students will too. We can change and I am not just talking about teachers and schools. Businesses, parents, doctors, dentists, elected officials, the media, teacher training colleges and universities and the students can change. We must change and we will. We, as teachers, (and proud of it) will gladly accept any challenge to improve our educational system, but we cannot do it alone. We need the help of all society's members, including you!!!!

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4623, by Representatives Eide, Brough, Lisk, Edmondson, Thomas, Flemming, Chandler, Ballard, Kremen and J. Kohl

WHEREAS, Federal Way High School senior Justi Baumgardt was recently named soccer Player of the Year on Parade Magazine's All-America High School Girls Soccer Team; and

WHEREAS, Justi Baumgardt was chosen for this honor from more than one hundred thousand high school girls who play soccer in this country; and

WHEREAS, She was one of only three players from Washington State to make Parade's twenty-nine member All-America team, which also includes Kennedy midfielder Michelle French and Gonzaga Prep forward Danielle Hamacher; and

WHEREAS, Justi Baumgardt was the only high school player picked for the Under-20 national team last summer; and

WHEREAS, Justi started as a midfielder on the Federal Way team the past four years, scored ninety-eight goals, and led the Eagles to Class AAA state championships the past two seasons; and

WHEREAS, The Federal Way Eagles finished the 1992 season with a 19-0 record and was ranked No. 2 in the country; and

WHEREAS, The Eagles never finished lower than No. 3 at the state tournament during Justi Baumgardt's four years on the team; and

WHEREAS, Justi plans to attend the University of Portland next year and aims to play in the 1995 World Cup and the 1996 Olympics;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Justi Baumgardt for her outstanding achievement in soccer and wish her continued success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Justi Baumgardt.

Representative Eide moved adoption of the resolution.

Representatives Eide and Brough spoke in favor of the resolution.

House Resolution No. 4623 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

THIRD READING

MOTION

Representative Peery moved that the House immediately consider Engrossed Substitute House Bill No. 1988 and Substitute House Bill No. 1443. The motion was carried.

HOUSE BILL NO. 1988, by Representatives Sheldon, Forner, Wineberry, Wood, Shin, Jones, Peery, Roland, Flemming, Quall, Springer, Conway, Morris, Valle, Dorn, Campbell, Linville, Karahalios, Eide, J. Kohl, H.

Myers, Kessler, Holm, Wang, Wolfe, Anderson, Appelwick, Orr, Ogden, G. Cole, Scott, Lemmon, Leonard, Locke, R. Fisher, L. Johnson, Rayburn, Pruitt and Patterson

Providing for employment and training services.

The bill was read the third time.

Representatives Sheldon, Conway, Wineberry, Wang, Basich, Heavey and Chandler spoke in favor of passage of the bill and Representatives Forner, Dyer, Vance and Silver spoke against it.

Representatives Sheldon and Wineberry again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1988.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1988 and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 33.

Engrossed Substitute House Bill No. 1988, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1443, by Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller

Expanding the jurisdiction of the human rights commission.

The bill was read the third time.

Representatives Anderson, Reams, J. Kohl, Brough, Locke, Wineberry, Ogden, Jones, Mastin, Heavey, Dunshee, R. Fisher, Orr, Conway, Pruitt, Riley, Morris, Miller and Valle spoke in favor of passage of the bill.

Representatives Fuhrman, Stevens, Sheahan, Casada, Talcott, Padden, Foreman and Shin spoke against passage of the bill.

Representative Anderson again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1443.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1443 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Bray, Brough, Brown, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Reams, Riley, Roland, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Basich, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Edmondson, Flemming, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Kremen, Lemmon, Lisk,

Long, Mielke, Morton, Padden, Rayburn, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 41.

Substitute House Bill No. 1443, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

AFTERNOON SESSION

The Speaker (Representative R. Meyers presiding) called the House to order.

The Clerk called the roll and a quorum was present.

MOTION

Representative Peery moved that the House consider House Bill No. 1926 and House Bill No. 1801 on the suspension calendar. The motion was carried.

HOUSE BILL NO. 1926, by Representatives Anderson and Reams

Regulating the sale and distribution of state publications.

The bill was read the second time.

On motion of Representative H. Myers, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representative H. Myers spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1926.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1926 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1926, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1801, by Representatives Morris, Flemming, Dellwo, Dyer, Zellinsky, Dorn, Valle, Rayburn, Ludwig, Bray, Pruitt and Long

Granting temporary licenses to dental hygienists licensed in another state.

The bill was read the second time.

On motion of Representative H. Myers, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Flemming and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1801.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1801 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1801, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1802, by Representatives Veloria, Dellwo, Ballasiotes, Romero, Flemming, Lisk and Thibaudeau

Modifying marriage and family therapist certification.

The bill was read the second time.

On motion of Representative H. Myers, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Veloria and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1802.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1802 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1802, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1855, by Representatives Zellinsky, Kessler and R. Meyers; by request of Insurance Commissioner

Enabling accreditation of the insurance commissioner.

The bill was read the second time.

On motion of Representative Zellinsky, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1855.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1855 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1855, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1864, by Representatives Finkbeiner, Dyer, Horn, L. Johnson, Orr, Brumsickle, Cothorn, Springer, Mastin, Brough, Long, King and R. Meyers

Affording accelerant detection dogs the same protection as police dogs.

The bill was read the second time.

On motion of Representative Ludwig, the committee recommendation was adopted and the bill was advanced to third reading. The motion was carried.

Representatives Finkbeiner and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1864.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1864 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1864, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1870, by Representatives Zellinsky, Heavey and R. Meyers

Licensing bail bond agents.

The bill was read the second time.

On motion of Representative Zellinsky, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1870.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1870 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1870, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1879, by Representatives Springer, Edmondson, Bray, Romero, Sheldon, Long and Kremen

Affording local firms the maximum practicable opportunity to compete for and obtain public contracts for architectural and engineering services.

The bill was read the second time.

On motion of Representative Bray, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Springer and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1879.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1879 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1879, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1911, by Representatives Zellinsky, Reams and H. Myers

Regulating fire protection districts in newly incorporated cities and towns.

The bill was read the second time.

On motion of Representative Bray, the committee recommendation was adopted and the bill was advanced to third reading. The motion was carried.

Representatives Zellinsky and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1911.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1911 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1911, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1923, by Representatives Voloria, Wood, Jacobsen, Ogden and J. Kohl

Modifying provisions relating to the advisory council on historic preservation.

The bill was read the second time.

On motion of Representative Anderson, the committee recommendation was adopted and the bill was advanced to third reading. The motion was carried.

Representatives Voloria and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1923.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1923 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1923, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1948, by Representatives Bray, Ludwig, Rayburn and Grant

Modifying provisions regarding the state commission on Hispanic affairs.

The bill was read the second time.

On motion of Representative Anderson, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Bray and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1948.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1948 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1948, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1955, by Representatives Dunshee, H. Myers and Edmondson

Concerning hearings related to improvement districts.

The bill was read the second time.

On motion of Representative Bray, the committee recommendation was adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Dunshee and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1955.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1955 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1955, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2001, by Representatives H. Myers and R. Fisher

Clarifying voter-approval procedures for transit agencies.

The bill was read the second time.

On motion of Representative R. Fisher, the committee recommendation was adopted and the bill was advanced to third reading. The motion was carried.

Representatives H. Myers and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2001.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2001 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 2001, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: House Bill No. 1368, House Bill No. 1496, House Bill No. 1688, House Bill No. 1219 and House Bill No. 1630.

HOUSE BILL NO. 1368, by Representatives Padden, Appelwick, Johanson, Basich, Jacobsen, Ludwig, Fuhrman, Morris, Morton, Grant, Campbell, Long and Silver

Allowing for deferral of a judicial determination that a traffic violation was committed.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1368 was substituted for House Bill No. 1368 and the substitute bill be placed on the second reading calendar.

Substitute House Bill No. 1368 was read the second time.

Representative Long moved adoption of the following amendment by Representative Long, Appelwick and Padden:

On page 2, line 8 after "(4)" insert "(a) No person is eligible for a deferral if the case record of convictions and infractions maintained under RCW 46.52.120 shows that the person has any convictions or has more than two infractions.

"b"

Representative Long spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Padden and Carlson spoke in favor of passage of the bill and Representatives Schmidt and Heavey spoke against it.

Representative Padden again spoke in favor of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1368.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1368 and the bill passed the House by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Brough, Brumsickle, Campbell, Carlson, Chappell, Conway, Cooke, Finkbeiner, Flemming, Forner, Fuhrman, Grant, Hansen, Jacobsen, Johanson, Johnson, L., Jones, Kessler, Kohl, J., Lemmon, Leonard, Locke, Long, Ludwig, Mastin, Meyers, R., Morton, Myers, H., Padden, Pruitt, Reams, Riley, Romero, Schoesler, Sheahan, Shin, Silver, Sommers, Springer, Stevens, Thibaudeau, Valle, Van Luven, Wineberry, Wood and Mr. Speaker - 48.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Bray, Brown, Casada, Chandler, Cole, G., Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Foreman, Heavey, Holm, Horn, Johnson, R., Karahalios, King, Kremen, Linville, Lisk, Mielke, Miller, Morris, Ogden, Orr, Patterson, Peery, Quall, Rayburn, Roland, Rust, Schmidt, Scott, Sehlin, Sheldon, Talcott, Tate, Thomas, Vance, Veloria, Wang, Wolfe and Zellinsky - 50.

Engrossed Substitute House Bill No. 1368, not having received the constitutional majority, was declared lost.

HOUSE BILL NO. 1496, by Representative Dellwo

Regulating employment agencies.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1496 was substituted for House Bill No. 1496 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1496 was read the second time.

Representative Horn moved adoption of the following amendment by Representatives Horn, Dellwo and Heavey:

On page 4, at the beginning of line 23, strike "dates of contact with employer:"

On page 4, line 36, after "applicant" insert "and the dates of contact with employers made pursuant to Sec. 7. Sub 11"

Representative Horn and Dellwo spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dellwo and Horn spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1496.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1496 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King,

Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1496, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1688, by Representatives Campbell, Forner, Roland, Tate, Mastin, Conway, Shin and Sheldon

Installing manufactured homes.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative Wineberry, Substitute House Bill No. 1688 was substituted for House Bill No. 1688 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1688 was read the second time.

Representative Valle moved adoption of the committee amendments by Committee on Appropriations.

Representative Valle spoke in favor of the committee amendments and they were adopted.

Representative Chandler moved adoption of the following amendment by Representatives Chandler and Forner:

On page 2, line 38, after "(1)" insert "A mobile home or manufactured home dealer performing the original installation of a home sold by the dealer; (2)"

Representatives Chandler and Schoesler spoke in favor of adoption of the amendment and Representatives Wineberry and Campbell spoke against it. The amendment was not adopted.

Representative Campbell moved adoption of the following amendment by Representative Campbell:

On page 3, line 26, strike "twelve" and insert "six"
On page 3, line 36, strike "one year" and insert "six months"

Representative Campbell spoke in favor of the amendment and Representative Forner spoke against it. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Wineberry spoke in favor of passage of the bill and Representatives Forner, Chandler and Riley spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1688.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1688 and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Bray, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Finkbeiner, Fisher, G., Flemming, Grant, Horn, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Eide, Fisher, R., Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Johanson, Lisk, Long, Mielke, Morton, Padden, Rayburn, Reams, Riley, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wang and Wood - 42.

Engrossed Substitute House Bill No. 1688, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Jacobsen, Miller, Anderson, R. Fisher and Finkbeiner

Appointing a poet laureate to be paid in Washington wine.

The resolution was read the second time.

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

Representatives Jacobsen, Miller, Riley, Heavey, R. Fisher, Linville, Basich, R. Johnson, Cothorn, Orr, Wineberry and Rust spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4412 was adopted.

MOTION

Representative Peery moved that the House consider House Bill No. 1219 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1219, by Representatives Orr, Locke, Heavey, Basich, Jones, Dellwo, Dunshee, Bray, Wang, Jacobsen, R. Meyers, Springer, Veloria, G. Cole, King, Johanson and Franklin

Creating the public works administration account.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1219 was substituted for House Bill No. 1219 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1219 was read the second time.

On motion of Representative Peery, the rules were suspended the second reading considered the third and the bill was placed on final passage.

Representatives Orr and Conway spoke in favor of passage of the bill and Representatives Lisk and Silver spoke against it.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1219.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1219 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Lisk, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Substitute House Bill No. 1219, having received the constitutional majority, was declared passed.

NOTICE OF RECONSIDERATION

Representative Miller: Having voted on the prevailing side, I hereby give notice of my intent to reconsider the vote by which Substitute House Bill No. 1368 failed to pass the House.

MOTION

Representative Peery moved that the House now consider House Bill No. 1630 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1630, by Representatives Tate, Riley, Scott, Campbell, Padden, R. Meyers, Long, Forner, Johanson, Schmidt, Chappell, Chandler, Mielke, Reams, R. Johnson, Brough, Ballasiotes, Vance, Foreman, Sheahan, Schoesler, Miller, Jacobsen, Sheldon, Kremen, Silver, Cothorn, Morton, Wineberry and Wood

Creating the crime of carjacking.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1630 was substituted for House Bill No. 1630 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1630 was read the second time.

Representative Tate moved adoption of the following amendment by Representative Tate, Wineberry and Padden:

On page 6, line 24, after "degree," insert "carjacking in the first degree."

On page 10, after line 9, insert the following: "Carjacking 1 (RCW 9A.56.--- (section 1 of this act))"

On page 10, beginning on line 12, strike all material through "this act)" on line 13

On page 12, after line 28, insert the following: "Carjacking 2 (RCW 9A.56.--- (section 2 of this act))"

On page 12, beginning on line 32, strike all material through "this act)" one line 33

Representatives Tate, Ludwig, Ballard, Ballasiotes, Wineberry, Campbell, and Mielke spoke in favor of adoption of the amendment and Representatives Heavey, Morris, and Riley spoke against it.

Representative Tate again spoke in favor of the amendment and Representatives Heavey and Morris again spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 10, lines 9, 12, page 12 lines 28, 32 by Representatives Tate and Wineberry to Substitute House Bill No. 1630 and the amendment was adopted by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dorn, Dyer, Edmondson, Finkbeiner, Fisher, G., Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Kessler, Kremen, Lisk, Locke, Long, Mastin, Mielke, Miller, Morton, Padden, Patterson, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wineberry, Wood and Zellinsky - 56.

Voting nay: Representatives Anderson, Appelwick, Bray, Brown, Cole, G., Cothorn, Dellwo, Dunshee, Eide, Fisher, R., Flemming, Heavey, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Lemmon, Leonard, Linville, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sommers, Thibaudeau, Veloria, Wang, Wolfe and Mr. Speaker - 42.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tate, Padden, Miller, Ludwig and Wineberry spoke in favor of final passage of the bill and Representatives Riley, G. Cole and Heavey spoke against it.

POINT OF ORDER

Representative Riley: Mr. Speaker, the gentlemen from the 25th District is discussing the motives of the members, not the merits of the bill before us.

SPEAKER'S RULING

The Speaker: Thank you, Representative Riley, you are correct. Representative Tate, please confirm your remarks to the bill and not direct them to the motives of the members.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1630.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1630 and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Voting nay: Representatives Brown, Cole, G., Fisher, R., Heavey, King, Riley, Rust and Wang - 8.

Engrossed Substitute House Bill No. 1630, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

EVENING SESSION

The Speaker (Representative R. Meyers presiding) called the House to order.

The Clerk called the roll and a quorum was present.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1490. The motion was carried.

HOUSE BILL NO. 1490, by Representatives Wineberry, Forner, Shin, Sheldon, King, Karahalios, J. Kohl and Anderson

Providing for child care.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1490.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1490 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1490, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1559, by Representatives Brown, Wolfe, Ballasiotes, Flemming, Riley, Kessler, Linville, Thibaudeau, Leonard, J. Kohl, Mastin, Wang, Jones, Pruitt, Karahalios, Campbell, Johanson, Quall, G. Fisher, Cothorn, L. Johnson, Kremen and H. Myers

Developing a plan for school-aged child care programs.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brown spoke in favor of passage of the bill and Representative Cooke spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1559.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1559 and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr,

Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 68.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Mielke, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 30.

House Bill No. 1559, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 93-4626, by Representatives Flemming, Veloria, H. Myers, Morris, Karahalios, Patterson, Dellwo, Linville, Brown, Conway, King, Orr, J. Kohl, Kremen, Wineberry and Anderson

WHEREAS, The Legislature has made it a tradition to recognize people of great courage and conviction;
and

WHEREAS, The life of fugitive slave Harriet Tubman was marked by countless acts of courage and self-sacrifice fighting for an end to slavery; and

WHEREAS, As a slave, Harriet Tubman struck a course for freedom herself in 1849, leaving the South for Philadelphia where she began working as a free citizen in a local hotel; and

WHEREAS, Despite great risk to herself, she crossed into the South some nineteen times to lead other slaves to freedom; and

WHEREAS, Harriet Tubman worked closely with antislavery stalwarts associated with the Underground Railroad, particularly the Quaker Thomas Garrett of Wilmington, Delaware and the Black Leader William Still of Philadelphia, who later wrote that in ". . . courage, shrewdness and disinterested exertions to rescue her fellowmen . . . she was without her equal"; and

WHEREAS, Her daring exploits caused the rewards for her capture to reach \$40,000; and

WHEREAS, During the Civil War, Harriet Tubman served as a spy and scout for the Union Army, often crossing behind Confederate Lines to secure military intelligence; and

WHEREAS, She also served as a nurse during the war, bringing aid and comfort to the sick and wounded;
and

WHEREAS, After returning home from the war Harriet Tubman continued to serve others with little thought of self, caring for her aging parents and other helpless older people, forming the Harriet Tubman Home for Indigent Aged Negroes, which continued several years after her death; and

WHEREAS, Herself illiterate and without a day of schooling, she promoted the establishment of Freedmen's Schools in the South; and

WHEREAS, She also spoke up for the rights of women and participated in the suffrage effort; and

WHEREAS, Despite her heroic efforts on behalf of the Union Army, she was denied compensation for her wartime efforts, because compensation was not required under any recognized law; and

WHEREAS, Her faith in herself led her to resubmit a petition requesting \$1,800 for "three years' service as nurse and cook in hospitals, and as commander of eight to nine men as scouts during the Civil War"; and

WHEREAS, Congress finally enacted a bill in her favor, granting her twenty dollars a month for life for her services; and

WHEREAS, The great Frederick Douglass wrote to her, "Excepting John Brown of sacred memory - I know of no one who has willingly encountered more perils and hardships to serve our enslaved people than you have"; and

WHEREAS, Throughout history women of courage have frequently been overlooked and their contributions and sacrifice have gone unrecognized;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join others nation-wide in recognizing the anniversary of her death, the week of March 8, as Harriet Tubman Week and to honor Harriet Tubman for her great courage and fearless efforts on behalf of freedom.

Representative Flemming moved adoption of the resolution and Representatives Flemming and J. Kohl spoke in favor it.

House Resolution No. 4626 was adopted.

MESSAGE FROM THE SENATE

March 12, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5134,

SUBSTITUTE SENATE BILL NO. 5487,
SENATE BILL NO. 5635,
SUBSTITUTE SENATE BILL NO. 5688,
SUBSTITUTE SENATE BILL NO. 5753,
SENATE BILL NO. 5838,
SUBSTITUTE SENATE BILL NO. 5849

the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE BILL NO. 1560, by Representatives Appelwick, Leonard, Karahalios and Johanson

Adopting the uniform interstate family support act.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1560 was substituted for House Bill No. 1560 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1560 was read the second time.

On motion of Representative Sheldon, the rules were suspended the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1560.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1560 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1560, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1561, by Representatives Brown, Wolfe, Thibaudeau, Mastin, J. Kohl, H. Myers, Johanson, Romero, Leonard, Karahalios and L. Johnson

Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brown and Cooke spoke in favor of passage of the bill and Representative Talcott spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1561.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1561 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Voting nay: Representatives Casada, Fuhrman, Lisk, Morton, Padden, Schoesler, Sheahan, Stevens, Talcott and Thomas - 10.

House Bill No. 1561, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1760, by Representatives H. Myers, Brough, Appelwick, Miller, Johanson, Chappell, Ludwig, Scott and Mastin

Regulating obligations for child support and spousal maintenance.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1760 was substituted for House Bill No. 1760 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1760 was read the second time.

Representative H. Myers moved adoption of the following amendment by Representative H. Myers:

On page 6, line 19, after "for" strike "either"

On page 6, line 20, after "support" strike "or spousal maintenance, or both."

On page 6, after line 28, insert the following:

"(5) If an obligor is subject to two or more attachments for spousal maintenance on account of different obligees, the employer shall, if the nonexempt portion of the obligor's earnings is not sufficient to respond fully to all the attachments, apportion the obligor's nonexempt disposable earnings between or among the various obligees equally. An obligee may seek a court order reapportioning the obligor's nonexempt disposable earnings upon notice to all interested obligees. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute."

On page 10, line 34, after "support" strike "or spousal maintenance" and insert "for a dependent child"

On page 10, line 37, after "support" strike "or spousal maintenance"

On page 10, line 38, after "74.20A RCW." insert "An order for wage assignment for spousal maintenance entered under this chapter shall have priority over any other wage assignment or garnishment, except for a wage assignment, garnishment, or order to withhold and deliver under chapter 74.20A RCW for support of a dependent child, and except for another wage assignment or garnishment for spousal maintenance."

Representatives H. Myers and Padden spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1760.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1760 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1760, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1778, by Representatives Wolfe, Brown, Talcott, Leonard, Johanson, Kessler, Appelwick, Romero, Pruitt, H. Myers, Edmondson, Linville, Veloria, Anderson, Reams, Rust, Miller, Wang and J. Kohl

Establishing the office of state employee child care.

The bill was read the second time. On motion of Representative Leonard, Substitute House Bill No. 1778 was substituted for House Bill No. 1778 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1778 was read the second time.

On motion of Representative Sheldon, the rules were suspended the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe and Leonard spoke in favor of passage of the bill and Representative Cooke spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1778.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1778 and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Carlson, Casada, Chandler, Cooke, Foreman, Forner, Fuhrman, Horn, Lisk, Mielke, Morton, Padden, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas and Wood - 25.

Substitute House Bill No. 1778, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1858, by Representatives Brown, Romero, Foreman, Leonard, Lemmon, Mielke, Karahalios, Brough, Long, Kessler, Patterson and Mastin

Providing for periodic case review for children in substitute care.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brown and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1858.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1858 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1858, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1991, by Representatives Flemming, Leonard, Karahalios, Kessler, Eide, J. Kohl, Riley, Dunshee, G. Cole, Veloria, Roland, Patterson, Wolfe, Wang, Johanson, H. Myers, Carlson, Dyer, L. Johnson, Jones, Quall, Rayburn, Springer, Holm and Ogden

Authorizing the home health visitor program to address child abuse and neglect.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flemming, Talcott and Leonard spoke in favor of passage of the bill and Representative Cooke spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1991.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1991 and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Cooke, Fuhrman, Horn, Lisk, Morton, Padden, Sehlin, Sheahan and Stevens - 9.

House Bill No. 1991, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SPEAKER'S RULING

When we last considered Substitute House Bill No. 1333, Representative Flemming had offered striking amendment 110, Representative Vance had offered amendment 126 to the amendment, and Representative Wineberry had raised a point of order as to whether amendment 126 was within the scope and object to the bill.

The Speaker has examined Substitute House Bill No. 1333, and amendment 126. The Substitute Bill is an act relating to youth gang violence reduction. It creates a new chapter in title 43 and contains programs involving schools and Human Service Agencies with counseling, cultural activities, job training and other preventive programs. It does not provide for crimes or criminal penalties.

In contrast, amendment 126 amends title 9, part of the criminal code, by creating additional aggravating circumstances for crimes involving street gangs, a subject not addressed in the underlying bill.

Therefore, Representative Wineberry, the Speaker finds that the amendment exceeds the scope and object of the bill and that your point of order is well taken.

The House considered Engrossed Substitute House Bill No. 1333 on the second reading calendar. (For previous amendments see Journal, 60th Day, March 12, 1993.)

Representatives Flemming and Forner spoke in favor of the striking amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1333.

Representatives Flemming and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1333 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1333, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1146, by Representatives Heavey, King, G. Cole, Voloria, Orr, Quall, Dunshee, Franklin, Scott, Ludwig, Jones, Basich, Springer and J. Kohl

Requiring compliance with chapter 39.12 RCW of public works.

The bill was read the third time.

Representatives Heavey, Lisk, Tate and Carlson spoke in favor of passage of the bill and Representative Horn spoke against it.

Representative Heavey again spoke in favor of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1146.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1146 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 41.

Engrossed House Bill No. 1146, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1637, by Representatives Conway, Heavey, King, G. Cole, Basich, Kessler, G. Fisher, Karahalios, Jacobsen, Ogden and Veloria

Including municipal street railways in the definition of public work.

The bill was read the third time.

Representatives Conway spoke in favor of passage of the bill and Representative Horn spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1637.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1637 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 36.

House Bill No. 1637, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

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

MOTION

On motion of Representative Peery, the House adjourned until 9:30 a. m., Saturday March 13, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FIRST DAY, MARCH 12, 1993

JOURNAL OF THE HOUSE

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

SIXTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Saturday, March 13, 1993

The House was called to order at 9:30 a.m. by the Speaker (Representative R. Meyers presiding. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steven Ayre and James Mcmann.

Poetry was offered by Representative Morton.

This poem is written in memory and gratitude to the founders of this great nation and wonderful state for their recognition and reliance on the Lord for His assistance in the awesome task of governing.

A PRAYERS POEM

(By Justin Freeman)

I really love good poetry,
It edifies the soul.
It carries us to heights unknown,
And lets our spirits roll.

It show us things of beauty,
We often cannot see.
It points out things of ugliness,
We rather would not be.

But poetry cannot take us,
To the place we must arrive.
Only prayer can lift us to the one,
Who keeps us all live.

"Nature's God," "Creator,"
As Jefferson would say.
"Sustainer of the Universe,"
Who will judge us all some day.

Poet laureates are fine,
We should honor noble skills.
But prayer is what this world needs now,
To save us from our ills.

King David's poems, songs, the Psalms,
Set the model for our plight.
They praise our God and ask him,
For safety, wisdom through the night.

Those gracious men and women,
Who before us held our place,
Agreed with those who sought the Lord,
For mercy and for grace.

They opened each day of business here,
With prayer to Heaven for light.
To guide our weak and feeble tries,
To guarantee the right.

I hope that we will carry on,
Traditions great and small.
Poems that edify our souls,
But humble Prayer first of all.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.
MESSAGE FROM THE SENATE March 12, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5280,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
SUBSTITUTE SENATE BILL NO. 5445,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5482,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,
ENGROSSED SENATE BILL NO. 5613,
SENATE BILL NO. 5696,
SECOND SUBSTITUTE SENATE BILL NO. 5715,
ENGROSSED SENATE BILL NO. 5745,
ENGROSSED SENATE BILL NO. 5780,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,
SENATE BILL NO. 5835,
SUBSTITUTE SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5874,
SENATE BILL NO. 5925,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

SSB 5134 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Barr, Snyder, Oke, Winsley, Roach and Erwin)

Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption.

Referred to Committee on Revenue.

SSB 5487 by Senate Committee on Agriculture (originally sponsored by Senators Bauer, Barr, M. Rasmussen, Snyder, Gaspard, Vognild, Newhouse, Drew, Sutherland, Quigley, Hochstatter and Loveland)

Changing provisions regarding agister liens.

Referred to Committee on Agriculture & Rural Development.

SB 5635 by Senators Niemi and Talmadge

Modifying procedures regarding disclosure of address of a health professional subject to a disciplinary complaint.

Referred to Committee on Health Care.

SSB 5688 by Senate Committee on Natural Resources (originally sponsored by Senators Owen, A. Smith and Oke)

Modifying enforcement of forest practices guidelines.

Referred to Committee on Natural Resources & Parks.

SSB 5753 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder and L. Smith)

Creating a new judgeship for Cowlitz County.

Referred to Committee on Judiciary.

SB 5838 by Senators Sutherland, Williams and Roach

Creating an energy siting process review committee.

Referred to Committee on Energy & Utilities.

SSB 5849 by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Erwin, McAuliffe, Roach, Anderson, Bauer, Barr, Amondson and Loveland)

Revising dairy management.

Referred to Committee on Agriculture & Rural Development.

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

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

REPORTS OF STANDING COMMITTEES

March 12, 1993

SB 5067 Prime Sponsor, A. Smith: Altering the provisions concerning joint tenancy. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Mastin; H. Myers; Riley; Scott; and Wineberry.

Excused: Representatives Forner, Locke, Long, Schmidt and Tate.

Passed to Committee on Rules for second reading.

March 12, 1993

ESB 5362 Prime Sponsor, A. Smith: Requiring full disclosure of civil court proceedings relating to public hazards. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Long; Mastin; H. Myers; Riley; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member, and Forner.

Excused: Representatives Locke, Schmidt and Tate.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: House Bill No. 1009, House Bill No. 1080, House Bill No. 1155 and House Bill No. 1261. The motion was carried.

HOUSE BILL NO. 1009, by Representatives Appelwick and Riley

Prescribing liabilities for lis pendens filings.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1009 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Ogden, Dorn, Lemmon, Anderson and Wineberry were excused.

On motion of Representative Wood, Representative Miller was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1009.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1009 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehnlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Anderson, Dorn, Lemmon, Miller, Ogden and Wineberry - 6.

Substitute House Bill No. 1009, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1080, by Representatives Valle, Quall, Franklin, Flemming, G. Cole, Eide, Roland and Veloria

Requiring nursing homes to refund deposits or minimum stay fees when not used by residents.

The bill was read the second time. On motion of Representative Dellwo, Substitute House Bill No. 1080 was substituted for House Bill No. 1080 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1080 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1080.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1080 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Anderson, Dorn, Lemmon, Miller, Ogden and Wineberry - 6.

Substitute House Bill No. 1080, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1155, by Representatives H. Myers, Appelwick, Ludwig, Chappell, Johanson, Scott, Brough, Horn, Long, Campbell, Karahalios, Wood, Foreman and Silver

Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative H. Myers spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1155.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1155 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott,

Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Excused: Representatives Dorn, Lemmon, Miller, Ogden and Wineberry - 5.

House Bill No. 1155, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1261, by Representatives Sommers, Dellwo, R. Fisher, Jacobsen, Brough, Wang, Brown, Thibaudeau, Johanson and J. Kohl

Regulating portability of retirement benefits.

The bill was read the second time.

Representative Locke moved adoption of the following amendment by Representative Locke:

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 4. If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1993, in the biennial appropriations act, this act shall be null and void."

Representative Locke spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1261.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1261 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Excused: Representatives Dorn, Lemmon, Miller, Ogden and Wineberry - 5.

Engrossed House Bill No. 1261, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1353 and House Bill No. 1361. The motion was carried.

HOUSE BILL NO. 1353, by Representatives G. Cole, Franklin, Heavey and King; by request of Department of Labor & Industries

Regulating asbestos disease benefits claims.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 23rd Day, February 22, 1993.)

Representative Heavey moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative Heavey spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1353.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1353 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Excused: Representatives Dorn, Lemmon, Miller, Ogden and Wineberry - 5.

Engrossed House Bill No. 1353, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer consideration of House Bill No. 1358 and that the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1361, by Representatives H. Myers, Ballasiotes, Forner, Riley, Ludwig, Padden, Chappell, Johanson, Appelwick, Long, Tate, Vance, Roland, Pruitt, Jones, Edmondson, Campbell, Lemmon, Brough, Chandler, Wood, Horn, Quall, Miller, Sheahan, Karahalios, Silver, Flemming, Morris, Talcott, Reams, L. Johnson, Ogden, Casada and Wineberry

Revising the statute of limitations for certain sex offenses.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative H. Myers spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1361.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1361 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee,

Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Excused: Representatives Dorn, Lemmon, Miller, Ogden and Wineberry - 5.

House Bill No. 1361, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1389, by Representative Riley

Changing provisions relating to work crews.

The bill was read the second time. On motion of Representative Morris, Substitute House Bill No. 1389 was substituted for House Bill No. 1389 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1389 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riley and Long spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1389.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1389 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representative Ballasiotes - 1.

Excused: Representatives Dorn, Lemmon, Miller, Ogden and Wineberry - 5.

Substitute House Bill No. 1389, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1399, by Representatives Orr, Grant, Long, Schoesler, Ludwig and Casada

Prohibiting unauthorized liquefied petroleum gas container use.

The bill was read the second time. On motion of Representative Finkbeiner, Substitute House Bill No. 1399 was substituted for House Bill No. 1399 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1399 was read the second time.

Representative Finkbeiner moved adoption of the following amendment by Representative Appelwick:

On page 1, line 15 after "larger." insert "Nothing in this section affects the liability of an owner for injury or damage resulting from acts or omissions related to the construction, transportation, installation, removal or maintenance of a container or related to any other act or omission other than filling a container."

Representatives Appelwick and Casada spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orr and Casada spoke in favor of passage of the bill.

The Speaker assumed the chair.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1399.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1399 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Excused: Representatives Dorn, Lemmon, Miller, Ogden and Wineberry - 5.

Engrossed Substitute House Bill No. 1399, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider House Bill No. 1294 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1294, by Representatives Locke, Mielke, Orr, Heavey, Scott, Quall, Chappell, R. Fisher, R. Meyers, Ludwig, R. Johnson, Wood, Grant, Riley, King, Mastin, Forner, Franklin, Karahalios, Jacobsen, Zellinsky, Romero, Johanson, Morris, Flemming, Leonard, Brown, Finkbeiner, Holm, Eide, G. Cole, Ogden, Jones, Wang, Sheldon, Bray, G. Fisher, Long, Dellwo, Roland, Tate, Springer, Thibaudeau, L. Johnson, J. Kohl, Veloria, Dunshee, Basich, Campbell, Kessler, H. Myers, Vance, Brough, Dorn, Hansen, Schmidt, Cooke, Casada, Edmondson, Carlson and Brumsickle

Changing provisions in LEOFF Plan II to allow retirement at age fifty.

The bill was read the second time. On motion of Representative Locke, Substitute House Bill No. 1294 was substituted for House Bill No. 1294 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1294 was read the second time.

Representative Locke moved adoption of the following amendment by Representative Locke:

On page 8, after line 7, insert the following:

NEW SECTION. Sec. 11. If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1993, in the biennial appropriations act, this act shall be null and void."

Representative Locke spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Representative Sommers yielded to a question by Representative Locke.

Representative Locke: In the Appropriations Committee you were the sponsor and drafter of the Substitute House Bill.

Section 10 of Substitute House Bill No. 1294 contains a direction to an interest arbitrator that the arbitrator should not require employers of police officers and fire fighters to pay any of the increased employee retirement contributions that result from benefits contained in the bill.

Is it the intent of this section to change current policy regarding retirement issues and collective bargaining?

Representative Sommers: No. The intent of this section is not to change current policy, but rather to maintain our current policy that retirement issues of any kind are not subject to collective bargaining, and therefore should not be considered in interest arbitration. The retirement contributions that employees currently make are not subject to bargaining, and neither should any increased contributions due to improved benefits.

The legislature has made it clear that employees in Plan II are to pay 50% of the contributions toward retirement. Substitute House Bill No. 1294 will cause an increase in the employee contribution rate, and LEOFF employees will have to pay significantly more for their retirement benefits.

Section 10 of the bill simply reminds an arbitrator that increased employee contributions due to Substitute House Bill No. 1294 are intended to be paid by the employee, and not indirectly thrust upon the employer.

Representatives Sommers, Locke, Silvers, Orr, Carlson, and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1294.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1294 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Engrossed Substitute House Bill No. 1294, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1418, by Representatives Ogden, H. Myers, Casada, Morris, Carlson and Jones; by request of Washington State School for the Blind and Washington State School for the Deaf

Changing provisions relating to state schools for the blind, deaf, and sensory impaired.

The bill was read the second time. On motion of Representative Cothorn, Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1418 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1418 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Substitute House Bill No. 1418, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1456, by Representatives King, G. Cole, Lisk, R. Johnson, Horn, Foreman, Sheahan and Chandler

Allowing self-insured employers to close disability claims after July 1990.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 38th Day, February 18, 1993.)

Representative Heavey moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives King and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1456.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1456 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Engrossed House Bill No. 1456, having received the constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1703, by Representatives Johanson, Grant and Jacobsen; by request of Utilities & Transportation Commission

Concerning alternate operator service companies.

The bill was read the third time.

Representatives Johanson and Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1703.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1703 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Finkbeiner, Grant, Mastin and Riley - 4.

Excused: Representatives Dorn and Miller - 2.

Substitute House Bill No. 1703, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1471, by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole Regulating the non-Puget Sound coastal commercial crab fishery.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass substitute. (For committee amendment see Journal, 50th Day, March 1, 1993.) Committee on Appropriations recommendation: Majority, do pass substitute by committee on Fisheries & Wildlife as amended by committee Appropriations. (For committee recommendations, see Journal 57th Day, March 8, 1993.)

On motion of Representative King, Substitute House Bill No. 1471 was substituted for House Bill No. 1471 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1471 was read the second time.

Representative Valle moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative King moved adoption of the following amendment by Representatives King, Fuhrman and Basich:

On page 4, beginning on line 25, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 8. (1) Effective January 1, 1994, it is unlawful to fish for coastal crab in Washington state waters or deliver coastal crab to a port in the state without a coastal crab pot license. A coastal crab pot license is not required to take other species of crab, including red rock crab (*Cancer productus*), from waters containing coastal crab.

(2) A coastal crab pot license shall only be issued to a vessel that, during two of the following three qualifying periods:

December 1, 1988, through September 15, 1989;
December 1, 1989, through September 15, 1990; and
December 1, 1990, through September 15, 1991;

- (a) Showed historical participation in the coastal crab fishery by having held one of the following:
- (i) Crab pots license or crab pots (other than Puget Sound) license, issued under RCW 78.25.130;
 - (ii) Delivery permit or delivery license, issued under RCW 75.28.125;
 - (iii) Salmon troll license, issued under RCW 75.28.110; or
 - (iv) Salmon delivery permit or salmon delivery license, issued under RCW 75.28.113;
 - (v) Trawl license or trawl (other than Puget Sound) license, issued under RCW 75.28.140; and

(b) Can prove active historical participation in the coastal crab fishery as evidenced by having made a minimum of eight crab landings per season in at least two of the three qualifying seasons, which landings total a minimum of five thousand pounds of crab in each qualifying season, taken in coastal or offshore waters as documented by valid Washington state shellfish receiving tickets. For purposes of this section, "crab taken in coastal or offshore waters" means crab taken in Washington state department of fisheries marine fish/shellfish management and catch reporting areas 58B, 59A, 59B, 60A, 60B, 60C, 60D, 61, or 62, as defined in WAC 220-20-410.

(3) A coastal crab pot license shall only be issued to a vessel that has participated continuously in the coastal crab fishery by having held one or more of the licenses listed in subsection (2)(a) of this section each calendar year from 1990 through 1993.

NEW SECTION. Sec. 9. An applicant who can show historical participation under section 8(2) of this act but not satisfying the continuous participation requirement of section 8(3) of this act shall be issued a coastal crab pot license if:

(1) The owner can prove that the owner was in the process on September 15, 1991, of constructing a vessel for the purpose of coastal crab fishing. For purposes of this section, "construction" means having the keel laid, and "for the purpose of coastal crab fishing" means the vessel is designed to retrieve crab pots mechanically and has a live well. A coastal crab pot license issued to a vessel under construction is not renewable after December 31, 1994, unless the vessel lands five thousand pounds of coastal crab into a Washington state port before December 31, 1994; or

(2) The applicant's vessel is a replacement for a vessel that is otherwise eligible for a coastal crab pot license, in which case the landing and licensing history shall follow the replacement vessel, and only the replacement vessel is eligible for a coastal crab pot license.

NEW SECTION. Sec. 10. (1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident crab pots (other than Puget Sound) license issued under RCW 75.28.140 each year from 1990 through 1993, and who has delivered a minimum of five thousand pounds of crab into Oregon during any two of the three qualifying periods as provided in section 8(2) of this act as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident coastal crab pot license valid for fishing in Washington state waters north from the Oregon/Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

NEW SECTION. Sec. 11. A new section is added to chapter 75.30 RCW to read as follows:

(1) It is unlawful for vessels registered in Washington to take coastal crab in state waters or waters of the exclusive economic zone and coterminous with the seaward boundary of this state, or to land such crab in Washington, without the licenses, endorsements, or permits required to take or land coastal crab in Washington.

(2) This section becomes effective only upon reciprocal legislation being enacted by both the states of Oregon and California. For purposes of this section, "exclusive economic zone" means that zone defined in the federal fishery conservation and management act (16 U.S.C. Sec. 1802) as of the effective date of this section or as of a subsequent date adopted by rule of the director.

NEW SECTION. Sec. 12. After December 31, 1994, a coastal crab pot license may only be issued to a vessel that held the license in 1994, and each year thereafter. If the license is transferred to another vessel, the license history shall also be transferred to the transferee vessel.

Where the failure to hold a license the previous year was the result of license suspension, the vessel may qualify by establishing that the vessel held a coastal crab pot license in the last year in which the license was not suspended.

NEW SECTION. Sec. 13. If fewer than one hundred twenty-five vessels are eligible for coastal crab pot licenses, the director shall accept applications for new licenses. The director shall determine by random selection the

successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five vessels in the Washington coastal crab fishery. The director shall adopt rules governing the notification, application, selection, and issuance procedures for new coastal crab licenses, based on recommendations of a board of review established under RCW 75.30.050.

Sec. 14. RCW 75.30.050 and 1990 c 61 s 3 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The salmon charter boat fishing industry in cases involving salmon charter boat licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon licenses;

(c) The commercial crab fishing industry in cases involving Puget Sound crab license endorsements;

(d) The commercial herring fishery in cases involving herring validations;

(e) The commercial Puget Sound whiting fishery in cases involving Puget Sound whiting license endorsements;

(f) The commercial sea urchin fishery in cases involving sea urchin endorsements to shellfish diver licenses; ((and))

(g) The commercial sea cucumber fishery in cases involving sea cucumber endorsements to shellfish diver licenses; and

(h) The commercial coastal crab industry in cases involving coastal crab pot licenses.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 15.** The director may reduce the landing requirement established under section 8(2)(b) of this act upon the recommendation of an advisory review board established under RCW 75.30.050, but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

NEW SECTION. **Sec. 16.** The industry shall prepare a gear reduction plan to stabilize the coastal crab industry in Washington. The industry shall submit the plan to the department of fisheries by November 31, 1995. The department shall evaluate the plan and submit it to the legislature by December 31, 1995.

NEW SECTION. **Sec. 17.** (1) Sections 2, 5, and 6 of this act are each added to chapter 75.28 RCW.

(2) Sections 7 through 10, 12, 13, and 15 of this act are each added to chapter 75.30 RCW."

Representatives King, Fuhrman and Basich spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives King and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1471.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1471 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt,

Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Engrossed Substitute House Bill No. 1471, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1504, by Representatives Wang, Jacobsen, Romero, Wolfe and Morris; by request of Evergreen State College

Changing the disposition of certain normal school fund revenues.

The bill was read the second time. On motion of Representative Wang, Substitute House Bill No. 1504 was substituted for House Bill No. 1504 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1504 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wang and Sehlin spoke in favor of passage of the bill.

Representatives Morton and Silver spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1504.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1504 and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Ballasiotes, Carlson, Casada, Chandler, Cooke, Dyer, Foreman, Forner, Fuhrman, Horn, Lisk, Mielke, Morton, Padden, Schmidt, Schoesler, Sheahan, Silver, Stevens, Talcott, Tate, Van Luven and Wood - 24.

Excused: Representatives Dorn and Miller - 2.

Substitute House Bill No. 1504, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1532, by Representatives Veloria, Lisk, R. Johnson, Jacobsen, King, Pruitt, Karahalios, Quall, Van Luven, Long, Eide and Anderson

Creating an interim permit for physical therapist licensure candidates.

The bill was read the second time. On motion of Representative Dellwo, Substitute House Bill No. 1532 was substituted for House Bill No. 1532 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1532 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1532.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1532 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Substitute House Bill No. 1532, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1621, by Representatives Rayburn, Chandler and Jacobsen; by request of Department of Agriculture

Modifying the regulation of apiaries.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 38th Day, February 18, 1993.)

Representative Rayburn moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1621.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1621 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Engrossed House Bill No. 1621, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1667, by Representatives Romero, H. Myers, Heavey, Finkbeiner and Wolfe

Prohibiting additives for on-site sewage disposal systems.

Representative Peery moved that the House defer consideration of House Bill No. 1667 and the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1670, by Representatives Sommers, Heavey, Locke, King, Jacobsen, Vance, Wineberry, Mielke, Linville, Lisk, J. Kohl, Wolfe, Basich, Orr, Valle, Voloria, Anderson, G. Cole, Dorn, Jones, R. Fisher, Holm, Ogden and Kremen

Providing service credit for periods of paid leave.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1670 was substituted for House Bill No. 1670 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1679 was read the second time.

Representative Locke moved the adoption of the following amendment by Representatives Locke and Sommers:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided under the provisions of RCW 41.40.145 through 41.40.363.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The compensation earnable reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

Sec. 19. RCW 41.40.710 and 1992 c 119 s 3 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.40.610 through 41.40.740.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The compensation earnable reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

~~(3)~~ (4) Except as specified in subsection ~~((3))~~ (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the plan II employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

~~((3))~~ (4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to four years of military service.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW 41.40.650 plus interest as determined by the department within five years of resumption of service or prior to retirement, whichever comes sooner.

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall bill the employer for its contribution required under RCW 41.40.650 for the period of military service, plus interest as determined by the department.

(c) The contributions required shall be based on the average of the member's compensation earnable at both the time the member left the employ of the employer to enter the armed forces and the time the member resumed employment.

NEW SECTION. Sec. 20. A new section is added to chapter 41.26 RCW under the subchapter heading "Plan I" to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided under the provisions of RCW 41.26.080 through 41.26.3903.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

Sec. 21. RCW 41.26.520 and 1992 c 119 s 1 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.26.410 through 41.26.550.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection ~~((3))~~ (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: PROVIDED, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW 41.26.450. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

~~((3))~~ (4) A member who leaves the employ of the employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to four years of military service.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW 41.26.450 plus interest as determined by the department within five years of resumption of service or prior to retirement, whichever comes sooner.

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall bill the employer and the state for their respective contributions required under RCW 41.26.450 for the period of military service, plus interest as determined by the department.

(c) The contributions required shall be based on the average of the member's basic salary at both the time the member left the employ of the employer to enter the armed forces and the time the member resumed employment.

~~((4))~~ (5) A member receiving benefits under Title 51 RCW who is not receiving benefits under this chapter shall be deemed to be on unpaid, authorized leave of absence.

NEW SECTION. Sec. 22. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided under the provisions of RCW 41.32.240 through 41.32.575.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The

earnable compensation reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

Sec. 23. RCW 41.32.810 and 1992 c 119 s 2 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.32.755 through 41.32.825.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The earnable compensation reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

~~(3)~~ Except as specified in subsection ~~((3))~~ (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: PROVIDED, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW 41.32.775. The contributions required shall be based on the average of the member's earnable compensation at both the time the authorized leave of absence was granted and the time the member resumed employment.

~~((3))~~ (4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to four years of military service.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW 41.32.775 plus interest as determined by the department within five years of resumption of service or prior to retirement, whichever comes sooner.

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall bill the employer for its contribution required under RCW 41.32.775 for the period of military service, plus interest as determined by the department.

(c) The contributions required shall be based on the average of the member's earnable compensation at both the time the member left the employ of the employer to enter the armed forces and the time the member resumed employment.

Sec. 24. RCW 41.32.010 and 1992 c 212 s 1 and 1992 c 3 s 3 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(ii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

~~((iii) For members who receive service credit pursuant to RCW 41.32.034 or 41.32.355 for a period of authorized leave from a school district, the earnable compensation allowable for calculation of the member's average final compensation shall be the salary the member would have been paid by the district for the position the member occupied immediately prior to taking leave, as established in the district's collective bargaining agreement for nonsupervisory certificated employees.~~

~~(iv) For members who receive service credit pursuant to RCW 41.32.034 or 41.32.355 for a period of authorized leave from a community or technical college district, the earnable compensation allowable for calculation of average final compensation for periods of service authorized under this chapter shall be the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.)~~

(b) "Earnable compensation" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the

individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(b) "Service" for plan II members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan II members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

~~((40) "Education association" means an association organized to carry out collective bargaining activities, the majority of whose members are employees covered by chapter 41.59 RCW or academic employees covered by chapter 28B.52 RCW.))~~

Sec. 25. RCW 41.40.010 and 1991 c 343 s 6 and 1991 c 35 s 70 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(i) The compensation earnable the member would have received had such member not served in the legislature; or

(ii) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: PROVIDED FURTHER, That an individual shall receive no more than a total of twelve service credit months of service during any calendar year: PROVIDED FURTHER, That where an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire

fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

A member shall receive a total of not more than twelve service credit months of service for such calendar year: PROVIDED, That when an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.023: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

NEW SECTION. Sec. 26. This act applies on a retroactive basis to members for whom compensation and hours were reported under the circumstances described in sections 1 through 6 of this act. This act may also be applied on a retroactive basis to January 1, 1992, to members for whom compensation and hours would have been reported except for chapter 3, Laws of 1992, or explicit instructions from the department of retirement systems.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) RCW 41.32.034 and 1992 c 3 s 1;

(2) RCW 41.32.355 and 1992 c 3 s 2; and

(3) 1992 c 3 s 4 (uncodified).

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Locke and Silver spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1670.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1670 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt,

Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Engrossed Substitute House Bill No. 1670, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1705, by Representatives L. Johnson, Cooke, Leonard, Riley, Cothorn, King and Johanson

Extending the involuntary treatment act to cover the commitment of chemically dependent adults.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1705.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1705 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

House Bill No. 1705, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer consideration of House Bill No. 1724 and House Bill No. 1744 and the bills hold their place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1759, by Representatives H. Myers, Brough, Johanson, Miller, Locke, Ballasiotes, Chappell, Ludwig, Scott, Jones, Horn, Rayburn, Foreman, Roland, Forner and Wood

Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1759 was substituted for House Bill No. 1759 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1759 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers, Padden and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1759.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1759 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Substitute House Bill No. 1759, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1837, by Representatives Kessler, Mielke and Zellinsky; by request of Insurance Commissioner

Regulating credit for reinsurance.

The bill was read the second time. On motion of Representative Zellinsky, Substitute House Bill No. 1837 was substituted for House Bill No. 1837 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1837 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1837.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1837 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Substitute House Bill No. 1837, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House defer consideration of House Bill No. 1946 and House Bill No. 1969 and they hold their place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 2026, by Representatives Karahalios, Wood, Leonard and Kessler

Requiring notice about fetal alcohol syndrome.

The bill was read the second time. Committee on Commerce and Labor recommendation: Majority do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Commerce & Labor as amended by Committee on Appropriations. (For committee recommendations, see Journal 57th Day, March 8, 1993.)

On motion of Representative Heavey, Substitute House Bill No. 2026 was substituted for House Bill No. 2026 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2026 was read the second time.

Representative Valle moved adoption of the committee amendment and spoke in favor of them. The committee amendment were adopted.

The bill was ordered engrossed.

With consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Karahalios, Wood and R. Johnson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2026.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2026 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Engrossed Substitute House Bill No. 2026, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2032, by Representatives Appelwick and R. Fisher; by request of Administrator for the Courts

Authorizing counties with a population of one million or more to have family court and mental health commissioners.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ludwig spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2032.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2032 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

House Bill No. 2032, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2061, by Representatives Chappell and King

Changing hunter education provisions.

The bill was read the second time. Representative King moved that the committee amendment by Committee on Fisheries and Wildlife not be adopted: (For committee amendment see Journal, 52nd Day, March 3, 1993.)

Representative King moved that the committee amendment not be adopted and spoke in favor of it. Representative Fuhrman spoke against it. The committee amendment was not adopted.

Representative Chappell moved adoption of the following amendment by Representatives Chappell, King and Fuhrman:

On page 1, line 5, after "persons" strike "~~((under the age of eighteen))~~ born after January 1, 1972." and insert "under the age of eighteen"

On page 1, after line 8, insert: "Beginning January 1, 1995, all persons purchasing a hunting license for the first time, if born after January 1, 1972, shall present such certification."

Representative Chappell spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

With consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chappell, Fuhrman and Orr spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2061.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 2061 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dorn and Miller - 2.

Engrossed House Bill No. 2061, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2069, by Representatives Mielke and Zellinsky

Allowing institutions of higher education to cash student's and employee's checks.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Zellinsky spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2069.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2069 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Cole, G. and Quall - 2.

Excused: Representatives Dorn and Miller - 2.

House Bill No. 2069, having received the constitutional majority, was declared passed.

With the consent of the House, the House reverted to Substitute House Bill No. 1299.

SUBSTITUTE HOUSE BILL NO. 1299, by Representatives Pruitt, Forner, J. Kohl, Shin, Flemming, Carlson, Peery, Basich, Scott, Cothorn, Thibaudeau, Kessler, Holm, Karahalios, Eide, Linville, Johanson, G. Cole, Riley, Van Luven, Jacobsen, Wang, Leonard, Quall, Silver, Brumsickle, Thomas, H. Myers, Rayburn and L. Johnson; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

The bill was read the second time.

SPEAKER'S RULING

The Speaker: Representative Appelwick, the Speaker is prepared to rule on your point of order regarding the scope and object of Amendment 128 to Substitute House Bill No. 1299. The Speaker has examined the bill and the amendment by Representative Casada.

Substitute House Bill No. 1299 is an act relating to student safety and discipline. It defines the criminal liability of adults and students carrying firearms or other dangerous weapons onto school property. It also deals with the disciplinary authority of school districts.

Amendment 128 by Representative Casada alters the Department of Licensing's authority to revoke a juvenile's driver's license to include any firearms offense, whether or not related to schools or students. The Speaker finds that amendment 128 does change the scope and object of Substitute House Bill No. 1299 because it brings in unrelated issues: non-school-related offenses under RCW Chapter 9.41.

The point of order is well taken. The amendment is out of order.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick, Padden, Campbell, Carlson, and Pruitt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1299.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1299 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman and Stevens - 2.

Excused: Representatives Dorn and Miller - 2.

Substitute House Bill No. 1299, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I wish to change my vote from "NO" to "YES" on Substitute House Bill No. 1299. I meant to support the bill in its present form with the corrective amendments which improved the bill as it was originally written.

STEVE FUHRMAN, 7th District

I intended to vote "YES" instead of "NO" on Substitute House Bill No. 1299.

VAL STEVENS, 39th District

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MESSAGE FROM THE SENATE

March 13, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5620,
SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5744,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5940,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Peery moved that the House consider the following bills in the following order, House Bill No. 1667, House Bill No. 1744, House Bill No. 1949, House Bill No. 1969 and House Bill No. 2073. The motion was carried.

HOUSE BILL NO. 1667, by Representatives Romero, H. Myers, Heavey, Finkbeiner and Wolfe

Prohibiting additives for on-site sewage disposal systems.

The bill was read the second time. On motion of Representative G. Fisher, Substitute House Bill No. 1667 was substituted for House Bill No. 1667 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1667 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Horn spoke in favor of passage of the bill and Representative Forner spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1667.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1667 and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Talcott, Thibaudeau, Valle, Vance, Voloria, Wang, Wineberry, Wolfe and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Ballasiotes, Casada, Chandler, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Heavey, Lisk, Mielke, Morton, Padden, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Springer, Stevens, Tate, Thomas, Van Luven, Wood and Zellinsky - 29.

Substitute House Bill No. 1667, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1744, by Representatives Heavey, G. Cole, Brough and Orr

Changing provisions relating to the LEOFF system.

The bill was read the second time. On motion of Representative Locke, Substitute House Bill No. 1744 was substituted for House Bill No. 1744 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1744 was read the second time.

Representative Sommers moved adoption of the following amendment by Representatives Sommers and Silver:

On page 14, line 13, after "require" strike "a port district" and insert "the employer"

17 On page 14, beginning on line 15, after "RCW" strike all material down to and including "41.26.030" on line

Representatives Sommers and Silver spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1744.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1744 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1744, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1949, by Representatives Morris, Wang, Appelwick, Brough, Rust, Foreman, Springer, Peery, Ogden, Dunshee, Sommers, G. Cole, G. Fisher, R. Meyers, Riley, Mastin, Quall, Kessler, Romero, Karahalios, Shin, Basich, Heavey, Zellinsky, Ludwig, Roland, L. Johnson, Orr, Valle, Flemming, Bray, Holm, Hansen, Rayburn, Wolfe, Anderson, Finkbeiner, H. Myers, R. Fisher, Locke, Brown, Sheldon, Johanson, Veloria, Cothorn, Scott, Leonard, Jacobsen, R. Johnson, King, Linville, Pruitt, Eide, Campbell, Grant, J. Kohl and Patterson

Prohibiting tax exempt nonprofit organizations from political activity.

The bill was read the second time. On motion of Representative G. Fisher, Substitute House Bill No. 1949 was substituted for House Bill No. 1949 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1949 was read the second time.

Representative Fuhrman moved adoption of the following amendment by Representatives Fuhrman and Morris:

On page 1, line 6, after "is" strike "a privilege"

On page 1, line 11, after "granted." strike everything through "bills." on line 15 and insert "The legislature further finds that, because of the nature of the state's tax system, many essential services, such as education, and police and fire protection, are paid by the citizens through their property tax bills."

On page 1, line 17, after "for the" strike "privilege of"

On page 2, line 1, after "corporations" strike all material through "and" on line 3.

Representative Fuhrman spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Heavey, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1949.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1949 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn,

Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Van Luven - 1.

Engrossed Substitute House Bill No. 1949, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1969, by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl

Creating the "Washington serves" voluntary service program.

The bill was read the second time. On motion of Representative Locke, Substitute House Bill No. 1969 was substituted for House Bill No. 1969 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1969 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wang and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1969.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1969 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Wineberry - 1.

Substitute House Bill No. 1969, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2073, by Representative Wang

Modifying eligibility requirements for the nonprofit homes for the aging property tax exemption.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wang and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2073.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2073 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Van Luven - 1.

House Bill No. 2073, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative Appelwick presiding) called the House to order.

MOTION

Representative Sheldon moved that the House immediately consider House Bill No. 1493. The motion was carried.

HOUSE BILL NO. 1493, by Representatives Wineberry, Forner, Shin, Sheldon, Leonard, Basich, Locke, J. Kohl, Morris and Anderson

Assisting minority and women-owned businesses.

Representative Sheldon moved that the House defer consideration of House Bill No. 1493 and the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1635, by Representatives Zellinsky, Schmidt, King, Ballard, Dorn, Sehlín, Heavey, Kremen, Brough, Sheldon, Wood, Jones, Jacobsen, J. Kohl, R. Johnson, Karahalios, Holm, Scott, Orr, Kessler, Pruitt, R. Fisher, Wang, Springer, Quall, Conway, Anderson, Shin, Veloria, Leonard, Campbell, R. Meyers, Ballasiotes, Vance, Foreman, Patterson, Valle, Johanson, Miller, Chandler, G. Fisher, Roland, Linville and Cothorn

Purchasing jumbo ferries.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1635 was substituted for House Bill No. 1635 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1635 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky, Schmidt, R. Fisher and Heavey spoke in favor of passage of the bill.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1635.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1635 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn,

Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1635, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1662, by Representatives Wineberry, Shin, Forner, Sheldon, Wang, Riley, Ogden, Silver, Valle, Jones, Holm, Basich, Rayburn, Jacobsen, Kremen, Cooke and J. Kohl; by request of Department of Trade and Economic Development

Reauthorizing the community economic revitalization board.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority, do pass substitute. Committee on Capital Budget recommendation: Majority, do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Wineberry, Substitute House Bill No. 1662 was substituted for House Bill No. 1662 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1662 was read the second time.

Representative Wang moved adoption of the committee amendment and spoke in favor of them. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry and Forner spoke in favor of passage of the bill.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1662.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1662 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1662, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1678, by Representatives Eide, Brough, Wineberry, Pruitt, Valle, Quall and Sheldon

Continuing funding for Operation New Market.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1678 was substituted for House Bill No. 1678 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1678 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eide, Wineberry and Forner spoke in favor of passage of the bill.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1678.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1678 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1678, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1776, by Representatives Wineberry, Ballard, Jacobsen, Wood, Finkbeiner, Reams, Ogden, Vance, Peery, Cooke, Dorn, Johanson, R. Meyers, Campbell, Miller, Brough, Horn, Long, Foreman, J. Kohl and Forner

Creating the office of science and technology.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Wineberry, Substitute House Bill No. 1776 was substituted for House Bill No. 1776 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1776 was read the second time.

Representative Locke moved the committee amendments and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry and Forner spoke in favor of passage of the bill.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1776.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1776, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1776, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1785, by Representatives Locke, J. Kohl, Rust, Jacobsen, Wineberry, Shin, Dunshee, Holm, Pruitt, Jones, Finkbeiner, King, Basich, Quall, Orr, Johanson, Leonard and Anderson

Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Appropriations. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Rust, Substitute House Bill No. 1785 was substituted for House Bill No. 1785 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1785 was read the second time.

Representative Locke moved the committee amendment and spoke in favor of it. The committee amendment were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Locke, Basich, J. Kohl, Edmondson, Horn and Foreman spoke in favor of passage of the bill and Representative Morton spoke against it.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1785.

POINT OF INQUIRY

Representative Locke yielded to a question by Representative Edmondson.

Representative Edmondson: In the amendment, in how the bill has changed, are you saying this is merely a structure to receive federal funds, is or that there will be state appropriations in future legislation.

Representative Locke: This is structure legislation. It's setting up an account. There are no appropriations in this legislation. There is also no tax source in this legislation. This account could receive fund money, either the existing monies that are now flowing through the department, or enhancement money, either this biennium or future biennium. For instance we spend a lot of money through the Parks Department, Department of Ecology, Natural Resources, Puget Sound Water Quality Authority, and the thought id some that of money that would otherwise be spent in the normal course of events quality would directly to the council so that there's coordination between what the Department of Ecology is doing and what Department of Natural Resources is doing so that one agency isn't cleaning up streams downstream, while another agency is doing something that's counter-productive upstream together.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1785 , and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 85.

Voting nay: Representatives Ballasiotes, Chandler, Edmondson, Fuhrman, Lisk, Morton, Padden, Schmidt, Schoesler, Sheahan, Stevens, Thomas and Van Luven - 13.

Engrossed Substitute House Bill No. 1785, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1790, by Representatives Patterson, Ballard, Wood, Ogden, Pruitt, Jones, King, Jacobsen, Basich, Wang, Kremen, Rayburn, Sehlin, Schoesler, Karahalios, Lemmon, H. Myers, Reams, Schmidt, Cooke and Stevens; by request of Department of Community Development

Authorizing public works board project loans.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker called on Representative R. Meyers to preside.

Representatives Patterson and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1790.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1790, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1790, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1799, by Representatives Wineberry, Forner, Shin, Morris, Springer, Valle and Karahalios

Clarifying the use of funds for economic development by the economic development finance authority.

The bill was read the second time. On motion of Representative Ogden, Substitute House Bill No. 1799 was substituted for House Bill No. 1790 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1790 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry, Shin, Wang, Forner and Sehlin spoke in favor of passage of the bill and Representatives Silver and Riley spoke against it.

Representative Wineberry again spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1799.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1799, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 86.

Voting nay: Representatives Ballard, Brough, Chandler, Dyer, Foreman, Heavey, Lisk, Locke, Riley, Silver, Stevens and Thomas - 12.

Substitute House Bill No. 1799, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4016, by Representatives Valle, Wood, Springer, Shin, Forner, Quall, Casada, Sheldon, Morris, Jacobsen, Wolfe, L. Johnson, Karahalios, Chappell and J. Kohl

Requesting the federal government to enhance the promotion of mathematics, science, and technology.

The memorial was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Valle spoke in favor of passage of the memorial.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Joint Memorial No. 4016.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4016, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Joint Memorial No. 4016, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1006, by Representatives R. Fisher, Zellinsky, Brumsickle, Dorn, R. Meyers, Miller, Scott, Sheldon, Wineberry, Ogden, Wood, Schmidt, Ballasiotes, Forner, Cooke, Talcott, Chandler, Leonard, Jacobsen, Eide, Horn and Pruitt

Enabling public-private transportation initiatives.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1006 was substituted for House Bill No. 1006 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1006 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1006.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1006, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1006, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1107, by Representatives R. Fisher and Jacobsen

Requiring yielding right of way to buses.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 31st Day, February 10, 1993.)

Representative R. Fisher moved that the committee amendment be adopted and spoke in favor of the amendment. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative J. Kohl, Representative Leonard was excused.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1107.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1107, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Engrossed House Bill No. 1107, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1276, by Representatives R. Fisher, Schmidt, R. Meyers, Brown, Jones, Johanson, Cothorn, J. Kohl, Horn and Wood; by request of Department of Transportation

Developing a public transportation policy plan.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1276 was substituted for House Bill No. 1276 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1276 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1276.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1276, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Substitute House Bill No. 1276, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1928, by Representatives R. Fisher, Quall, Locke, Roland and Johanson

Providing for more comprehensive regional transportation planning.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1928 was substituted for House Bill No. 1928, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1928 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1928.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1928, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Substitute House Bill No. 1928, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1942, by Representatives R. Fisher, Quall, Locke and Johanson

Facilitating state-wide transportation planning.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1942.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1942, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

House Bill No. 1942, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House defer House Bill No. 1984 and the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 2036, by Representatives R. Fisher, Locke and Johanson

Providing multimodal transportation funding.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 2036 was substituted for House Bill No. 2036, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2036 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2036.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2036, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Substitute House Bill No. 2036, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1144, House Bill No. 1350, House Bill No. 1356, House Bill No. 1419, House Bill No. 1771 and House Bill No. 1999. The motion was carried.

HOUSE BILL NO. 1144, by Representatives Rust, Linville, Leonard, H. Myers, Campbell, Jacobsen, Valle, R. Fisher, Ogden, J. Kohl and Locke; by request of Office of Marine Safety

Providing a funding mechanism for the office of marine safety's field operations.

The bill was read the second time. On motion of Representative Rust, Substitute House Bill No. 1144 was substituted for House Bill No. 1144, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1144 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Horn spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1144.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1144, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Talcott and Van Luven - 2.

Excused: Representative Leonard - 1.

Substitute House Bill No. 1144, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to change my vote from "NO" to "YES" on Substitute House Bill No. 1144.

GIGI TALCOTT, 28th District

HOUSE BILL NO. 1350, by Representatives King, Fuhrman, Basich, Wood, Orr, Tate, Johanson and Foreman

Requiring pink shrimp endorsements.

The bill was read the second time. On motion of Representative King, Substitute House Bill No. 1350 was substituted for House Bill No. 1350, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1350 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative King spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1350.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1350, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Substitute House Bill No. 1350, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1356, by Representatives Rust, Horn, Roland and Valle; by request of Department of Health

Modifying penalties and compliance for public water systems.

The bill was read the second time. On motion of Representative Rust, Substitute House Bill No. 1356 was substituted for House Bill No. 1356, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1356 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Horn spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1356.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1356, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Karahalios and Sehlín - 2.

Excused: Representative Leonard - 1.

Substitute House Bill No. 1356, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1419, by Representatives G. Fisher, Horn and Rust; by request of Department of Ecology

Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1419.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1419, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

House Bill No. 1419, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1771, by Representatives King and Jacobsen

Taking measures to prevent the destruction of fish protection devices.

The bill was read the second time. On motion of Representative King, Substitute House Bill No. 1771 was substituted for House Bill No. 1771, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1771 was read the second time.

Representative King moved the following amendment by Representatives King and Foreman:

On page 2, line 2, after "to" insert "unnecessarily"

On page 2, line 3, after "causes" strike "unnecessary harm to fish life" and insert "a substantial risk of death to fish. Unnecessary modification includes modification other than that necessary for maintenance and operation or research, provided such maintenance and operation or research is conducted in a manner to minimize risk of death to fish"

On page 2, line 24, after "to" insert "unnecessarily"

On page 2, line 25, after "causes" strike "unnecessary harm to fish life" and insert "a substantial risk of death to fish. Unnecessary modification includes modification other than that necessary for maintenance and operation or research, provided such maintenance and operation or research is conducted in a manner to minimize risk of death to fish"

Representative King spoke in favor of adoption of the amendment and it was adopted.

Representative King moved the following amendment by Representatives King and Foreman:

On page 2, strike line 6 and insert "destroyed, damaged, or modified, or caused to be unlawfully destroyed, damaged, or modified,"

On page 2, line 9, before "destruction" insert "unlawful"

On page 2, strike line 28 and insert "destroyed, damaged, or modified, or caused to be unlawfully destroyed, damaged, or modified,"

On page 2, line 31, before "destruction" insert "unlawful"

Representative King spoke in favor of adoption of the amendment and it was adopted.

Representative King moved the following amendment by Representative King:

On page 3, line 5, after "chapter" strike "90.03 RCW" and insert "75.20 RCW"

Representative King spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives King and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1771.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1771, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1771, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MESSAGE FROM THE SENATE

March 13, 1993

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5028,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5068,
SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5222,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5358,
SENATE BILL NO. 5384,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5454,
SUBSTITUTE SENATE BILL NO. 5471,
ENGROSSED SENATE BILL NO. 5508,
ENGROSSED SENATE BILL NO. 5522,
ENGROSSED SENATE BILL NO. 5544,
SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5606,
SENATE BILL NO. 5649,
SENATE BILL NO. 5675,
SUBSTITUTE SENATE BILL NO. 5922,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1464, House Bill No. 1140, House Bill No. 1300 and House Bill No. 1984. The motion was carried.

HOUSE BILL NO. 1464, by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer

Making laws relating to local government office vacancies more uniform.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1464 was substituted for House Bill No. 1464, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1464 was read the second time.

Representative Horn moved the following amendment by Representatives Horn, H. Myers and Edmondson:

On page 64, after line 7, insert the following:

"Sec. 75. RCW 70.77.177 and 1984 c 249 s 6 are each amended to read as follows:

"Local fire official" means the chief of a local fire department (~~(or fire protection district,))~~ or a chief fire protection officer or such other person as may be designated by the governing body of a city(~~(,))~~ or county(~~(, or district))~~ to act as a local fire official under this chapter.

NEW SECTION. Sec. 76. A new section is added to chapter 70.77 RCW to read as follows:

"City" means any city or town.

Sec. 77. RCW 70.77.265 and 1984 c 249 s 12 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(1) shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city(~~(,))~~ or county(~~(, or fire protection district))~~.

Sec. 78. RCW 70.77.270 and c 249 s 13 are each amended to read as follows:

The governing body of a city(~~(,))~~ or county(~~(, or fire protection district))~~ may grant or deny an application for a permit under RCW 70.77.260(1). The governing body may place reasonable conditions on any permit it issues.

Sec. 79. RCW 70.77.280 and 1984 c 249 s 14 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(2) for a public display of fireworks shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the official shall submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city(~~(,))~~ or county(~~(, or fire protection district))~~. The governing body may grant or deny the application and may place reasonable conditions on any permit it issues.

Sec. 80. RCW 70.77.355 and 1986 c 266 s 105 are each amended to read as follows:

(1) Any adult person may secure a general license from the director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city(~~(,))~~ or county(~~(, or fire protection district))~~, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260.

Sec. 81. RCW 70.77.450 and 1986 c 266 s 113 are each amended to read as follows:

The director of community development, through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the director of community development, through the director of fire protection, his or her deputies(~~(, his or her))~~ or salaried assistants (~~(and the chief of any city or county fire department or fire protection district)),~~ the local fire official, and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section."

Representative Horn spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Horn spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1464.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1464, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Heavey - 1.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1464, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1140, by Representatives Locke, Horn, H. Myers, Eide, Valle, Rust, Leonard, Basich, Franklin, Shin, Springer and J. Kohl

Revising provisions relating to metropolitan municipal corporations.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1140 was substituted for House Bill No. 1140, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1140 was read the second time.

Representative H. Myers moved the following amendment by Representatives H. Myers and Edmondson:

On page 6, beginning on line 20, strike all of section 5

Representatives H. Myers and Edmondson spoke in favor of adoption of the amendment and it was adopted.

Representative H. Myers moved the following amendment by Representatives H. Myers and Edmondson:

On page 10, beginning on line 33, strike all of section 12 and insert the following:

"Sec. 29. RCW 35.58.410 and 1965 c 7 s 35.58.410 are each amended to read as follows:

(1) On or before the third Monday in June of each year, each metropolitan municipal corporation shall adopt a budget for the following calendar year. Such budget shall include a separate section for each authorized metropolitan function. Expenditures shall be segregated as to operation and maintenance expenses and capital and betterment outlays. Administrative and other expense general to the corporation shall be allocated between the authorized metropolitan functions. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. ~~((The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities and counties in the manner provided in this chapter.))~~ The metropolitan council shall not be required to confine capital or betterment expenditures made from bond proceeds or emergency expenditures to items provided in the budget. The affirmative vote of three-fourths of all members of the metropolitan council shall be required to authorize emergency expenditures.

(2) Subsection (1) of this section shall not apply to a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW. This subsection (2) shall apply only to each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW.

Each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall, on or before the third Monday in June of each year, prepare an estimate of all revenues to be collected during the following calendar year, including any surplus funds remaining unexpended from the preceding year for each authorized metropolitan function.

As long as any general obligation indebtedness remains outstanding that was issued by the metropolitan municipal corporation prior to the assumption by the county, the county shall continue to impose the taxes authorized by RCW 82.14.045 and 35.58.273(5) at the maximum rates and on all of the taxable events authorized by law. If, despite the continued imposition of those taxes, the estimate of revenues made on or before the third Monday in June shows that estimated revenues will be insufficient to make all debt service payments falling due in the following calendar year on all general obligation indebtedness issued by the metropolitan municipal corporation prior to the assumption by the county of the rights, powers, functions, and obligations of the metropolitan municipal corporation, the remaining amount required to make the debt service payments shall be designated as "supplemental income" and shall be obtained from component cities and component counties as provided under RCW 35.58.420.

The county shall prepare and adopt a budget each year in accordance with applicable general law or county charter. If supplemental income has been designated under this subsection, the supplemental income shall be reflected in the budget that is adopted. If during the budget year the actual tax revenues from the taxes imposed under the authority of RCW 82.14.045 and 35.58.273(5) exceed the estimates upon which the supplemental income was based, the difference shall be refunded to the component cities and component counties in proportion to their payments promptly after the end of the budget year. A county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall not be required to confine capital or betterment expenditures for authorized metropolitan functions from bond proceeds or emergency expenditures to items provided in the budget."

Representatives H. Myers and Edmondson spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1140.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1140, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1140, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1300, by Representatives Appelwick, Padden, J. Kohl, Riley, Forner, Ballasiotes, Schmidt, Brough, Long, Thibaudeau, Karahalios, Franklin, Johanson, G. Cole, Wood, Casada, Jacobsen, Leonard and H. Myers

Revising laws relating to discrimination.

The bill was read the second time. On motion of Representative Appelwick, Substitute House Bill No. 1300 was substituted for House Bill No. 1300, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1300 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1300.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1300, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

Substitute House Bill No. 1300, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1984, by Representatives R. Fisher, Schmidt, Zellinsky, R. Meyers, Orr and Van Luven

Revising pilotage law.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1984.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1984, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Leonard - 1.

House Bill No. 1984, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1089, House Bill No. 1309, House Bill No. 1320, House Bill No. 1357 and House Bill No. 1809. The motion was carried.

HOUSE BILL NO. 1089, by Representatives J. Kohl, Horn, Rust and Pruitt; by request of Department of Ecology

Changing air quality operating permit requirements.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Revenue. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Rust, Substitute Bill No. 1089 was substituted for House Bill No. 1089, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1089 was read the second time.

Representative G. Fisher moved adoption of the committee amendment and it was adopted.

Representative G. Fisher moved that the committee amendment on page 2, line 23 not be adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Representative J. Kohl yielded to a question by Representative Horn.

Representative Horn: Section 8(3) (d) allows source-specific RACT (reasonably available control technology) determinations "prior to the development of a categorical RACT rule."

Does this language prohibit a source-specific RACT determination for a source covered by a categorical rule developed prior to the 1991 Clean Air Washington Act?

Representative J. Kohl: No. The exception in section 8(3) (d) is intended to refer to categorical RACT rules developed subsequent to the passage of the 1991 Act. This language allows a source-specific RACT determination until such time as a post-1991 categorical RACT rule has been developed.

Representative Horn: Section 8(5) of the bill states that Ecology and local air authorities shall address, where practicable, all contaminants deemed to be of concern for that source or source category when making RACT determinations.

If a source emits multiple air contaminants that are of concern, does this mean that Ecology or the local authority should make every effort to address all such contaminants during the course of the review?

Representative J. Kohl: It is intended that Ecology and local air authorities make every effort to address all contaminants of concern simultaneously. However, the intent of the language is not to preclude Ecology or the local air authorities from establishing standards for particular air pollutants at a later date.

Representative Horn: Section 8(7) authorizes Ecology and the local air authorities to collect fees covering "determinations of RACT requirements as defined under this section and RCW 70.94.331(9)."

Does the reference to determinations "made under this section and RCW 70.94.331(9)" mean that a source might have to pay two fees for a single determination by Ecology or a local authority?

Representative J. Kohl. No. It is intended that a source be assessed a single fee for a particular RACT determination or revision; a source will not be charged twice for the same agency decision.

Representatives J. Kohl and Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1089.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1089, and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlín, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 84.

Voting nay: Representatives Chandler, Edmondson, Fuhrman, Hansen, Lisk, Mielke, Morton, Padden, Schoesler, Sheahan, Silver, Stevens and Van Luven - 13.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1089, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1309, by Representatives King, Orr, Scott, G. Cole, Basich, Lemmon, Morris, Jones, Rust, Holm, R. Meyers, Johanson, J. Kohl, Jacobsen and Leonard

Protecting and recovering wild salmonids.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Fisheries & Wildlife as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative King, Substitute House Bill No. 1309 was substituted for House Bill No. 1309 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1309 was read the second time.

Representative Valle moved adoption of the committee amendments and spoke in favor of the them. The committee amendments were adopted.

Representative Fuhrman moved the following amendment by Representatives Fuhrman and King:

On page 3, line 14, after "interests," insert "the Washington rangelands committee,"

Representative Fuhrman spoke in favor of adoption of the amendment and it was adopted.

Representative King moved the following amendment by Representatives King and Fuhrman:

On page 6, line 21, after "water" strike "right permits" and insert "~~((right permits))~~ rights"

On page 6, line 22, after "water" strike "right permits" and insert "~~((permits))~~ rights"

Representative King spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives King and Basich spoke in favor of passage of the bill and Representative Fuhrman spoke against it.

The Speaker assumed the chair.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1309.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1309, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, Hansen, Morton, Sheahan and Stevens - 5.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1309, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to change my vote from "YES" to "NO" on Engrossed Substitute House Bill No. 1309.

GARY CHANDLER, 13th District

RECONSIDERATION

Representative Miller moved that the House immediately reconsider the vote in which Engrossed Substitute House Bill No. 1368 failed to pass the House.

Representative Padden spoke in favor of the motion to reconsider Engrossed Substitute House Bill No. 1368.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1368 on reconsideration.

Representative Padden spoke in favor of passage of the bill and Representative Locke spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1368, and the bill passed the House by the following vote: Yeas - 57, Nays - 40, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Brough, Brown, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dunshee, Eide, Finkbeiner, Forner, Fuhrman, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Jones, Kessler, King, Kohl, J., Lemmon, Linville, Locke, Long, Ludwig, Mastin, Miller, Morton, Myers, H., Padden, Pruitt, Riley, Romero, Schoesler, Scott, Sheahan, Shin, Silver, Sommers, Springer, Stevens, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Bray, Brumsickle, Chandler, Dellwo, Dorn, Dyer, Edmondson, Fisher, G., Fisher, R., Flemming, Foreman, Heavey, Horn, Johnson, R., Karahalios, Kremen, Lisk, Meyers, R., Mielke, Morris, Ogden, Orr, Patterson, Peery, Quall, Rayburn, Reams, Roland, Rust, Schmidt, Sehlin, Sheldon, Talcott, Tate, Thomas, Vance and Zellinsky - 40.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1368, having received the constitutional majority, was declared passed.

The Speaker called upon Representative R. Meyers to preside.

HOUSE BILL NO. 1320, by Representatives Pruitt and R. Johnson

Modifying the forest fire protection assessment.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Revenue. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative Pruitt, Substitute House Bill No. 1320 was substituted for House Bill No. 1320 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1320 was read the second time.

Representative G. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Pruitt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1320.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1320, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 83.

Voting nay: Representatives Ballard, Chandler, Dyer, Foreman, Fuhrman, Lisk, Morton, Padden, Schoesler, Sheahan, Silver, Stevens, Thomas and Van Luven - 14.

Excused: Representative Leonard - 1.

Engrossed Substitute House Bill No. 1320, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1357, by Representatives Rust, Horn, Roland and Valle; by request of Department of Health

Modifying certification of public water supply system operators.

The bill was read the second time. On motion of Representative Rust, Substitute House Bill No. 1357 was substituted for House Bill No. 1357, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1357 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Horn spoke in favor of passage of the bill.

On motion of Representative Fuhrman, Representative Padden was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas - 75, Nays - 21, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 75.

Voting nay: Representatives Ballard, Casada, Dyer, Edmondson, Finkbeiner, Fuhrman, Lisk, Mastin, Mielke, Morton, Reams, Roland, Schmidt, Schoesler, Sheahan, Silver, Stevens, Tate, Thomas, Vance and Van Luven - 21.

Excused: Representatives Leonard and Padden - 2.

Substitute House Bill No. 1357, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1809, by Representatives Locke and Wang

Permitting the pooling of department of natural resources trust management accounts.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Locke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1809.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1809, and the bill passed the House by the following vote: Yeas - 78, Nays - 18, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Casada, Chandler, Cooke, Dyer, Foreman, Fuhrman, Lisk, Mielke, Morton, Schoesler, Sheahan, Silver, Stevens, Talcott, Tate, Thomas and Van Luven - 18.

Excused: Representatives Leonard and Padden - 2.

House Bill No. 1809, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1999, by Representatives Campbell, Grant, Mastin and Veloria

Requiring back-up power for public water systems.

The bill was read the second time. On motion of Representative Finkbeiner, Substitute House Bill No. 1999 was substituted for House Bill No. 1999, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1999 was read the second time.

Representative Sheldon moved the following amendment by Representatives Sheldon, Grant and Casada:

On page 3, line 3, after "systems" insert ". These provisions shall not apply to a public water system with fewer than one hundred connections which is owned by a non-profit association"

Representative Sheldon spoke in favor of adoption of the amendment and it was adopted.

Representative Sheldon moved the following amendment by Representative R. Meyers:

On page 3, line 6, after "systems;" strike "and" and insert "~~(and)~~"

On page 3, line 8, after "plants" insert "; and (ix) A process by which public water districts can acquire water systems by condemnation or otherwise"

Representative Sheldon spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Campbell and Miller spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1999.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1999, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Springer - 1.

Excused: Representatives Leonard and Padden - 2.

Engrossed Substitute House Bill No. 1999, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1072, by Representatives Appelwick, Ludwig, Johanson and Ogden

Changing provisions relating to guardians ad litem.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1072 was substituted for House Bill No. 1072, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1072 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Ludwig spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1072.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1072, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Padden - 2.

Substitute House Bill No. 1072, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1093, by Representatives Zellinsky, R. Fisher, Bray, Springer, Rayburn, Dunshee, Edmondson, Foreman, Brough, Miller and Forner

Revising provisions relating to compensation of local officials.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1093 was substituted for House Bill No. 1093, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1093 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1093.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1093, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt,

Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.
Excused: Representatives Leonard and Padden - 2.
Substitute House Bill No. 1093, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1153, by Representative R. Johnson

Restricting property divisions.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

On motion of Representative Wood, Representatives Ballasiotes and Edmondson were excused.

Representatives R. Johnson, Quall and Dunshee spoke in favor of passage of the bill and Representatives Heavey, Foreman, Horn and Schoesler spoke against it.

Representative R. Johnson again spoke in favor of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1153.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1153, and the bill failed to pass the House by the following vote: Yeas - 38, Nays - 57, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Bray, Brough, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Eide, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, King, Kohl, J., Locke, Ogden, Patterson, Peery, Pruitt, Quall, Romero, Rust, Scott, Sommers, Springer, Valle, Veloria, Wang, Wolfe and Mr. Speaker - 38.

Voting nay: Representatives Ballard, Basich, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Johanson, Karahalios, Kessler, Kremen, Lemmon, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Wineberry, Wood and Zellinsky - 57.

Excused: Representatives Ballasiotes, Leonard and Padden - 3.

House Bill No. 1153, not having received the constitutional majority, was declared failed.

The Speaker assumed the chair.

MOTION

Representative Sheldon moved that the House immediately consider House Bill No. 1457 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1457, by Representatives Peery, Dorn, Brough, Brumsickle, Chappell, Leonard, Jones, Pruitt, Ogden, Basich, Rayburn, Karahalios, G. Cole, Springer, Locke, Eide, Mastin, Cothorn, G. Fisher, Morris and H. Myers

Raising the minimum dollar amount requiring competitive bidding by school districts.

The bill was read the second time. On motion of Representative Dorn, Substitute House Bill No. 1457 was substituted for House Bill No. 1457, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1457 was read the second time.

Representative G. Fisher moved adoption of the amendment by Representatives G. Fisher, G. Cole, Jones, Holm, Wang and Locke:

On page 1, line 19, after ((~~seventy five hundred~~)), strike "fifteen" and insert "twenty five"

On page 1, line 19, after "dollars", insert "if more than one craft or trade is involved with the school district improvement or repair, or fifteen thousand dollars if a single craft or trade is involved with the school district improvement or repair"

On page 2, line 21, after "project" insert "that involves more than one craft or trade"

On page 2, line 22, after ((~~seventy five hundred~~)), strike "fifteen", and insert "twenty five"

On page 2, line 23, after "process", insert ": PROVIDED, That when such building, improvement, repair or other public works project involves a single trade or craft, and the cost is estimated to be in excess of fifteen thousand dollars, it shall be on a competitive bid process"

Representatives G. Fisher, Jones, Carlson and Pruitt spoke in favor of adoption of the amendment and Representatives Brough, Fuhrman, Vance and Brumsickle spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

On motion of Representative Wood, Representatives Thomas and Schmidt were excused.

With the consent of the House, further consideration of Substitute House Bill No. 1457 was deferred and the bill held its place on the second reading calendar.

NOTICE OF RECONSIDERATION

Representative H. Myers, having voted on the prevailing side, moved that the House reconsider the vote by which House Bill No. 1153 failed to pass the House.

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

MOTION

On motion of Representative Peery, the House adjourned until 9:00 a.m., Monday, March 15, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SIXTY-SECOND DAY, MARCH 13, 1993

JOURNAL OF THE HOUSE

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

SIXTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 15, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative Campbell presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Campbell presiding) called on Representative Kremen to preside.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tiffanee Barnes and Mylei Basich. Prayer was offered by Reverend David Stathopulo, Minister of Capital Lakes Church of Olympia.

The Speaker (Representative Kremen presiding) called on Representative Wang to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SB 5028 by Senator Haugen

Prohibiting additives for on-site sewage disposal systems.

Referred to Committee on Environmental Affairs.

ESSB 5061 by Senate Committee on Law & Justice (originally sponsored by Senators Fraser, Winsley and A. Smith)

Limiting residential time in parenting plans and visitation orders for abusive parents.

Referred to Committee on Judiciary.

SSB 5068 by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, McCaslin, Nelson, Erwin, Vognild and Roach)

Changing the homestead exemption.

Referred to Committee on Judiciary.

SSB 5145 by Senate Committee on Labor & Commerce (originally sponsored by Senator Winsley)

Regulating bungee jumping.

Referred to Committee on Commerce & Labor.

SSB 5222 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, Erwin, Bluechel, M. Rasmussen, Deccio, Winsley and Barr)

Establishing a project to assist urban/rural economic partnerships.

Referred to Committee on Trade, Economic Development & Housing.

ESB 5280 by Senators Hargrove, Erwin, Owen, Sutherland and Jesernig

Creating a certification program for contractors.

Referred to Committee on Commerce & Labor.

E2SSB 5304 by Senate Committee on Ways & Means (originally sponsored by Senators Talmadge, Gaspard, Moore, Deccio, Wojahn, Moyer, Snyder, Winsley, Fraser, Haugen, McAuliffe, Drew, Sheldon, Skratek and Pelz)

Reforming health care cost control and access.

Referred to Committee on Health Care.

SSB 5316 by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore and McCaslin)

Regulating private moorage facilities.

Referred to Committee on Commerce & Labor.

SB 5358 by Senators Pelz, Fraser, Prince and Winsley; by request of Department of Licensing

Creating an appropriated real estate education account.

Referred to Committee on Commerce & Labor.

SB 5384 by Senators Moore, Newhouse, McAuliffe and Erwin; by request of Department of Licensing

Regulating investment advisory contracts.

Referred to Committee on Financial Institutions & Insurance.

SSB 5445 by Senate Committee on Energy & Utilities (originally sponsored by Senators Williams, McCaslin and Pelz)

Removing nuclear construction authority from joint operating agencies created under RCW 43.52.360.

Referred to Committee on Energy & Utilities.

ESSB 5454 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Fraser, Skratek, Barr, Haugen, Pelz, Prentice, Owen, Niemi, von Reichbauer, Quigley and M. Rasmussen)

Creating jobs to restore and enhance Washington's estuaries, waterways, and watersheds.

Referred to Committee on Environmental Affairs.

SSB 5471 by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Quigley, Nelson and Snyder; by request of Secretary of State)

Changing provisions relating to nonprofit corporations.

Referred to Committee on Judiciary.

ESSB 5482 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, M. Rasmussen, Spanel, Prentice, Franklin, McAuliffe, A. Smith, Drew and von Reichbauer)

Defining rights of tenants in mobile home parks.

Referred to Committee on Trade, Economic Development & Housing.

ESB 5508 by Senators Hargrove, Niemi, A. Smith, Nelson and Spanel

Modifying child support orders in dependency cases.

Referred to Committee on Judiciary.

ESB 5522 by Senators Wojahn, L. Smith, Moore, McDonald, Franklin, Deccio, Fraser, Snyder, West, Roach, Prentice, Pelz, M. Rasmussen and Erwin

Providing a program to reduce alcohol and drug use during pregnancy.

Referred to Committee on Human Services.

ESB 5544 by Senators Hargrove, Owen and Snyder

Financing street utilities.

Referred to Committee on Transportation.

SB 5572 by Senators Prentice, Vognild, Prince, Hargrove, Barr, McAuliffe, Haugen, Snyder, Pelz, Loveland, Sheldon, Moore, Erwin, Fraser, M. Rasmussen and Wojahn

Assessing environmental costs of transportation projects.

Referred to Committee on Transportation.

ESSB 5574 by Senate Committee on Labor & Commerce (originally sponsored by Senators Williams, Moore, Pelz and Franklin)

Regulating credit information use.

Referred to Committee on Financial Institutions & Insurance.

SSB 5606 by Senate Committee on Ways & Means (originally sponsored by Senators Prince, Vognild, Cantu, Fraser, Newhouse, Prentice, McAuliffe, Sutherland, Moore and Winsley)

Directing the state auditor to scrutinize funds and accounts under the control of state agencies.

Referred to Committee on State Government.

ESB 5613 by Senators Erwin, Vognild, Nelson, Prince, Prentice, Moyer, Winsley, Barr and Oke

Making appointment of the director of the Washington traffic safety commission subject to the consent of the senate.

Referred to Committee on Transportation.

SSB 5620 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Jesernig)

Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco.

Referred to Committee on Revenue.

SB 5649 by Senators Quigley, Roach and A. Smith; by request of Department of Social and Health Services

Removing the expiration date for Washington state support registry employer reporting.

Referred to Committee on Judiciary.

SB 5660 by Senators M. Rasmussen, Barr, Deccio, Loveland, Snyder, Fraser, Skratek, Sheldon, Drew, Prince, Winsley, Erwin, Bluechel, Amondson and Franklin

Developing the Washington state citizens' exchange program.

Referred to Committee on Trade, Economic Development & Housing.

SB 5675 by Senators Drew, Loveland, Skratek and Haugen

Concerning the financing of bonds for storm water facilities.

Referred to Committee on Local Government.

SB 5696 by Senators Haugen, Newhouse and Spanel; by request of Department of Retirement Systems

Authorizing the department of retirement systems to be divided into three divisions.

Referred to Committee on State Government.

2SSB 5715 by Senate Committee on Ways & Means (originally sponsored by Senators Bluechel, Skratek, Erwin, Sheldon, Deccio, M. Rasmussen and Williams)

Assisting businesses to form flexible networks.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5744 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Loveland, Vognild, Winsley and M. Rasmussen)

Changing provisions concerning streets that are part of the state highway system.

Referred to Committee on Transportation.

ESB 5745 by Senators Bluechel, Bauer, Skratek, Cantu, Erwin, M. Rasmussen and Sheldon

Creating the PNWER-Net working group.

Referred to Committee on Energy & Utilities.

ESB 5780 by Senators Sutherland, Hochstatter, Snyder, Sellar, Amondson, Vognild and Bauer

Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers.

Referred to Committee on Energy & Utilities.

ESSB 5815 by Senate Committee on Law & Justice (originally sponsored by Senators West and Moyer)

Concerning seizure and forfeiture.

Referred to Committee on Judiciary.

SB 5835 by Senators McAuliffe, Bluechel and McDonald

Exempting certain public authority property from taxation.

Referred to Committee on Revenue.

SSB 5858 by Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Forbidding requiring financial security devices for permits for local government units' construction projects.

Referred to Committee on Local Government.

SSB 5874 by Senate Committee on Natural Resources (originally sponsored by Senators Owen, Oke, Haugen, Hargrove, Erwin, Snyder, Franklin, Spanel, Sutherland, Sellar, McDonald, Bauer and Winsley)

Improving recreational fishing.

Referred to Committee on Fisheries & Wildlife.

SSB 5922 by Senate Committee on Health & Human Services (originally sponsored by Senators Snyder, Deccio, Vognild and Newhouse)

Regarding the use of controlled substances by advanced registered nurse practitioners, certified nurse anesthetists.

Referred to Committee on Health Care.

SB 5925 by Senator Snyder

Allowing lodging tax for counties with national monuments.

Referred to Committee on Revenue.

ESSB 5940 by Senate Committee on Natural Resources (originally sponsored by Senators Owen, Haugen, Spanel, Snyder, Oke, McAuliffe, Sutherland and Franklin; by request of Governor Lowry)

Creating the department of fish and wildlife.

Referred to Committee on State Government.

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

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

SECOND READING

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: House Bill No. 1214, House Bill No. 1307, House Bill No. 1452, House Bill No. 1545, House Bill No. 1978 and House Bill No. 2009. The motion was carried.

HOUSE BILL NO. 1214, by Representative Appelwick

Modifying the definition of a reasonable fee for certain health care practices.

The bill was read the second time. On motion of Representative L. Johnson, Substitute House Bill No. 1214 was substituted for House Bill No. 1214 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1214 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson and Dyer spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Locke and Appelwick were excused.

On motion of Representative Wood, Representative Ballasiotes was excused.

The Speaker (Representative Wang presiding) stated the question before the House to be final passage of Substitute House Bill No. 1214.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1214 and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dorn, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Dunshee, Flemming, Quall and Sheldon - 4.

Absent: Representatives Cothorn and Finkbeiner - 2.

Excused: Representatives Appelwick, Ballasiotes and Locke - 3.

Substitute House Bill No. 1214, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1307, by Representatives Locke, Eide, Silver, Dunshee, L. Johnson, Pruitt, Brough, Sheldon, Jones, Long, Franklin, Talcott, J. Kohl, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Rayburn and King

Reauthorizing and modifying the Washington service corps.

The bill was read the second time. On motion of Representative Shin, Substitute House Bill No. 1307 was substituted for House Bill No. 1307 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1307 was read the second time.

Representative Forner moved adoption of the following amendment by Representatives Forner and Locke:

On page 5, after line 11, insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 50.65 RCW as follows:

No individual may participate in the Washington serves program created by SHB 1969, Chapter _____ Laws of 1993 if the person has previously participated for six months or longer in the Washington service corps within the last three years."

Representative Forner spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eide, Forner and Wineberry spoke in favor of passage of the bill.

The Speaker (Representative Wang presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1307.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1307 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representative Cothorn - 1.

Excused: Representatives Appelwick and Ballasiotes - 2.

Engrossed Substitute House Bill No. 1307, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1452, by Representatives Riley, Heavey, Brown, Flemming, Karahalios, Cooke, Wineberry, Valle, Romero, Leonard, G. Cole, Mielke, Anderson and Ballard

Specifying information that must be made available to parties affected by adoption.

The bill was read the second time. On motion of Representative Leonard, Substitute House Bill No. 1452 was substituted for House Bill No. 1452 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1452 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riley, Cooke and Karahalios spoke in favor of passage of the bill.

The Speaker (Representative Wang presiding) stated the question before the House to be final passage of Substitute House Bill No. 1452.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1452 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Padden - 1.

Excused: Representatives Appelwick and Ballasiotes - 2.

Substitute House Bill No. 1452, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1545, by Representative Appelwick

Prohibiting the establishment of new municipal courts.

The bill was read the second time. On motion of Representative Ludwig, Substitute House Bill No. 1545 was substituted for House Bill No. 1545 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1545 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill and Representatives Forner and Brough spoke against it.

The Speaker (Representative Wang presiding) stated the question before the House to be final passage of Substitute House Bill No. 1545.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1545 and the bill passed the House by the following vote: Yeas - 55, Nays - 41, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Fuhrman, Hansen, Heavey, Jacobsen, Johanson, Johnson, L., Johnson, R., Karahalios, King, Kohl, J., Lemmon, Leonard, Locke, Long, Ludwig, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Riley, Romero, Rust, Schmidt, Scott, Shin, Silver, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Basich, Bray, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Grant, Holm, Horn, Jones, Kessler, Kremen, Linville, Lisk, Mastin, Mielke, Morton, Patterson, Rayburn, Reams, Roland, Schoesler, Sehlin, Sheahan, Sheldon, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 41.

Excused: Representatives Appelwick and Ballasiotes - 2.

Substitute House Bill No. 1545, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to vote "NAY" on Substitute House Bill No. 1545.

PAULL SHIN, 21st District

HOUSE BILL NO. 1978, by Representatives J. Kohl, G. Cole, Karahalios, Jacobsen, Dorn, Cothorn, Roland, Pruitt, Basich, Miller, Forner, L. Johnson, Vance, Cooke, Rust and Hansen

Allowing counties to permit public libraries on county land used for park and recreation purposes.

The bill was read the second time. On motion of Representative H. Myers, Substitute House Bill No. 1978 was substituted for House Bill No. 1978 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1978 was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers, Edmondson, J. Kohl and G. Cole spoke in favor of passage of the bill and Representatives Dunshee, Van Luven and Casada spoke against it.

Representative Edmondson again spoke in favor of passage of the bill.

The Speaker (Representative Wang presiding) stated the question before the House to be final passage of Substitute House Bill No. 1978.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1978 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Voting nay: Representatives Casada, Dunshee, Morton, Sheahan, Tate and Van Luven - 6.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1978, having received the constitutional majority, was declared passed.

The Speaker (Representative Wang presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MOTION

Representative Sheldon moved that the House immediately consider bills on the suspension calendar, beginning with House Bill No. 1224. The motion was carried.

HOUSE BILL NO. 1224, by Representatives Dellwo, King, Jones, L. Johnson, Flemming and Springer; by request of Department of Social and Health Services

Eliminating the termination of hospice care and service coverage as medical assistance.

The bill was read the second time.

Representative Dorn moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representatives Dorn and Talcott spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1224.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1224 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 1224, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1336, by Representatives Karahalios, Sehlin, Orr, Zellinsky, Dellwo, Hansen, Sheldon, Rayburn, Grant, Bray, Riley, Mastin, Linville, Basich, Campbell, Lemmon, Kremen, Flemming and Ogden

Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representative Karahalios spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1336.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1336 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1336, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1396, by Representatives Anderson, Zellinsky, Mielke, Reams, Wineberry and Dellwo

Creating a department of financial institutions.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1396.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1396 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1396, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1497, by Representative Dellwo

Adopting the accredited foreign branch campus act.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Dellwo and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1497.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1497 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1497, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 93-4624, by Representatives Jacobsen, Brough, J. Kohl, Miller, Ogden and G. Cole

WHEREAS, Many Washington state women have demonstrated leadership and provided direction as positive role models for Washington citizens; and

WHEREAS, Exceptional coaching enhances positive self-esteem and the development of pride and confidence; and

WHEREAS, Washington women coaches have encouraged, motivated, and enhanced the lives of our state's citizens by opening doors for participation in athletics; and

WHEREAS, These individuals have selflessly dedicated time, energy, emotions, and efforts into the sports arena, and successfully provided exceptional environments for all athletes; and

WHEREAS, Womens' athletics is one of the most effective avenues available for women in the United States to develop self-discipline, initiative, confidence, and leadership skills; and

WHEREAS, Female athletes need women role models as coaches, administrators, and athletic directors. There are many outstanding women serving in these positions including: Barbara Hedges serves as the University of Washington's Athletic Director, Chris Gobrecht as head women's basketball coach at the University of Washington, Doris Heritage Brown with the Seattle Pacific University Athletic Department, Dr. Sue Durrant with Washington State University, Sandy Neeley with Everett Community College, Marie Sather with Western Washington University, Joann Neil as a Federal Way High School coach, Lynda Goodrich as Western Washington University's Athletic Director, and Sandra Schneider as Lakeside High School's Athletic Director; and

WHEREAS, These and other women have exercised remarkable leadership by: Encouraging females to enroll in coaching courses, administration courses, officiating courses, and in athletic training programs in college; have spent extra time to work with and teach young women who are interested in learning about coaching, athletic training, officiating, and athletic administration; and created networks among women coaches, officials, sports information directors, and athletic directors to promote the interest of females in all aspects of sport;

NOW, THEREFORE, BE IT RESOLVED, In recognition of the outstanding leadership of women in athletic leadership positions, the House of Representatives honor the female coaches, administrators, and athletic directors in Washington state.

Representative Jacobsen moved adoption of the resolution. Representatives Jacobsen, Miller, Stevens, J. Kohl and Forner spoke in favor of adoption of the resolution.

House Resolution No. 93-4624 was adopted.

HOUSE BILL NO. 1583, by Representatives Jacobsen, Carlson, Quall, Bray, Rayburn, Kessler, J. Kohl, Shin, Wood, Basich, Ogden, Brumsickle, King, Van Luven and L. Johnson

Clarifying eligibility requirements for state-funded benefits for part-time academic employees of community and technical colleges.

The bill was read the second time.

Representative Quall moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Quall and Carlson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1583.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1583 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1583, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1622, by Representatives Chappell, Chandler and Rayburn; by request of Department of Agriculture

Modifying the regulation of fertilizer.

The bill was read the second time.

Representative Quall moved that committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

MOTION

Substitute House Bill No. 1622 was passed to Committee on Rules for third reading.

HOUSE BILL NO. 1632, by Representatives Anderson, Locke, Morton, Grant, Tate, Brough, Thomas and J. Kohl

Modifying funeral expenses of a deceased person.

The bill was read the second time.

Representative Leonard moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representative Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1632.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1632 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 1632, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1650, by Representatives Romero, Campbell, Rayburn, Chappell, Ludwig, Jacobsen, Veloria and Pruitt

Providing administrative review of agency decisions concerning access to public records.

The bill was read the second time.

Representative Veloria moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Romero and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1650.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1650 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1650, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1677, by Representatives Brown, Karahalios, Wolfe, Thibaudeau, Campbell, Flemming, Jones, King, Holm, J. Kohl, H. Myers and Anderson

Developing chemical dependency services for victims of sexual assault and domestic violence.

The bill was read the second time.

Representative Leonard moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representatives Brown and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1677.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1677 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Johnson, L. - 1.

Excused: Representative Ballasiotes - 1.

House Bill No. 1677, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1694, by Representatives Dellwo, Dyer and Morris; by request of Department of Health

Modifying the examination of health profession candidates for credentialing.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representatives Dellwo and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1694.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1694 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Mastin - 1.

Excused: Representative Ballasiotes - 1.

House Bill No. 1694, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to change my vote from a "NAY" to a "YEA" on House Bill No. 1694.

DAVE MASTIN, 16th District

HOUSE BILL NO. 1704, by Representatives G. Fisher, Locke, Silver, Talcott and Flemming; by request of Secretary of State

Authorizing the secretary of state to set fees by rule.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1704.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1704 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1704, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1713, by Representatives Bray, R. Fisher, Grant and Mastin

Revising vehicular window tinting labels.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representative Bray spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1713.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1713 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Brough - 1.

Excused: Representative Ballasiotes - 1.

House Bill No. 1713, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1727, by Representatives Morris, Long, G. Cole, Padden, Mastin, Lemmon and L. Johnson; by request of Department of Corrections

Providing a procedure for releasing alien offenders for the purpose of deportation.

The bill was read the second time.

Representative Mastin moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representatives Mastin and Long spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1727.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1727 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1727, having received the constitutional majority, was declared passed.

On motion of Representative Sheldon, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Representative Patterson presiding) called the House to order at 1:00 p.m.

The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

With consent of the House, the House resumed consideration of bills on the Suspension Calendar.

HOUSE BILL NO. 1734, by Representatives Appelwick, Ludwig, Dellwo, Silver, Padden, Peery, Ogden, Mastin, Scott and Johanson; by request of Administrator for the Courts

Adding new judges to the court of appeals.

The bill was read the second time.

Representative Valle moved that the committee recommendations be adopted and the substitute bill was advanced to third reading. (For committee amendments see Journal, 57th Day, March 8, 1993). The motion was carried.

On motion of Representative Wood, Representatives Sheahan, Dyer, Brough, Ballasiotes and Silver were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1734.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1734 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 5, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Absent: Representatives Appelwick, Dorn, Jacobsen, Morris and Silver - 5.

Excused: Representatives Ballasiotes, Brough and Sheahan - 3.

Engrossed Substitute House Bill No. 1734, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1751, by Representatives Anderson and Reams

Modifying compensation of forest practices board members.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1751.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1751 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Anderson, Ballard, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representatives Appelwick and Silver - 2.

Excused: Representatives Ballasiotes and Brough - 2.

House Bill No. 1751, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1792, by Representatives Zellinsky, Schmidt, King and Ballasiotes; by request of Secretary of State

Providing state flags and mementos for certain official purposes.

The bill was read the second time.

Representative Dorn moved that the committee recommendation be adopted and the substitute bill was advanced to third reading. The motion was carried.

Representative Zellinsky spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1792.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1792 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Anderson, Ballard, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representatives Appelwick and Silver - 2.

Excused: Representatives Ballasiotes and Brough - 2.

Substitute House Bill No. 1792, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1804, by Representatives Campbell, Mastin and Flemming

Clarifying procedures for temporary remedies from agency action.

The bill was read the second time.

Representative Voloria moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representatives Campbell and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1804.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1804 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Appelwick - 1.

Excused: Representative Ballasiotes - 1.

House Bill No. 1804, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1842, by Representatives R. Fisher, Wood, King, Scott, Conway, Karahalios, Roland and Flemming

Authorizing exemptions from county vehicle license fees.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1842.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1842 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 1842, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1925, by Representatives Orr, Pruitt and King

Requiring registration of persons carrying passengers for hire on whitewater river sections.

The bill was read the second time.

Representative King moved that the committee recommendation be adopted and the engrossed bill was advanced to third reading. (For committee recommendation see Journal, 52nd Day, March 3, 1993.) The motion was carried.

Representative Orr spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1925.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1925 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Engrossed House Bill No. 1925, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1940, by Representatives Orr, King, Springer and Morris

Establishing fishing guide licenses for Oregon residents.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representative Orr spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1940.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1940 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 1940, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2008, by Representative Dunshee

Affecting withdrawal of territory by special districts.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and the engrossed bill was advanced to third reading. The motion was carried.

Representatives Dunshee and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2008.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2008 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Leonard - 1.

Excused: Representative Ballasiotes - 1.

House Bill No. 2008, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2049, by Representative R. Fisher

Restructuring statutes on state participation in rail freight service.

The bill was read the second time.

Representative R. Fisher moved that the committee recommendation be adopted and the bill was advanced to third reading. The motion was carried.

Representative R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2049.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2049 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2049, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4008, by Representatives Mastin, Campbell, Horn, Pruitt, Kremen and Long

Requesting a full deduction for sales taxes on federal tax returns.

The memorial was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and the memorial was advanced to third reading. The motion was carried.

Representative Mastin spoke in favor of passage of the memorial.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Joint Memorial No. 4008.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4008 and the memorial passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Fuhrman - 1.

Excused: Representative Ballasiotes - 1.

House Joint Memorial No. 4008, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

It was my intention to vote "YEA" instead of "NAY" on House Joint Memorial No. 4008.

STEVE FUHRMAN, Seventh District

HOUSE JOINT MEMORIAL NO. 4009, by Representatives R. Johnson, Quall, Veloria, Rust, Kremen and J. Kohl

Petitioning for consistency and flexibility of actions of the United States Army Corps of Engineers and the Federal Emergency Management Agency with regard to flood projects.

The memorial was read the second time.

Representative Flemming moved that the committee recommendation be adopted and the engrossed memorial was advanced to third reading. The motion was carried.

Representative R. Johnson spoke in favor of adoption of the memorial.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Joint Memorial No. 4009.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4009 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Joint Memorial No. 4009, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the House consider the following bills on the second reading calendar in the following order: House Joint Memorial No. 4015, House Bill No. 1203, House Bill No. 1156 and House Bill No. 1168. The motion was carried.

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Veloria, Wineberry, Leonard, Johanson, Wang, Chandler, Miller, Wood, Shin, Quall, Rayburn, J. Kohl, Kessler, Dyer and Anderson

Requesting the Philippines to keep its consulate open

The memorial was read the second time. On motion of Representative Veloria, Substitute House Joint Memorial No. 4015 was substituted for House Joint Memorial No. 4015 and the substitute memorial was placed on the second reading calendar. The motion was carried.

Substitute House Joint Memorial was read the second time.

Representative Veloria moved adoption of the following amendment by Representative Veloria and Anderson:

On page 1, beginning on line 1, after "TO" strike the remainder of the memorial and insert "THE HONORABLE WARREN CHRISTOPHER, SECRETARY OF STATE OF THE UNITED STATES:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, There exists a long history of warm relations between the people of Washington and the Philippines, of personal friendships, and family ties; and

WHEREAS, Washington is greatly honored that the Philippines chose to open a Consulate in our state; and

WHEREAS, The Pacific Northwest and the Philippines are neighbors in the Pacific Rim with a shared economic future; and

WHEREAS, The Philippine Consulate has played a critical role in trade between the Philippines and Washington State; and

WHEREAS, The Philippines conducted over two hundred twenty-five million dollars worth of waterborne trade with the Port of Seattle in 1991; and

WHEREAS, The Philippines are a major buyer of Washington wheat and other agricultural products; and

WHEREAS, Exports from the Philippines to Washington State reached almost five hundred million dollars in 1991, representing a nearly three hundred million dollar trade surplus in favor of the Philippines; and

WHEREAS, The estimated sixty-five thousand Washington State residents of Philippine descent are closely linked to the Consulate and raised over thirty-seven thousand dollars for the victims of the Mt. Pinatubo volcanic eruption; and

WHEREAS, The Filipino community in Washington State is growing at a rate in excess of one thousand persons per year; and

WHEREAS, We look forward to the months and years ahead as the people of the Philippines and Washington continue to build a firm foundation of business and personal ties to create a better future for our children;

NOW, THEREFORE, Your Memorialists respectfully pray that the United States Department of State seek through diplomatic efforts to encourage the Philippine government to allow its Seattle Consulate to remain open, and to consider downsizing staff and office space to cut costs instead of closing the Consulate.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Warren Christopher, Secretary of State of the United States and to His Excellency Fidel Ramos, President of the Republic of the Philippines."

Representative Veloria spoke in favor of adoption of the amendment and it was adopted.

The memorial was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Veloria and Reams spoke in favor of passage of the memorial.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Joint Memorial No. 4015.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Joint Memorial No. 4015 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Engrossed Substitute House Joint Memorial No. 4015, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1203, by Representatives Leonard, Cooke, Riley and Wood

Modifying provisions of the department of social and health services' job training program.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1203.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1203 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 1203, having received the constitutional majority, was declared passed.

With the consent of the House, consideration of House Bill No. 1156 was deferred and it held its place on the second reading calendar.

HOUSE BILL NO. 1168, by Representatives King, Chappell, Basich, Orr, Fuhrman, Flemming, Springer and Wood

Leasing beds of tidal waters.

The bill was read the second time.

On motion of Representative Appelwick, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1168.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1168 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 1168, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: House Bill No. 1375, House Bill No. 1543, House Bill No. 1686, House Bill No. 1767, House Bill No. 1832, House Bill No. 1877 and House Bill No. 1886. The motion was carried.

HOUSE BILL NO. 1375, by Representatives Brough, Appelwick, Padden, Heavey, Ballard, Ludwig, Vance, Forner, Wineberry, Jones, Roland, Horn, Casada, Sheahan, Long, Foreman, Rayburn, Brumsickle, Van Luven, Springer, Wood, Johanson, Miller, Schoesler, Reams and Silver

Imposing liability for furnishing liquor to minors.

The bill was read the second time.

On motion of Representative H. Myers Substitute House Bill No. 1375 was substituted for House Bill No. 1375 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1375 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brough spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1375.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1375 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1375, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1543, by Representatives Zellinsky, Mielke, Tate, Dellwo, Scott, Sommers, G. Cole, R. Johnson, Dyer, R. Meyers, Jones and Basich

Insuring longshore and harbor workers.

The bill was read the second time.

On motion of Representative Valle, Substitute House Bill No. 1543 was substituted for House Bill No. 1543 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1543 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1543.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1543 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1543, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1686, by Representatives Anderson, Ludwig, R. Meyers, Foreman, Dorn, Orr, Vance, Brough, Tate, Casada, Edmondson, Horn, Wood, Carlson, Ballard, Brumsickle, Ballasiotes, Van Luven, Mielke, Sheahan, Long, Thomas, Cooke, Forner, Morton and Lisk

Defining a term for the administrative procedure act.

The bill was read the second time.

On motion of Representative H. Myers, Substitute House Bill No. 1686 was substituted for House Bill No. 1686 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1686 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ludwig and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1686.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1686 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1686, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1767, by Representatives Basich, Jacobsen, Brumsickle, Dellwo, Leonard, J. Kohl, Ogden, Quall, Bray, Kessler, Shin and Johanson

Requiring certification of community and technical college intercollegiate coaches.

The bill was read the second time.

On motion of Representative Jacobsen, Substitute House Bill No. 1767 was substituted for House Bill No. 1767 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1767 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Basich spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1767.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1767 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1767, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1832, by Representatives Dyer, R. Meyers, Mielke, Schmidt, R. Johnson, Zellinsky, Tate, Anderson, Reams, Dellwo, Foreman and Long

Regulating medical malpractice insurance.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1832.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1832 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King,

Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1832, having received the constitutional majority, was declared passed.

With consent of the House, the House considered House Bill No. 1758 on the second reading calendar.

HOUSE BILL NO. 1758, by Representatives Chappell, Brumsickle, Orr, Springer, Riley and Sheldon

Including public safety directors in the definition of "law enforcement officer."

The bill was read the second time.

On motion of Representative Valle, Substitute House Bill No. 1758 was substituted for House Bill No. 1758 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1758 was read the second time.

With consent of the House, Floor amendment No. 69 was withdrawn.

Representative Sommers moved adoption of the following amendment by Representatives R. Meyers Sommers and Riley:

On page 2, line 35, after "duties" insert "in a city or town with a population of less than ten thousand"

Representative Sommers spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chappell, Silver and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1758.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1758 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1758, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: House Bill No. 2009, House Bill No. 1156, House Bill No. 1256, House Bill No. 1507, House Bill No. 1653, House Bill No. 1695, House Bill No. 1731, House Bill No. 1845, House Bill No. 1877, House Bill No. 1886 and House Joint Memorial No. 4003. The motion was carried.

HOUSE BILL NO. 2009, by Representatives J. Kohl, Wineberry, G. Cole and Holm

Including condominiums in parking and business improvement areas.

The bill was read the second time.

Representative J. Kohl moved adoption of the following amendment by Representative J. Kohl, Wineberry, Forner and Sommers:

On page 6, after line 7, insert the following:

"Sec. 11. RCW 64.34.304 and 1990 c 166 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, and subject to the provisions of the declaration, the association may:

- (a) Adopt and amend bylaws, rules, and regulations;
- (b) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from unit owners;
- (c) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;
- (d) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium;
- (e) Make contracts and incur liabilities;
- (f) Regulate the use, maintenance, repair, replacement, and modification of common elements;
- (g) Cause additional improvements to be made as a part of the common elements;
- (h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, but common elements may be conveyed or subjected to a security interest only pursuant to RCW 64.34.348;
- (i) Grant easements, leases, licenses, and concessions through or over the common elements and petition for or consent to the vacation of streets and alleys;
- (j) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements described in RCW 64.34.204 (2) and (4), and for services provided to unit owners;
- (k) Impose and collect charges for late payment of assessments pursuant to RCW 64.34.364~~((14))~~(13) and, after notice and an opportunity to be heard by the board of directors or by such representative designated by the board of directors and in accordance with such procedures as provided in the declaration or bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule thereof adopted by the board of directors and furnished to the owners for violations of the declaration, bylaws, and rules and regulations of the association;
- (l) Impose and collect reasonable charges for the preparation and recording of amendments to the declaration, resale certificates required by RCW 64.34.425, and statements of unpaid assessments;
- (m) Provide for the indemnification of its officers and board of directors and maintain directors' and officers' liability insurance;
- (n) Assign its right to future income, including the right to receive common expense assessments, but only to the extent the declaration provides;
- (o) Join in a petition for the establishment of a parking and business improvement area, participate in the rate payers' board or other advisory body set up by the legislative authority for operation of a parking and business improvement area, and pay special assessments levied by the legislative authority on a parking and business improvement area encompassing the condominium property for activities and projects which benefit the condominium directly or indirectly;
- ~~(p)~~ (q) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and

~~((q))~~ (r) Exercise any other powers necessary and proper for the governance and operation of the association.

(2) The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 12. RCW 64.34.010 and 1992 c 220 s 1 are each amended to read as follows:

(1) This chapter applies to all condominiums created within this state after July 1, 1990. RCW 64.34.040 (separate titles and taxation), RCW 64.34.050 (applicability of local ordinances, regulations, and building codes), RCW 64.34.060 (condemnation), RCW 64.34.208 (construction and validity of declaration and bylaws), RCW 64.34.212 (description of units), RCW 64.34.304(1)(a) through (f) and (k) through ~~((q))~~ (r) (powers of unit owners' association), RCW 64.34.308(1) (board of directors and officers), RCW 64.34.340 (voting—proxies), RCW 64.34.344 (tort and contract liability), RCW 64.34.354 (notification on sale of unit), RCW 64.34.360(3) (common expenses—assessments), RCW 64.34.364 (lien for assessments), RCW 64.34.372 (association records), RCW 64.34.425 (resales of units), RCW 64.34.455 (effect of violation on rights of action; attorney's fees), and RCW 64.34.020 (definitions) to the extent necessary in construing any of those sections, apply to all condominiums created in this state before July 1, 1990; but those sections apply only with respect to events and circumstances occurring after July 1, 1990, and do not invalidate or supersede existing, inconsistent provisions of the declaration, bylaws, or survey maps or plans of those condominiums.

(2) The provisions of chapter 64.32 RCW do not apply to condominiums created after July 1, 1990, and do not invalidate any amendment to the declaration, bylaws, and survey maps and plans of any condominium created before July 1, 1990, if the amendment would be permitted by this chapter. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by chapter 64.32 RCW. If the amendment grants to any person any rights, powers, or privileges permitted by this chapter which are not otherwise provided for in the declaration or chapter 64.32 RCW, all correlative obligations, liabilities, and restrictions in this chapter also apply to that person.

(3) This chapter does not apply to condominiums or units located outside this state.

(4) RCW 64.34.400 (applicability—waiver), RCW 64.34.405 (liability for public offering statement requirements), RCW 64.34.410 (public offering statement—general provisions), RCW 64.34.415 (public offering statement—conversion condominiums), RCW 64.34.420 (purchaser's right to cancel), RCW 64.34.430 (escrow of deposits), RCW 64.34.440 (conversion condominiums—notice—tenants), and RCW 64.34.455 (effect of violations on rights of action—attorney's fees) apply with respect to all sales of units pursuant to purchase agreements entered into after July 1, 1990, in condominiums created before July 1, 1990, in which as of July 1, 1990, the declarant or an affiliate of the declarant owns or had the right to create at least ten units constituting at least twenty percent of the units in the condominium."

Representatives J. Kohl and Forner spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative J. Kohl spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Talcott was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2009.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 2009 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate,

Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Engrossed House Bill No. 2009, having received the constitutional majority was declared passed.

HOUSE BILL NO. 1156, by Representatives H. Myers, Ludwig, Scott, Riley, Cothorn, R. Meyers, L. Johnson and Ogden

Transferring county sheriff's office employees.

The bill was read the second time.

On motion of Representative H. Myers, Substitute House Bill No. 1156 was substituted for House Bill No. 1156 and the substitute bill was placed on the second reading calendar.

Substitute House Bill no. 1156 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1156.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1156 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Substitute House Bill No. 1156, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1256, by Representatives Dellwo, Morris and Dyer; by request of Department of Health

Modifying disciplining of health professionals under the uniform disciplinary act.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 45th Day, February 24, 1993.)

Representative Morris moved adoption of the committee amendment and spoke in favor of it . The committee amendment was adopted.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 3, after line 31, insert the following:

"**Sec. 2.** RCW 18.130.050 and 1987 c 150 s 2 are each amended to read as follows:
The disciplining authority has the following authority:

- (1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;
- (2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;
- (3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;
- (4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (5) To compel attendance of witnesses at hearings;
- (6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;
- (7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the disciplining authority;
- (8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the disciplining authority shall make the final decision regarding disposition of the license;
- (9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;
- (10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;
- (11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;
- (12) To adopt standards of professional conduct or practice;
- (13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;
- (14) ~~((To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;~~
- (15)) To designate individuals authorized to sign subpoenas and statements of charges."

On page 3, line 34, after "finding" insert ", after hearing,"

On page 4, after line 25, insert the following:

"The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes."

On page 4, after line 25, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:

- (1) Prior to serving a statement of charges under RCW 18.130.090 or 18.130.170, the disciplinary authority may furnish a statement of allegations to the licensee or applicant along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.
- (2) The disciplinary authority and the applicant or licensee may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional conduct alleged to have been committed or the alleged basis for determining that the applicant or licensee is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgement that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; and an agreement on the part of the licensee or applicant that the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and (8), may be imposed as part of the stipulation, except that no fine may be imposed but the licensee or applicant may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per

allegation; and an agreement on the part of the disciplinary authority to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee or applicant declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the disciplinary authority may proceed to formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee or applicant and the disciplinary authority, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the disciplinary authority. Should the licensee or applicant fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the disciplinary authority may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under RCW 18.130.165."

On page 15, after line 15, insert the following:

"**Sec. 18.** RCW 18.130.180 and 1991 c 332 s 34 and 1991 c 215 c 3 are each reenacted and amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the ~~((disciplining))~~ disciplinary authority or ~~((an assurance of discontinuance))~~ a stipulation for informal disposition entered into with the ~~((disciplining))~~ disciplinary authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the

basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards."

Representatives Appelwick, Padden, Morris and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

With consent of the House, further consideration of Engrossed House Bill No. 1256 was deferred.

HOUSE BILL NO. 1507, by Representatives Zellinsky, Ballard, Chappell, Van Luven, R. Johnson, Campbell, R. Meyers, Springer and Sheldon

Penalizing owners of abandoned, unauthorized, or junk vehicles.

The bill was read the second time.

On motion of Representative R. Fisher, Substitute House Bill No. 1507 was substituted for House Bill No. 1507 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1507 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Schmidt spoke in favor of passage of the bill and Representative Fuhrman spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1507.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1507 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler,

Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, Long, Morton, Padden and Stevens - 5.

Excused: Representative Talcott - 1.

Substitute House Bill No. 1507, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration on Engrossed House Bill No. 1256 on today's second reading calendar.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1256.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1256, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Engrossed House Bill No. 1256, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Representative Sheldon, the House deferred consideration of House Bill No. 1653 and House Bill No. 1695 and they hold their place on the second reading calendar.

Representative Sheldon moved that the House immediately consider House Bill No. 1731 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1731, by Representatives Jones, Chandler, Kessler and Brumsickle

Exempting certain public works involving electrical generating systems from bid laws.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jones and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1731.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1731 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Cooke, Fuhrman, Horn, Morton, Padden, Thomas, Vance and Van Luven - 8.
Excused: Representative Talcott - 1.

House Bill No. 1731, having received the constitutional majority, was declared passed.

With consent of the House, consideration of House Bill No. 1845 was deferred and it held its place on the second reading calendar.

MOTION

On motion of Representative Sheldon, the House resumed consideration of House Bill No. 1653 and House Bill No. 1695.

HOUSE BILL NO. 1653, by Representatives King, Lisk, G. Cole and Fuhrman

Regulating vocational rehabilitation services in industrial insurance.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass substitute. (For committee amendment see Journal, 57th Day, March 8, 1993.)

Representative G. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative King moved adoption of the following amendment by Representatives King, Lisk and Heavey

On page 3, line 17, after "criteria." insert "Organizations to which referrals are made may include administrative entities of service delivery areas as established under the federal job training partnership act if the entities meet minimum standards established by the department."

Representative King spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives King and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1653.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1653 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant,

Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Engrossed House Bill No. 1653, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1695, by Representatives G. Fisher, Heavey, Valle, Patterson and H. Myers

Changing provisions relating to port districts.

The bill was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:
On page 1, line 13, strike "~~((having a population of five hundred thousand or more))~~" and insert "and having a population of less than five hundred thousand or more than one million"

On page 2, line 1, after "district" insert "that is required to be divided into commissioner districts"

On page 2, line 19, strike "five hundred thousand" and insert "one million"

Representative G. Fisher spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Fisher, Brough and Patterson spoke in favor of passage of the bill and Representative Edmondson spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1695.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1695 and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Casada, Chandler, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Scott, Sheldon, Shin, Sommers, Springer, Tate, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Carlson, Cooke, Edmondson, Foreman, Forner, Fuhrman, Horn, Kohl, J., Long, Mielke, Miller, Morton, Padden, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Thomas, Vance, Wood and Zellinsky - 27.

Excused: Representative Talcott - 1.

Engrossed House Bill No. 1695, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1845, by Representatives Lemmon, Locke, R. Fisher, Forner, J. Kohl, Orr, Hansen, R. Meyers, Edmondson, Eide, Rayburn, Grant, Johanson, Leonard and Brough

Modifying certain horse racing purses.

With consent of the House, consideration of House Bill No. 1845 was deferred and it held its place on the second reading calendar.

HOUSE BILL NO. 1877, by Representatives Flemming, Eide, Mastin and Morris

Providing for examination of nursing home care and charges.

The bill was read the second time.

On motion of Representative L. Johnson, Substitute House Bill No. 1877 was substituted for House Bill No. 1877 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1877 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Flemming spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1877.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1877 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Substitute House Bill No. 1877, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1886, by Representatives Grant, Miller, Kessler, Horn, Kremen and Casada

Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers.

The bill was read the second time.

On motion of Representative Grant, Substitute House Bill No. 1886 was substituted for House Bill No. 1886 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1886 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and Casada spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1886.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1886 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Substitute House Bill No. 1886, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2007, by Representatives Ogden, Wood and H. Myers

Allowing tax proceeds to be used for low-income housing.

On motion of Representative Zellinsky, Substitute House Bill No. 2007 was substituted for House Bill No. 2007 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2007 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ogden spoke in favor of passage of the bill and Representative Silver spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2007.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2007 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Silver, Stevens, Tate, Thomas, Vance and Van Luven - 37.

Excused: Representative Talcott - 1.

Substitute House Bill No. 2007, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4003, by Representatives Mastin, Rayburn, Lisk, Sheahan, Grant, Bray, Ludwig, Chandler, Schoesler, Ballard, Foreman, Roland, Edmondson, Lemmon and Hansen

Concerning the preservation of salmon.

The memorial was read the second time.

Representative Mastin moved adoption of the following amendment by Representatives Mastin Grant, Schoesler and Sheahan:

On page 2, after line 8, strike all material through line 24 and insert the following:

"WHEREAS, There is continued uncertainty regarding the extent of biological benefits to salmon of some proposed solutions, including increased stream velocity; and

WHEREAS, Drawdowns below minimum operating pool on the Snake River, demonstrated by the test drawdowns conducted in March 1992 for the limited purpose of evaluating impacts to physical structures and facilities, provided limited migration benefits for the salmon, caused the loss of as many as thirty thousand resident fish, disrupted navigation, and caused substantial physical property damage to public and private facilities; and

WHEREAS, Maintaining reservoir levels at minimum operating pool and, in the absence of modifications to existing irrigation pump stations, at minimum irrigation pool on the John Day reservoir, enables the river system to support critical economic activity;

NOW, THEREFORE, Your Memorialists respectfully pray that any future drawdowns on the Columbia-Snake River system be limited to minimum operating pool on the Snake River projects or minimum operating pool coupled with irrigation pump modification on the John Day reservoir unless, based on and supported by the best available scientific knowledge, further drawdowns are determined to be a biologically prudent alternative and, where equally effective alternative means of achieving the same sound biological objective exist, are the alternative with the minimum economic cost; and"

Representatives Mastin and Sheahan spoke in favor of adoption of the amendment and it was adopted.

The memorial was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Mastin and Sheahan spoke in favor of passage of the memorial.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4003.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial Bill No. 4003, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Engrossed House Joint Memorial No. 4003, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: House Bill No. 1481 and House Bill No. 2047. The motion was carried.

MESSAGE FROM THE SENATE

March 15, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5120,
SENATE BILL NO. 5164,

SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5483,
SECOND SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5638,
ENGROSSED SENATE BILL NO. 5831,
SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5911,
ENGROSSED SENATE BILL NO. 5917,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5948,

the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE BILL NO. 1481, by Representatives G. Fisher, Foreman, Wang and Quall; by request of Department of Revenue

Modifying taxation of ships and vessels.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For amendment see Journal, 50th Day, March 1, 1993.)

Representative G. Fisher moved the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1481.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1481 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Engrossed House Bill No. 1481, having received the constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative R. Meyers presiding) introduced Mr. John Allen Donnelly, a British Member of the European Parliament. Mr. Donnelly briefly addressed the members of the House of Representatives.

HOUSE BILL NO. 2047, by Representatives Anderson, Wang, Reams, Voloria, Valle, R. Fisher, Springer, Orr and Conway; by request of Department of General Administration

Providing consolidated mail service for state agencies.

The bill was read the second time. On motion of Representative Anderson, Substitute House Bill No. 2047 was substituted for House Bill No. 2047 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2047 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill and Representative Romero spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2047.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2047 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Romero - 1.

Excused: Representative Talcott - 1.

Substitute House Bill No. 2047, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: House Bill No. 1527, House Bill No. 1733 and House Bill No. 1739. The motion was carried.

HOUSE BILL NO. 1527, by Representatives Linville and Locke; by request of Office of Financial Management

Modifying funding of the dependent care program.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1527 was substituted for House Bill No. 1527 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1527 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1527.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1527 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Substitute House Bill No. 1527, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1733, by Representatives Linville, Reams, Brumsickle, Anderson, Pruitt, Kremen, Wolfe, Sommers, Ballard, Peery, Jones, King, Basich, Roland, G. Fisher, L. Johnson, Romero, Lemmon, Ogden, Karahalios, Eide and H. Myers; by request of Productivity Board

Clarifying productivity awards programs.

The bill was read the second time. On motion of Representative Anderson, Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1733 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1733.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1733 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Substitute House Bill No. 1733, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1739, by Representatives Finkbeiner, Dyer, Heavey, Quall, Cothorn, Johanson, Springer, Brumsickle, Schoesler, Dunshee, H. Myers, Sheldon, Romero, Pruitt, G. Fisher, Orr, Roland, Lemmon and Anderson

Creating the citizen suggestion program.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on State Government as amended by Committee on Appropriations. (For committee amendments see Journal 57th Day, March 8, 1993.)

On motion of Representative Anderson, Substitute House Bill No. 1739 was substituted for House Bill No. 1739 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1739 was read the second time.

Representative Valle moved the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Finkbeiner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1739.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1739 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Talcott - 1.

Engrossed Substitute House Bill No. 1739, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider House Bill No. 1258 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1258, by Representative Rayburn

Modifying water rights claims provision.

The bill was read the second time. On motion of Representative Rayburn, Substitute House Bill No. 1258 was substituted for House Bill No. 1258 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1258 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1258.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1258 and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dellwo, Dorn, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Horn, Jacobsen, Johnson, L., Johnson, R., Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Ludwig, Mastin, Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wineberry, Wood, Zellinsky and Mr. Speaker - 75.

Voting nay: Representatives Cole, G., Cothorn, Dunshee, Eide, Holm, Johanson, Jones, King, Locke, Long, Meyers, R., Miller, Pruitt, Quall, Riley, Romero, Rust, Scott, Sheldon, Thibaudeau, Veloria, Wang and Wolfe - 23.

Substitute House Bill No. 1258, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider House Joint Memorial No. 4204 on today's second reading calendar. The motion was carried.

HOUSE JOINT RESOLUTION NO. 4204, by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Rust, Sheldon, Jones, Chappell, Holm, Shin, R. Johnson, Johanson, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Brumsickle, Thomas, H. Myers, Rayburn and King; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district levies and bonds.

The resolution was read the second time.

On motion of Representative Dorn, Substitute House Joint Resolution No. 4204 was substituted for House Joint Resolution No. 4204 and the substitute resolution was placed on the second reading calendar.

Substitute House Joint Resolution No. 4204 was read the second time.

Representative Dorn moved the following amendment by Representatives G. Cole and Dorn:

On page 2, line 4, after "proposed" insert "initial"

Representative Dorn spoke in favor of adoption of the amendment and it was adopted.

Representative Thomas moved the following amendment by Representative Thomas:

On page 2, line 28, after "proposition" insert "when the number of electors voting on the proposition is not less than fifteen per centum of the total number of the registered voters in such taxing district"

On page 3, line 12, after "proposition" insert "when the number of electors voting on the proposition is not less than fifteen per centum of the total number of the registered voters in such taxing district"

Representatives Thomas, Vance and Padden spoke in favor of adoption of the amendment and Representatives Dorn and G. Cole spoke against it.

The Speaker called upon the House to divide. The result of the division was YEAS; 35 NAYS 62. The amendment was not adopted.

Representative Dorn moved adoption of the following amendment by Representative Dorn:

On page 3, line 20, strike "school district," and insert "~~((school district,))~~"

On page 3, line 23, strike "school district," and insert "~~((school district,))~~"

On page 3, line 31, after "PROVIDED:" insert "That the assent necessary to authorize a school district to incur such debt shall be a majority vote: PROVIDED FURTHER."

On page 4, line 1, beginning with "~~(with~~" strike all matter through "districts" on line 5, and insert " with ~~((such))~~ majority assent"

Representative Dorn spoke in favor of the amendment and it was adopted.

With the consent of the House, Representative Dorn withdrew amendment No. 67.

Representative Locke moved the following amendment by Representatives Locke, Peery and Sommers:

On page 3, line 9, after "proposition" strike all material through "proposition" on line 12 and insert "by a school district or library district to issue bonds with a term of nine years or less, and to pay the principal and interest on the bonds by an annual tax levy during the term of the bonds in excess of the limitation provided in this section, shall be authorized by a majority of the voters voting on the proposition"

Representative Locke moved the following amendment to the amendment by Representatives Dorn and Locke:

On page 1, at the beginning of line 5 of the amendment, strike "or library district"

Representative Locke spoke in favor of the amendment to the amendment and it was adopted.

Representative Locke spoke in favor of the amendment as amended and it was adopted.

The resolution was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole, Brough, Wineberry, Dorn, G. Fisher, Foreman and Orr spoke in favor of passage of the resolution and Representatives Miller, Schoesler, and Vance spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Joint Resolution No. 4204.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Joint Resolution No. 4204 and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Ballasiotes, Casada, Chandler, Fuhrman, Horn, Lisk, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sheahan, Silver, Stevens, Tate, Vance and Van Luven - 20.

Engrossed Substitute House Joint Resolution No. 4204, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House consider House Bill No. 1298, House Bill No. 1845 and House Bill No. 1493. The motion was carried.

HOUSE BILL NO. 1298, by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Pruitt, Rust, Cothorn, Jones, Long, Chappell, Holm, Eide, Linville, Johanson, Foreman, Riley, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Carlson, Brumsickle, Thomas, H. Myers, Rayburn and Orr; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

Providing for a simple majority of electors voting to authorize school district and library district levies and bonds.

The bill was read the second time.

On motion of Representative Dorn, Substitute House Bill No. 1298 was substituted for House Bill No. 1298 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1298 was read the second time.

Representative Dorn moved the following amendment by Representative Dorn:

On page 1, beginning on line 5, strike all of section 1

On page 5, after line 19, insert:

"NEW SECTION. Sec. 6. RCW 28A.530.020 and 1990 c 33 s 478, 1984 c 186 s 11, 1970 ex.s. c 42 s 9, & 1969 ex.s. c 223 s 28A.51.020 are each repealed."

Representative Dorn spoke in favor of adoption of the amendment and it was adopted.

Representative Dorn moved the following amendment by Representative Dorn:

On page 3, line 4, after "school districts" strike "and library districts"

On page 3, beginning on line 13, strike all of section 5

On page 4, beginning on line 14, after "therein" strike all matter through "district" on line 19

On page 5, line 23, after "school district and" strike "and library district"

Representative Dorn spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Dorn withdrew amendment No. 179.

Representative Locke moved that the following amendment by Representatives Locke, Sommers and Dorn:

On page 3, line 4, after "that" strike all material through "election" on line 6 and insert "a proposition by a school district or library district to issue bonds with a term of nine years or less, and to pay the principal and interest on the bonds by annual tax levies during the term of the bonds in excess of the limitation contained in RCW 84.52.043 and 84.52.050 through 84.52.056, shall receive a majority of the voters voting on the proposition"

Representative Locke moved that the following amendment to the amendment by Representatives Dorn and Locke:

On page 1, at the beginning of line 5 of the amendment, strike "or library district"

Representative Dorn spoke in favor of adoption of the amendment to the amendment and it was adopted.

Representative Locke spoke in favor of adoption of the amendment as amended and it was adopted.

With the consent of the House, Representative Thomas withdrew amendment No. 33.

Representative Dorn moved the following amendment by Representative Dorn:

On page 5, after line 19, insert the following:

"NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representative Dorn spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1298.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1298 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sehlín, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Ballasiotes, Casada, Chandler, Fuhrman, Horn, Lisk, Mielke, Miller, Morris, Morton, Padden, Reams, Schmidt, Schoesler, Sheahan, Silver, Stevens, Tate, Vance and Van Luven - 21.

Engrossed Substitute House Bill No. 1298, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1845, by Representatives Lemmon, Locke, R. Fisher, Forner, J. Kohl, Orr, Hansen, R. Meyers, Edmondson, Eide, Rayburn, Grant, Johanson, Leonard and Brough

Modifying certain horse racing purses.

The bill was read the second time.

Representative Silver moved the following amendment by Representatives Silver and Dellwo:

On page 1, line 9, after "Washington." insert "It is recognized by the Washington Legislature that the enhancement in purses provided in this legislation will not directly benefit all race tracks in Washington. It is the Legislature's intent that the Horse Racing Commission work with the horse racing community to ensure that this opportunity for increased purses will not inadvertently injure horse racing at tracks not directly benefiting from this legislation."

Representatives Silver and Lemmon spoke in favor of adoption of the amendment and it was adopted.

Representative Lisk moved the following amendment by Representatives Lisk, Heavey, Lemmon and G. Fisher:

On page 2, after line 33, insert the following:

"(5) Provided that the additional one and one-quarter percent of the monies allowed to be retained by this act must be used for increased purses. The commission shall adopt such rules as may be necessary to enforce this subsection."

Representative Lisk spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lemmon spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1845.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1845 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Bill No. 1845, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1493, by Representatives Wineberry, Forner, Shin, Sheldon, Leonard, Basich, Locke, J. Kohl, Morris and Anderson

Assisting minority and women-owned businesses.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendment see Journal 57th Day, March 8, 1993.)

On motion of Representative Wineberry, Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1493 was read the second time.

Representative Valle moved the committee amendment not be adopted. The amendment was not adopted.

Representative Wineberry moved the following amendment by Representatives Wineberry, Wang, Miller, Chandler, J. Kohl, Forner and Shin:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. It is the intent of the legislature to combat discrimination in the economy.

(1) The legislature finds that discrimination is in part responsible for:

(a) The disproportionately small percentage of the state's businesses that are owned by minorities and women;

(b) The limited and unequal opportunity minority and women entrepreneurs and business owners have to procure small business financing; and

(c) The difficulty many minority and women-owned contracting businesses have in securing bonds and contract work.

(2) The legislature further finds that:

(a) Many minority and women entrepreneurs and business owners lack training in how to establish and operate a business. This lack of training inhibits their competitiveness when they apply for business loans, bonds, and contracts;

(b) Minorities and women are an increasingly expanding portion of the population and work force. In order for these individuals to fully contribute to the society and economy it is necessary to ensure that minority and women entrepreneurs and business owners are provided an equal opportunity to procure small business financing, bonds, and contracts; and

(c) The growth of small businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the marketplace, and expanding tax revenues. Access to financial markets, bonds, and contracts by entrepreneurs and small business owners is vital to this process. Without reasonable access to financing, bonds, and contracts, talented and aggressive entrepreneurs and small business owners are cut out of the economic system and the state's economy suffers.

(3) Therefore, the legislature declares there to be a substantial public purpose in providing technical assistance in the areas of marketing, finance, and management, and access to capital resources, bonds, and contracts, to help start or expand a minority or women-owned business, and specifically to encourage and make possible greater participation by minorities and women in international trade, public works and construction, and public facility concessions. To accomplish these purposes, it is the intent of the legislature to:

(a) Develop or contract for training courses in financing, marketing, managing, accounting, and recordkeeping for a small business and to make these programs available to minority and women entrepreneurs and small business owners;

(b) Make public works and construction projects, public facility concessions, and purchase of goods and services accessible to a greater number of minority and women-owned businesses;

(c) Provide for the lending of nonstate funds to qualified minority and women entrepreneurs and business owners in order to provide the maximum practicable opportunity for innovative minority and women entrepreneurs and business owners to compete for small business financing; and

(d) Provide professional services assistance grants and bond guarantees on behalf of qualified contractors in order to provide the maximum practicable opportunity for minority and women-owned contracting businesses to participate in the Washington state economy by bidding and completing various public and private contracting jobs.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Minority" means persons of color, including African-Americans, Hispanic/Latino Americans, Native Americans, and Asian/Pacific Islanders Americans;

(2) "Minority and women-owned business" means any resident minority business enterprise or women's business enterprise, certified as such by the office of minority and women's business enterprises under chapter 39.19 RCW and consistent with subsection (1) of this section.

I. EDUCATION AND TECHNICAL ASSISTANCE

Sec. 3. RCW 43.31.085 and 1989 c 430 s 2 are each amended to read as follows:

MARKETING, FINANCE, AND MANAGEMENT ASSISTANCE. The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) ~~((The business assistance center shall))~~ Work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) Provide or contract for technical assistance to minority and women-owned business enterprises in a variety of areas, including, but not limited to, marketing, finance, bidding and estimating assistance, public contracting assistance, and management.

(9) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) the department of community development, (d) the employment security department, (e) the

department of trade and economic development, (f) the small business development center, and (g) the department of social and health services.

~~((9))~~ (10) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

~~((40))~~ (11) Actively seek public and private money to support the child care facility fund described in RCW 43.31.502, staff and assist the child care facility fund committee as described in RCW 43.31.504, and work to promote applications to the committee for loan guarantees, loans, and grants.

Sec. 4. RCW 43.31.055 and 1985 c 466 s 6 are each amended to read as follows:

EXPORT ASSISTANCE. The department shall assist in expanding the state's role as a major international gateway for landing and transshipping goods bound for domestic and foreign markets. The department shall identify and work with Washington businesses, especially women and minority-owned businesses and ethnic community-based organizations, which can utilize state assistance to increase domestic and foreign exports and are capable of increasing production of goods and services, including but not limited to manufactured goods, raw materials, services, and retail trade. The department shall participate in trade and industry exhibitions both foreign and domestic to promote and market state products and services. The department's activities shall include, but not be limited to:

(1) Operating an active and vigorous effort to market the state's products and services internationally, coordinated with private and public international trade efforts throughout the state.

(2) Coordinating with the domestic and foreign export market development activities of the state department of agriculture.

(3) Sending delegations to foreign countries and other states to promote trade with Washington.

(4) Acting as a centralized location for the assimilation and distribution of trade information.

(5) Identifying domestic and international markets in which minority and women-owned businesses may have an advantage and providing technical assistance to develop capacity for minority and women-owned businesses to participate in international trade.

NEW SECTION. Sec. 5. A new section is added to chapter 43.210 RCW to read as follows:

The small business export finance assistance center shall develop a minority business export outreach program. The program shall provide outreach services to minority businesses in Washington to inform them of the importance of and opportunities in international trade, and to inform them of the export assistance programs available to assist these businesses to become exporters.

NEW SECTION. Sec. 6. A new section is added to chapter 43.31 RCW to read as follows:

ENTREPRENEURIAL TRAINING COURSES. The department of trade and economic development shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned small businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. The business assistance center may recommend professional instructors, with practical knowledge and experience on how to start and operate a business, to teach the courses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for minority and women small business owners and entrepreneurs.

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 5 and 6 of this act, referencing sections 5 and 6 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 5 and 6 of this act are null and void.

II. FAIRNESS IN CONTRACTING AND CONCESSIONS

Sec. 8. RCW 39.19.060 and 1983 c 120 s 6 are each amended as follows:

Each state agency and educational institution shall comply with the annual goals established for that agency or institution under this chapter for public works and procuring goods or services. This chapter applies to all public works and procurement by state agencies and educational institutions, including all contracts and other procurement under chapters 28B.10, 39.04, 39.29, 43.19, and 47.28 RCW. Each state agency shall adopt a plan, developed in consultation with the director and the advisory committee, to insure that minority and women-owned businesses are afforded the maximum practicable opportunity to directly and meaningfully participate in the execution of public contracts for public works and construction. In order to achieve the established participation goals, this plan shall include, but not be limited to, the agency contracting directly with certified minority and women-owned businesses for public works, construction, and goods and services. The office shall annually notify the governor, the state auditor,

and the legislative budget committee of all agencies and educational institutions not in compliance with this chapter. **NEW SECTION. Sec. 9.** A new section is added to chapter 39.19 RCW to read as follows:

State agencies shall not require a performance bond for any public works project that does not exceed twenty-five thousand dollars awarded to a certified minority or woman-owned business.

III. LOAN FUND AND GUARANTEES

Sec. 10. RCW 43.168.030 and 1985 c 164 s 3 are each amended to read as follows:

(1) The Washington state development loan fund committee is established as an entity within the department of community development. The committee shall have ~~((seven))~~ eight members. The director shall appoint the members, subject to the following requirements: (a) Three members shall be experienced in investment finance and have skills in providing capital to new and innovative businesses, in starting and operating businesses and providing professional services to small or expanding businesses; (b) two members shall be residents of distressed areas; (c) one member shall represent organized labor; ~~((and))~~ (d) one member shall represent a minority business; and (e) one member shall represent a women-owned business. Careful consideration in making these appointments shall be taken to ensure that the various geographic regions of the state are represented, that members will be available for meetings on a regular basis, and will have a commitment to working with local governments and local development organizations.

(2) Each member appointed by the director shall serve a term of three years, except that of the members first appointed, two shall serve two-year terms and two shall serve one-year terms. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the director only for cause.

(3) The director shall designate a member of the board as its chairperson. The committee may elect such other officers as it deems appropriate. ~~((Four))~~ Five members of the committee constitute a quorum and ~~((four))~~ five affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members of the committee shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for wilful dishonesty or intentional violations of law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 11. RCW 43.168.050 and 1990 1st ex.s. c 17 s 74 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities, ~~((or))~~ the maintenance of threatened employment, or development or expansion of business ownership by minorities and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, ~~((and))~~ the employment of disadvantaged workers, and development or expansion of business ownership by minorities and women, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which

would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) For loans not made to minority and women-owned businesses, the committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. For loans not made to minority and women-owned businesses, the committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

(12) For loans to minority and women-owned businesses who do not meet the credit criteria, the committee may consider non-traditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses in the economy. For applicants with high potential who do not meet the credit criteria, the committee shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the committee shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, priority shall be given to members of eligible groups which previously have been least served by this fund.

NEW SECTION. Sec. 12. A new section is added to chapter 43.168 RCW to read as follows:

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the committee under this chapter shall conform to applicable federal requirements. The committee shall prioritize available funds for loan guarantees rather than loans when possible. The committee may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the committee may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the committee from making individual loan guarantees.

Sec. 13. RCW 43.168.070 and 1987 c 461 s 5 are each amended to read as follows:

The committee may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The committee shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

Sec. 14. RCW 43.168.100 and 1986 c 204 s 1 are each amended to read as follows:

The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements; and (3) spend at least the same ~~((double the))~~ amount of the grant for loans to businesses from the federal funds received by the entitlement community.

IV. BONDING ASSISTANCE

NEW SECTION. Sec. 15. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 16 through 25 of this act.

(1) "Approved surety company" means a surety company approved by the department for participation in providing direct bonding assistance to qualified contractors.

(2) "Bond" means any bond or security required for bid, payment, or performance of contracts.

(3) "Department" means the department of trade and economic development.

(4) "Program" means the Washington state small business bonding assistance program provided for in this chapter.

(5) "Qualified contractor" means any resident minority business enterprise or women's business enterprise, as determined by the department to be consistent with the requirements of chapter 39.19 RCW and engaged in the contracting business, which has obtained a certificate of accreditation from the Washington state small business bonding assistance program.

NEW SECTION. Sec. 16. PROGRAM ESTABLISHED. There is established within the department of trade and economic development the Washington state small business bonding assistance program to assist resident minority and women-owned small contracting businesses to acquire the managerial and financial skills, standards, and assistance necessary to enable them to obtain bid, payment, and performance bonds from surety companies for either advertised or designated contracts. The department shall implement the program by establishing a course of instruction as set forth in section 18 of this act. The department shall encourage surety companies and other private interests to help implement this course of instruction to assist minority and women-owned small contracting businesses. The department shall adopt rules to ensure the proper implementation of the program set forth in this chapter.

NEW SECTION. Sec. 17. ASSISTANCE. The department shall seek information, advice, and assistance from regional minority contractor organizations, and the United States small business administration and any other appropriate organization or agency.

The following departments, offices, and agencies shall, at the request of the department, provide information, advice, and assistance to the department:

- (1) The department of general administration;
- (2) The Washington state business assistance center;
- (3) The office of the insurance commissioner;
- (4) The Washington state economic development finance authority; and
- (5) The office of minority and women's business enterprises.

NEW SECTION. Sec. 18. SPECIALIZED INSTRUCTION FOR SMALL CONTRACTING BUSINESSES. The business assistance center shall modify the entrepreneurial training course established in section 6 of this act in order to provide instruction which is appropriate to the specific needs of contracting businesses. This course of instruction shall be available to resident minority and women small business contractors. The instruction shall be intensive, practical training courses in financing, bidding for contracts, managing, accounting, and recordkeeping for a contracting business, with an emphasis on federal, state, local, or private programs available to assist small contractors. The business assistance center shall appoint professional instructors, with practical knowledge and experience in the field of small business contracting, to teach those courses developed to meet the specific needs of contracting businesses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for people in the contracting business.

NEW SECTION. Sec. 19. ACCREDITATION OF SMALL CONTRACTING BUSINESSES. Any resident minority or woman small business contractor may select a key management employee or employees to attend any course of instruction established under section 6 of this act. When the records, maintained by the business assistance center, indicate that a key management employee of a small contracting business has attended all the courses offered, and has successfully completed any tests required, the department shall award the small contracting business a certificate of accreditation which acknowledges successful completion of the courses. The department may also award a certificate of accreditation if a review of the key management employee's education, experience, and business history indicates that the business already possesses the knowledge and skills offered through the course of instruction, or if the key management employee successfully completes all tests required of those who attend the entrepreneurial training course.

NEW SECTION. Sec. 20. PROFESSIONAL SERVICES ASSISTANCE--GRANTS. Any qualified contractor seeking a grant for professional services assistance may apply to the department. If approved, the department may enter into an agreement to provide a grant of up to two thousand five hundred dollars on behalf of a qualified contractor for the acquisition of the professional services of certified public accountants, construction management companies, or any other technical, surety, financial, or managerial professionals. This assistance is only available to a qualified contractor on a one-time basis.

NEW SECTION. Sec. 21. GRANT MONITORING. The department shall administer all grants issued to assist qualified contractors and shall monitor the performance of all grant recipients in order to provide such further assistance as is necessary to ensure that all program requirements are met and that the program's purpose is

fulfilled. However, nothing in this chapter should be construed to restrict the rendering of program services to any qualified contractor over and above the services provided by the grant.

NEW SECTION. Sec. 22. BOND GUARANTEE APPLICATIONS. If a qualified contractor makes a bond application to an approved surety company for a public or private contracting job, but fails to obtain the bond because the contractor is unable to meet the requirements of the surety company on such bonding contracts, for reasons other than nonperformance, and if the approved surety company applies to the department to have the bond guaranteed by the program, then the department may provide a bond guarantee of up to seventy-five thousand dollars on behalf of the qualified contractor.

NEW SECTION. Sec. 23. BOND GUARANTEE APPROVAL. Upon receipt of an approved surety company's application for a bond guarantee, the department shall review the application in order to verify that:

- (1) The bond being sought by the qualified contractor is needed;
- (2) The contracting job is within the qualified contractor's capability to perform; and
- (3) The qualified contractor has not been denied a bond due to nonperformance.

Based upon subsections (1) through (3) of this section, the department shall either approve or disapprove the application. If the application is approved, the department has the authority to enter into a contract with the approved surety company. Under the terms of this contract the approved surety company shall enter into a contract with, and issue the required bond to, the qualified contractor at the standard fees and charges usually made by the company for the type and amount of the bond issued. The bond issued by the approved surety company shall be guaranteed by money in the program fund. The approved surety company shall also agree to make a reasonable, good faith effort to pursue and collect any claims it may have against a qualified contractor who defaults on a bond guaranteed by the program, including, but not limited to, the institution of legal proceedings against the defaulting contractor, prior to collecting on the guarantee.

NEW SECTION. Sec. 24. PROGRAM FUND ESTABLISHED. The Washington state small business bonding assistance program fund is created in the state treasury. Any amounts appropriated, donated, or granted to the program shall be deposited and credited to the program fund. Moneys in the program fund may be spent only after appropriation. Expenditures from the program fund shall only be used as follows:

- (1) To pay the implementation costs of the program provided for in this chapter;
- (2) To be disbursed by the department to enable qualified contractors to obtain services provided for in this chapter; and
- (3) To guarantee bonds issued pursuant to sections 22 and 23 of this act and to pay such bonds in the event of default by a qualified contractor.

However, the full faith and credit of the state of Washington shall not be used to secure the bonds and the state's liability shall be limited to the money appropriated by the legislature.

NEW SECTION. Sec. 25. FUND SUPPORT. The department shall solicit funds and support from surety companies and other public and private entities with an interest in assisting Washington's small business contractors and may enter into agreements with such companies and interests by which they provide funds to the program fund to be matched with funds from nonstate sources.

NEW SECTION. Sec. 26. The department may receive gifts, grants, and endowments from public or private sources that may be made from time to time, in trust or otherwise, for the use and benefit of the Washington state small business bonding assistance program and spend gifts, grants, endowments or any income from the public or private sources according to their terms.

NEW SECTION. Sec. 27. If specific funding for the purposes of sections 15 through 26 of this act, referencing sections 15 through 26 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 15 through 26 of this act are null and void.

V. MISCELLANEOUS

Sec. 28. RCW 43.31.091 and 1990 c 297 s 9 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, ~~((1993))~~ 1995, as provided in RCW 43.31.092.

Sec. 29. RCW 43.31.092 and 1990 c 297 s 10 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1994))~~ 1996:

- (1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;
(3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and
(4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

NEW SECTION. Sec. 30. RCW 43.31.091 and 43.31.092 are each recodified as sections in chapter 41.131 RCW.

NEW SECTION. Sec. 31. This act may be known and cited as the omnibus minority and women-owned businesses assistance act.

NEW SECTION. Sec. 32. Sections 1, 2, and 15 through 26 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 33. CAPTIONS NOT LAW. Part headings and section captions as used in this act do not constitute part of the law.

NEW SECTION. Sec. 34. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 35. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representative Forner moved the following amendment to the amendment by Representative Forner:

On page 7 of the striking amendment, line 23, before "State" insert "(1)"
On page 7 of the striking amendment, line 25, after "business" insert "that has been prequalified as provided under subsection (2) of this section"

On page 7 of the striking amendment, after line 25, insert:
"(2) A limited prequalification questionnaire shall be required assuring:
(a) That the bidder has adequate financial resources or the ability to secure such resources;
(b) That the bidder can meet the performance schedule;
(c) That the bidder is experienced in the type of work to be performed; and
(d) That all equipment to be used is adequate and functioning and that all equipment operators are qualified to operate such equipment."

Representative Forner and Wineberry spoke in favor of adoption of the amendment and it was adopted.

Representative Forner moved the following amendment to the amendment by Representative Forner:

On page 7, of the amendment, line 25, after "awarded to a" insert "pre-qualified and "

Representatives Forner and Wineberry spoke in favor of the amendment to the amendment and it was adopted.

Representative Wineberry spoke in favor of the amendment as amended and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry, Forner and Wang spoke in favor of passage of the bill and Representative Silver spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1493.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1493 and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Voting nay: Representatives Edmondson, Fuhrman, Lisk, Mielke, Morton, Padden, Riley and Silver - 8.

Engrossed Substitute House Bill No. 1493, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 15, 1993

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5077,
SENATE BILL NO. 5107,
ENGROSSED SENATE BILL NO. 5155,
SUBSTITUTE SENATE BILL NO. 5176,
SECOND SUBSTITUTE SENATE BILL NO. 5264,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
SENATE BILL NO. 5349,
SUBSTITUTE SENATE BILL NO. 5368,
SUBSTITUTE SENATE BILL NO. 5397,
ENGROSSED SENATE BILL NO. 5534,
SUBSTITUTE SENATE BILL NO. 5537,
SENATE BILL NO. 5578,
SENATE BILL NO. 5597,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5682,
ENGROSSED SENATE BILL NO. 5729,
ENGROSSED SENATE BILL NO. 5768,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5778,
SUBSTITUTE SENATE BILL NO. 5829,
SENATE BILL NO. 5875,
SENATE BILL NO. 5905,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: House Bill No. 1562, House Bill No. 1404 and House Bill No. 1743. The motion was carried.

HOUSE BILL NO. 1562, by Representatives Brown, Dellwo, H. Myers, Orr, Mastin and J. Kohl

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Local Government as amended by Committee on Revenue. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative H. Myers, Substitute House Bill No. 1562 was substituted for House Bill No. 1562 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1562 was read the second time.

Representative G. Fisher moved the committee amendment and spoke in favor of it . The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brown, Edmondson and H. Myers spoke in favor of passage of the bill and Representatives Horn, Van Luven and Tate spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1562.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1562 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Edmondson, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Mielke, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Silver, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Karahalios, Lisk, Long, Miller, Morton, Padden, Pruitt, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 41.

Engrossed Substitute House Bill No. 1562, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

Representative Peery demanded a Call of the House and the demand was sustained.

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

The Speaker called on Representative Dorn to preside.

Representative King moved that the House proceed under the call of the House. The motion was carried.

The Speaker (Representative Dorn presiding) called the House to order.

Representative Peery moved that the House immediately consider House Bill No. 2054.

HOUSE BILL NO. 2054, by Representatives Peery, Reams, Anderson, Heavey, R. Fisher, G. Cole, Ogden and Lemmon; by request of Governor Lowry

Reforming public employment law.

The bill was read the second time. On motion of Representative Locke, Substitute House Bill No. 2054 was substituted for House Bill No. 2054 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2054 was read the second time.

Representative Pruitt moved the following amendment by Representative Pruitt:

On page 2, after line 12, insert the following new paragraph:

"The legislature also finds that the efficiency and effectiveness with which government services are provided to the public depends on the motivation of the state employee workforce and the leadership provided to it. In recent years, experience in the private sector has demonstrated that productivity in the modern world is enhanced by a workplace environment that has a clear and overall focus on serving the needs of customers, that empowers employees by involving them in the workplace decisions that historically have been considered the exclusive province of management, and that treat employees with fairness, respect, and dignity. It is imperative that the department of human resources created under this act and each state agency exercising powers under this act establish and implement policies that strive to provide such a workplace environment."

On page 32, line 25, after "diversity;" insert "empower employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promote a workplace where the overall focus is on the recipient of the government services and how these services can be improved;"

Representative Pruitt spoke in favor of adoption of the amendment and it was adopted.

Representative Anderson moved the following amendment by Representatives Anderson, Wolfe and Veloria:

On page 6, line 18, after "exceed" strike "two" and insert "one and one-half"

On page 9, line 26, after "~~seven~~)" strike "two" and insert "one and one-half"

Representatives Anderson and Wolfe spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved the following amendment by Representatives Locke, Veloria and L. Johnson:

On page 13, line 12, after "~~four~~" strike "fourteen" and insert "nine"

On page 13, line 16, after "be certified" insert ". In addition, a certification shall include five additional names of members of protected groups who are on existing registers, taking into consideration the extent to which the protected group members are represented in the agency's workforce. More than five additional names per vacancy will be certified if there are protected group candidates with the same score as the lowest score to be certified"

On page 16, line 27, after "~~four~~" strike "fourteen" and insert "nine"

On page 16, line 31, after "be certified" insert ". In addition, a certification shall include five additional names of members of protected groups who are on existing registers, taking into consideration the extent to which the protected group members are represented in the agency's workforce. More than five additional names per vacancy will be certified if there are protected group candidates with the same score as the lowest score to be certified"

Representatives Locke and Veloria spoke in favor of adoption of the amendment and it was adopted.

Representative Wineberry moved the following amendment by Representatives Wineberry, Veloria, Miller and J. Kohl:

On page 13, line 16, after "be certified" insert ". In addition, when the vacancy to be filled is identified as part of an agency's affirmative action goals as established by its approved affirmative action plan, the director of human resources may refer up to fifteen additional names per vacancy of individuals who are on existing registers and who are members of protected groups. For the purposes of this subsection (2), "protected groups" means African Americans, Hispanic Americans, American Indians, Asian Americans, Filipinos, and all other racial minorities, disabled persons, women, Vietnam era veterans, and disabled veterans"

On page 16, on line 31, after "be certified" insert ". In addition, when the vacancy to be filled is identified as part of an agency's affirmative action goals as established by its approved affirmative action plan, the director of human resources may refer up to fifteen additional names per vacancy of individuals who are on existing registers and who are members of protected groups. For the purposes of this subsection (2), "protected groups" means African Americans, Hispanic Americans, American Indians, Asian Americans, Filipinos, and all other racial minorities, disabled persons, women, Vietnam era veterans, and disabled veterans"

Representative Wineberry spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

Representative Anderson moved the following amendment by Representatives Anderson and Veloria:

On page 13, line 30, after "plans" insert ", to the extent that consideration of an approved affirmative action plan is not inconsistent with applicable precedent of the United States Supreme Court"

On page 16, line 9, after "transfer," insert "layoff and subsequent reemployment,"

On page 17, line 6, after "reemployment" strike all material through "plans" on line 8 and insert "~~((both according to seniority))~~"

On page 19, line 35, after "transfer," strike "layoff and subsequent reemployment,"

On page 58, beginning on line 8, after "(a)" strike the remainder of subsection (a) and insert "Require that the factors to be considered in determining the order of layoffs and subsequent reemployment include both seniority and the implementation and maintenance of approved affirmative action plans; and"

Representative Wineberry moved the following amendment to the amendment by Representatives Wineberry, Veloria, Miller, Locke and J. Kohl:

On page 1, strike lines 9 through 11 of the amendment and insert the following:

"On page 17, line 6, after "(10)" strike "Layoffs" and insert "(a) Until July 1, 1995, layoffs"

On page 17, after line 8, insert the following:

"(b)On and after July 1, 1995, layoffs when necessary and subsequent reemployment;"

Representatives Wineberry spoke in favor of adoption of the amendment to the amendment and Representative Anderson spoke against it. The amendment was not adopted.

Representative Anderson spoke in favor of the amendment as amended and Representative Conway spoke against it. The amendment as amended was adopted.

Representative King moved the following amendment by Representatives King, J. Kohl, Jones and Locke:

On page 28, line 15, after "management" insert ", and subject to any applicable requirements for collective bargaining. The factors to be considered in the feasibility study shall be developed in consultation with representatives of the affected employees and may include both long-term and short-term effects of the proposal to contract for services"

On page 57, line 31, after "bargained;" insert "and

On page 57, line 32, after "(d)" strike all material through "(e)" on line 34

Representatives King and Heavey spoke in favor of adoption of the amendment and it was adopted.

Representative Wineberry moved the following amendment by Representatives Wineberry, J. Kohl, Veloria and Miller:

On page 28, after line 29, insert:

"(4) Whenever any agency or institution of higher education or related board contracts with individuals or business entities for the performance of services customarily and historically provided by employees in classified service, it shall select such individuals or business entities that are consistent with the participation goals of the agency, institution, or board under chapter 39.19 RCW."

Representatives Wineberry and Heavey spoke in favor of adoption of the amendment.

The Speaker called on the House to divide.

The result of the division was 92 YEAS; 6 NAYS. The amendment was adopted.

Representative King moved the following amendment by Representatives King, J. Kohl, Jones and Locke:

On page 36, after line 18, insert the following new section:

"NEW SECTION. Sec. 141. A new section is added to chapter 41.06 RCW to read as follows:

At least sixty days prior to providing notice of any layoffs, the agency or institution of higher education or related board shall provide each potentially affected employee with information showing the job security ranking of the employee within the employment unit experiencing the layoffs."

Representatives King, Heavey and Jones spoke in favor of adoption of the amendment.

Representative Peery demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 36 after line 18, by Representative King to House Bill No. 2054, and the amendment was adopted by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Representative Heavey moved the following amendment by Representatives Heavey, Orr, Wolfe, Eide and L. Johnson:

On page 56, beginning on line 23, strike all of section 305 and renumber the remaining sections consecutively and correct any internal references accordingly.

On page 57, line 15, after "(a)" strike all material through "action" on line 27 and insert the following:

"Merit system principles related to recruitment, examinations, certification, and appointments of employees; classification, including reclassification, of positions; position qualification standards; and the career executive program, the Washington management services program, veteran's preferences, and equal opportunity and affirmative action plans"

On page 57, line 34, after "(e)" strike the remainder of subsection (e) and insert "Inherent managerial policy, which shall include such areas of discretion or policy as the functions, programs, business hours, and organizational structure of the employer, the employer's overall budget, the decision to use technology, and the selection and direction of employees;"

On page 58, line 10, after "plans;" strike "and"

On page 58, line 14, after "employment" insert the following:

"; and

(c) Identify management rights"

On page 60, line 38, after "conflict with" strike "sections 305 and" and insert "section"

Representative Heavey spoke in favor of adoption of the amendment and it was adopted.

Representative Heavey moved the following amendment by Representatives Heavey, Orr, Wolfe, Eide and L. Johnson:

On page 58, line 10, after "plans;" strike "and"

On page 58, line 14, after "employment" insert the following:

"; and

(c) Provide for joint labor/management committees at the levels within the agency deemed appropriate by the parties"

Representative Heavey spoke in favor of adoption of the amendment and it was adopted.

Representative Heavey moved the following amendment by Representatives Heavey, Orr, Wolfe, Eide and L. Johnson:

On page 70, line 29, after "(c)" strike the remainder of subsection (c) and insert "Consult with and involve agency representatives as appropriate during collective bargaining. The designee and the exclusive bargaining representative may agree to form negotiation subcommittees to address issues specific to one or more agencies or specific subjects as the designee and exclusive bargaining representative deem appropriate;"

Representative Heavey spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery, Romero, Flemming, Cothorn, Sommers, Sheldon, Heavey, Appelwick, J. Kohl, Wineberry and Locke spoke in favor of passage of the bill.

Representatives Wolf, Conway and Ballard spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2054.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2054, and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Lemmon, Leonard, Linville, Locke, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Wang, Wineberry, Zellinsky and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Holm, Horn, Johanson, King, Kremen, Lisk, Long, Ludwig, Mielke, Morton, Padden, Patterson, Reams, Romero, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Veloria, Wolfe and Wood - 44.

Engrossed Substitute House Bill No. 2054, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the call of the House was dissolved.

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

MOTION

On motion of Representative Peery, the House adjourned until 9:30 a.m.,
Tuesday, March 16, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SIXTY-FOURTH DAY, MARCH 15, 1993

JOURNAL OF THE HOUSE

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

SIXTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 16, 1993

The House was called to order at 9:30 a.m. by the Speaker (Representative G. Fisher presiding). The Clerk called the roll and a quorum was present.

Representative Wang assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kiri Jacobsen and Justin Padden. Prayer was offered by Reverend David Stathopulo of Capital Lakes Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SB 5077 by Senator Vognild

Specifying when damages for pain and suffering of a deceased person may be recovered by survivors.

Referred to Committee on Judiciary.

SB 5107 by Senators Sutherland and A. Smith

Concerning arrest without warrant.

Referred to Committee on Judiciary.

ESB 5120 by Senator A. Smith

Changing provisions relating to consumer protection.

Referred to Committee on Judiciary.

ESB 5155 by Senators Skratek, Haugen, Drew and Roach

Changing requirements for the establishment of community councils.

Referred to Committee on Local Government.

SB 5164 by Senators Wojahn and Talmadge

Exempting nonprofit organizations providing credit services from the business and occupation tax.

Referred to Committee on Revenue.

SSB 5176 by Senate Committee on Labor & Commerce (originally sponsored by Senators Vognild, Pelz, Moore, Wojahn and Fraser)

Concerning the cashing of government issued checks or warrants.

Referred to Committee on Financial Institutions & Insurance.

SSB 5263 by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Anderson, Barr and Bauer)

Regulating the marketing of milk.

Referred to Committee on Agriculture & Rural Development.

2SSB 5264 by Senate Committee on Ways & Means (originally sponsored by Senators M. Rasmussen, Bluechel, Skratek, Erwin, Deccio, Roach, Sheldon, Williams, Moore, Loveland, Sutherland, Bauer and Winsley)

Establishing a Washington state trade office in the Russian Far East.

Referred to Committee on Trade, Economic Development & Housing.

ESSB 5307 by Senate Committee on Education (originally sponsored by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

Referred to Committee on Judiciary.

SB 5349 by Senators Pelz and Moyer

Renaming educational clinics.

Referred to Committee on Education.

SSB 5368 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Sutherland, McDonald, Bauer, Nelson, Anderson and Erwin)

Creating a sales tax exemption for certain vessels.

Referred to Committee on Revenue.

SB 5385 by Senators Moore, Newhouse, McAuliffe and Winsley; by request of Department of Licensing

Creating the uniform commercial code fund.

Referred to Committee on Financial Institutions & Insurance.

SSB 5397 by Senate Committee on Higher Education (originally sponsored by Senators Sheldon, Prince, Winsley, Bauer, Drew and Oke)

Granting resident status at institutions of higher education for active duty personnel stationed in Washington and their spouses and dependents.

Referred to Committee on Higher Education.

SSB 5483 by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Winsley, Vognild, Wojahn, Moore, Rinehart, McAuliffe, Sutherland, Pelz and Franklin)

Providing for arbitration in public transportation labor negotiations.

Referred to Committee on Commerce & Labor.

2SSB 5511 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Winsley, Quigley, Snyder and Pelz; by request of Secretary of State)

Enabling voter registration by mail.

Referred to Committee on State Government.

ESB 5534 by Senators Vognild and Prince

Authorizing terminal safety audits of private carriers.

Referred to Committee on Transportation.

SSB 5537 by Senate Committee on Energy & Utilities (originally sponsored by Senators Sutherland, Hochstatter and A. Smith; by request of Utilities & Transportation Commission)

Concerning alternate operator service companies.

Referred to Committee on Energy & Utilities.

SB 5578 by Senators Fraser, Owen, Oke, Hargrove, Haugen and Winsley

Clarifying the areas where a personal use fishing license is not required.

Referred to Committee on Fisheries & Wildlife.

SB 5597 by Senators A. Smith, Spanel and Rinehart; by request of Attorney General

Limiting the use of documentary materials.

Referred to Committee on Judiciary.

SB 5638 by Senators Skratek, Drew, Roach, Haugen, Quigley, M. Rasmussen and Oke

Modifying property tax valuation of property affected by growth management regulations.

Referred to Committee on Revenue.

ESSB 5682 by Senate Committee on Labor & Commerce (originally sponsored by Senators Sutherland, Oke, Prentice and Erwin)

Exempting certain organizations, publications, and subscribers from insurance provisions.

Referred to Committee on Financial Institutions & Insurance.

ESB 5729 by Senator Rinehart

Changing the family emergency assistance program.

Referred to Committee on Human Services.

ESB 5768 by Senators Haugen, Oke, Loveland, Nelson, Owen, Cantu and Moyer

Providing for inspection services at an emergency scene upon the request of a public official.

Referred to Committee on State Government.

SSB 5829 by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore and Prince)

Licensing mortgage brokers and loan originators.

Referred to Committee on Financial Institutions & Insurance.

ESB 5831 by Senators Barr, Sutherland and McCaslin

Limiting certain payments by electrical utilities to owners of residences in which the primary heat source is electric resistance space heat.

Referred to Committee on Energy & Utilities.

SB 5875 by Senators Gaspard, von Reichbauer, A. Smith, Winsley and M. Rasmussen; by request of Military Department

Enacting the national guard mutual assistance counter-drug activities compact.

Referred to Committee on Judiciary.

SB 5903 by Senators Bauer, Winsley and von Reichbauer; by request of State Board for Community and Technical Colleges

Allocating basic education funding to community and technical colleges for students enrolled in community or technical colleges.

Referred to Committee on Education.

SB 5905 by Senators Vognild, Fraser and Deccio; by request of County Road Administration Board

Changing provisions regarding the county road administration board.

Referred to Committee on Local Government.

ESSB 5911 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Cantu, Skratek, Bluechel and Winsley)

Promoting economic development.

Referred to Committee on Trade, Economic Development & Housing.

ESB 5917 by Senators Drew, Vognild, McAuliffe and M. Rasmussen

Restructuring statutes on state participation in rail freight service.

Referred to Committee on Transportation.

ESSB 5948 by Senate Committee on Health & Human Services (originally sponsored by Senators Deccio, Talmadge, Franklin, Prentice and McCaslin)

Modifying process and procedures for disciplining of health care professionals.

Referred to Committee on Health Care.

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

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

MOTION

Representative Sheldon moved that the House immediately consider House Bill No. 1743 on the second reading calendar. The motion was carried.

SECOND READING

HOUSE BILL NO. 1743, by Representatives Flemming, Horn, Rust, Linville, Valle and J. Kohl

Providing for pollution prevention plans.

The bill was read the second time.

On motion of Representative Rust, Substitute House Bill No. 1743 was substituted for House Bill No. 1743 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1743 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flemming, Horn and Rust spoke in favor of passage of the bill and Representative Van Luven spoke against it.

On motion of Representative J. Kohl, Representative Scott was excused.

The Speaker (Representative Wang presiding) stated the question before the House to be final passage of Substitute House Bill No. 1743.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1743 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Lisk and Van Luven - 2.

Absent: Representatives Dellwo and Wineberry - 2.

Excused: Representative Scott - 1.

Substitute House Bill No. 1743, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote "yes" on Substitute House Bill No. 1743.

DENNIS DELLWO, 3rd. District

RESOLUTION

HOUSE RESOLUTION NO. 93-4630, by Representatives Orr, Padden, Sheahan, Schoesler and Silver

WHEREAS, The degree of competition and interest in girls' and womens' basketball is growing in the State of Washington at all scholastic levels; and

WHEREAS, The state high school girls' tournaments completed March 13, 1993, demonstrated with spirited play and exemplary sportsmanship the appeal of the sport among the players, students, parents, and fans of Washington; and

WHEREAS, The most difficult accomplishment in the world of sports is to live up to the high expectations created by an undefeated record and to successfully advance to the ultimate goal of a tournament championship; and

WHEREAS, The members of the Central Valley Bears girls' basketball team are Lindsay Donaldson, Lisa Lentz, Laura Fralich, Aimee Turner, Alicia Lyon, Emily Spear, Kristen Hepton, Suzanne Boots, Reagan McClement, Tanya Kirk, Joey Asan, and Jacqueline Clark; and

WHEREAS, The Central Valley High School Bears girls' basketball team from the Spokane Valley triumphed on March 13 in the Class AAA championship game, and, by winning 44-35 over a worthy opponent from Snohomish High School, thereby completed a perfect season record of 29 wins and no losses; and

WHEREAS, The Central Valley Bears, under the leadership of Coach Dale Poffenroth and Assistant Coach Judy Walters, have brought distinction and pride to Central Valley High School, its students, its supporters, and the entire community;

NOW, THEREFORE, BE IT RESOLVED, That in recognition of the outstanding accomplishments of team members and the coach, the House of Representatives honor the Central Valley Girls' Basketball Team.

Representative Orr moved adoption of the resolution.

Representatives Orr and Padden spoke in favor of the resolution.

House Resolution No. 4630 was adopted.

The Speaker (Representative Wang presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers) called the House to order.

MESSAGE FROM THE SENATE

March 16, 1993

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5241,
SUBSTITUTE SENATE BILL NO. 5390,
SUBSTITUTE SENATE BILL NO. 5392,
SUBSTITUTE SENATE BILL NO. 5512,
ENGROSSED SENATE BILL NO. 5632,
SUBSTITUTE SENATE BILL NO. 5636,
SENATE BILL NO. 5689,
SENATE BILL NO. 5828,

and the same are herewith transmitted.

Marty Brown, Secretary

MESSAGE FROM THE SENATE

March 15, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5101,
SUBSTITUTE SENATE BILL NO. 5212,
SUBSTITUTE SENATE BILL NO. 5357,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5405,
SENATE BILL NO. 5474,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5535,

SUBSTITUTE SENATE BILL NO. 5557,
SENATE BILL NO. 5577,
SUBSTITUTE SENATE BILL NO. 5657,
SUBSTITUTE SENATE BILL NO. 5821,
SENATE BILL NO. 5906,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary of Senate

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1338 and House Bill No. 1871. The motion was carried.

HOUSE BILL NO. 1338, by Representatives Thibaudeau, Appelwick, Ballasiotes, H. Myers, Flemming, Dyer, Eide, Cooke, Zellinsky, Johanson, Romero, Forner, Reams, Rust, Schmidt, Riley, Dunshee, Brough, Ogden, J. Kohl, Locke, Anderson, Ludwig, Edmondson, Horn, Heavey, Cothorn, R. Johnson, King, Veloria, Rayburn, Bray, Orr, Pruitt, Karahalios, Lemmon, Carlson, Kessler, Wolfe, R. Fisher, Hansen, Jacobsen, Morris, Quall, Franklin, L. Johnson, Leonard, Jones, Valle, G. Cole, Holm, Wang, Grant, Dorn, Sheldon, Sommers, Miller, Finkbeiner, Brown, Scott, Roland, Shin, R. Meyers, Springer, Basich, Campbell, Wood, Long, Wineberry and Dellwo

Prohibiting interference with access to or from a health care facility.

The bill was read the second time.

On motion of Representative Appelwick, Substitute House Bill No. 1338 was substituted for House Bill No. 1338 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1338 was read the second time.

With the consent of the House, Representative Fuhrman withdrew amendment number 159 and Representative Padden withdrew amendment number 167.

Representative Carlson moved the following amendment by Representative Carlson:

On page 2, after line 15, insert the following:

"NEW SECTION. Sec.4. It is unlawful for a person, alone or in concert with others, to willfully or recklessly interfere with a person: (a) Who is not in violation of section (3) of this act; and
(b) Who is otherwise lawfully exercising his or her right of free speech and assembly on the health care facility or the common area of the real property upon which the facility is located.

Interference includes the following:

- (1) Assaulting the person in violation of Chapter 9A.36 RCW;
- (2) Harassing the person in violation of Chapter 9A.46 RCW; or
- (3) Creating a public disturbance in violation of Chapter 9A.84 RCW."

On page 2, line 16, after "section 3" insert "or section 4"

On page 2, line 19, after "section 3" insert "or section 4"

On page 2, line 24, after "section 3" insert "or section 4"

Representatives Carlson spoke in favor of adoption of the amendment and Representative Appelwick spoke against it. The amendment was not adopted.

Representative Thibaudeau moved the following striking amendment by Representative Thibaudeau:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that seeking or obtaining health care is fundamental to public health and safety.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Health care facility" means a facility that provides health care services directly to patients, including but not limited to, a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, neuropsychiatric or mental health facility, hospice, or nursing home.

(2) "Health care provider" has the same meaning as defined in RCW 7.70.020 (1) and (2), and also means an officer, director, employee, or agent of a health care facility who sues or testifies regarding matters within the scope of his or her employment.

(3) "Aggrieved" means:

(a) A person, physically present at the health care facility when the prohibited actions occur, whose access is or is about to be obstructed or impeded;

(b) A person, physically present at the health care facility when the prohibited actions occur, whose care is or is about to be disrupted;

(c) The health care facility, its employees, or agents;

(d) The owner of the health care facility or the building or property upon which the health care facility is located.

NEW SECTION. Sec. 3. (1) It is unlawful for a person, alone or in concert with others, willfully or recklessly to interfere with access to or from a health care facility or willfully or recklessly to disrupt the normal functioning of such a facility by:

(a) Impeding a person's entry to or departure from the facility or from the common areas of the real property upon which the facility is located;

(b) Making noise that unreasonably disturbs the peace within the facility;

(c) Trespassing on the facility or the common areas of the real property upon which the facility is located; or

(d) Telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose.

(2) A violation of this section is a misdemeanor.

NEW SECTION. Sec. 4. (1) It is unlawful for a person, alone or in concert with others, willfully or recklessly to interfere with access to or from a health care facility by:

(a) Physically preventing a person's entry to or departure from the facility or from the common areas of the real property upon which the facility is located;

(b) Using words or conduct to place another person in reasonable fear of serious harm to his or her person or property; or

(c) Knowingly permitting any telephone under his or her control to be used to place another person in reasonable fear of harm to his or her person or property.

(2) A violation of this section is a gross misdemeanor punishable as follows:

(a) For a first offense, a fine of not less than two hundred fifty dollars and a jail term of not less than twenty-four consecutive hours;

(b) For a second offense, a fine of not less than five hundred dollars and a jail term of not less than seven consecutive days; and

(c) For a third or subsequent offense, a fine of not less than one thousand dollars and a jail term of not less than thirty consecutive days.

Sec. 5. RCW 10.31.100 and 1988 c 190 s 1 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((8))~~ (9) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.095 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of section 3 or 4 of this act may arrest such person.

(10) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((40))~~ (11) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 6. (1) A person or health care facility aggrieved by the actions prohibited by section 3 or 4 of this act may seek civil damages from those who committed the prohibited acts and those acting in concert with them. A plaintiff in an action brought under this chapter shall not recover more than his or her actual damages and additional sums authorized in section 7 of this act. Once a plaintiff recovers his or her actual damages and any additional sums authorized under this chapter, additional damages shall not be recovered. A person does not have to be criminally convicted of violating section 3 or 4 of this act to be held civilly liable under this section. It is not necessary to prove actual damages to recover the additional sums authorized under section 7 of this act, costs, and attorneys' fees. The prevailing party is entitled to recover costs and attorneys' fees.

(2) The superior courts of this state shall have authority to grant temporary, preliminary, and permanent injunctive relief to enjoin violations of this chapter.

In appropriate circumstances, any superior court having personal jurisdiction over one or more defendants may issue injunctive relief that shall have binding effect on the original defendants and persons acting in concert with the original defendants, in any county in the state.

Due to the nature of the harm involved, injunctive relief may be issued without bond in the discretion of the court, notwithstanding any other requirement imposed by statute.

The state and its political subdivisions shall cooperate in the enforcement of court injunctions that seek to protect against acts prohibited by this chapter.

NEW SECTION. Sec. 7. In a civil action brought under this chapter, an individual plaintiff aggrieved by the actions prohibited by section 3 or 4 of this act may be entitled to recover up to five hundred dollars for each day that

the actions occurred, or up to five thousand dollars for each day that the actions occurred if the plaintiff aggrieved by the actions prohibited under section 3 or 4 of this act is a health care facility.

NEW SECTION. Sec. 8. Section 3 of this act shall not be interpreted to apply to:

- (1) The actions of any agent, officer, or employee of the health care facility, acting within the scope of his or her agency, office, or employment; or
- (2) The actions of any law enforcement officer, acting within the scope of his or her agency; or
- (3) Any expressive conduct protected from legal prohibition by the first article of amendment to the Constitution of the United States, or Article I, section 5 of the State Constitution; or
- (4) Conduct by a party to a labor dispute in furtherance of labor or management objectives in that dispute.

NEW SECTION. Sec. 9. Nothing in section 3 of this act shall prohibit lawful picketing or other publicity for the purpose of providing the public with information.

NEW SECTION. Sec. 10. A court having jurisdiction over a criminal or civil proceeding under this chapter shall take all steps reasonably necessary to safeguard the individual privacy and prevent harassment of a health care patient or health care provider who is a party or witness in a proceeding, including granting protective orders and orders in limine.

Sec. 11. RCW 10.97.070 and 1977 ex.s. c 314 s 7 are each amended to read as follows:

(1) Criminal justice agencies may, in their discretion, disclose to persons who have suffered physical loss, property damage, or injury compensable through civil action, the identity of persons suspected as being responsible for such loss, damage, or injury together with such information as the agency reasonably believes may be of assistance to the victim in obtaining civil redress. Such disclosure may be made without regard to whether the suspected offender is an adult or a juvenile, whether charges have or have not been filed, or a prosecuting authority has declined to file a charge or a charge has been dismissed.

(2) Unless the agency determines release would interfere with an ongoing criminal investigation, in any action brought pursuant to this chapter criminal justice agencies shall disclose identifying information, including photographs of suspects, if the acts are alleged by the plaintiff or victim to be a violation of section 3 or 4 of this act.

(3) The disclosure by a criminal justice agency of investigative information pursuant to subsection (1) of this section shall not establish a duty to disclose any additional information concerning the same incident or make any subsequent disclosure of investigative information, except to the extent an additional disclosure is compelled by legal process.

NEW SECTION. Sec. 12. Nothing in this chapter shall be construed to limit the right to seek other available criminal or civil remedies. The remedies provided in this chapter are cumulative, not exclusive.

NEW SECTION. Sec. 13. If any section or subsection of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the section or subsection to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 2 through 4, 6 through 10, and 12 of this act shall constitute a new chapter in Title 9A RCW.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Fuhrman moved the following amendment to the striking amendment:

On page 1, line 16, after "hospice," strike "or"

On page 1, line 16, after "home" insert ", or health research facility"

Representatives Fuhrman and Padden spoke in favor of adoption of the amendment and Representatives Appelwick and Thibaudeau spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment to the striking amendment to Substitute House Bill No. 1338 and the amendment was not adopted by the following vote: Yeas - 29, Nays - 69, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Mielke, Miller, Morton, Padden, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 29.

Voting nay: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 69.

Representative Fuhrman moved adoption of the following amendment to the striking amendment:

On page 1, line 30, after "located" insert "; and

(e) Any person lawfully exercising his or her right of free speech and assembly on the facility or the common area of the real property upon which the facility is located"

On page 2, after line 30, insert the following:

"NEW SECTION. Sec. 5. (1) It is unlawful for a person, alone or in concert with others, to willfully or recklessly interfere with a person:

(a) Who is not in violation of section 3 or 4 of this act; and

(b) Who is otherwise lawfully exercising his or her right of free speech and assembly on the facility or the common area of the real property upon which the facility is located.

(2) Interference includes the following:

(a) Assaulting, endangering, or maliciously harassing the person in violation of chapter 9A.36 RCW;

(b) Restraining the person in violation of RCW 9A.40.040;

(c) Harassing the person in violation of chapter 9A.46 RCW;

(d) Maliciously causing physical damage to the property of the person in violation of chapter 9A.48 RCW;

(e) Making telephone calls to the person in violation of chapter 9.61 RCW; and

(f) Creating a public disturbance in violation of chapter 9A.84 RCW.

(3) A violation of this section is a gross misdemeanor punishable as follows:

(a) For a first offense, a fine of not less than two hundred fifty dollars and a jail term of not less than twenty-four consecutive hours;

(b) For a second offense, a fine of not less than five hundred dollars and a jail term of not less than seven consecutive days; and

(c) For a third or subsequent offense, a fine of not less than one thousand dollars and a jail term of not less than thirty consecutive days."

On page 3, line 1, after "through (~~(8)~~)" strike "(9)" and insert "(10)"

On page 5, line 1, after "section" strike "3 or 4" and insert "3, 4, or 5"

On page 5, line 10, after "section" strike "3 or 4" and insert "3, 4, or 5"

On page 5, line 18, after "section" strike "3 or 4" and insert "3, 4, or 5"

On page 6, line 3, after "section" strike "3 or 4" and insert "3, 4, or 5"

On page 6, line 6, after "section" strike "3 or 4" and insert "3, 4, or 5"

On page 6, line 8, after "Section 3" insert "and 4"

On page 6, line 20, after "section 3" insert "or 4"

On page 7, line 9, after "section" strike "3 or 4" and insert "3, 4, or 5"

Representatives Fuhrman and Padden spoke in favor of adoption of the amendment to the striking amendment and Representatives Appelwick and Thibaudeau spoke against it. The amendment was not adopted.

Representative Padden moved adoption of the following amendment to the striking amendment:

On page 2, line 4, after "noise" insert "above 90 decibels as measured inside the facility"

Representative Padden spoke in favor of adoption of the amendment to the striking amendment and Representative Appelwick spoke against it.

Representative Padden again spoke in favor of adoption of the amendment to the amendment. The amendment was not adopted.

Representative Padden moved adoption of the following amendment to the striking amendment:

On page 2, beginning on line 31 of the amendment, strike all of section 5

Representative Padden spoke in favor of the amendment to the striking amendment and Representatives Appelwick and Thibaudeau spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment to the striking amendment to Substitute House Bill No. 1338, and the amendment was not adopted by the following vote: Yeas - 28, Nays - 70, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Dorn, Edmondson, Foreman, Fuhrman, Horn, Kremen, Lisk, Mielke, Morton, Padden, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 28.

Voting nay: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 70.

Representative Padden moved adoption of the following amendment to the amendment:

On page 5, line 14 of the amendment, after "damages" strike everything through "act"

On page 5, line 19 of the amendment, after "section." strike everything through "fees." on line 21

On page 6, beginning on line 1 of the amendment, strike all of section 7

Representative Padden spoke in favor of adoption of the amendment to the striking amendment. The amendment was not adopted.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be adoption of the striking amendment.

Representatives Thibaudeau and Appelwick spoke in favor of adoption of the striking amendment and Representatives Campbell and Padden spoke against it.

The Speaker assumed the chair.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the striking amendment by Representative Thibaudeau to Substitute House Bill No. 1338 and the amendment was adopted by the following vote: Yeas - 64, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 34.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thibaudeau, Miller, Appelwick, Campbell, Locke, Foreman and Brown spoke in favor of the passage of the bill.

Representatives Fuhrman, Padden, Sheahan, and Stevens spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1338.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1338 and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Casada, Chandler, Fuhrman, Mielke, Morton, Padden, Schoesler, Sheahan, Silver, Stevens, Talcott, Tate and Van Luven - 14.

Engrossed Substitute House Bill No. 1338, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1922. The motion was carried.

The Speaker called on Representative R. Meyers to preside.

HOUSE BILL NO. 1922, by Representatives Lemmon, Mastin, Morris, Hansen, Basich, Kessler, Johanson, Scott, Tate, Bray, Campbell, Dunshee, Eide, Orr, Grant, Lisk, Ludwig, R. Meyers, Springer, Finkbeiner, Dorn, Vance, Quall, Kremen, Rayburn, Brough, Foreman, Riley, L. Johnson, Horn, King, Forner, Roland, Ogden, Thomas, Brumsickle, Long, Casada, Ballasiotes, Mielke, Cooke, Van Luven and Karahalios

Creating a work ethic boot camp program within the department of corrections.

The bill was read the second time.

On motion of Representative Morris, Substitute House Bill No. 1922 was substituted for House Bill No. 1922 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1922 was read the second time.

Representative Morris moved adoption of the following striking amendment by Representatives Morris, Lemmon, Long and Tate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that high crime rates and a heightened sense of vulnerability have led to increased public pressure on criminal justice officials to increase offender punishment and remove the most dangerous criminals from the streets. As a result, there is unprecedented growth in the corrections populations and overcrowding of prisons and local jails. Skyrocketing costs and high rates of recidivism have become issues of major public concern. Attention must be directed towards implementing a long-range corrections strategy that focuses on inmate responsibility through intensive work ethic training.

The legislature finds that many offenders lack basic life skills and have been largely unaffected by traditional correctional philosophies and programs. In addition, many first-time offenders who enter the prison system learn

more about how to be criminals than the important qualities, values, and skills needed to successfully adapt to a life without crime.

The legislature finds that opportunities for offenders to improve themselves are extremely limited and there has not been adequate emphasis on alternatives to total confinement for nonviolent offenders.

The legislature finds that the explosion of drug crimes since the inception of the sentencing reform act and the response of the criminal justice system have resulted in a much higher proportion of substance abuse-affected offenders in the state's prisons and jails. The needs of this population differ from those of other offenders and present a great challenge to the system. The problems are exacerbated by the shortage of drug treatment and counseling programs both in and outside of prisons.

The legislature finds that the concept of a work ethic camp that requires the offender to complete an appropriate and balanced combination of highly structured and goal-oriented work programs such as correctional industries based work camps and/or class I and class II work projects, drug rehabilitation, and intensive life management work ethic training, can successfully reduce offender recidivism and lower the overall cost of incarceration.

It is the purpose and intent of sections 1 through 6 of this act to implement a regimented work ethic camp that is designed to directly address the high rate of recidivism, reduce upwardly spiraling prison costs, preserve scarce and high cost prison space for the most dangerous offenders, and provide judges with a tough and sound alternative to traditional incarceration without compromising public safety.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of corrections.

(3) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of postrelease supervision.

(4) "First-time drug offender" means any person who is convicted of a felony for the first time in violation of chapter 69.50 RCW, or of any offense defined as a felony under federal law that relates to the possession, manufacture, or delivery of a controlled substance, or any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under current statute.

(5) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education. The objectives of the program are to deter offenders from committing additional crimes by requiring them to experience the sobering realities of prison life and simultaneously complete an intense range of character and skill building challenges.

(6) "Incarceration program" means the work ethic camp.

NEW SECTION. Sec. 3. The department of corrections shall establish one work ethic camp. The secretary shall locate the incarceration program within an already existing department compound or facility, or in a facility that is scheduled to come on line within the initial implementation date outlined in this section. The facility selected for an incarceration program shall appropriately accommodate the logistical and cost-effective objectives contained in sections 1 through 6 of this act. The department shall be ready to assign inmates to the incarceration program one hundred twenty days after the effective date of this act. The department shall establish the work ethic program cycle to last from one hundred twenty to one hundred eighty days. The department shall develop all aspects of the incarceration program including, but not limited to, program standards, conduct standards, educational components including general education development test achievement, offender incentives, drug rehabilitation program parameters, individual and team work goals, techniques for improving the offender's self-esteem, citizenship skills for successful living in the community, measures to hold the offender accountable for his or her behavior, and the successful completion of the incarceration program granted to the offender based on successful attendance, participation, and performance as defined by the secretary. The work ethic camp shall be designed and implemented so that offenders are continually engaged in meaningful activities and unstructured time is kept to a minimum. In addition, the department is encouraged to explore the integration and overlay of a military style approach to the work ethic camp.

NEW SECTION. Sec. 4. (1) Offenders shall be recommended for consideration to participate in the incarceration program at the time of their sentencing by the sentencing judge. Upon sentencing an offender to work ethic camp, the sentencing judge shall convert the period of work ethic camp confinement at a rate of one day of work ethic camp confinement to three days of total standard confinement. Only those offenders who successfully complete their sentence in work ethic camp, as defined by the department, shall be eligible to convert their sentence at this ratio. The court shall, as a component of any sentence regarding work ethic camp, also impose a term of community

placement postrelease supervision. The total time spent in the work ethic program and postrelease supervision shall not exceed the initial sentence imposed. During the last two weeks prior to release from work ethic camp the department shall provide the offender with comprehensive transition training. The court shall send a copy of the offender's sentence to the department within five working days of sentencing. The department shall arrange to take custody of the offender within its established customary time frame after the documents have been provided to the department by the court. The department shall then be responsible for determining if the offender is eligible for the incarceration program based on the following criteria:

- (a) The offender is between the ages of eighteen and twenty-eight years.
- (b) The offender has no known physical or mental impairments that would prevent his or her ability to perform the challenging physical and mental activities associated with this program.
- (c) The offender is a first-time drug offender or an offender who is sentenced for not more than thirty-six months or less than twenty-two months.
- (d) The offender has not been convicted of any sex offenses or violent offenses.
- (e) The offender agrees to and signs the terms and conditions of the program designated by the secretary.

The department shall develop written incarceration program offender eligibility criteria and make the information available to the appropriate sentencing courts.

(2) The secretary shall prescribe the form and content of the agreement to be signed by the eligible offender before entering the incarceration program.

(3) The department may place inmates eligible for the work ethic camp incarceration program in program beds that have not been utilized by the court. The secretary shall ensure that court-referred inmates receive priority placement in the program.

(4) An inmate who fails to complete the incarceration program, who is administratively terminated from the incarceration program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and subject to all rules relating to earned early release time.

(5) An inmate who is sentenced or transferred to the incarceration program shall serve no less than one hundred twenty or more than one hundred eighty days as defined by the department to be considered a successful graduate of the incarceration program. Because of the conversion ratio, earned early release time shall not accrue to offenders sentenced to the work ethic camp.

NEW SECTION. Sec. 5. The department work ethic program facility shall employ one hundred percent of all inmates. The employment options available for inmates shall include meaningful work opportunities that provide the offender with real-world skills that help the offender find employment when he or she successfully completes the incarceration program. The department shall include in the incarceration program, without limitation, class I, class II, and class IV correctional programs. No more than thirty-five percent of the total inmate population in the facility shall be employed in class III correctional industries programs in the first year and thereafter ten percent less per year until a maximum of ten percent of the inmates are working in this employment class. In addition, work options shall also include department-supervised work crews as defined by the department. These work crews shall have the ability to work on public roads conducting litter control, minor emergency repair or other minor tasks that do not negatively impact employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385, or have a negative impact on the local labor market or local business community as assessed by the department correctional industries advisory board of directors. The department shall establish, to the extent possible, programs that will positively impact our natural environment such as, but not limited to, recycling programs and minor environmental cleanup programs. If the department is directed by the legislature to increase the percentage of inmates employed in correctional industries programs, inmates employed through work ethic camps shall not be counted towards this total percentage.

NEW SECTION. Sec. 6. The incarceration program established in sections 1 through 6 of this act shall be considered a pilot alternative incarceration program and remain in effect until July 1, 1998. The department and the office of financial management shall monitor and analyze the effectiveness of the incarceration program and complete a final outcome evaluation study by January 15, 1998. Based on the findings of this final outcome evaluation study, the legislature may extend the program. The study shall include: The recidivism rates of successful program graduates, analysis of the overall program costs, the ability to maintain public safety, and any other pertinent data established by the department. The department may encourage interested universities to participate in studies that will enhance the effectiveness of the program.

The department of corrections shall seek the availability of federal funds for the planning, implementation, evaluation, and training of staff for work ethic camp programs, substance abuse programs, and offender education programs.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 72.09 RCW.

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

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representatives Morris and Long spoke in favor of adoption of the striking amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF PARLIAMENTARY INQUIRY

Representative Miller: Mr. Speaker, I note that House Bill No. 1153 appears on today's calendar under the label "notice of reconsideration." This notice to reconsider on the next working day was given on Saturday and the motion to reconsider was not voted upon yesterday. Is it not true then that in accordance with House Rule 20, House Bill No. 1153 is no longer properly on the House calendar?

SPEAKER'S RULING

Speaker (Representative R. Meyers presiding): You're point is well taken, Representative Miller. The time for reconsideration has passed and the bill should no longer appear on the calendar.

Representatives Lemon, Tate and Morris spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1922.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1922 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1922, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider House Bill No. 1871 and House Bill No. 1458 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1871, by Representatives Heavey, Kessler and Lemmon

Regulating chiropractic care for industrial insurance.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority do pass substitute. Committee on Appropriations recommendation: Majority do pass substitute by Committee on Commerce &

Labor as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day, March 8, 1993)

On motion of Representative Heavey, Substitute House Bill No. 1871 was substituted for House Bill No. 1871 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1871 was read the second time.

Representative Valle moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Representative Wang moved adoption of the following amendment by Representatives Wang, Heavey, Locke and Lemmon:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.04.030 and 1989 c 189 s 1 are each amended to read as follows:

The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment, including care provided by physicians' assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

The director shall appoint an associate medical director for chiropractic. The associate medical director must be eligible to be licensed under chapter 18.25 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 51.36 RCW to read as follows:

(1) The health services that are available to an injured worker under RCW 51.36.010 include chiropractic treatment in appropriate cases within the scope of practice under chapter 18.25 RCW. As appropriate, and subject to the requirements for examinations of workers specified in this title, a worker may be required by the department to undergo chiropractic examination by a chiropractor licensed under chapter 18.25 RCW for the purpose of assisting the department in making determinations for the closure of a claim, in assessing the necessity and appropriateness of chiropractic care, or in making other determinations within the scope of chiropractic practice related to the worker's industrial injury.

(2) The department may establish treatment and utilization standards for chiropractic treatment in consultation with representatives of the chiropractic profession. The standards, if any, may be developed in conjunction with the department of health. The standards should include some or all of the following:

- (a) Standards designed to assure quality treatment and to maximize recovery from the industrial injury;
- (b) Standards designed to contain costs, consistent with assured access to medically necessary treatment;
- (c) Standards that permit review of an injured worker's progress toward recovery after a stated number of chiropractic treatments. The standards may require review of chiropractic treatment based on a specified number of treatments, but the standards may not require termination of treatment based solely on the number of treatments.

(d) Standards for requesting consultation with chiropractors by the department or other health services providers on the necessity or appropriateness of chiropractic care or other subjects within the chiropractic scope of practice.

Sec. 4. RCW 51.32.112 and 1988 c 114 § 2 are each amended to read as follows:

(1) The department shall develop standards for the conduct of special medical examinations to determine permanent disabilities, including, but not limited to:

(a) The qualifications of persons conducting the examinations;

(b) The criteria for conducting the examinations, including guidelines for the appropriate treatment of injured workers during the examination; and

(c) The content of examination reports.

(2) Within the appropriate scope of practice, chiropractors licensed under chapter 18.25 RCW may conduct special medical examinations to determine permanent disabilities in consultation with physicians licensed under chapter 18.57 or 18.71 RCW. The department, in its discretion, may request that a special medical examination be conducted by a single chiropractor if the department determines that the sole issues involved in the examination are within the scope of practice under chapter 18.25 RCW. However, nothing in this section authorizes the use as evidence before the board of a chiropractor's determination of the extent of a worker's permanent disability if the determination is not requested by the department.

(3) The department shall investigate the amount of examination fees received by persons conducting special medical examinations to determine permanent disabilities, including total compensation received for examinations of department and self-insured claimants, and establish compensation guidelines and compensation reporting criteria.

~~((3))~~(4) The department shall investigate the level of compliance of self-insurers with the requirement of full reporting of claims information to the department, particularly with respect to medical examinations, and develop effective enforcement procedures or recommendations for legislation if needed.

Sec. 5. RCW 51.36.100 and 1986 c 200 § 1 are each amended to read as follows:

The legislature finds and declares it to be in the public interest of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of medical, chiropractic, dental, vocational, and other health services to industrially injured workers pursuant to Title 51 RCW. In order to effectively accomplish such purpose and to assure that the industrially injured worker receives such services as are paid for by the state of Washington, the acceptance by the industrially injured worker of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the director of the department of labor and industries or the director's authorized representative to inspect and audit all records in connection with the provision of such services.

Sec. 6. RCW 51.36.110 and 1986 c 200 § 2 are each amended to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW."

Representative Wang spoke in favor of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey, Campbell, Wang and Lemmon spoke in favor of passage of the bill and Representatives Horn and Lisk spoke against it.

Representative Heavey again spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Heavey yielded to a question by Representative Wang.

Representative Wang: Under section 3 of this bill, the Department of Labor and Industries may require examinations of injured workers by chiropractors to assist the department in making determinations related to the closure of a claim the necessity and appropriateness of care, and other similar determinations. Does this provision mean that the department may use only chiropractic in making these determination.

Representative Heavey: No. This bill clarifies the department's authority to use chiropractic examinations but it does not change the department's authority to request examinations by other health service providers as appropriate for the injured worker's care.

Representative Wang: Secondly, does anything in the bill give a chiropractor the right to sue the department for failure to use a chiropractor in making determinations related to the closure of a claim, to the necessity of appropriateness of care, or other related determinations.

Representative Heavey: No. This bill gives the department some discretionary authority in making these determinations. The department's exercise of its discretionary authority or failure to exercise the authority does not establish any cause of action for a chiropractor.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1871.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1871 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Horn, Lisk and Silver - 3.

Engrossed Substitute House Bill No. 1871, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1458, by Representatives Zellinsky, Mielke, Dorn, R. Johnson and Fuhrman

Regulating retail charge agreements.

The bill was read the second time.

On motion of Representative Zellinsky, Substitute House Bill No. 1458 was substituted for House Bill No. 1458 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1458 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1458.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1458 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Reams - 1.

Substitute House Bill No. 1458, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the House was in recess until 1:35.

AFTERNOON SESSION

The House was called to order at 1:35 p.m. by the Speaker (Representative Wineberry presiding.)

The Clerk called the roll and a quorum was present.

The Speaker (Representative Wineberry presiding) called the House to order.

The Speaker (Representative R. Meyers presiding) assumed the chair.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1404 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1404, by Representatives Ogden, Silver, Chandler, Sommers, Fuhrman, Locke, Valle, Ballasiotes, Jones, Roland, Brough, Long, Foreman, Ballard, Wood, Miller, Forner, Tate, Schoesler, Reams, Morton and J. Kohl; by request of Legislative Budget Committee

Regulating personal service contracts.

The bill was read the second time.

Representative Valle moved adoption of the following amendment by Representatives Valle and others:

On page 1, line 11, after "contracts" strike everything through "process." and insert "~~((negotiated without an open competitive process))~~, to centralize the location of information about personal service contracts for ease of public review, and ensure proper accounting of personal services expenditures."

On page 4, after line 8, insert the following:

"Sec. 5. RCW 39.29.018 and 1987 c 414 s 5 are each amended to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed. For sole source contracts of ten thousand dollars or more that are state funded, documented justification shall include evidence that the agency attempted to identify potential consultants by advertising through state-wide or regional newspapers or other appropriate media or by notifying consultants on established bidders' lists approved by the office of financial management.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more that are state funded, before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year. The office of financial management shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of ten thousand dollars or more are reasonable.

NEW SECTION. Sec. 6. A new section is added to chapter 39.29 RCW to read as follows:

Personal services may be procured only to resolve a particular agency problem or issue or to expedite a specific project that is temporary in nature. An agency may procure personal services only if it documents that:

- (1) The service is critical to agency responsibilities or operations, or is mandated or authorized by the legislature;
- (2) Sufficient staffing or expertise is not available within the agency to perform the service; and
- (3) Other qualified public resources are not available to perform the service.

NEW SECTION. Sec. 7. A new section is added to chapter 39.29 RCW to read as follows:

(1) State-funded personal service contracts subject to competitive solicitation shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days before the proposed starting date of the contract.

(2) The office of financial management shall review and approve state-funded personal service contracts subject to competitive solicitation that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting.

NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

The office of financial management shall maintain a publicly available list of all personal service contracts entered into by state agencies during each fiscal year. The list shall identify the contracting agency, the contractor, the purpose of the contract, effective dates and periods of performance, the cost of the contract and funding source, any modifications to the contract, and whether the contract was competitively procured or awarded on a sole source basis. The office of financial management shall also ensure that state accounting definitions and procedures are consistent with RCW 39.29.006 and permit the reporting of personal services expenditures by agency and by type of service. Designations of type of services shall include, but not be limited to, management and organizational services, legal and expert witness services, financial services, computer and information services, social or technical research, marketing, communications, and employee training or recruiting services. The office of financial management shall report annually to the fiscal committees of the senate and house of representatives on sole source contracts filed under this chapter. The report shall describe: (1) The number and aggregate value of contracts for each category established in this section; (2) the number and aggregate value of contracts of two thousand five hundred dollars or greater but less than ten thousand dollars; (3) the number and aggregate value of contracts of ten thousand dollars or greater; (4) the justification provided by agencies for the use of sole source contracts; and (5) any trends in the use of sole source contracts.

NEW SECTION. Sec. 9. A new section is added to chapter 39.80 RCW to read as follows:

Contracts entered into by any state agency for architectural and engineering services, and modifications thereto, shall be reported to the office of financial management on a quarterly basis, in such form as the office of financial management prescribes."

Representative Valle spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Silver spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Padden was excused.

On motion of Representative J. Kohl, Representative Zellinsky was excused.

The Speaker assumed the chair.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1404.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1404 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 96.

Excused: Representatives Padden and Zellinsky - 2.

Engrossed House Bill No. 1404, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the House immediately began consideration of House Bill No. 1412.

HOUSE BILL NO. 1412, by Representatives R. Meyers, Padden, Dellwo and Scott

Changing provisions relating to prejudgment interest.

The bill was read the second time.

On motion of Representative Appelwick, Substitute House Bill No. 1412 was substituted for House Bill No. 1412 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1412 was read the second time.

Representative Sheldon moved the following amendment by Representatives Sheldon and others:

On page 2, line 15 after "damages" insert "or is found to be noneconomic damages"

On page 2, after line 33 insert "(5) 'Noneconomic damages as used in subsection (3) of this section means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.'"

Representatives Sheldon and Dyer spoke in favor of adoption of the amendment and Representative Appelwick spoke against. The amendment was adopted.

Representative Morris moved the following amendment by Representatives Morris and others:

On page 3, after line 3 insert the following:

"**Sec. 3.** RCW 4.56.115 and 1983 c 147 § 2 are each amended to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest ~~((from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter~~

~~judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered)) in accordance with the provisions of RCW 4.56.110."~~

Representatives Morris and Padden spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Dyer withdrew amendment number 52.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick, Padden and Van Luven spoke in favor of passage of the bill and Representative Dyer spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1412.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1412 and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Bray, Brough, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Fuhrman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Padden, Patterson, Peery, Pruitt, Quall, Reams, Riley, Roland, Romero, Schmidt, Scott, Sehlin, Sheahan, Shin, Springer, Stevens, Thibaudeau, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ballard, Basich, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Flemming, Foreman, Forner, Horn, Lisk, Mielke, Morton, Ogden, Orr, Rayburn, Rust, Schoesler, Sheldon, Silver, Sommers, Talcott, Tate, Thomas, Valle, Vance and Zellinsky - 30.

Engrossed Substitute House Bill No. 1412, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1343 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1343, by Representatives Morris, Ballasiotes, Brough, Leonard, Heavey, Scott, G. Cole, R. Fisher, Kremen, Long, Rust, Carlson, Veloria, Dellwo, Karahalios, Wang, Grant, Jones, Wolfe, Franklin, Forner, Jacobsen, Appelwick, Campbell, H. Myers, Kessler, Springer, Miller, Locke, Roland, Valle, Basich, Wood, Quall, King, Johanson, Hansen, L. Johnson, Ogden, J. Kohl, Wineberry and Anderson

Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989.

The bill was read the second time.

On motion of Representative Morris, Substitute House Bill No. 1343 was substituted for House Bill No. 1343 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1343 was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1343.
ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1343 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Fuhrman, Padden and Riley - 3.

Substitute House Bill No. 1343, having received the constitutional majority, was declared passed.

With the consent of the House, the House considered House Bill No. 1765 on today's second reading calendar.

HOUSE BILL NO. 1765, by Representatives L. Johnson, Morris, Long, Cooke, Dellwo, Mastin, Thibaudeau, Campbell, Riley, Johanson, Karahalios, Eide, J. Kohl, Springer and Leonard

Creating a corrections mental health center operated through a partnership of the department of corrections and the University of Washington.

The bill was read the second time.

On motion of Representative Morris, Substitute House Bill No. 1765 was substituted for House Bill No. 1765 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1765 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson and Long spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1765.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1765 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Ballasiotes and Flemming - 2.

Substitute House Bill No. 1765, having received the constitutional majority, was declared passed.

With the consent of the House, the House considered House Bill No. 1817 on the second reading calendar.

HOUSE BILL NO. 1817, by Representatives L. Johnson, Morris, Long, Edmondson, Valle, Rayburn, Karahalios, Riley, Springer, Campbell and Cothorn

Directing the department of corrections to review the offender health care system.

The bill was read the second time.

On motion of Representative Morris, Substitute House Bill No. 1817 was substituted for House Bill No. 1817 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1817 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson and Long spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1817.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1817 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1817, having received the constitutional majority, was declared passed.

With the consent of the House, the House considered House Bill No. 1912 on the second reading calendar.

HOUSE BILL NO. 1912, by Representatives Morris and Long

Establishing guidelines for allowing witnesses at an execution.

The bill was read the second time.

On motion of Representative Morris, Substitute House Bill No. 1912 was substituted for House Bill No. 1912 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1912 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Long and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1912.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1912 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant,

Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.
Voting nay: Representative Wang - 1.

Substitute House Bill No. 1912, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House immediately consider House Bill No. 1160. The motion was carried.

HOUSE BILL NO. 1160, by Representatives R. Johnson, Ballasiotes, Padden, Long, Fuhrman, Campbell, Kremen, Brough, Jones, Quall, Pruitt, Rayburn, Sheahan, Horn, Brumsickle, Van Luven, Talcott, Lisk, Edmondson, Mielke, King, Miller, Wood, Foreman, Sehlin and Silver

Providing for notification to crime victims of certain rights.

The bill was read the second time.

On motion of Representative Ludwig, Substitute House Bill No. 1160 was substituted for House Bill No. 1160 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1160 was read the second time.

Representative H. Myers moved adoption of the following amendment by Representative H. Myers:

On page 1, after line 3, insert the following:

"Sec. 1. RCW 7.69.020 and 1985 c 443 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Survivor" or "survivors" of a victim of crime means a spouse, child, parent, legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

(3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.

(4) "Victim impact statement" means a statement submitted to the court by the victim or a survivor, individually or with the assistance of the prosecuting attorney if assistance is requested by the victim or survivor, which may include but is not limited to information assessing the financial, medical, social, and psychological impact of the offense upon the victim or survivors.

(5) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

(6) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime."

On page 3, after line 20, insert the following:

"Sec. 3. RCW 7.69A.020 and 1992 c 188 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Child" means any living child under the age of eighteen years.

(3) "Victim" means a living person against whom a crime has been committed.

(4) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

(5) "Family member" means child, parent, or legal guardian.

(6) "Advocate" means any person, including a family member not accused of a crime, who provides support to a child victim or child witness during any legal proceeding.

(7) "Court proceedings" means any court proceeding conducted during the course of the prosecution of a crime committed against a child victim, including pretrial hearings, trial, sentencing, or appellate proceedings.

(8) "Identifying information" means the child's name, address, location, and photograph, and in cases in which the child is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

(9) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime."

Representative H. Myers spoke in favor of adoption of the amendment and it was adopted.

Representative H. Myers moved adoption of the following amendment by Representative H. Myers:

On page 5, after line 3, insert the following:

"Sec. 3. RCW 43.280.010 and 1990 c 3 s 1201 are each amended to read as follows:

The legislature recognizes the need to increase ~~((the))~~ services available to ~~((the))~~ victims of ~~((sex offenders))~~ crime. The legislature also recognizes that these services are most effectively planned and provided at the local level through the combined efforts of concerned community and citizens groups, treatment providers, and local government officials. The legislature further recognizes that adequate treatment for victims is not only a matter of justice for the victim, but also a method by which additional ~~((abuse))~~ crime can be prevented.

The legislature intends to enhance the community-based ~~((treatment))~~ services available to ~~((the))~~ victims of ~~((sex offenders))~~ crime by:

(1) Establishing the office of crime victims' advocacy to provide a focus within state government on the rights of, and services for, victims of crime;

~~((2))~~ (2) Providing funding support for local ~~((treatment))~~ programs ~~((which))~~ that provide services to victims of ~~((sex offenders))~~ crime;

~~((2))~~ (3) Providing technical assistance and support to help communities plan for and provide ~~((treatment))~~ services to crime victims; and

~~((3))~~ (4) Providing communities and local ~~((treatment))~~ service providers with opportunities to share information about successful prevention and treatment programs.

NEW SECTION. Sec. 4. An office of crime victims' advocacy is established within the department of community development. The purpose of the office is to provide a focus within state government on the rights of, and services for, victims of crime.

The office of crime victims' advocacy shall:

(1) Advocate for programs and policies that strengthen victim rights and improve the quality and accessibility of services for victims;

(2) Serve as an ombuds to assist victims in obtaining needed services, and to investigate situations in which victims believe their rights have been violated;

(3) Serve as a clearinghouse of information regarding services, statutes, and research related to crime victims;

(4) Work with crime victim service organizations to provide leadership in the development of public policy relative to crime victim issues;

(5) Facilitate the development of standards for the provision of services to crime victims upon the request of providers of such services and affected regulatory agencies;

(6) Facilitate the planning and provision of training for providers of crime victim services including, but not limited to, personnel in social service, criminal justice, medical, and education systems;

(7) Administer grant funds that are made available to enhance the capacity of communities to serve victims of crime and to prevent victimization; and

(8) Provide technical assistance to state and community organizations to help them serve victims of crime.

NEW SECTION. Sec. 5. The crime victims' ombuds is created within the office of crime victims' advocacy.

(1) The crime victims' ombuds may investigate complaints concerning possible violation of the rights of crime victims or witnesses provided for by law, the delivery of services to crime victims, claims for crime victims compensation under chapter 7.68 RCW, and other complaints of mistreatment by elements of the criminal justice system or victim service providers. Clients or other affected individuals who have complaints regarding a policy or procedure, or the application of a policy or procedure, of the department of social and health services, shall be referred to the complaint resolution process established under RCW 74.13.045 if the complaint is related to programs administered under chapter 74.13 RCW. The ombuds shall act as a liaison, if requested, between agencies in the criminal justice system or victim service providers, and victims and witnesses. The ombuds shall be available through the use of a toll-free telephone number and shall answer questions concerning the criminal justice system and victim services from victims and witnesses in accordance with the ombuds' knowledge of the facts or law, unless the information is otherwise restricted.

(2) The crime victim ombuds has those powers necessary to carry out the duties set out in subsection (1) of this section, including:

(a) The ombuds may investigate any action of an element of the criminal justice system or a victim assistance program.

(b) The ombuds may request and be given access to all information pertaining to a complaint, including any records pertaining to juveniles and juvenile offenders. Records obtained under this chapter shall not be released to any person by the office of crime victims' advocacy.

(c) After completing investigation of a complaint, the ombuds may inform in writing the complainant, the investigated person or entity, and other appropriate authorities of the action taken.

(3)(a) On finding a complaint valid after duly considering the complaint and whatever material the ombuds deems pertinent, the ombuds may recommend action to the appropriate authority.

(b) If the ombuds makes a recommendation to an appropriate authority for action, the authority shall, within a reasonable time period, inform the ombuds about the action taken or the reasons for not complying with the recommendation.

(4) The crime victims' ombuds shall not serve as legal counsel to any person in a civil or criminal proceeding.

(5) The executive administrator of the office of crime victims' advocacy shall establish procedures to ensure the impartiality of all ombuds actions including those that involve crime victim programs funded by the department of community development.

NEW SECTION. Sec. 6. The executive administrator of the office of crime victims' advocacy shall be appointed by and report to the director of the department of community development.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply to the executive administrator of the office of crime victims' advocacy.

Sec. 8. RCW 43.280.020 and 1990 c 3 s 1203 are each amended to read as follows:

There is established in the department of community development a grant program to enhance the funding for treating the victims of sex offenders and prevention of sexual assault victimization. Activities that can be funded through this grant program are limited to those that:

(1) Provide effective treatment or prevention services to victims of sex offenders;

(2) Increase access to and availability of treatment or prevention services for victims of sex offenders, particularly if from undeserved populations; and

(3) Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment or prevention services to these victims.

Funding priority shall be given to those applicants that represent well-established existing programs and applicants that represent new programs that are being created in geographic areas where no programs presently exist.

Sec. 9. RCW 43.280.030 and 1990 c 3 s 1204 are each amended to read as follows:

Applications for funding under this chapter must:

(1) Present evidence demonstrating how the criteria in RCW (~~(43.280.040)~~) 43.280.020 will be met and demonstrating the effectiveness of the proposal.

(2) Contain evidence of active participation of the community and its commitment to providing ~~((an))~~ effective treatment or prevention services for victims of sex offenders through the participation of local governments, tribal governments, human service and health organizations, and treatment entities and through meaningful involvement from others, including citizen groups, as applicable.

Sec. 10. RCW 43.280.050 and 1990 c 3 s 1206 are each amended to read as follows:

At a minimum, grant applications must include the following:

- (1) The geographic area from which the victims or persons at-risk of becoming victims to be served are expected to come;
- (2) A description of the extent and effect of the needs of these victims and persons at-risk of becoming victims within the relevant geographic area;
- (3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
- (4) An explanation of what organizations were involved in the development of the proposal; and
- (5) An evaluation methodology.

Sec. 11. RCW 43.280.060 and 1990 c 3 s 1207 are each amended to read as follows:

- (1) Subject to funds appropriated by the legislature, the department of community development shall make awards under the grant program established by RCW 43.280.020.
- (2) Awards shall be made competitively based on the purposes of and criteria in this chapter.
- (3) To aid the department of community development in making its determination, the department shall form a peer review committee comprised of the executive administrator or designee for the office of crime victims' advocacy (~~office~~) and individuals who have experience in (~~the treatment of victims of predatory violent sex offenders~~) providing sexual assault treatment or prevention services. The peer review committee shall advise the department on the extent to which each eligible applicant meets the purposes and criteria of this chapter. The department shall consider this advice in making awards.
- (4) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

NEW SECTION. Sec. 12. Records maintained by the office of crime victims' advocacy are not subject to discovery in any judicial proceeding unless:

- (1) A written motion is made to a court stating that discovery is requested of such records;
- (2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested of office of crime victims' advocacy records;
- (3) The court reviews the office of crime victims' advocacy records in camera to determine whether the records are relevant and whether the probative value of the records are outweighed by the victim's privacy interest in the confidentiality of such records, taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records; and
- (4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth a basis for the courts findings.

NEW SECTION. Sec. 13. No member of the office of crime victims' advocacy may be compelled to testify in any court with respect to matters involving the exercise of the ombuds functions of the office, except for the purpose of establishing the validity of records that may be entered into evidence pursuant to section 12 of this act.

Sec. 14. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

- (1) The following are exempt from public inspection and copying:
 - (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
 - (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
 - (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
 - (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for ~~((a))~~ (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or ~~((b))~~ (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(dd) Business related information protected from public inspection and copying under RCW 15.86.110.

(ee) Records maintained by the office of crime victims' advocacy related to the ombuds functions of the office that disclose or could be used to disclose the identity of a crime victim or complainant.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be

deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. **Sec. 15.** Sections 4 through 6, 12, and 13 of this act are each added to chapter 43.280 RCW."

Representative H. Myers spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Johnson and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1160.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1160 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1160, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MESSAGE FROM THE SENATE

March 16, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5050,
SECOND SUBSTITUTE SENATE BILL NO. 5288,
SENATE BILL NO. 5546,
SENATE BILL NO. 5659,
SENATE BILL NO. 5703,
SENATE BILL NO. 5787,
SENATE BILL NO. 5791,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheldon moved the House immediately consider the following bills in the following order: House Bill No. 1128, House Bill No. 1394, House Bill No. 1442, House Bill No. 1518, House Bill No. 1529 and Substitute House Bill No. 1622. The motion was carried.

HOUSE BILL NO. 1128, by Representatives G. Fisher, Holm, Silver, Vance, Edmondson, Heavey, Foreman, Ballard, Brough, Long, Miller and Brumsickle; by request of Washington State Patrol

Funding blood and breath alcohol testing programs.

The bill was read the second time.

On motion of Representative Holm, Substitute House Bill No. 1128 was substituted for House Bill No. 1128 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1128 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Thomas was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1128.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1128 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1128, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1394, by Representatives R. Fisher, R. Meyers, Pruitt, Campbell and Jacobsen

Strengthening penalties for improper use of HOV lanes.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1394.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1394 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives King, Riley and Springer - 3.

Excused: Representative Thomas - 1.

House Bill No. 1394, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1442, by Representatives R. Johnson, Roland and J. Kohl

Creating a watershed management task force.

The bill was read the second time.

On motion of Representative Pruitt, Substitute House Bill No. 1442 was substituted for House Bill No. 1442 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1442 was read the second time.

Representative R. Johnson moved adoption of the following amendment by Representatives R. Johnson and Pruitt:

On page 1 strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND PURPOSE. The legislature finds that there is a need to comprehensively review the policies and institutional framework governing the management, protection and enhancement of water resources in the state of Washington. As a result of the proliferation of water resource programs, planning requirements and everincreasing demands on the resource, the need for coordinated and efficient water resource is essential. In order to provide a consolidated approach to water resource management and to provide consistent and timely decisionmaking, the legislature further finds that, to the extent possible, the executive and the legislative branches of state government should work together with the help of local governments and tribal governments on water resources issues which are statewide in their significance.

It is therefore the purpose of this act to create a water resource commission to comprehensively review the water resource management programs in the state and make recommendations for improvement and implementation of management decisions.

NEW SECTION. Sec. 2. COMMISSION CREATED. (1) There is created the Washington water resources policy commission. The commission shall be comprised as follows:

(a) The governor, or the governor's representative;

(b) Three members of the house of representatives: The chair of the house agriculture and rural development committee, the chair of the natural resources and parks committee, and the minority leader or his or her designee;

(c) Three members of the senate: The chair of the senate ecology and parks committee, the chair of the senate energy and utilities committee, and the minority leader or his or her designee;

(d) No more than three members, appointed by the governor, from federally recognized Indian tribes, who will not be expected to represent any Indian tribes other than their own;

(e) Three members, appointed by the governor, to represent general purpose local governments;

(f) No more than six members, appointed by the governor, to represent the following interests:

(i) Agriculture, including one member from the east side of the cascade mountains and one member from the west side of the cascade mountains;

- (ii) Environmental organizations;
- (iii) Commercial timber landowners;
- (iv) Fisheries and wildlife; and,
- (v) Utilities.

(2) The commission shall convene at the call of the governor under section 4 of this act, and the governor or his representative shall be the chair.

(3) The governor shall provide the staff for the commission. Whenever practicable, existing employees of state government shall be used on a temporary basis to assist in staffing the commission. The commissioner of public lands and the attorney general shall cooperate in assuring the assignment of staff having expertise in the matters under review by the commission.

(4) Commission members appointed under subsections (1)(d) and (1) (f) of this section are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each members

place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 43.03 RCW.

(5) The governor shall make the appointments required under this section no later than sixty days following the effective date of this act.

(6) Except as specifically provided in this act, the commission shall determine the procedures for conducting its activities. In

any report or recommendations to the governor and the legislature, the commission shall allow the inclusion of minority positions.

(7) The commission may enter into contracts for the performance of work necessary to assist the commission in its duties under this act.

NEW SECTION. Sec. 3. COMMISSION DUTIES. The commission shall conduct a comprehensive review of water resources management in Washington that includes:

(1) An identification of all programs governing flood and storm water management, water supply delivery, water quality protection, instream flow and riparian protection, and other water resource management needs;

(2) An assessment of the performance of existing programs in achieving coordinated water resource management, that identifies specific conflicting or inconsistent policies, strategies, standards, jurisdiction or planning requirements;

(3) Recommendations for the coordination and integration of state water resource programs, emphasizing watershed-based strategies for water resource management, including an assessment of the need for an independent water resources agency;

(4) An identification of state and local water resources and water quality funding programs.

(5) Recommendations for consolidation and expansion of state water resources program funding and water quality program funding with

specific attention given to a long-term consistent and stable funding structure;

(6) Recommendations for state and local government coordination of water quality and resource planning consistent with the programs and objectives of the growth management act.

NEW SECTION. Sec. 4. COMMISSION MEETINGS. Within ninety days following the effective date of this act, the governor

shall convene the initial meeting of the commission. The commission shall determine the location and frequency of its meetings, but shall meet at least monthly. Commission meetings shall be open to the public. The commission shall endeavor to provide opportunities for public comment within its meeting schedule.

NEW SECTION. Sec. 5. COMMISSION REPORTS. The commission shall report to the legislature and the governor, with detail, on those subjects required to be reviewed in section 3 of this act, no later than November 1, 1994. The report shall describe current conditions and program effectiveness, and shall include specific recommendations for legislative and administrative action to meet the legislative purpose set forth in this act.

NEW SECTION. Sec. 6. FEDERALLY RECOGNIZED INDIAN TRIBES. The legislature recognizes that federally recognized Tribes and the state of Washington have historical relationships and unique rights governed by federal and state constitutions, statutes, and treaties with the United States government and executive orders of the President of the United States. Federally recognized Indian Tribes are independent sovereign governments. Tribal participation on the commission created in this act is intended to provide direct input and to enhance coordination between governments; however, participation does not imply formal representation individually or collectively of the federally recognized Indian tribes.

NEW SECTION. Sec. 7. The water resources policy commission created in this act shall recognize, and to the extent practicable coordinate with, the department of ecology water resources program and any advisory bodies to the department of ecology water resources program.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 9. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 10. Sections 1 through 10 of this act and the Washington water resources policy commission shall expire December 31, 1996."

Representative Morton moved adoption of the following amendment to the amendment:

On page 2, line 9, strike "six" and insert "seven"

On page 2, after line 15, insert "(iv) Non-industrial small timber landowners of less than two hundred acres;"

Representatives R. Johnson and Morton spoke in favor of adoption of the amendment to the amendment and it was adopted.

Representative Morton moved adoption of the following amendment to the amendment:

On page 3, line 26, strike "including an assessment of the need for an independent water resources agency"

Representative Morton spoke in favor of adoption of the amendment and Representative R. Johnson spoke against it. The amendment was not adopted.

Representative Morton moved adoption of the following amendment to the amendment:

On page 5, line 5, after "program." insert the following:

"The department of natural resources shall have general oversight of the commission and shall coordinate its activities."

Representative Morton spoke in favor of adoption of the amendment and Representative R. Johnson spoke against it. The amendment was not adopted.

The amendment as amended was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Johnson and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1442.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1442 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Chandler - 1.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1442, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of House Bill No. 1518 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1529, by Representatives Springer, Morton, Chappell, Holm, Campbell, King, Jones, Basich, Rayburn, Sheldon and Kessler; by request of Office of Financial Management

Reauthorizing certain timber programs.

The bill was read the second time. Committee on Trade, Economic Development & Housing recommendation: Majority do pass substitute. Committee on Appropriations recommendation: Majority do pass substitute by Committee on Trade, Economic Development & Housing as amended by Committee on Appropriations. (For committee amendments see Journal, 57th Day, March 8, 1993)

On motion of Representative Valle, Substitute House Bill No. 1529 was substituted for House Bill No. 1529 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1529 was read the second time.

Representative Valle moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Forner and Basich spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1529.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1529 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1529, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1622, by Representatives Chappell, Chandler and Rayburn; by request of Department of Agriculture

Modifying the regulation of fertilizer.

The bill was read the second time.

Representative Rayburn moved adoption of the following amendment by Representative Rayburn:

On page 13, line 14, after "in" strike "chapters 34.05 and ~~((42.32))~~ 42.30" and insert "chapter~~((s))~~ 34.05 ~~((and 42.32))"~~

Representative Rayburn spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chappell and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1622.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1622 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1622, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1690, by Representatives Rust, Hansen, Chandler and Bray

Changing provisions relating to hazardous waste permits.

The bill was read the second time.

On motion of Representative Rust, Substitute House Bill No. 1690 was substituted for House Bill No. 1690 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1690 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rust and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1690.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1690 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman, Horn and Van Luven - 3.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1690, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House considered the following bills in the following order: House Bill No. 1781 and House Bill No. 1814 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1781, by Representatives Chandler, Hansen and Rust

Allowing counties to assess fees for hazardous waste incineration.

The bill was read the second time.

On motion of Representative Rust, Substitute House Bill No. 1781 was substituted for House Bill No. 1781 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1781 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler, Hansen and Rust spoke in favor of passage of the bill and Representative Horn spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1781.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1781 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Voting nay: Representatives Dyer, Fuhrman, Horn, Meyers, R., Reams, Riley, Roland, Vance and Van Luven - 9.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1781, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1814, by Representatives Hansen, Chandler, Rust and Bray

Requiring additional financial responsibility for hazardous waste disposal facilities that incinerate hazardous wastes or substances.

The bill was read the second time.

On motion of Representative Rust, Substitute House Bill No. 1814 was substituted for House Bill No. 1814 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1814 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Chandler spoke in favor of passage of the bill and Representative Horn spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1814.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1814 and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Casada, Cooke, Dyer, Edmondson, Forner, Fuhrman, Horn, Johnson, R., Meyers, R., Mielke, Miller, Reams, Riley, Roland, Silver, Stevens, Tate, Vance and Van Luven - 20.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1814, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: House Bill No. 1236 and House Bill No. 1518. The motion was carried.

HOUSE BILL NO. 1236, by Representatives Rust, Pruitt and Sheldon; by request of Department of Ecology

Establishing fees for certain water rights.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority do pass substitute. Committee on Revenue recommendation: Majority do pass substitute by Committee on Natural Resources & Parks as amended by Committee on Revenue. (For Committee amendments see Journal, 57th Day, March 8, 1993)

On motion of Representative Pruitt, Substitute House Bill No. 1236 was substituted for House Bill No. 1236 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1236 was read the second time.

Representative Holm moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Representative Pruitt moved the adoption of the following striking amendment by Representatives Pruitt and Morton:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a water right confers significant economic benefits to the water right holder. The fees associated with acquiring a water right have not changed significantly since 1917. Water rights applicants pay less than two percent of the costs of the administration of the water rights program. The legislature finds that, since water rights are of significant value, water rights applicants should contribute more to the cost of administration of the water rights program.

The legislature also finds that an abrupt increase in water rights fees could be disruptive to water rights holders and applicants. The legislature further finds that water rights applicants have a right to know that the water rights program is being administered efficiently and that the fees charged for various services relate directly to the cost of providing those services.

Therefore, the legislature creates a task force to review the water rights program, to make recommendations for streamlining the application process and increasing the overall efficiency and accountability of the administration

of the program, and to return to the legislature with a proposal for a fee schedule where the fee levels relate clearly to the cost of services provided.

Sec. 2. RCW 90.03.015 and 1987 c 109 s 65 are each amended to read as follows:

As used in this chapter:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of ecology; ~~((and))~~
- (3) "Person" means any firm, association, water users' association, corporation, irrigation district, or municipal corporation, as well as an individual;
- (4) "Reservoir" means any water stored for a beneficial use held behind a dam or dike to a depth of ten feet or more at its deepest point, or of ten or more acre-feet of water. A reservoir is also a water holding impoundment adjacent to a stream channel when water will be required to fill it, if the water in the holding area is of a depth of ten feet or more at its deepest point or is of ten or more acre-feet; and
- (5) "Short-term water use" means an emergency use of water or a nonrecurring temporary use of water for up to four months duration, with a possible extension of not more than four additional months upon approval by the department.

Sec. 3. RCW 90.03.470 and 1987 c 109 s 98 are each amended to read as follows:

The following fees shall be collected by the department in advance:

(1) For the examination of an application for permit to appropriate water or on application to change point of diversion, withdrawal, purpose or place of use, a minimum of ten dollars, to be paid with the application. For each second foot between one and five hundred second feet, two dollars per second foot; for each second foot between five hundred and two thousand second feet, fifty cents per second foot; and for each second foot in excess thereof, twenty cents per second foot. For each acre foot of storage up to and including one hundred thousand acre feet, one cent per acre foot, and for each acre foot in excess thereof, one-fifth cent per acre foot. The ten dollar fee payable with the application shall be a credit to that amount whenever the fee for direct diversion or storage totals more than ten dollars under the above schedule and in such case the further fee due shall be the total computed amount less ten dollars.

Within five days from receipt of an application the department shall notify the applicant by registered mail of any additional fees due under the above schedule and any additional fees shall be paid to and received by the department within thirty days from the date of filing the application, or the application shall be rejected.

(2) For filing and recording a permit to appropriate water for irrigation purposes, forty cents per acre for each acre to be irrigated up to and including one hundred acres, and twenty cents per acre for each acre in excess of one hundred acres up to and including one thousand acres, and ten cents for each acre in excess of one thousand acres; and also twenty cents for each theoretical horsepower up to and including one thousand horsepower, and four cents for each theoretical horsepower in excess of one thousand horsepower, but in no instance shall the minimum fee for filing and recording a permit to appropriate water be less than five dollars. For all other beneficial purposes the fee shall be twice the amount of the examination fee except that for individual household and domestic use, which may include water for irrigation of a family garden, the fee shall be five dollars.

(3) For filing and recording any other water right instrument, four dollars for the first hundred words and forty cents for each additional hundred words or fraction thereof.

(4) For making a copy of any document recorded or filed in his office, forty cents for each hundred words or fraction thereof, but when the amount exceeds twenty dollars, only the actual cost in excess of that amount shall be charged.

(5) For certifying to copies, documents, records or maps, two dollars for each certification.

(6) For blueprint copies of a map or drawing, or, for such other work of a similar nature as may be required of the department, at actual cost of the work.

(7) For granting each extension of time for beginning construction work under a permit to appropriate water, an amount equal to one-half of the filing and recording fee, except that the minimum fee shall be not less than five dollars for each year that an extension is granted, and for granting an extension of time for completion of construction work or for completing application of water to a beneficial use, five dollars for each year that an extension is granted.

(8) For the inspection of any hydraulic works to insure safety to life and property, the actual cost of the inspection, including the expense incident thereto.

(9) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ten dollars, or the actual cost.

(10) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of five dollars.

(11) For preparing and issuing all water right certificates, five dollars.

(12) For filing and recording a protest against granting any application, two dollars.

The department shall provide timely notification by certified mail with return receipt requested to applicants that fees are due. No action may be taken until the fee is paid in full. Failure to remit fees within sixty days of the

department's notification shall be grounds for rejecting the application or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

For purposes of calculating fees for ground water filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

NEW SECTION. Sec. 4. (1) There is created a water rights fees task force. The task force shall be comprised of fourteen members, who are appointed as follows:

(a) Two members of the Washington state house of representatives, one from each major caucus, to be appointed by the speaker of the house of representatives;

(b) Two members of the Washington state senate, one from each major caucus, to be appointed by the president of the senate;

(c) Ten members, to be appointed jointly by the speaker of the house of representatives and the president of the senate, to represent the following interests: Agriculture, aquaculture, business, cities, counties, the state department of ecology, environmentalists, water recreation interests, water utilities, and hydropower interests. The task force may establish technical advisory committees as necessary to complete its tasks.

(2) The task force shall conduct a comprehensive review of water rights fees. The task force's tasks shall include but not be limited to:

(a) Identification of the costs associated with the various activities and services provided by the water rights program and examination of how these costs compare with the fees charged for these activities and services;

(b) Identification of appropriate accountability measures for the department of ecology to employ in administration of the water rights program. Recommendations of accountability requirements and measurements shall take into account the distinctive characteristics of the water rights program, that is, that the department receives a large number of applications on a one-time basis and that the department of ecology must meet its legal obligations under the doctrine of prior appropriation;

(c) Identification of which program activities should be eligible for cost recovery from fees, as well as which direct and indirect costs of program administration;

(d) Review of the application, examination, and water rights permit requirements for marine water users to determine if these users should receive special fee consideration;

(e) Review of the definition and treatment of nonconsumptive water uses to determine if special fee consideration should be given to these users;

(f) Review of the fees and accounting methods for the dam safety program;

(g) Identification of the appropriate distribution of responsibility between the applicant and the department of ecology for provision of technical information and analysis; and

(h) Establishment of a reasonable time framework for completion of new and pending water rights applications, and an analysis of the staff and funding levels required to meet the established time framework.

(3) Before December 1, 1993, the task force shall:

(a) Provide recommendations to the department of ecology on ways to improve the efficiency and accountability of the water rights program;

(b) Provide recommendations to the legislature on statutory changes necessary to make these efficiency and accountability improvements; and

(c) Propose a new fee schedule for the water rights program which incorporates the results of the task force's work and which funds through fees fifty percent of the cost of the activities and services provided by the program.

(4) The department of ecology and the legislature shall jointly provide for the staff support of the task force.

(5) The task force shall convene as soon as possible upon the appointment of its members. Task force members shall elect a chair and adopt rules for conducting the business of the task force. The task force shall expire on June 30, 1994.

NEW SECTION. Sec. 5. The legislature requests that, by July 1, 1993, the department of ecology begin the rule-making process to adopt appropriate state policies on instream flow levels and hydraulic continuity. If the department is unable to develop consensus on these policies, the department shall provide to the appropriate legislative committees information on these two issue areas, data and documentation on work to date on establishing policies on these issues, and policy options for consideration by the legislature.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Pruitt and Morton spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pruitt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1236.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1236 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Van Luven - 1.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1236, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1518, by Representatives Valle, Dunshee, Pruitt, Rust, J. Kohl, Holm, Jacobsen, Linville and Eide

Creating a water trail recreation program.

The bill was read the second time.

On motion of Representative Pruitt, Substitute House Bill No. 1518 was substituted for House Bill No. 1518 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1518 was read the second time.

Representative Morton moved the adoption of the following amendment by Representative Morton:

On page 1, line 17, strike everything beginning with "(2)" through "province." on page 2, line 6.

On page 2, line 27, strike everything beginning with "NEW SECTION. Sec. 5." through "issued." on line 34.

On page 3, line 2, strike "from state-wide water trail permit fees collected pursuant to section 5 of this act,"

Representative Morton spoke in favor of adoption of the amendment and Representative Pruitt spoke against it. The amendment was not adopted.

Representative Morton moved the adoption of the following amendment by Representative Morton:

On page 2, line 2, strike ", after consultation with the water trail advisory committee,"

On page 2, line 32, strike "after consultation with the water trail advisory committee"

On page 3, line 14, strike "after consultation with the water trail advisory committee"

On page 3, line 25, strike everything beginning with "NEW SECTION. Sec. 9." through "of the committee." on page 4, line 21.

Representative Morton spoke in favor of the amendment and Representative Pruitt spoke against it. The amendment was not adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle, Dunshee, Basich and Cooke spoke in favor of passage of the bill and Representatives Chandler and Morton spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1518.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1518 and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Voting nay: Representatives Ballasiotes, Chandler, Fuhrman, Lisk, Morton, Padden, Schmidt, Schoesler, Sheahan and Stevens - 10.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1518, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1752, by Representatives Grant, Casada and Miller

Changing telephone relay service provisions.

The bill was read the second time.

On motion of Representative Grant, Substitute House Bill No. 1752 was substituted for House Bill No. 1752 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1752 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and Casada spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1752.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1752 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1752, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

With the consent of the House, the House immediately considered House Bill No. 1757. The motion was carried.

HOUSE BILL NO. 1757, by Representatives Heavey, Veloria, Brumsickle, Lisk and King

Requiring continuing education for electricians.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1757.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1757 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Fuhrman, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Ballasiotes, Chandler, Forner, Hansen and Schmidt - 5.

Excused: Representative Thomas - 1.

House Bill No. 1757, having received the constitutional majority, was declared passed.

With the consent of the House, the House considered House Bill No. 1806 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1806, by Representatives Bray, Horn and Rust

Changing regulation and licensure of well contractors and operators.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority do pass substitute. Committee on Revenue recommendation: Majority do pass substitute by Committee on Environmental Affairs as amended by Committee on Revenue. (For Committee amendments see Journal, 57th Day, March 8, 1993)

On motion of Representative Rust, Substitute House Bill No. 1806 was substituted for House Bill No. 1806 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1806 was read the second time.

Representative G. Fisher moved adoption of the committee amendments.

Representatives G. Fisher and Bray spoke in favor of adoption of the amendments. The committee amendments were adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Bray spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1806.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1806 and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Casada, Chandler, Edmondson, Foreman, Fuhrman, Hansen, Lisk, Mielke, Morton, Padden, Schoesler, Sheahan, Sheldon, Silver, Stevens, Tate, Vance and Van Luven - 19.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1806, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1569 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1569, by Representatives Appelwick, Veloria, Wineberry, Romero, Wang, Locke, Thibaudeau, Wolfe, Brough, Miller, Leonard, Campbell, Cothorn, L. Johnson, J. Kohl and Anderson

Changing provisions relating to malicious harassment.

The bill was read the second time.

On motion of Representative Appelwick, Substitute House Bill No. 1569 was substituted for House Bill No. 1569 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1569 was read the second time.

Representative Appelwick moved the adoption of the following amendment by Representative Appelwick:

On page 1, line 9, after "origin" insert "gender,"

On page 2, after line 25, insert the following:

"The legislature also finds that a hate crime committed against a victim because of the victim's gender may be identified in the same manner that a hate crime committed against a victim of another protected group is identified. Affirmative indications of hatred towards gender as a class is the predominant factor to consider. Other factors to consider include the perpetrator's use of language, slurs, or symbols expressing hatred towards the victim's gender as a class; the severity of the attack including mutilation of the victim's sexual organs; a history of similar attacks against victims of the same gender by the perpetrator or a history of similar incidents in the same area; a lack of provocation; an absence of any other apparent motivation; and common sense."

On page 2, line 33, after "origin," insert "gender."

On page 3, line 21, after "origin," insert "gender."

On page 3, line 37, after "origin," insert "gender."

On page 4, line 12, after "origin," insert "gender."

On page 17, line 1, after "origin," insert "gender,"

Representatives Appelwick and Padden spoke in favor of adoption of the amendment and it was adopted.

Representative Padden moved the adoption of the following amendment by Representatives Padden and others:

On page 1, strike everything after the enacting clause and insert"

NEW SECTION. Sec. 1. A new section is added to chapter 9A.36 RCW to read as follows:

The legislature finds that threats against persons or property which endanger the person or property are serious and increasing. The legislature also finds that such threats are often directed against individuals of various religions, colors, ancestries, or national origins. The legislature finds that the state interest in preventing threats against persons or property which endanger the person or property is as substantial as the state interest in preventing other felonies or misdemeanors such as criminal trespass, malicious mischief, assault, or other crimes, but that prosecution of those other crimes often inadequately protects citizens from such threats.

The legislature also finds that in many cases, certain discrete words or symbols are used to threaten individuals or their property. Some discrete words or symbols have historically or traditionally been used to connote hatred or threats towards individuals of particular races and religions. In particular, the legislature finds that cross burnings historically and traditionally have been used to threaten, terrorize, intimidate, and harass African Americans and their families. Cross burnings often preceded lynching, murders, burning of homes, and other acts of terror. Further, Nazi swastikas historically and traditionally have been used to threaten, terrorize, intimidate, and harass Jewish people and their families. Swastikas symbolize the massive destruction of the Jewish population, commonly known as the holocaust. Therefore, the legislature finds that burning or attempting to burn a cross or displaying a swastika on the property of another person or burning a cross or displaying a swastika as part of a series of acts directed towards a specific person, or a specific group of people may create a reasonable fear of harm in the mind of the person, or group of people as a threat to their life or property.

Sec. 2. RCW 9A.36.080 and 1989 c 95 s 1 are each amended to read as follows:

(1) A person is guilty of malicious harassment if he or she maliciously and with the intent to intimidate or harass another person ~~((because of, or in a way that is reasonably related to, associated with, or directed toward, that person's race, color, religion, ancestry, national origin, or mental, physical, or sensory handicap))~~:

(a) Causes physical injury to another person; ~~((or))~~

~~(b) ((By words or conduct places another person in reasonable fear of harm to his person or property or harm to the person or property of a third person. Such words or conduct include, but are not limited to, (i) cross burning, (ii) painting, drawing, or depicting symbols or words on the property of the victim when the symbols or words historically or traditionally connote hatred or threats toward the victim, or (iii) written or oral communication designed to intimidate or harass because of, or in a way that is reasonably related to, associated with, or directed toward, that person's race, color, religion, ancestry, national origin, or mental, physical, or sensory handicap. However, it does not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way unless the context or circumstances surrounding the words or conduct places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person; or~~

~~(c))~~ Causes physical damage to or destruction of the property of another person; or

(c) Threatens a specific person or group of people and places that person or group of people in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all the circumstances. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute malicious harassment if it is apparent to the person or group of people being threatened that the person allegedly making the threat does not have the ability to carry out the threat.

~~(2) ((The following constitute per se violations of this section:~~

~~(a) Cross burning; or~~

~~(b) Defacement of the property of the victim or a third person with symbols or words when the symbols or words historically or traditionally connote hatred or threats toward the victim.~~

~~(3))~~ In any prosecution for malicious harassment, if any evidence exists which reasonably tends to indicate to the trier of fact's satisfaction that the defendant intended to threaten the person or group of people, the trier of fact may infer that the defendant intended to threaten a specific person or group of people if the defendant commits one of the following acts:

(a) Burns a cross on property of a person or group of people; or

(b) Defaces property of a person or group of people by defacing the property with a swastika.

This subsection only applies to the creation of a reasonable inference for evidentiary purposes and does not relieve the trier of fact from determining beyond a reasonable doubt whether or not the defendant intended to threaten the person or group of people. This subsection does not restrict the state's ability to prosecute a defendant under subsection (1) of this section when the facts of a particular case do not fall within (a) or (b) of this subsection.

(3) Evidence of expressions or associations of the accused may not be introduced as substantive evidence at trial unless the evidence specifically relates to the crime charged. Nothing in this chapter shall affect the rules of evidence governing impeachment of a witness.

(4) Every defendant who commits another crime during the commission of a crime under this section may be punished and prosecuted for the other crime separately.

(5) Malicious harassment is a class C felony.

~~((4) In addition to the criminal penalty provided in subsection (3) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.~~

~~(5))~~ (6) The penalties provided in this section for malicious harassment do not preclude the person or group of people from seeking any other remedies otherwise available under law.

(7) Nothing in this section confers or expands any civil rights or protections to any group or class identified under this section, beyond those rights or protections that exist under the federal or state Constitution or the civil laws of the state of Washington.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.36 RCW to read as follows:

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the person or group of people who allege malicious harassment may bring a civil cause of action for malicious harassment against the alleged harasser. A person may be liable to the person or group of people subjected to malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action. The person or group of persons claiming the protection of this section must prove the case by clear and convincing evidence.

Sec. 4. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read as follows:

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE

JUVENILE DISPOSITION
DISPOSITION CATEGORY OFFENSE
OFFENSE BAILJUMP, CATEGORY
CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION

Arson and Malicious Mischief

A Arson 1 (9A.48.020) B+
B Arson 2 (9A.48.030) C
C Reckless Burning 1 (9A.48.040) D
D Reckless Burning 2 (9A.48.050) E
B Malicious Mischief 1 (9A.48.070) C
C Malicious Mischief 2 (9A.48.080) D
D Malicious Mischief 3 (<\$50 is

E Tampering with Fire Alarm
Apparatus (9.40.100) E

A Possession of Incendiary Device
(9.40.120) B+

Assault and Other Crimes
Involving Physical Harm

A Assault 1 (9A.36.011) B+
B+ Assault 2 (9A.36.021) C+
C+ Assault 3 (9A.36.031) D+
D+ Assault 4 (9A.36.041) E
D+ Reckless Endangerment

(9A.36.050) E

C+ Promoting Suicide Attempt
(9A.36.060) D+

D+ Coercion (9A.36.070) E

C+ Custodial Assault (9A.36.100) D+

C Malicious Harassment (9A.36.080) D+

Burglary and Trespass

B+ Burglary 1 (9A.52.020) C+

B Burglary 2 (9A.52.030) C

D Burglary Tools (Possession of)
(9A.52.060) E

D Criminal Trespass 1 (9A.52.070) E
 E Criminal Trespass 2 (9A.52.080) E
 D Vehicle Prowling (9A.52.100) E
 Drugs
 E Possession/Consumption of Alcohol
 (66.44.270) E
 C Illegally Obtaining Legend Drug
 (69.41.020) D
 C+ Sale, Delivery, Possession of Legend
 Drug with Intent to Sell
 (69.41.030) D+
 E Possession of Legend Drug
 (69.41.030) E
 B+ Violation of Uniform Controlled
 Substances Act - Narcotic Sale
 (69.50.401(a)(1)(i)) B+
 C Violation of Uniform Controlled
 Substances Act - Nonnarcotic Sale
 (69.50.401(a)(1)(ii)) C
 E Possession of Marihuana <40 grams
 (69.50.401(e)) E
 C Fraudulently Obtaining Controlled
 Substance (69.50.403) C
 C+ Sale of Controlled Substance
 for Profit (69.50.410) C+
 E (~~Glue Sniffing (9.47A.050))~~
 Unlawful Inhalation (9.47A.020) E
 B Violation of Uniform Controlled
 Substances Act - Narcotic
 Counterfeit Substances
 (69.50.401(b)(1)(i)) B
 C Violation of Uniform Controlled
 Substances Act - Nonnarcotic
 Counterfeit Substances
 (69.50.401(b)(1) (ii), (iii), (iv)) C
 C Violation of Uniform Controlled
 Substances Act - Possession of a
 Controlled Substance
 (69.50.401(d)) C
 C Violation of Uniform Controlled
 Substances Act - Possession of a
 Controlled Substance
 (69.50.401(c)) C
 Firearms and Weapons
 (~~C+ Committing Crime when Armed~~
 (~~9.41.025) D+~~)
 E Carrying Loaded Pistol Without
 Permit (9.41.050) E
 E Use of Firearms by Minor (<14)
 (9.41.240) E
 D+ Possession of Dangerous Weapon
 (9.41.250) E
 D Intimidating Another Person by use
 of Weapon (9.41.270) E
 Homicide
 A+ Murder 1 (9A.32.030) A
 A+ Murder 2 (9A.32.050) B+
 B+ Manslaughter 1 (9A.32.060) C+
 C+ Manslaughter 2 (9A.32.070) D+
 B+ Vehicular Homicide (46.61.520) C+
 Kidnapping
 A Kidnap 1 (9A.40.020) B+

B+ Kidnap 2 (9A.40.030) C+
 C+ Unlawful Imprisonment
 (9A.40.040) D+
 ((~~D Custodial Interference~~
 (9A.40.050) E))
 Obstructing Governmental Operation
 E Obstructing a Public Servant
 (9A.76.020) E
 E Resisting Arrest (9A.76.040) E
 B Introducing Contraband 1
 (9A.76.140) C
 C Introducing Contraband 2
 (9A.76.150) D
 E Introducing Contraband 3
 (9A.76.160) E
 B+ Intimidating a Public Servant
 (9A.76.180) C+
 B+ Intimidating a Witness
 (9A.72.110) C+
 ((~~E Criminal Contempt~~
 (9.23.010) E))
 Public Disturbance
 C+ Riot with Weapon (9A.84.010) D+
 D+ Riot Without Weapon
 (9A.84.010) E
 E Failure to Disperse (9A.84.020) E
 E Disorderly Conduct (9A.84.030) E
 Sex Crimes
 A Rape 1 (9A.44.040) B+
 A- Rape 2 (9A.44.050) B+
 C+ Rape 3 (9A.44.060) D+
 A- Rape of a Child 1 (9A.44.073) B+
 B Rape of a Child 2 (9A.44.076) C+
 B Incest 1 (9A.64.020(1)) C
 C Incest 2 (9A.64.020(2)) D
 D+ ((~~Public Indecency~~) Indecent Exposure
 (Victim <14) (9A.88.010) E
 E ((~~Public Indecency~~) Indecent Exposure
 (Victim 14 or over) (9A.88.010) E
 B+ Promoting Prostitution 1
 (9A.88.070) C+
 C+ Promoting Prostitution 2
 (9A.88.080) D+
 E O & A (Prostitution) (9A.88.030) E
 B+ Indecent Liberties (9A.44.100) C+
 B+ Child Molestation 1 (9A.44.083) C+
 C+ Child Molestation 2 (9A.44.086) C
 Theft, Robbery, Extortion, and Forgery
 B Theft 1 (9A.56.030) C
 C Theft 2 (9A.56.040) D
 D Theft 3 (9A.56.050) E
 B Theft of Livestock (9A.56.080) C
 C Forgery ((~~9A.56.020~~) (9A.60.020)) D
 A Robbery 1 (9A.56.200) B+
 B+ Robbery 2 (9A.56.210) C+
 B+ Extortion 1 (9A.56.120) C+
 C+ Extortion 2 (9A.56.130) D+
 B Possession of Stolen Property 1
 (9A.56.150) C
 C Possession of Stolen Property 2
 (9A.56.160) D
 D Possession of Stolen Property 3

(9A.56.170) E
C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

E Driving Without a License
(46.20.021) E
C Hit and Run - Injury
(46.52.020(4)) D
D Hit and Run-Attended
(46.52.020(5)) E
E Hit and Run-Unattended
(46.52.010) E
C Vehicular Assault (46.61.522) D
C Attempting to Elude Pursuing
Police Vehicle (46.61.024) D
E Reckless Driving (46.61.500) E
D Driving While Under the Influence
(46.61.515) E
~~((B+ Negligent Homicide by Motor
Vehicle (46.61.520) C+))~~
D Vehicle Prowling (9A.52.100) E
C Taking Motor Vehicle Without
Owner's Permission (9A.56.070) D
Other

B Bomb Threat (9.61.160) C
C Escape 1¹ (9A.76.110) C
C Escape 2¹ (9A.76.120) C
D Escape 3 (9A.76.130) E
C Failure to Appear in Court
(10.19.130) D
~~((E Tampering with Fire Alarm
Apparatus (9.40.100) E))~~

E Obscene, Harassing, Etc.,
Phone Calls (9.61.230) E
A Other Offense Equivalent to an
Adult Class A Felony B+
B Other Offense Equivalent to an
Adult Class B Felony C
C Other Offense Equivalent to an
Adult Class C Felony D
D Other Offense Equivalent to an
Adult Gross Misdemeanor E
E Other Offense Equivalent to an
Adult Misdemeanor E
V Violation of Order of Restitution,
Community Supervision, or
Confinement (13.40.200)² V

Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE 0-12 13-24 25 Months
CATEGORY Months Months or More

A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

OFFENSE 12 &
CATEGORY Under 13 14 15 16 17

A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

JUVENILE SENTENCING STANDARDS
SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C.

MINOR/FIRST OFFENDER

OPTION A
STANDARD RANGE

Community

Community Service
Points Supervision Hours Fine

1-9 0-3 months and/or 0-8 and/or 0-\$10
10-19 0-3 months and/or 0-8 and/or 0-\$10
20-29 0-3 months and/or 0-16 and/or 0-\$10

30-39 0-3 months and/or 8-24 and/or 0-\$25
 40-49 3-6 months and/or 16-32 and/or 0-\$25
 50-59 3-6 months and/or 24-40 and/or 0-\$25
 60-69 6-9 months and/or 32-48 and/or 0-\$50
 70-79 6-9 months and/or 40-55 and/or 0-\$50
 80-89 9-12 months and/or 48-64 and/or 10-\$100
 90-109 9-12 months and/or 56-72 and/or 10-\$100

OR

OPTION B
 STATUTORY OPTION

0-12 Months Community Supervision
 0-150 Hours Community Service
 0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

OPTION C
 MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

JUVENILE SENTENCING STANDARDS
 SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
 STANDARD RANGE

	Community Points Supervision	Service Hours	Fine	Confinement Days	Community Weeks
1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	
10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	
20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0	
30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4	
40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4	
50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10	
60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10	
70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20	
80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20	
90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30	
110-129		8-12			
130-149		13-16			
150-199		21-28			
200-249		30-40			
250-299		52-65			

300-374 80-100
375+ 103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.
All A+ offenses 180-224 weeks

OR

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150, as now or hereafter amended.

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine range.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

SERIOUS OFFENDER
OPTION A
STANDARD RANGE

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

OPTION B
MANIFEST INJUSTICE

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

NEW SECTION. Sec. 5. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection and classification of information regarding violations of RCW 9A.36.080. Upon establishing such a repository, the association shall develop a procedure to monitor, record, and classify information relating to violations of RCW 9A.36.080.

(2) All local law enforcement agencies shall report monthly to the association concerning all violations of RCW 9A.36.080 in such form and in such manner as prescribed by rules adopted by the association. Agency participation in the association's reporting programs, with regard to the specific data requirements associated with violations of RCW 9A.36.080 shall be deemed to meet agency reporting requirements. The association must summarize the information received and file an annual report with the governor and the senate law and justice committee and the house of representatives judiciary committee.

(3) The association shall disseminate the information according to the provisions of chapters 10.97 and 10.98 RCW, and all other confidentiality requirements imposed by federal or Washington law.

NEW SECTION. Sec. 6. A new section is added to chapter 43.101 RCW to read as follows:

The criminal justice training commission shall provide training for law enforcement officers in identifying, responding to, and reporting all violations of RCW 9A.36.080.

NEW SECTION. Sec. 7. If specific funding for the purposes of implementing section 6 of this act, referencing this act by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 6 of this act shall be null and void.

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

Representative Vance demanded an electronic roll call and the demand was sustained.

Representative Padden, Appelwick and Sheahan spoke in favor of adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Padden and others to Substitute House Bill No. 1569, and the amendment was not adopted by the following vote: Yeas - 29, Nays - 68, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Morton, Padden, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Vance, Van Luven and Zellinsky - 29.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 68.

Excused: Representative Thomas - 1.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick and Kremen spoke in favor of passage of the bill and Representative Padden spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1569.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1569 and the bill passed the House by the following vote: Yeas - 85, Nays - 12, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 85.

Voting nay: Representatives Ballard, Brumsickle, Casada, Chandler, Chappell, Fuhrman, Lisk, Morton, Padden, Sheahan, Stevens and Tate - 12.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1569, having received the constitutional majority, was declared passed.

MOTION

Representative King moved that Representative Kremen's remarks on final passage of Substitute House Bill No. 1569 be spread upon the Journal. The motion was carried.

Representative Kremen: Thank you, Mr. Speaker. Anyone who thinks it's easy to build a pluralistic society should read today's newspapers. Because you're going to see reports of ethnic rapes and murders in Bosnia, religious murders in Bombay, violence in Somalia, and in all these cases pluralism was attacked by all-consuming hate. We may think that it can't happen here. But it can happen here, it does happen here, all you have to do is look at today's Tacoma News Tribune. It describes a racial incident in Tacoma that exploded into violence and death. The incident that involves whites, Hispanics and Asians began with racial slurs and threatening words but it didn't stop there. It soon escalated into threatening gestures and it ended in murder. Today's T.N.T. So we've seen tragedies like this all too often. And the fact is, bigotry is like a bomb, waiting for an incident to explode. We've seen too much hate, too much fear, too many scars left behind by crimes of bigotry. We need to send a message that no bigot can misunderstand. A clear message. That we will not tolerate hate crimes. We'll not look the other way. We'll not view malicious harassment as a prank or a joke, but we will treat it as the serious crime it is a crime that threatens all of us, and tears down the kind of society that we're trying to build. It's unfortunate that we can't stop hate crimes with laws and we can't make ignorance illegal. But we can help stop malicious harassment and the pain and damage it inflicts on our society. We can stop it with good laws like the one we're voting on now. So let's send a message, loud and clear, that threatening and violent acts of hatred against any class of people is flat wrong and won't be tolerated in the great State of Washington.

MOTION

Representative Peery moved that the House immediately consider House Bill No. 1190 on the second reading calendar.

MOTION

Representative Fuhrman moved that the House amend Representative Peery's motion by considering House Bill No. 1135 before House Bill No. 1190.

Representative Fuhrman spoke in favor of the amendment to the motion and Representative Peery spoke against it.

Representative Tate demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the amendment to the motion and the amendment failed by the following vote: Yeas - 32, Nays - 65, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 32.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen,

Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 65.

Excused: Representative Thomas - 1.

The motion to immediately consider House Bill No. 1190 was carried.

HOUSE BILL NO. 1190, by Representatives Anderson, Reams, Wang, Rust, J. Kohl, Thibaudeau, G. Cole, Appelwick, Leonard, Johanson and Pruitt

Providing for voter registration by affidavit.

The bill was read the second time.

On motion of Representative Anderson, Substitute House Bill No. 1190 was substituted for House Bill No. 1190 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1190 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Reams and Dyer spoke in favor of passage of the bill and Representative Schoesler spoke against it.

Representative Anderson again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1190.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1190 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Voting nay: Representatives Forner, Fuhrman, Horn, Morton, Schoesler, Sheahan and Stevens - 7.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1190, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1268, by Representatives Dunshee, Wolfe, Linville, Riley, Quall, Grant, Pruitt, Romero, R. Meyers, Zellinsky, Eide, Veloria, Karahalios, Brough, Brown, Kessler, Edmondson and Finkbeiner

Creating a program of voluntary campaign spending limits for state offices.

The bill was read the second time.

On motion of Representative Anderson, Substitute House Bill No. 1268 was substituted for House Bill No. 1268 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1268 was read the second time.

POINT OF PARLIAMENTARY INQUIRY

Representative Miller: Mr. Speaker, does Substitute House Bill No. 1268 amend initiative 134, requires a two-thirds vote for passage?

SPEAKER'S RULING

Mr. Speaker: Representative Miller, the Speaker is prepared to respond to your parliamentary inquiry whether Substitute House Bill No. 1268 amends initiative 134, and therefore constitutionally requires a two-thirds vote for passage.

The Speaker would first explain to the House that whether a bill amends a prior initiative measure depends on the purpose and effect of the bill, rather than its form. The fact that Substitute House Bill No. 1268 does not expressly amend the initiative is not dispositive. The determining factor is whether the bill has the effect of amending the initiative within the meaning of the constitution.

The Speaker would refer to his earlier ruling on, House Bill No. 1681 where the difference between a supplemental act and an amendment was explained to the House. As stated in that ruling, the legislature may validly enact by majority vote new legislation that deals with the same general subject matter as an initiative so long as the essential purpose and effect of the initiative is not altered.

The Speaker finds that rule controlling here. Initiative 134 regulates political contributions through amendments and additions to RCW Chapter 42.17. It does not regulate campaign expenditures except to impose disclosure requirements on independent expenditures and ballot propositions and to restrict the transfer of funds between political committees. Section 24 of the initiative also prohibits the use of public funds "to finance political campaigns for state or local office."

Substitute House Bill No. 1268 addresses campaign expenditures by candidates for specified offices. It requires the Public Disclosure Commission to set recommended spending limits, provides a mechanism for candidates to enter into voluntary agreements to abide by the limits, and provides for publication of the limits and agreements in the state voter's pamphlet.

Substitute House Bill No. 1268 does not alter or amend any provision of the initiative, nor does it authorize the use of public funds to finance any political campaign. It simply adds to the initiative's provisions on campaign finance.

The Speaker therefore finds that Substitute House Bill No. 1268 does not amend initiative 134 within the meaning of Article 2, section 41 of the Washington constitution.

Representative Dunshee moved the adoption of the following amendment by Representative Dunshee:

On page 3, line 18 after "state:" strike all material through "commission."" on line 20 and insert ""Has promised to abide by the voluntary spending limit for this campaign.""

On page 3, line 22 after "states:" strike all material through "commission."" on line 24 and insert ""Has **NOT** promised to abide by the voluntary spending limit for this campaign."

Representative Dunshee spoke in favor of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1268 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero,

Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1268, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1644, by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Patterson, Brough, King, Springer, Forner, Wineberry and J. Kohl

Changing provisions relating to voting by mail.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1644.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1644 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

House Bill No. 1644, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1645, by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, Wang, Cothorn, Wineberry and J. Kohl

Changing provisions relating to initiatives and referenda.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1645.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1645 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J.,

Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Fuhrman - 1.

Excused: Representative Thomas - 1.

House Bill No. 1645, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1646, by Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, King, Miller, Springer, Forner, Wineberry and J. Kohl

Expanding eligibility for ongoing absentee voter status.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1646.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1646 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

House Bill No. 1646, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

HOUSE BILL NO. 1648, by Representatives Wineberry, Anderson, Veloria, Pruitt, King, Springer, Leonard and J. Kohl

Extending the voter registration period.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1648.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1648 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

House Bill No. 1648, having received the constitutional majority, was declared passed.

With the consent of the House, the House considered House Bill No. 1862 on the second reading calendar.

HOUSE BILL NO. 1862, by Representatives Mastin, Grant, Ludwig, Bray and Jacobsen

Permitting a special excise tax on hotel, motel, rooming house, and trailer camp charges for a trade recreation agricultural center in Pasco.

The bill was read the second time.

On motion of Representative G. Fisher, Substitute House Bill No. 1862 was substituted for House Bill No. 1862 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1862 was read the second time.

Representative Edmondson moved the adoption of the following amendment by Representative Edmondson and others:

On page 2, after line 19, insert the following:

"Sec. 2. RCW 67.28.240 and 1991 c 363 s 140 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of ~~((two))~~ three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section."

Representatives Edmondson and Lemmon spoke in favor of the amendment and the amendment was adopted.

Representative Dyer moved the adoption of the following amendment by Representative Dyer and Thomas:

On page 2, after line 19, insert the following:

"Sec. 2. RCW 67.28.190 and 1967 c 236 s 12 are each amended to read as follows:

Any seller, as defined in RCW 82.08.010, who is required to collect any tax under RCW 67.28.180 or 67.40.100(3) for any municipality shall pay over such tax to such municipality as provided in RCW 67.28.200 and

such tax shall be deducted from the amount of tax such seller would otherwise be required to collect and to pay over to the department of revenue under chapter 82.08 RCW.

Sec. 3. RCW 67.28.200 and 1991 c 331 s 2 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized by RCW 67.28.180, 67.28.182, ~~((and 67.28.230 through))~~ 67.28.240, 67.28.250, ~~((and))~~ 67.28.260, and 67.40.100(3). The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city.

Sec. 4 RCW 67.40.100 and 1990 c 242 s 1 are each amended to read as follows:

(1) Except as provided in chapters 67.28 and 82.14 RCW and subsection (2) and (3) of this section, after January 1, 1983, no city, town, or county in which the tax under RCW 67.40.090 is imposed may impose a license fee or tax on the act or privilege of engaging in business to furnish lodging by a hotel, rooming house, tourist court, motel, trailer camp, or similar facilities in excess of the rate imposed upon other persons engaged in the business of making sales at retail as that term is defined in chapter 82.04 RCW.

(2) A city incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle, may impose a special excise tax under the following conditions:

(a) The proceeds of the tax must be used for the acquisition, design, construction, and marketing of convention and trade facilities and may be used for and pledged to the payment of bonds, leases, or other obligations issued or incurred for such purposes. The proceeds of the tax may be used for maintenance and operation only as part of a budget which includes the use of the tax for debt service and marketing.

(b) The legislative body of the city, before imposing the tax, must authorize a complete study and investigation of the desirability and economic feasibility of the proposed convention and trade facilities.

(c) The rate of the tax shall not exceed three percent.

(d) The tax shall be imposed on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units.

(3) A city or town with a population of less than two thousand that is located in a county with a population of over one million may impose a special excise tax of up to two percent on the sale of or charge for the furnishing of lodging by a hotel or motel and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax shall be levied on a premises having fewer than forty lodging units. The proceeds of this tax may only be used to mitigate the impacts of tourism.

Representative Dyer spoke in favor of adoption of the amendment. The amendment was not adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mastin and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1862.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1862 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Tate, Thibaudeau, Valle, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Fuhrman, Padden, Reams, Rust, Talcott, Vance, Van Luven and Wang - 8.
Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1862, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1959, by Representatives Heavey and Springer

Modifying the issuance of citations under the Washington industrial safety and health act.

The bill was read the second time.

On motion of Representative Heavey, Substitute House Bill No. 1959 was substituted for House Bill No. 1959 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1959 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1959.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1959 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1959, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MOTION

On motion of Representative Peery, the House considered the following bills in the following order: House Bill No. 2067, House Bill No. 2055, House Bill No. 1445 and House Bill No. 1136.

HOUSE BILL NO. 2067, by Representatives R. Fisher, Wolfe, Anderson, Schmidt, Locke, Pruitt, Kremen, Springer and Eide; by request of Department of General Administration

Encouraging commute trip reduction programs.

The bill was read the second time.

On motion of Representative R. Fisher, Substitute House Bill No. 2067 was substituted for House Bill No. 2067 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2067 was read the second time.

Representative Schmidt moved the adoption of the following amendment by Representatives Schmidt and R. Fisher:

On page 3, line 1, after "director." insert "The director shall ensure that the fees are equivalent to the market rate of comparable privately owned rental parking no later than June 30, 1994. The director may establish fees less than the market rate for other than single-occupant vehicles."

Representative Schmidt spoke in favor of adoption of the amendment and it was adopted.

Representative Mielke moved the adoption of the following amendment by Representative Dyer, Mielke, Zellinsky and R. Fisher:

On page 3, line 23, strike "(2) Support commute trip reduction programs under RCW 70.94.521 through 70.94.551; and

(3) Support the lease costs and/ or capital investment costs of vehicle parking and parking facilities at agency-owned and leased facilities off the capital campus." and insert the following:

"(2) Support the lease costs and/ or capital investment costs of vehicle parking and parking facilities at agency-owned and leased facilities off the capitol campus; and

(3) Support commute trip reduction programs under RCW 70.94.521 through 70.94.551."

Representative Mielke spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2067.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2067 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Brumsickle, Fuhrman, Padden, Silver and Van Luven - 5.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 2067, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2055, by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway; by request of Governor Lowry

Creating the department of fish and wildlife.

The bill was read the second time.

On motion of Representative Anderson, Substitute House Bill No. 2055 was substituted for House Bill No. 2055 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2055 was read the second time.

Representative Fuhrman moved the adoption of the following amendment by Representatives Fuhrman and others:

On page 2, after line 6, insert "The director of the new department of fish and wildlife must be a person who has never served as a director of either the department of fisheries or the department of wildlife."

Representative Fuhrman spoke in favor of adoption of the amendment and Representative Locke spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to House Bill No. 2055 and the amendment failed by the following vote: Yeas - 34, Nays - 63, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Jones, Kessler, Lisk, Long, Mielke, Morton, Padden, Pruitt, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Vance and Van Luven - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Karahalios, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 63.

Excused: Representative Thomas - 1.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2055.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2055 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Myers, H., Ogden, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Voting nay: Representatives Fuhrman, Mielke, Morris, Morton, Orr, Schoesler and Sheahan - 7.

Excused: Representative Thomas - 1.

Substitute House Bill No. 2055, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1445, by Representatives J. Kohl, Brough, Wineberry, Romero, Veloria, Ogden, G. Cole, Thibaudeau, Anderson, Sheldon, Leonard, Shin, Wang and Heavey

Modifying the scope of the state law against discrimination.

The bill was read the second time. Committee on Appropriations recommendation: Majority do pass substitute. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Heavey, Substitute House Bill No. 1445 was substituted for House Bill No. 1445 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1445 was read the second time.

Representative Locke moved adoption of the committee amendment.

Representative Springer moved the adoption of the following amendment by Representative Springer to the committee amendment:

On page 1, line 3 of the amendment, after "However," insert "if specific funding for this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act,"

Representatives Springer and Heavey spoke in favor of the amendment and it was adopted.

Representatives J. Kohl, Locke and Appelwick spoke in favor of adoption of the amendment as amended and Representatives Lisk, Dyer, Vance, Brough and Forner spoke against it.

Representative Vance demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment as amended to Substitute House Bill No. 1445 and the amendment was adopted by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1. Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schoesler, Scott, Sheldon, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Orr, Padden, Reams, Schmidt, Sehlin, Sheahan, Silver, Springer, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 34.

Excused: Representative Thomas - 1.

Representative Dyer moved the adoption of the following amendment by Representatives Stevens, and others:

On page 2, line 27, after "includes" insert ", for purposes of the jurisdiction of the Washington state human rights commission."

On page 2, line 34, after "activities" insert ". 'Employer' shall continue to include, for purposes of a private right of action based on a violation of this chapter, any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious corporation, association, educational institution, or society only with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities"

On page 4, after line 24, insert:

"NEW SECTION. Sec. 3. The commission shall study the differences between federal and state laws and regulations governing employment discrimination and shall report to the appropriate committees of the house of representatives and the senate the following information by December 31, 1993:

(1) Every instance where Washington statutory law, regulations, or case law appears to be less protective of employee rights than federal law; and the reason why, if any, the law or regulation should not be repealed so as to avoid confusion;

(2) Every instance where Washington statutory law, regulations, or case law appears to be equally protective of employee rights as federal law but is worded in a different manner; and the reason why, if any, the state law or regulation should not be amended to conform in wording to the federal law so as to avoid confusion;

(3) Every instance where Washington statutory law, regulations, or case law appears to be more protective of employee rights than federal laws or regulations and the reason, if any, for providing such protections; and

(4) Every instance where Washington statutory law, regulations, or case law does not provide clear and concise guidance to employers regarding compliance with the state discrimination laws.

In addition, the report shall make recommendations on how the more protective state laws might be mitigated to assist small employers and expedite the resolution of discrimination claims.

NEW SECTION. Sec. 4. A new section is added to chapter 49.60 RCW to read as follows:

(1) The commission shall prepare an employer's manual for the employment activities described herein, designed to be relied upon by small businesses employing seven or fewer employees to engage in employment without discrimination. The manual shall provide small businesses with specific compliance steps regarding the following subjects:

- (a) Employment discrimination;
- (b) Recordkeeping;
- (c) Preemployment and hiring;
- (d) Sexual harassment;
- (e) Reasonable accommodation; and
- (f) Employee discharge for legitimate non-discriminatory reasons.

The commission is encouraged to consult with representatives of small businesses in the design and composition of the manual to ensure that the manual is useful and practical to employers of seven or fewer employees.

(2) The commission shall hold at least one public education session, at a cost not to exceed fifty dollars per participant, in the largest city in each of the congressional districts in the state, not less than thirty days after mailing a notice of the education session to all employers that employ one to seven employees, as identified by the Employment Security Department."

Representative Dyer spoke in favor of the amendment and Representative J. Kohl spoke against it. The amendment was not adopted.

Representative J. Kohl moved the adoption of the following amendment by Representatives J. Kohl, Springer, Heavey and Lisk:

On page 4, after line 24, insert:

"NEW SECTION. Sec. 3. A new section is added to chapter 49.60 RCW to read as follows:

(1) The commission shall make available an informational brochure designed to help employers engage in employment without discrimination. The commission may utilize existing informational materials with any changes necessary to reflect the policies embodied in this act. The commission is encouraged to consult with representatives of small business to ensure that the brochure is useful and practical to employers of seven or fewer employees.

(2) The commission shall hold educational seminars throughout the state to explain to interested employers how to engage in employment without discrimination.

(3) The commission may charge fees to participants for the services required to be provided under this section. The fees shall be sufficient to cover the costs of the programs and materials offered."

Representative J. Kohl moved the following amendment to the amendment: Kohl:

On page 1, line 16, after "commission" delete (may) and insert: "is authorized to"

Representative J. Kohl spoke in favor of the amendment to the amendment and it was adopted.

Representative J. Kohl spoke in favor of the amendment as amended and the amendment was adopted.

Representative Lisk moved the adoption of the following amendment by Representatives Lisk and others:

On page 4, after line 24, insert the following:

"NEW SECTION. Sec. 3. In any private cause of action brought under this chapter alleging employment discrimination by an employer, the court shall award the prevailing party reasonable costs and attorney fees."

Representative Lisk spoke in favor of the amendment and Representatives Heavey and Appelwick spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 4, line 24 by Representative Lisk to Substitute House Bill No. 1445 and the amendment was not adopted by the following vote: Yeas - 33, Nays - 64, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 33.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothern, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

Excused: Representative Thomas - 1.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives J. Kohl, Springer and Appelwick spoke in favor of passage of the bill and Representatives Brough, Lisk and Dyer spoke against it.

Representative Zellinsky demanded the previous question and the demand was sustained.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1445.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1445 and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Brown, Campbell, Chappell, Cole, G., Conway, Cothern, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Lisk, Ludwig, Mastin, Mielke, Miller, Morton, Padden, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 36.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1445, having received the constitutional majority, was declared passed.

Representative Heavey moved that the remarks by Representative Appelwick on final passage of Engrossed Substitute House Bill No. 1445 be spread upon the Journal.

Representative Padden moved that Representative Heavey's motion be amended to include all of the Representatives' remarks.

The Speaker (Representative R. Meyers presiding) called upon the House to divide. The result of the division was 30 YEAS; 67 NAYS. The motion failed by Representative Padden.

The Speaker assumed the chair.

Representative Heavey again moved that Representative Appelwick's remarks be spread upon the Journal. Representative Padden moved that Representative Brough's remarks also be included. The motions were carried.

Representative Brough: Thank you, Mr. Speaker. It won't take me three minutes to say what I want to say. Those of you who are relatively new to the legislature may not have had the experience of introducing legislation and voting against it. It's not the end of the world. Occasionally, we make a boo-boo. Occasionally, you have to go back and revisit the issue and do it right. This bill started out as a good bill, with good public policy as its intent but it's ended up in a way that's before us right now that is not good public policy. You're creating a burden on small businesses and you are creating a burden for the person who experienced discrimination who works for the small business. That's wrong. Let's reject the bill now. Let's go back and spend our time looking at the Human Rights Commission, making it right, and unbroken and then come back and establish good public policy. The root of extending the laws of discrimination to all employees of this state is appropriate. This is not the right vehicle. I urge you to reject it.

Representative Appelwick: Mr. Speaker, Ladies and Gentlemen. This chapter of the code is structured differently than other chapters of the code. It has its intent section but then it creates substantive rights in all residents to be free from discrimination. Then it creates definitions. Those definitions apply through the rest of the chapter. The rest of the chapter applies to the commissions work. The statute as it currently stands, applies to all employers of all sizes. This bill only extends commission jurisdiction to smaller employers, albeit on a delayed basis. The confusion is trying to read the employer definition back into RCW 49.60.030. Where that word employer is never used, never found. The debate tonight, I think is a confusion of the issue. This only extends commission authority, the substantive right exists, it has existed since 1984, it will continue to exist and lawsuits, in fact, today are being filed under it. I urge you to support the bill.

MOTION

Representative Peery moved that the House consider House Bill No. 1393 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1393, by Representatives G. Cole, Heavey, King, Franklin, Jones, Dunshee, Romero, Quall, Thibaudeau, Veloria, Appelwick, R. Johnson, Wolfe, Wood, Rust, Pruitt, Leonard, Basich, Wineberry, Ogden, R. Meyers, Wang, Scott, Cothorn, Kessler, Flemming, Johanson, Conway, J. Kohl and Anderson

Providing for periodic adjustments of the state minimum wage.

The bill was read the second time.

On motion of Representative Heavey, Substitute House Bill No. 1393 was substituted for House Bill No. 1393 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1393 was read the second time.

Representative Chandler moved the adoption of the following amendment by Representative Chandler and others:

On page 1, at line 7, after "(1)" strike "Every" and insert "~~(Every)~~ Unless otherwise specified in this section, every"

On page 2, at line 7, after "years." insert "(3) The minimum wage for the first one hundred and twenty days that a learner is employed shall be eighty-five percent of the minimum wage applicable under RCW 49.46.020. For the purposes of this section, "learner" means a person new to an industry or job position who has no prior experience exceeding one hundred and twenty days in a substantially similar job position in the same industry."

Representatives Chandler, Horn and Talcott spoke in favor of adoption of the amendment and the amendment and Representative King spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 1, line 7 by Representative Chandler and others to Substitute House Bill No. 1393 and the amendment was not adopted by the following vote: Yeas - 41, Nays - 56, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Kessler, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 56.

Excused: Representative Thomas - 1.

Representative Peery moved the following amendment by Representatives Peery and Sheldon:

On page 1, line 11, after "and" strike all material through "(2)" on page 2, line 6 and insert "~~((twenty-five))~~ ninety cents per hour, except as otherwise provided in this section.

(2) On July 1, 1994, and on each July 1 thereafter, the department of labor and industries shall calculate an adjusted minimum wage to take effect on January 1 of the year following each July calculation. The adjusted minimum wage shall be calculated by adjusting the amount specified in subsection (1) of this section to the nearest cent which bears the ratio of its original amount which is found to exist between the index for 1992 and the index for the calendar year prior to the year of adjustment. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(3)"

Representative Peery spoke in favor of the amendment and it was adopted.

Representative Silver moved the following amendment by Representative Silver:

On page 1, beginning on line 12, after "hour" strike all material through "labor" on page 2, line 5
On page 2, beginning on line 8, strike all of section 2

Representative Silver spoke in favor of the amendment and Representative Wang spoke against it.
Representative Fuhrman demanded an electronic roll call and the demand was not sustained.

The amendment was not adopted.

Representative Chandler moved the adoption of the following amendment by Representative Chandler:

On page 1, line 13, strike "July 1, 1993" and insert "January 1, 1994"

On page 1, line 15, strike "July 1, 1994" and insert "January 1, 1995"

On page 2, line 8, after "**Sec. 2.**" strike all material through "July 1, 1993." on page 2, line 11, and insert "This act shall take effect January 1, 1994."

Representatives Chandler, Horn and Lisk spoke in favor of adoption of the amendment and Representative Heavey and G. Cole spoke against it. The amendment was not adopted.

With the consent of the House, Representative G. Cole withdrew amendment number 188.

With the consent of the House, Representative Dyer withdrew amendment number 237.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

MOTION

Representative R. Meyers moved that House Rule 13 (C) be suspended and the House continue working past 10 p.m. The motion was carried.

Representatives G. Cole, Springer and Kessler spoke in favor of passage of the bill and Representatives Chandler, Horn and Sheldon spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1393.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1393 and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Vance, Van Loven, Wood and Zellinsky - 38.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1393, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to change my vote from a "YEA" to a "NAY" on Engrossed Substitute House Bill No. 1393.

BETTY EDMONDSON, 14th District

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

MOTION

On motion of Representative Peery, the House adjourned until 9:30 a.m., Wednesday March 17, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FIFTH DAY, MARCH 16, 1993

JOURNAL OF THE HOUSE

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

SIXTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 17, 1993

The House was called to order at 9:30 a.m. by the Speaker (Representative Kremen presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elizabeth Loy and Meghan Sutherland. Prayer was offered by Reverend David Stathopulo of Capital Lakes Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2106 by Representatives R. Meyers, Sheldon and Pruitt

AN ACT Relating to handling of medical waste generated by any source or discarded in a manner creating a potential health and safety hazard; adding a new section to chapter 70.95K RCW; creating a new section; and making an appropriation.

Referred to Committee on Health Care.

ESSB 5050 by Senate Committee on Government Operations (originally sponsored by Senator Haugen)

Revising reimbursement provisions for local government officials.

Referred to Committee on Local Government.

ESB 5101 by Senator Vognild

Adjusting certain motorcycle-related fees.

Referred to Committee on Transportation.

SSB 5212 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

Permitting waiver of the ten-mile ferry and toll bridge restriction.

Referred to Committee on Transportation.

SB 5241 by Senators Vognild, Newhouse, Moore and Prince

Making certain powers and duties of the gambling commission permissive.

Referred to Committee on Commerce & Labor.

2SSB 5288 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Talmadge and Haugen; by request of Department of Ecology)

Extending the expiration date of the solid waste collection tax.

Referred to Committee on Environmental Affairs.

SSB 5357 by Senate Committee on Education (originally sponsored by Senators Pelz, Sutherland, Jesernig, Snyder, Gaspard, Fraser, Moore and Quigley)

Requiring contractors for school employment service contracts to provide health care and retirement benefits commensurate with those provided for classified employees providing similar services.

Referred to Committee on Education.

ESSB 5372 by Senate Committee on Government Operations (originally sponsored by Senators Loveland and Winsley)

Changing multiple tax provisions.

Referred to Committee on Local Government.

SSB 5390 by Senate Committee on Energy & Utilities (originally sponsored by Senators Sutherland, Hochstatter, Deccio, Haugen and Erwin)

Relating to conservation tariffs allowing transfer of payment obligations to successive property owners.

Referred to Committee on Energy & Utilities.

SSB 5392 by Senate Committee on Health & Human Services (originally sponsored by Senators Talmadge, Deccio, Fraser, L. Smith, McCaslin, Moyer, Oke and Winsley)

Revising provisions relating to abuse of children and incompetent persons.

Referred to Committee on Human Services.

SB 5401 by Senators Quigley, Haugen, A. Smith, Skratek, Fraser, Prince, Deccio, Drew, Bauer, Talmadge, Spanel, Loveland, Sutherland, Rinehart, Gaspard, Snyder, Jesernig, von Reichbauer, Winsley, Niemi, Vognild, Prentice and Sheldon

Regulating political telemarketing.

Referred to Committee on State Government.

SSB 5405 by Senate Committee on Education (originally sponsored by Senators Pelz, Oke, McAuliffe and Winsley)

Raising the minimum dollar amount requiring competitive bidding by school districts.

Referred to Committee on Education.

SB 5474 by Senators A. Smith, Pelz, Niemi, Spanel, Drew, Prince, Roach and Franklin; by request of Human Rights Commission

Revising laws relating to discrimination.

Referred to Committee on Judiciary.

ESSB 5510 by Senate Committee on Ways & Means (originally sponsored by Senator Niemi)

Notifying reentering state employees of their ability to restore previously withdrawn contributions.

Referred to Committee on Appropriations.

SSB 5512 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators M. Rasmussen, Erwin, Bluechel, Skratek, Sheldon and Snyder)

Studying the impact on state businesses of international trade agreements.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5535 by Senate Committee on Transportation (originally sponsored by Senators Vognild, Prince and M. Rasmussen)

Taxing large trucks.

Referred to Committee on Transportation.

SB 5546 by Senators Prentice and Moore; by request of Employment Security Department

Regulating unemployment compensation.

Referred to Committee on Commerce & Labor.

SSB 5557 by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Prince, Vognild, Amondson, Bauer and Franklin)

Regulating alcohol servers.

Referred to Committee on Commerce & Labor.

SB 5577 by Senator A. Smith

Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority.

Referred to Committee on Judiciary.

ESB 5632 by Senators Vognild, Prince, Skratek, Winsley, Loveland and Nelson

Establishing a license plate design.

Referred to Committee on Transportation.

SSB 5636 by Senate Committee on Education (originally sponsored by Senators Skratek, Pelz, Drew, McAuliffe, A. Smith and M. Rasmussen)

Promoting lifelong learning and community involvement in education.

Referred to Committee on Education.

SSB 5657 by Senate Committee on Labor & Commerce (originally sponsored by Senators Vognild, Amondson, Sutherland, Pelz, Erwin and Winsley)

Providing prompt pay for works of improvement.

Referred to Committee on Commerce & Labor.

SB 5659 by Senators Prentice, Owen, Sellar, Bauer, Franklin, Moyer, Moore, Prince, Snyder, Sutherland, Fraser, Winsley, M. Rasmussen and von Reichbauer; by request of Employment Security Department

Regulating the Washington service corps.

Referred to Committee on Trade, Economic Development & Housing.

SB 5689 by Senators Moore, West, Vognild and McCaslin

Establishing a license to sell liquor in motels.

Referred to Committee on Commerce & Labor.

SB 5703 by Senators Prentice, Prince, Moore, Amondson and Franklin; by request of Employment Security Department

Codifying the labor market information and economic analysis responsibilities of the employment security department.

Referred to Committee on Trade, Economic Development & Housing.

ESSB 5778 by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Hargrove, Jesernig, Prince, Wojahn, Haugen, Franklin, Spanel, Fraser, Barr, Amondson, McAuliffe, Moore, Moyer, Hochstatter and Pelz)

Creating a joint underwriting association for midwives.

Referred to Committee on Financial Institutions & Insurance.

SB 5787 by Senators Gaspard, von Reichbauer and Franklin; by request of Professional Athletic Commission

Regulating professional athletics.

Referred to Committee on Trade, Economic Development & Housing.

SB 5791 by Senators A. Smith and Rinehart; by request of Attorney General

Changing child support provisions.

Referred to Committee on Judiciary.

SSB 5821 by Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of Department of Community Development)

Modifying public works board loan restrictions.

Referred to Committee on Capital Budget.

SB 5828 by Senators Bauer, Prince, Sheldon and Wojahn

Changing provisions relating to vocational education.

Referred to Committee on Higher Education.

ESSB 5868 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, Bluechel, Sheldon, Erwin, Deccio, M. Rasmussen, Snyder, Gaspard and Winsley)

Creating the department of economic and community development.

Referred to Committee on State Government.

SB 5906 by Senators Moore, Newhouse, Wojahn, Amondson and Hochstatter

Modifying electrical inspection standards.

Referred to Committee on Commerce & Labor.

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

The Speaker (Representative Kremen presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

SECOND READING

MOTION

Representative Peery moved that the House considered the following bills in the following order: House Bill No. 1975, House Bill No. 2004, House Bill No. 1175 and House Bill No. 1322. The motion was carried.

HOUSE BILL NO. 1975, by Representatives Dunshee and Locke; by request of Department of Social and Health Services

Modifying provisions relating to nursing home reimbursement overpayments.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1975.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1975 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

House Bill No. 1975, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2004, by Representatives Morris, Long and Springer

Changing provisions relating to criminal sentencing and correctional industries.

The bill was read the second time. Committee on Corrections recommendation: Majority, do pass substitute. Committee on Capital Budget recommendation: Majority, do pass substitute by Committee on Corrections as amended by Committee on Capital Budget. (For committee amendments see Journal, 57th Day, March 8, 1993.)

On motion of Representative Morris, Substitute House Bill No. 2004 was substituted for House Bill No. 2004 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2004 was read the second time.

Representative Wang moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 4, line 12, after "72.09.102" strike all material down to and including "properties" on line 14.

On page 4, line 21, after "removal" insert "up to a maximum of ten offender work teams"

On page 4, line 27, after "budget." insert "Asbestos removal and underground storage tank cleanup projects conducted by class II offender work teams shall not be conducted on private property."

Representative Morris spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Conway withdrew amendment number 253.

Representative Morris moved adoption of the following amendment by Representatives Morris and Long:

On page 5, line 8, after "formula" strike all language down to and including "account." on line 33 and insert "for the distribution of offender wages and gratuities. The formula shall include a minimum deduction of twenty percent of gross wages for class I offender employees and all other offender employees who make at least minimum wage, to cover the cost of incarceration; ten percent to be deposited in the offenders account until it reaches a total of one thousand five hundred dollars' and ten percent to be deducted and transmitted to the state crime victims compensation account."

Ten percent of class II offenders wages or gratuity and five percent of class III and class IV offenders wages or gratuity shall be deducted and transmitted to the crime victims compensation each offender's wage or gratuity payments to satisfy court-ordered legal and financial obligations, and other offender debts.

All funds gained from deductions for the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used on ly for the purpose of enhancing and maintaining the correctional industries program until December 31, 2010. Thereafter, all funds shall be deposited in the general fund. The department shall develop the necessary administrative structure to recover offenders' wages and gratuities and keep records of the amount offenders pay for the cost of incarceration. The amount deducted for the cost of incarceration should not unduly discourage the incentive to work."

Representative Morris spoke in favor of adoption of the amendment and it was adopted.

Representative Silver moved adoption of the following amendment by Representatives Silver, Stevens, Edmondson, Dyer, Cooke and Sehlin:

On page 6, after line 2, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

In any competitive bid under this chapter, where a private contractor is negatively impacted by the loss of a contract to a division of correctional industries work program, the department of corrections and department of general administration shall review the contract award and shall reconsider the bid for re-award.

Factors that shall be considered in determining whether a private contractor is negatively impacted as a result of the loss of the contract include: loss of shortterm and longterm revenues, temporary and permanent reductions in workforce, and loss of tax revenues.

Reconsideration of the bid shall be based on an equalization adjustment for all expenses not realized by the department of corrections, including, but not limited to prevailing wages, health benefits, business and occupation taxes and employee related taxes paid by the private contractor."

Representative Silver spoke in favor of adoption of the amendment and Representative Morris spoke against it. The amendment was not adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives L. Johnson, Long, Wang, Foreman, Brumsickle and Morris spoke in favor of passage of the bill.

Representatives Edmondson, Silver, Heavey and Ballasiotes spoke against it.

Representative Zellinsky demanded the previous question. The demand was sustained.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2004.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2004 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Holm, Horn, Jacobsen, Johnson, L., Johnson, R., Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 74.

Voting nay: Representatives Anderson, Chandler, Cole, G., Conway, Cooke, Edmondson, Fuhrman, Heavey, Johanson, Jones, King, Lisk, Mielke, Morton, Orr, Padden, Riley, Roland, Scott, Sheahan, Silver, Stevens, Vance and Zellinsky - 24.

Engrossed Substitute House Bill No. 2004, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1175, by Representatives Jacobsen, Dellwo, Dorn, J. Kohl, Brumsickle, Linville, Dunshee, Pruitt, Johanson, Wood, Leonard and Basich

Regarding the study of American Indian languages and cultures in the common schools.

The bill was read the second time.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen: On page 6, after line 14, strike all material through "state." on line 18.

Representative Jacobsen spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1175.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1175 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Bill No. 1175, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1322, by Representatives Sheldon, Morton, R. Johnson and Pruitt

Modifying prosecutions for trespass or waste of public lands.

The bill was read the second time. On motion of Representative Pruitt, Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1322 was read the second time.

Representative Morton moved adoption of the following amendment by Representative Morton and others:

On page 1, line 9, after "damages" insert "if the same conduct on private land would result in treble damages"

Representatives Morton and Ballard spoke in favor of adoption of the amendment and Representative Pruitt spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 1, line 9 by Representative Morton to House Bill No. 1322, and the amendment was adopted by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Foreman, Forner, Fuhrman, Hansen, Horn, Karahalios, Kessler, Kremen, Lemmon, Leonard, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Padden, Patterson, Quall, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 52.

Voting nay: Representatives Anderson, Appelwick, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, King, Kohl, J., Linville, Locke, Meyers, R., Myers, H., Ogden, Orr, Peery, Pruitt, Riley, Roland, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 46.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

With the consent of the House, further action on Engrossed Substitute House Bill No. 1322 was deferred and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1606, by Representatives Hansen, Cothorn, Brumsickle, King and Rayburn; by request of Superintendent of Public Instruction

Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Dorn spoke in favor of passage of the bill and Representatives Brough and Carlson spoke against it.

On motion of Representative Wood, Representative Sehlin was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1606.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1606 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Voting nay: Representatives Ballard, Brough, Carlson, Forner, Long and Vance - 6.

Excused: Representative Sehlin - 1.

House Bill No. 1606, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

My vote was recorded as "NAY" on House Bill No. 1606. I would like to be recorded as a "YEA" vote.

CLYDE BALLARD, 12th District

HOUSE BILL NO. 1672, by Representatives Wineberry, J. Kohl, Wood, Anderson, Sheldon, Veloria, Scott, Jones, Ludwig, Brough and Foreman

Creating the eye care for the homeless program in Washington.

The bill was read the second time. On motion of Representative Leonard, Substitute House Bill No. 1672 was substituted for House Bill No. 1672 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1672 was read the second time.

Representative Appelwick moved adoption of the following amendment by Representatives Appelwick and Wineberry:

On page 2, line 13 after "Washington" strike everything through "persons." on line 15 and insert "and who is not reimbursed for such services or eyeglasses as allowed for in section 6, is not liable for civil damages for injury to a homeless person resulting from any act or omission in providing such services or eyeglasses, other than an act or omission constituting gross negligence or intentional conduct."

Representatives Appelwick and Cooke spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1672.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1672 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

Engrossed Substitute House Bill No. 1672, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1884, by Representatives Holm, G. Fisher, Edmondson, Kremen and Rayburn

Exempting nonprofit organizations providing credit services from the business and occupation tax.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Holm and Foreman spoke in favor of passage of the bill and Representative Wang spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1884.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1884 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Fisher, R., Rust, Valle and Wang - 4.

Excused: Representative Sehlin - 1.

House Bill No. 1884, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1893, by Representatives Zellinsky, Forner, R. Fisher and Kremen

Regulating motor vehicle dealers' buyer's agents relationships.

The bill was read the second time. On motion of Representative R. Fisher, Substitute House Bill No. 1893 was substituted for House Bill No. 1893 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1893 was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1893.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1893 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

Substitute House Bill No. 1893, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2071, by Representatives L. Johnson, Dellwo, Quall, Campbell and Karahalios

Regulating access to tobacco.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Revenue recommendation: Majority, do pass substitute by Committee on Health Care as amended by Committee on Revenue. (For committee amendments see Journal, Day 57, March 8, 1993)

On motion of Representative G. Fisher, Substitute House Bill No. 2071 was substituted for House Bill No. 2071 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2071 was read the second time.

Representative G. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Representative L. Johnson moved adoption of the following amendment by Representatives L. Johnson and Ballard:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while present state law prohibits the sale and distribution of tobacco to minors, youth obtain tobacco products with ease. Availability and lack of enforcement put tobacco products in the hands of youth.

Federal law requires states to enforce laws prohibiting sale and distribution of tobacco products to minors in a manner that can reasonably be expected to reduce the extent to which the products are available to minors. It is imperative to effectively reduce the sale, distribution, and availability of tobacco products to minors.

NEW SECTION. Sec. 2. The definitions set forth in RCW 82.24.010 shall apply to sections 3 through 14 of this act. In addition, for the purposes of this chapter, unless otherwise required by the context:

- (1) "Board" means the Washington state liquor control board.
- (2) "Minor" refers to an individual who is less than eighteen years old.
- (3) "Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.
- (4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.
- (5) "Sampler" means a person engaged in the business of sampling other than a retailer.
- (6) "Sampling" means the distribution of samples to members of the general public in a public place.
- (7) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

NEW SECTION. Sec. 3. A person who holds a license issued under RCW 82.24.520 or 82.24.530 shall:

- (1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and
- (2) Display a sign concerning the prohibition of tobacco sales to minors.

Such sign shall:

- (a) Be posted so that it is clearly visible to anyone purchasing tobacco products from the licensee;
- (b) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED"; and
- (c) Be provided free of charge by the liquor control board.

NEW SECTION. Sec. 4. No person shall sell or permit to be sold any tobacco product through any device that mechanically dispenses tobacco products unless the device is located fully within premises from which minors are prohibited or in industrial worksites where minors are not employed and not less than ten feet from all entrance or exit ways to and from each premises.

NEW SECTION. Sec. 5. No person shall sell or permit to be sold cigarettes not in the original unopened package or container to which the stamps required by RCW 82.24.060 have been affixed.

This section does not apply to the sale of loose leaf tobacco by a retail business that generates a minimum of sixty percent of annual gross sales from the sale of tobacco products.

NEW SECTION. Sec. 6. (1) No person may engage in the business of sampling within the state unless licensed to do so by the board. If a firm contracts with a manufacturer to distribute samples of the manufacturer's products, that firm is deemed to be the person engaged in the business of sampling.

(2) The board shall issue a license to a sampler not otherwise disqualified by section 11 of this act upon application and payment of the fee.

(3) A sampler's license expires on the thirtieth day of June of each year and must be renewed annually upon payment of the appropriate fee.

(4) The board shall annually determine the fee for a sampler's license and each renewal. However, the fee for a manufacturer whose employees distribute samples within the state is five hundred dollars per annum, and the fee for all other samplers must be not less than fifty dollars per annum.

(5) A sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. A person engaged in sampling under the license shall carry the license or a copy at all times.

NEW SECTION. Sec. 7. (1) No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to sampling (a) in an area to which persons under the age of eighteen are denied admission, (b) in or at a store or concession to which a retailer's license has been issued, or (c) at or adjacent to a production, repair, or outdoor construction site or facility.

(2) Notwithstanding subsection (1) of this section, no person may distribute or offer to distribute samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when that facility is being used primarily by persons under the age of eighteen for recreational, educational, or other purposes.

NEW SECTION. Sec. 8. No person shall give or distribute cigarettes or other tobacco products to a person by a coupon if such coupon is redeemed in any manner that does not require an in-person transaction in a retail store.

NEW SECTION. Sec. 9. A person under the age of eighteen who purchases or attempts to purchase cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as

set out in chapter 7.80 RCW or participation in a smoking cessation program, or both. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

NEW SECTION. Sec. 10. (1) Where there may be a question of a person's right to purchase or obtain tobacco products by reason of age, the retailer, sampler, or agent thereof, shall require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: Liquor control authority card of identification of a state or province of Canada; driver's license, instruction permit, or identification card of a state or province of Canada; "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; United States military identification; passport; or merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080(4) that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The liquor control board shall waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence.

NEW SECTION. Sec. 11. (1) The liquor control board may suspend or revoke a retailer's license held by a business at any location, or may impose a monetary penalty as set forth in subsection (2) of this section, if the liquor control board finds that the licensee has violated RCW 26.28.080(4), or section 3, 4, 5, 6, 7, or 8 of this act.

(2) The sanctions that the liquor control board may impose against a person licensed under RCW 82.24.530 and sections 6 and 7 of this act based upon one or more findings under subsection (1) of this section may not exceed the following:

- (a) For violation of RCW 26.28.080(4) or section 3 of this act:
 - (i) A monetary penalty of one hundred dollars for the first violation within any two-year period;
 - (ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;
 - (iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;
 - (iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;
 - (v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;
- (b) For violations of section 4 of this act, a monetary penalty in the amount of one hundred dollars for each day upon which such violation occurred;
- (c) For violations of section 5 of this act occurring on the licensed premises:
 - (i) A monetary penalty of one hundred dollars for the first violation within any two-year period;
 - (ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;
 - (iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;
 - (iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;
 - (v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;
- (d) For violations of sections 6 and 7 of this act, a monetary penalty in the amount of three hundred dollars for each violation;
- (e) For violations of section 8 of this act, a monetary penalty in the amount of one thousand dollars for each violation.

(3) The liquor control board may impose a monetary penalty upon any person other than a licensed cigarette retailer or licensed sampler if the liquor control board finds that the person has violated RCW 26.28.080(4), or section 3, 4, 5, 6, 7, or 8 of this act.

(4) The monetary penalty that the liquor control board may impose based upon one or more findings under subsection (3) of this section may not exceed the following:

- (a) For violation of RCW 26.28.080(4) or section 3 of this act, fifty dollars for the first violation and one hundred dollars for each subsequent violation;
- (b) For violations of section 4 of this act, one hundred dollars for each day upon which such violation occurred;
- (c) For violations of section 5 of this act, one hundred dollars for each violation;
- (d) For violations of sections 6 and 7 of this act, three hundred dollars for each violation;
- (e) For violations of section 8 of this act, one thousand dollars for each violation.

(5) The liquor control board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(6) The liquor control board may issue a cease and desist order to any person who is found by the liquor control board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080(4) or 82.24.500,

requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order shall not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(7) The liquor control board may seek injunctive relief to enforce the provisions of RCW 26.28.080(4) or 82.24.500 or this chapter. The liquor control board may initiate legal action to collect civil penalties imposed under this chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the liquor control board under this chapter, the court may, in addition to any other relief, award the liquor control board reasonable attorneys' fees and costs.

(8) All proceedings under subsections (1) through (6) of this section shall be conducted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 12. (1) The liquor control board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080(4) and 82.24.500. The liquor control board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of section 11 of this act.

(2) The liquor control board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080(4) and 82.24.500, a peace officer or enforcement officer of the liquor control board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products is under the age of eighteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor control board.

(4) The liquor control board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

NEW SECTION. Sec. 13. (1) The youth tobacco prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520 and 82.24.530 and funds collected by the liquor control board from the imposition of monetary penalties shall be deposited into this account, except that thirteen percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the liquor control board to pay the costs incurred, up to thirty percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products are available to individuals under the age of eighteen. The agreements shall also set forth requirements for data reporting by the liquor control board regarding its enforcement activities.

(4) The department of health and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco intervention strategies to prevent and reduce tobacco use by youth.

NEW SECTION. Sec. 14. This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of tobacco product promotions and sales within retail stores, except that political subdivisions that have adopted ordinances prohibiting sampling by January 1, 1993, may continue to enforce these ordinances. No political subdivision may: (1) Impose fees or license requirements on retail businesses for possessing or selling cigarettes or tobacco products, other than general business taxes or license fees not primarily levied on tobacco products; or (2) regulate or prohibit activities covered by sections 3 through 9 of this act. This chapter does not otherwise preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with chapter ..., Laws of 1993 (this act).

Sec. 15. RCW 82.24.530 and 1986 c 321 s 7 are each amended to read as follows:

A fee of ~~((ten))~~ ninety-three dollars shall accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates. A fee of ~~((one))~~ thirty additional dollars for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

NEW SECTION. Sec. 16. The department of health shall report to the house of representatives and senate committees with jurisdiction for health issues no later than February 1, 1995, on the effectiveness of enforcement and education activities as specified in this act. This study shall include information concerning the adequacy of revenue to support enforcement and education activities.

Sec. 17. RCW 82.24.550 and 1986 c 321 s 9 are each amended to read as follows:

(1) The department of revenue shall enforce the provisions of this chapter except RCW 82.24.500, which will be enforced by the liquor control board. The department of revenue may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The department of revenue has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the department of revenue. The department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the department of revenue finds the offender has been guilty of willful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department of revenue if it appears to the satisfaction of the department of revenue that the licensee will comply with the provisions of this chapter and the rules promulgated thereunder.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the department of revenue.

Sec. 18. RCW 82.24.560 and 1986 c 321 s 10 are each amended to read as follows:

Except as specified in section 13 of this act, all fees and penalties received or collected by the department of revenue pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund.

NEW SECTION. Sec. 19. Sections 2 through 14 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives L. Johnson and Dyer spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson, Dyer, Flemming, Conway, Valle and Campbell spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2071.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2071 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn,

Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Sehlin - 1.

Engrossed Substitute House Bill No. 2071, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) called on Representative Appelwick to preside.

HOUSE BILL NO. 1824, by Representatives Wolfe, Wineberry, Forner, Peery, Reams, Valle, Pruitt, Flemming, Leonard, Talcott, Anderson, J. Kohl, Thibaudeau, Jones, King, Quall, H. Myers, Cooke and Finkbeiner

Authorizing conversion of surplus public property to use for affordable housing.

The bill was read the second time.

With the consent of the House, Representative Locke withdrew amendment No. 254.

Representative Wineberry moved adoption of the following amendment by Representatives Wineberry, Locke and Wolfe:

On page 8, line 32, insert the following:

"NEW SECTION. Sec. 13. If specific funding for the purposes of section 9 of this act, referencing section 9 of this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, section 9 of this act is null and void."

Representatives Wineberry and Forner spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe, Forner, Talcott and Wineberry spoke in favor of passage of the bill.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1824.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1824 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Bray and Hansen - 2.

Excused: Representative Sehlin - 1.

Engrossed House Bill No. 1824, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House consider House Bill No. 1536 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1536, by Representatives Wineberry, Casada, Leonard, Ogden, Morris, Quall, Valle, Brough, Vance, Pruitt, Forner and Flemming

Maintaining mobile home parks.

The bill was read the second time.

Representative Wineberry moved adoption of the following amendment by Representatives Wineberry and Forner:

On page 1, line 19, after "tenants" insert "unless the tenants clearly request the transfer"
On page 2, line 4, after "document" insert "entered into after the effective date of this act"
On page 2, line 6, after "void" insert "unless the document acknowledges that the tenant or tenant organization requested the transfer of responsibility as provided in subsection (4)"

Representatives Wineberry and Forner spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry, Casada and Shin spoke in favor of passage of the bill.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1536.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1536 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Voting nay: Representatives Brumsickle, Chandler, Edmondson, Fuhrman, Hansen, Horn, Lisk, Ludwig and Thomas - 9.

Excused: Representative Sehlin - 1.

Engrossed House Bill No. 1536, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider House Bill No. 1441 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1441, by Representatives R. Johnson, Rust, Quall, Linville, Dunshee, Basich, Finkbeiner, Karahalios, J. Kohl, R. Meyers, Roland, Romero and Johanson

Providing for flood damage reduction.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Environmental Affairs as amended by Committee on Appropriations. (For committee amendment see Journal, 57th Day, March 8, 1993.)

On motion of Representative Rust, Substitute House Bill No. 1441 was substituted for House Bill No. 1441 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1441 was read the second time.

Representative Valle moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative Valle moved that the committee amendment on page 6, line 1 not be adopted. The committee amendment was not adopted.

Representative Valle moved adoption of the committee amendment on page 12 line 3. Representative Valle spoke in favor of adoption of the committee amendment. The committee amendment was adopted.

Representative Valle moved the committee amendment on page 17, after line 8 not be adopted. The committee amendment was not adopted.

With the consent of the House, Representative Hansen withdrew amendment number 180.

Representative R. Johnson moved adoption of the following amendment by Representatives R. Johnson and Rust:

On page 2, line 20, after "through" strike "alternative" and insert "non-structural"

On page 2, after line 24, insert "(b) describe structural methods for residential, commercial, and industrial buildings to meet the objectives of subsection (1) of this section, including but not limited to post and pier construction, flow-through foundations, and similar construction practices;"

Representatives R. Johnson and Horn spoke in favor of adoption of the amendment and it was adopted.

Representative R. Johnson moved adoption of the following amendment by Representatives R. Johnson and Rust:

On page 2, line 34, after "Exempt" insert "non-residential"

Representatives R. Johnson and Horn spoke in favor of adoption of the amendment and it was adopted.

Representative Rust moved adoption of the following amendment by Representatives Rust, L. Johnson and Horn:

On page 6, line 1, after "(4)" strike all material through "county" on page 6, line 13, and insert "A flood-prone county shall submit to the department of ecology a flood hazard management plan consistent with the model ordinance developed pursuant to section 101 of this act by the later of July 1, 1997, or two years after the county has been designated as a flood-prone county. A flood-prone county, and all applicants within that county, are eligible for state matching funds for the public assistance and mitigation programs under P. L 93-288 Secs. 404, 406, and 407, only if the county has adopted a plan meeting the requirements of this subsection"

On page 7, line 9, after "county" strike all material through "act" on page 8, line 2, and insert "has adopted an ordinance pursuant to section 104 of this act, the county legislative authority of each flood-prone county shall submit an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act, by the later of July 1, 1995, or within two years of becoming a flood-prone county. A flood-prone county and all applicants within the county are eligible for state matching funds for the public assistance and mitigation programs under P.L."

93-288 Secs. 404, 406, and 407, only if the county has adopted an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act.

(4) Except as provided in subsection (5) of this section, a city or town within a flood-prone county, and all the applicants within that city or town, are eligible for state matching funds for the public assistance and mitigation programs under P.L. 93-288 Secs. 404, 406, and 407, only if the city or town has adopted an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act within one year of the adoption of the county flood hazard management plan.

(5) If prior to July 1, 1994, a county has adopted a plan consistent with the model ordinance developed pursuant to section 101 of this act, a city or town may satisfy the requirements of subsection (4) of this section prior to July 1, 1995 by:

(a) Entering into an interlocal agreement with the county to ensure that development regulations for structures with a footprint of ten thousand square feet or more are consistent with an approved county flood hazard management plan; or

(b) Adopting an ordinance consistent with a county flood hazard management plan. An ordinance shall be deemed consistent if approved by the department."

Representatives Rust and Horn spoke in favor of adoption of the amendment and it was adopted.

With consent of the House, Representative Stevens withdrew amendments number: 286, 285, 284, and 283. The motion was carried.

Representative R. Johnson moved adoption of the following amendment by Representatives R. Johnson and Rust:

On page 11, after line 17, insert "(6) No participation with a flood-prone county may occur after July 1, 1995 unless the county has adopted an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act.

(7) No participation with a city, town, or other municipal corporation within a flood-prone county may occur after July 1, 1998, unless the city, town, or municipal corporation has adopted an ordinance no less stringent than the model ordinance developed pursuant to section 101 of this act."

Representatives R. Johnson and Horn spoke in favor of adoption of the amendment and it was adopted.

Representative Rust moved adoption of the following amendment by Representatives Rust, R. Johnson, Roland and Foreman:

On page 17, line 8, after "buyer" strike "in writing prior to closing"

On page 17, line 10 after "restrictions." insert "The seller shall inform the buyer in the first written document constituting an agreement of sale"

Representatives Rust and Horn spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Appelwick withdrew amendment #166.

Representative Kremen moved adoption of the following amendment by Representatives Kremen and Linville:

On page 21, after line 26, insert the following:

NEW SECTION. Sec. 502. A new section is added to chapter 75.20 RCW to read as follows:

The permitting department may impose the following conditions on persons applying under RCW 75.20.100 or 75.20.103:

(1) The permittee shall establish an excavation line. "Excavation line" means a line on the dry bed, parallel to the water's edge that unless otherwise stated, changes with water level fluctuations.

(2) The permittee may not remove bed material from the water side of the excavation line.

(3) The permittee shall begin excavating at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.

(4) The permittee shall keep the maximum distance of excavation toward the bank from the excavation line approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.

(5) The permittee shall identify the excavation zone with boundary markers.

(6) The permittee shall maintain a minimum one-half percent gradient upward from the excavation line in the excavation zone.

(7) The permittee shall ensure that the excavation zone is free of pits or potholes.

(8) The permittee shall not stockpile or spoil excavated materials within the ordinary high water line except from June 15 to October 15.

(9) The permittee may not allow any equipment within the wetted perimeter of the watercourse without specific permission.

(10) The permittee shall dispose of debris in the excavation zone so it does not reenter the watercourse.

(11) The permittee may not perform gravel washing or crushing operations below the ordinary high water line.

(12) The permittee shall be allowed to remove only that amount of rock, sand, gravel, or silt which is naturally replenished on an annual basis, except in instances where a lapse in material removal has occurred. If such lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed.

NEW SECTION. Sec. 503. A new section is added to chapter 79.90 RCW to read as follows:

(1) Use or modification, or both, of any river system must involve basic hydraulic principles, as well as harmonize as much as possible with existing aquatic ecosystems, and human needs.

(2) The department, commissioner, and board shall:

(a) Give priority consideration to the preservation of the streamway environment with special attention given to preservation of those areas considered aesthetically or environmentally unique;

(b) Encourage bank and island stabilization programs which rely mainly on natural vegetative systems as holding elements;

(c) Encourage research to develop alternative methods of channel control, utilizing natural systems of stabilization;

(d) Recognize natural plant and animal communities and other features that provide an ecological balance to a streamway in evaluating competing human uses and require protection from significant human impact; and

(e) Recognize that hydraulic conditions may require the installation of riprap or other similar measure to further protect natural systems of stabilization.

(3) No person may remove normal stream depositions of logs, uprooted tree snags, and stumps which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and are not harmful to life and property without the department's permission but the department must consider the need to protect the resultant dependent aquatic systems.

(4) No person may fill indentations such as mudholes, eddies, pools, and aeration drops without permission of the department.

(5) The department may permit river channel relocations only when an overriding public benefit can be shown. Filling, grading, lagooning, or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation, or impairment of fish and aquatic life are not authorized.

(6) No person may remove sand and gravel below the wetted perimeter of navigable rivers unless authorized by a hydraulics permit issued by either the department of fisheries or department of wildlife under RCW 75.20.100 and 75.20.103. These removals may be authorized for maintenance and improvement of navigational channels or for creating backwater channels for fish rearing or improvement of the flow capacity of the channels.

(7) The department may allow sand and gravel removals above the wetted perimeter of a navigable river which are not harmful to public health and safety when any or all of the following situations exist:

(a) The removal is designed to create or improve a feature such as a pond, wetland, or other habitat valuable for fish and wildlife;

(b) The removal provides recreational benefits;

(c) The removal will aid in reducing a detrimental accumulation of aggregates in downstream lakes, reservoirs, and river beds;

(d) The removal will aid in reducing damage to private or public land and property abutting a navigable river;

or

(e) The removal will contribute to increased flood protection for private or public land.

(8) The department may not allow sand and gravel removals above the wetted perimeter of a navigable river when:

(a) The location of such material is below a dam and has inadequate supplementary feeding of gravel or sand;

(b) Removal will cause unstable hydraulic conditions detrimental to fish, wildlife, public health, and safety; or

(c) Removal will impact esthetics of nearby recreational facilities.

(9) No person may perform bank dumping or junk revetment on aquatic lands.

(10) The department shall condition sand and gravel removal leases to allow removal of only that amount which is naturally replenished on an annual basis, except in instances where a lapse in material removal has

occurred. If such a lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed.

Sec. 504. RCW 79.90.150 and 1991 c 337 s 1 are each amended to read as follows:

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the state or any municipality, county, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material; PROVIDED FURTHER, That no charge may be required for removal or use of such material if the removal of the material is determined by the municipality, county, or public corporation with jurisdiction to provide a flood control benefit. No charge shall be required for any use of the material obtained under the provisions of this chapter when used solely on an authorized site. No charge shall be required for any use of the material obtained under the provisions of this chapter if the material is used for public purposes by local governments. Public purposes include, but are not limited to, construction and maintenance of roads, dikes, and ~~((levies))~~ levees. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law.

With the consent of the House, further consideration of Substitute House Bill No. 1441 was deferred.

The Speaker (Representative R. Meyers presiding) assumed the chair.

MOTION

Representative Peery moved that the House now consider House Bill No. 1152 and House Bill No. 1136. The motion was carried.

HOUSE BILL NO. 1152, by Representatives Thibaudeau, Heavey, King, Vance, Veloria, G. Cole, Riley and J. Kohl

Denominating the Washington state bar association a public employer for collective bargaining purposes.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 1, after line 3 insert the following:

"NEW SECTION. Sec. 1. The legislature is committed to providing collective bargaining for all employees. However, the legislature is also mindful of the separations of powers and responsibilities among the branches of government. Therefore, the legislature strongly encourages the state supreme court to adopt collective bargaining for the employees of the Washington state bar association."

On page 1, line 11 after "Washington" insert "State Supreme Court may provide by rule that the Washington"

Representatives Appelwick and G. Cole spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Thibaudeau withdrew amendment number 234.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thibaudeau, Appelwick and Conway spoke in favor of passage of the bill and Representative Padden spoke against it.

On motion of Representative Talcott, Representative Schmidt was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1152.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1152 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Fisher, G., Fisher, R., Flemming, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Silver, Sommers, Springer, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Edmondson, Finkbeiner, Foreman, Fuhrman, Horn, Lisk, Mielke, Miller, Morton, Padden, Schoesler, Sheahan, Stevens, Talcott, Tate, Thomas and Van Luven - 23.

Excused: Representatives Schmidt and Sehlin - 2.

Engrossed House Bill No. 1152, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

My intention on Engrossed House Bill No. 1152 was to vote "yes". I was recorded as "no". The amendment added changed the negative to a positive.

LOUISE MILLER, 45th District

HOUSE BILL NO. 1136, by Representatives Reams, Wineberry, Leonard, Brough, Sommers, Forner, Ludwig, Wolfe, Springer, Chandler, Shin, Silver, Mielke, Ballard, Karahalios, Foreman, Miller, Brumsickle, Vance, Thibaudeau, Horn, Wood, Quall, Kremen, Morton, Talcott, Tate, Cooke and Ogden

Encouraging home matching.

The bill was read the second time. On motion of Representative Valle, Substitute House Bill No. 1136 was substituted for House Bill No. 1136 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1136 was read the second time.

Representative Reams moved adoption of the following amendment by Representatives Reams, Sommers and Wineberry:

- On page 2, line 9, strike "shall" and insert "may"
- On page 2, line 15, strike "shall" and insert "may"
- On page 3, beginning on line 1, strike all of section 3
- On page 3, beginning on line 13, strike all of section 5

Representatives Reams and Wineberry spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker assumed the chair.

Representatives Reams, Ogden and Wineberry spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1136.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1136 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Schmidt and Sehlin - 2.

Engrossed Substitute House Bill No. 1136, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration of Substitute House Bill No. 1441.

Representative Kremen spoke in favor of adoption of the amendment on page 21, after line 26 (for amendment see today's journal) and Representative Rust spoke against it.

A division was called. The Speaker called on the House to divide. The result of the division was: YEAS-41; NAYS-57. The amendment was not adopted.

The bill was ordered engrossed.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Johnson, Horn, Rust and Dunshee spoke in favor of passage of the bill and Representatives Hansen, Stevens and Brumsickle spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1441.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1441 and the bill passed the House by the following vote: Yeas - 60, Nays - 36, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Bray, Brough, Brown, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Kremen, Leonard, Linville, Locke, Ludwig, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Roland, Romero, Rust, Scott, Shin, Silver, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Basich, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Kessler, Lemmon, Lisk, Long, Mastin, Mielke, Morton, Padden, Rayburn, Reams, Riley, Schoesler, Sheahan, Sheldon, Springer, Stevens, Talcott, Tate, Thomas, Vance and Van Luven - 36.

Excused: Representatives Schmidt and Sehlin - 2.

Engrossed Substitute House Bill No. 1441, having received the constitutional majority, was declared passed.

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

MOTION

Representative Peery moved that the Rules Committee be relieved of House Bill No. 1045 and that House Bill No. 1045 take its place on the second reading calendar. The motion was carried.

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

SECOND READING

HOUSE BILL NO. 1135, by Representatives Kremen, Ballard, Linville, Foreman, Rayburn, Padden, R. Johnson, Grant, Schoesler, Lisk, Fuhrman, Morris, Morton, Brough, Sheahan, Finkbeiner, Quall, Miller and Anderson

Modifying the regulation of "alternative livestock."

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass substitute. Committee on Fisheries & Wildlife recommendation: Majority, do pass substitute by Committee on Agricultural & Rural Development as amended by Committee on Fisheries & Wildlife. (For committee amendment see Journal, 52nd Day, March 3, 1993)

On motion of Representative King, Substitute House Bill No. 1135 was substituted for House Bill No. 1135 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1135 was read the second time.

Representative King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative King moved adoption of the following amendment to the committee amendment by Representatives King, Kremen and Rayburn:

On page 3, line 4, strike subsection (1).

On page 6, line 29, after "act." strike the remainder of the section.

On page 6, after line 32, insert:

NEW SECTION. Sec. 15. The sole authority of the department of wildlife to regulate alternative livestock and alternative livestock products is that granted under sections 5, 10, and 11 of this act."

Representative King spoke in favor of adoption of the amendment to the committee amendment and it was adopted.

Representative King spoke in favor of the committee amendment as amended and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kremen, Fuhrman, King and Foreman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1135.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1135 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant,

Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Schmidt and Sehlin - 2.

Engrossed Substitute House Bill No. 1135, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

HOUSE BILL NO. 1372, by Representatives Pruitt, R. Fisher, Mielke, Sheldon, Dorn, Long, Veloria, Roland, Romero, Shin, R. Meyers, Finkbeiner, Jones, Dunshee, Jacobsen, Riley, Holm, Mastin, Kessler, Linville, Springer, Wolfe, Franklin, Kremen, Johanson, Karahalios, Flemming, Tate, L. Johnson, J. Kohl, Dellwo, G. Cole and Anderson; by request of State Auditor

Creating the government accountability task force.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended Committee on Appropriations recommendation: Majority, do pass substitute as amended by Committee on State Government. (For committee amendment see Journal, 57th Day, March 8, 1993)

On motion of Representative Anderson, Substitute House Bill No. 1372 was substituted for House Bill No. 1372 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1372 was read the second time.

Representative Valle moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Representative Pruitt moved adoption of the following amendment to the committee amendment:

On page 1, after line 4 of the amendment, insert the following:

"PART I - STATE GOVERNMENT PERFORMANCE PLAN

NEW SECTION. Sec. 1. By July 1, 1994, each state agency shall define its mission or missions and establish measurable goals for achieving desirable results or outcomes for its customers. Agency customers shall include, but not be limited to, service recipients, regulated entities, and the public at large. This section shall not be construed to require an agency to develop a new mission or goals in place of existing identifiable missions or goals which meet the intent of this provision. Each state agency should involve affected stakeholders in planning its missions and goals. By January 1, 1995, each state agency shall submit its missions and goals to the legislature for review and approval.

Sec. 2. RCW 43.88.090 and 1989 c 273 s 26 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

(2) ~~((Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results.))~~ For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives shall be consistent with the missions and goals developed under section 1 of this act. These objectives shall be established for the biennium and for a six-year planning cycle. Each agency shall express the objectives in an outcome based, objective, quantifiable, and measurable form unless permitted by the office of financial management to adopt a different standard.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

(3) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

PART II - GOVERNMENT ACCOUNTABILITY TASK FORCE

NEW SECTION. Sec. 3. There is created a government accountability task force to advise the legislature on establishing a comprehensive, integrated program accountability system for state government. The composition of the task force shall be as follows:

(1) Four members to be appointed by the governor, with at least one representative each from private sector business and industry, state employee labor unions, and public interest organizations;

(2) One representative from each of the four legislative caucuses, to be appointed by the president of the senate and the speaker of the house of representatives;

(3) The state auditor;

(4) The chair of the legislative budget committee;

(5) The director of the office of financial management;

(6) The superintendent of public instruction; and

(7) The chair of the higher education coordinating board.

The chair of the task force shall be selected by its members. Staffing for the task force shall be provided by the legislative budget committee.

This section shall expire December 31, 1995.

NEW SECTION. Sec. 4. The government accountability task force shall develop recommendations to improve the accountability of state government including recommendations that address compliance with the law in the use of resources, efficiency in the use of resources, effectiveness in meeting program goals and targets, and appropriateness of program activity in fulfilling the identified public need. The task force shall address the following issues:

(1) The development of a plan for performance audits of state agencies in the executive branch of state government. This plan shall include identification of the proper roles for state agencies, the state auditor, the legislative budget committee, and the commission for efficiency and accountability in government in conducting these performance audits. The plan shall designate the scope and type of audits to be performed.

(2) The development of a plan for a state-wide performance-based evaluations system that addresses:

(a) The development of standard program evaluation definitions and suggested guidelines for conducting program evaluations;

(b) The provision of technical assistance and training programs to agencies in conducting evaluations and using the results of evaluations to improve programs;

(c) The establishment of automated data systems for streamlining the program evaluation process and for tracking results;

(d) The establishment of a clearinghouse for program evaluation results and information from other states and the federal government; and

(e) How to develop indicators of performance for the measurable goals established under section 1 of this act.

(3) Recommendations regarding a plan for a state reporting process on program accountability that addresses to what extent agencies are meeting the goals established in section 1 of this act.

The task force shall present this system to the legislature by December 31, 1995.

PART III - STATE AUDITOR

Sec. 5. RCW 43.09.050 and 1992 c 118 s 6 are each amended to read as follows:
The auditor shall:

- (1) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;
- (2) In his or her discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;
- (3) Investigate improper governmental activity under chapter 42.40 RCW;
- (4) Inform the attorney general in writing of the necessity for the attorney general to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;
- (5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his or her office;
- (6) Report to the director of financial management in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor;
- (7) Authenticate with his or her official seal papers issued from his or her office;
- (8) Make his or her official report annually on or before the 31st of December;
- (9) Conduct performance audits of state agency programs recommended by the government accountability task force if these recommendations are adopted by the legislature."

On page 7, after line 31 of the amendment, insert the following:

"PART IV - MISCELLANEOUS

NEW SECTION. Sec. 8. This act may be known and cited as the performance-based government act of 1993.

NEW SECTION. Sec. 9. Sections 3 and 4 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 10. CAPTIONS. Captions and part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 11. NULL AND VOID. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

Representative Pruitt spoke in favor of adoption of the amendment to the committee amendment and Representative Wang spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1 after line 4 to the committee amendment to Substitute House Bill No. 1372, and the amendment was adopted by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dyer, Edmondson, Finkbeiner, Fisher, G., Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Kohl, J., Kremen, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Padden, Patterson, Pruitt, Rayburn, Reams, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Springer, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wood and Zellinsky - 65.

Voting nay: Representatives Anderson, Appelwick, Basich, Brown, Dorn, Dunshee, Eide, Fisher, R., Flemming, Heavey, Jacobsen, Karahalios, Kessler, King, Lemmon, Leonard, Linville, Locke, Myers, H., Ogden, Orr, Peery, Quall, Riley, Roland, Silver, Sommers, Thibaudeau, Voloria, Wang, Wineberry, Wolfe and Mr. Speaker - 33.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pruitt spoke in favor of passage of the bill and Representative Silver spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1372.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1372 and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Basich, Jacobsen, Ogden, Riley, Rust, Silver, Sommers and Wang - 9.

Engrossed Substitute House Bill No. 1372, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider the following bills in the following order: House Bill No. 1724 and House Bill No. 1585. The motion was carried.

HOUSE BILL NO. 1724, by Representatives Kremen, Morris, Quall, Chandler, Rayburn, Springer, Edmondson, Mastin, Kessler, Finkbeiner, Grant, Dorn, Basich, Zellinsky, Ludwig, Campbell, Lemmon, Brough, Tate, Casada, Wood, Foreman, Holm, Roland, Fuhrman, Stevens, Sheahan, Schoesler, Long and Lisk

Requiring the superintendent of public instruction to develop and make available instructional material on sexual abstinence.

The bill was read the second time. On motion of Representative Dorn, Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1724 was read the second time.

Representative Kremen moved adoption of the following amendment by Representatives Kremen, Sheldon and Zellinsky:

On page 1, line 16, strike "many"

On page 1, line 16, strike "emphasize and encourage teenage sexual abstinence" and insert "give substantial emphasis and encouragement to sexual abstinence as the most effective means, method, and strategy for preventing pregnancy"

Representatives Kremen and Sheahan spoke in favor of adoption of the amendment.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

With the consent of the House, further consideration of Substitute House Bill No. 1724 was deferred and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1585, by Representatives Ogden, Long, Wolfe, Morris, Conway, Wineberry, Forner, Leonard, Valle, Pruitt and J. Kohl

Creating the Washington housing policy act.

The bill was read the second time. On motion of Representative Dorn, Substitute House Bill No. 1585 was substituted for House Bill No. 1585 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1585 was read the second time.

With the consent of the House, Representative Wineberry withdrew amendment number 278.

Representative Wineberry moved adoption of the following amendment by Representatives Wineberry, Forner, H. Myers and Ogden:

On page 6, after line 20, insert the following:

"NEW SECTION. Sec. 7. (1) The department shall, in consultation with the affordable housing advisory board created in section 5 of this act, report to the legislature on the development and placement of accessory apartments. The department shall produce a written report by December 15, 1993, which:

(a) Identifies local governments that allow the siting of accessory apartments in areas zoned for single-family residential use; and

(b) Makes recommendations to the legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

(2) The recommendations made under subsection (1) of this section shall not take effect before ninety days following adjournment of the 1994 regular legislative session.

(3) Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures and limitations as determined by the local legislative authority.

(4) As used in this section, "local government" means:

(a) A city or code city with a population that exceeds twenty thousand;

(b) A county that is required to or has elected to plan under the state growth management act; and

(c) A county with a population that exceeds one hundred twenty-five thousand.

NEW SECTION. Sec. 8. Section 7 of this act is added to chapters 35.63 RCW, 35A.63 RCW, 36.70A RCW, and 36.70 RCW and shall be codified in each of these chapters."

Representatives Wineberry and Forner spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden, Brough, Forner and Wineberry spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1585.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1585 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1585, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration of Substitute House Bill No. 1724.

On motion of Representative Fuhrman, the demand for an electronic roll call vote on the amendment on page 1, line 16 was withdrawn. The motion was carried.

The amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kremen, Karahalios and Brough spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1724.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1724 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1724, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 16, 1993

Mr. Speaker,

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5044,
SUBSTITUTE SENATE BILL NO. 5130,
SUBSTITUTE SENATE BILL NO. 5221,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
SENATE BILL NO. 5324,
SUBSTITUTE SENATE BILL NO. 5329,
SENATE BILL NO. 5330,
SENATE BILL NO. 5387,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5425,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5477,
SENATE BILL NO. 5494,
SECOND SUBSTITUTE SENATE BILL NO. 5514,
SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5652,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5702,
SUBSTITUTE SENATE BILL NO. 5736,
SENATE BILL NO. 5779,
ENGROSSED SENATE BILL NO. 5843,
SENATE BILL NO. 5870,
SUBSTITUTE SENATE BILL NO. 5896,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5910,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, the House considered House Bill No. 1248 on the second reading calendar.

HOUSE BILL NO. 1248, by Representatives King, Heavey, Franklin, Orr, Jones, G. Cole, Veloria and Johanson

Regulating the increase of industrial insurance death and disability benefits.

The bill was read the second time. On motion of Representative Locke, Substitute House Bill No. 1248 was substituted for House Bill No. 1248 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1248 was read the second time.

Representative Heavey moved adoption of the following amendment by Representative Heavey:

On page 3, beginning on line 7, after "exceed" strike all material through "110%" on line 12 and insert "one hundred ten percent of the average monthly wage in the state as computed under RCW 51.08.018."

On page 4, beginning on line 31, after "or" strike all material through "110%" on line 36 and insert "one hundred ten percent of the average monthly wage in the state as defined in RCW 51.08.018(~~, whichever is the lesser of the two sums~~)."

On page 5, beginning on line 11, after "death or" strike all material through "110%" on line 16 and insert "one hundred ten percent of the average monthly wage in the state as defined in RCW 51.08.018(~~, whichever is the lesser of the two sums~~)."

On page 7, beginning on line 17, after "exceed" strike all material through "subsection" on line 23 and insert "one hundred ten percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation"

On page 9, beginning on line 11, after "exceed" strike all material through "110%" on line 16 and insert "one hundred ten percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018."

On page 10, line 12, after "December 1," strike all material through "1995" on line 13 and insert "1993. The task force shall expire July 1, 1994."

Representative Heavey spoke in favor of adoption of the amendment and Representative Lisk spoke against it. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative King spoke in favor of passage of the bill and Representative Lisk spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1248.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1248 and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 38.

Engrossed Substitute House Bill No. 1248, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider House Bill No. 1287 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1287, by Representatives Heavey, Thibaudeau, Franklin, Flemming, G. Cole, Riley and H. Myers

Providing for collective bargaining for agricultural employees.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1287 was substituted for House Bill No. 1287 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1287 was read the second time.

Representative Heavey moved adoption of the following amendment by Representative Heavey:

On page 4, line 3, after "consider" strike "the duties, skills, and working conditions of the employees, the extent of organization of the employees, and the desire of the employees." and add "but not be limited to the following: the duties; the skills; the working conditions of the employees; the extent of organization of the employees; and, the desire of the employees."

On page 5, line 4, after "section." add "In such cases where a petition for election is filed in accordance with this section, and such petition is filed in a harvest period, the election shall occur no later than seven days from the filing of such petition. For purposes of this section, the board shall adopt rules defining harvest periods on a crop by crop basis."

Representative Heavey spoke in favor of adoption of the amendment and Representatives Grant, Foreman, Rayburn and Lisk spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2 after "agent" by Representative Heavey to Substitute House Bill No. 1287, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Brown, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Fisher, G., Fisher, R., Heavey, Holm, Jacobsen, Johnson, L., Jones, King, Kohl, J., Leonard, Locke, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 38.

Voting nay: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Johanson, Johnson, R., Karahalios, Kessler, Kremen, Lemmon, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Padden, Quall, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wood and Zellinsky - 60.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey, Conway, Grant and Wineberry spoke in favor of passage of the bill and Representative Foreman spoke against it.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1287.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1287 and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 58.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Lisk, Long, Mastin, Mielke, Miller, Morris, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 40.

Substitute House Bill No. 1287, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the House consider House Bill No. 1045 on today's second reading calendar. The motion was carried.

HOUSE BILL NO. 1045, by Representatives Orr, Mastin, Riley, Zellinsky, Roland, Sheldon, Dorn, R. Meyers, Grant, Kremen, Ludwig, R. Fisher, Morris, R. Johnson, Scott, Bray, Talcott, Campbell, Rayburn, Padden, Foreman, Dyer, Sheahan, Ballasiotes, Long, Springer, Stevens, Brumsickle, Horn, Forner, Miller, Schmidt, Sehlin, Edmondson, Hansen, Lemmon, Schoesler, Morton, Fuhrman, Tate, Vance, Thomas, Mielke, Chandler, Lisk, Wood, Cooke, Sommers and Silver

Prohibiting the industrial welfare committee and the director of the department of labor and industries from limiting the hours of work by minors.

The bill was read the second time. On motion of Representative Heavey, Substitute House Bill No. 1045 was substituted for House Bill No. 1045 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1045 was read the second time.

Representative Pruitt moved adoption of the following amendment by Representative Pruitt:

On page 2, line 12, after "agent" insert ", or the minor is in home-based instruction under RCW 28A.225.010(4) and the employer keeps on file a copy of the declaration of intent required under RCW 28A.200.010"

Representative Pruitt spoke in favor of adoption of the amendment and it was adopted.

Representative Heavey moved adoption of the following amendment by Representative Heavey:

On page 3, after line 9, insert the following:
"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representative Heavey spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mastin, Orr, Quall, Karahalios, Foreman, Eide, Dorn, Wineberry, Springer, Morton and R. Meyers spoke in favor of passage of the bill and Representatives G. Cole, Carlson, Conway, King, Valle and Shin spoke against it.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1045.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1045 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wineberry, Wood and Zellinsky - 77.

Voting nay: Representatives Anderson, Appelwick, Brough, Carlson, Cole, G., Conway, Fisher, R., Heavey, Jacobsen, King, Leonard, Locke, Patterson, Pruitt, Shin, Thibaudeau, Valle, Veloria, Wang, Wolfe and Mr. Speaker - 21.

Engrossed Substitute House Bill No. 1045, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1197, by Representatives Leonard, Cooke, Riley, Flemming, Valle, Brown, G. Cole, Mielke, Veloria, Wineberry, Dorn, Anderson, J. Kohl, Karahalios, H. Myers, Vance, Ogden, King, Jones, Eide, Johanson, R. Meyers, Cothorn, Roland, Holm, Wolfe, Franklin, Thibaudeau, Springer, Basich, Kremen, Foreman, Kessler, Campbell, Dunshee, Lemmon, Linville and Pruitt

Allowing families to retain a greater percentage of income before public benefits are reduced or terminated.

The bill was read the second time. Committee on Human Services recommendation: Majority do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Human Services as amended by Committee on Appropriations. (For committee amendment, see Journal, 57th Day, March 8, 1993)

On motion of Representative Locke, Substitute House Bill No. 1197 was substituted for House Bill No. 1197 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1197 was read the second time.

Representative Locke moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Representative Leonard moved adoption of the following amendment by Representatives Leonard, Locke and Sommers:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Public assistance is intended to be a temporary financial relief program, recognizing that families can be confronted with a financial crisis at any time in life. Successful public assistance programs depend on the availability

of adequate resources to assist individuals deemed eligible for the benefits of such a program. In this way, eligible families are given sufficient assistance to reenter productive employment in a minimal time period;

(2) The current public assistance system has strong disincentives to work;

(3) Employment, training, and education services provided to employable recipients of public assistance are effective tools in achieving economic self-sufficiency. Support services that are targeted to the specific needs of the individual offer the best hope of achieving economic self-sufficiency in a cost-effective manner;

(4) State welfare-to-work programs, which move individuals from dependence to economic independence, must be operated cooperatively and collaboratively between state agencies and programs. They also must include public assistance recipients as active partners in self-sufficiency planning activities. Participants in economic independence programs and services will benefit from the concepts of personal empowerment, self-motivation, and self-esteem; and

(5) Many barriers to economic independence are found in federal statutes and rules, and provide states with limited options for restructuring existing programs in order to create incentives for employment over continued dependence.

NEW SECTION. Sec. 2. The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable and seek all necessary federal approval.

NEW SECTION. Sec. 3. A new section is added to chapter 74.12 RCW to read as follows:

(1) As part of the orientation and assessment conducted pursuant to RCW 74.25.020, the department shall determine the most appropriate living situation for each recipient of aid to families with dependent children who is receiving those benefits as a head of household and is under age eighteen. Appropriate living situations may include, but are not limited to:

(a) The parent's home;

(b) The home of a relative;

(c) A group living situation with adult supervision and guidance;

(d) Living independently; and

(e) Payment of the recipient's grant to another as provided in RCW 74.12.250.

(2) In conducting the assessment, the department shall consider all relevant factors, including but not limited to:

(a) Whether the recipient is enrolled in and attending school;

(b) Whether the recipient is employed;

(c) The situation in the home of the recipient's parents, including but not limited to, whether there is substance abuse or domestic violence in the home and the adequacy of the dwelling; and

(d) Whether there is a history of physical, emotional, or sexual abuse of the recipient by a person living in or frequenting the recipient's parents' home.

(3) If, as a result of the assessment, the department becomes aware of a recipient's need for other services that will help the recipient complete high school or achieve economic independence, the department shall make every effort to link the recipient with the services.

(4) Failure of the teenage recipient to comply with the department's determination shall result in termination from the programs.

NEW SECTION. Sec. 4. The department shall study the feasibility of using electronic benefit transfer technology for the food stamp, aid to families with dependent children, and women, infant, and children programs. The department shall report to the appropriate standing committees of the legislature by December 1, 1994.

NEW SECTION. Sec. 5. The department may replace food stamps with the cash equivalent for individuals eligible to receive food assistance upon receipt of all necessary statutory and administrative changes from congress, the food and nutrition service, and the department of health and human services.

Sec. 6. RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; ((ø))

(B) Children residing in the home of a court-appointed legal guardian who are under the age of eighteen. Eligibility, except the requirement to live with a relative of specified degree, is based on the current requirements of the federal aid to families with dependent children program, and need is based on the current income and resource requirements of the federal aid to families with dependent children program. Assistance shall be provided on behalf of the child or children only:

(C) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department((-); or

((C)) (D) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)((B))(C) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the aid to families with dependent children program rules adopted by the department.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt

income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 7. The department may provide grants to community action agencies or other local nonprofit organizations to provide job opportunities and basic skills training program participants with transitional support services, one-to-one assistance, and job retention services.

NEW SECTION. Sec. 8. Services provided under the jobs opportunity and basic skills training program should contain the following principles:

- (1) Families should be involved in planning and service delivery;
- (2) Caseworkers will act as consultants and focus on building family strengths;
- (3) Services should strengthen incentives for self-sufficiency and economic independence;
- (4) Administration of the job opportunity and basic skills training program services should be coordinated with other services to the family;
- (5) Services should be regionally, culturally, and ethnically sensitive; and
- (6) Services should be locally planned and involve coordinated delivery at the local level.

NEW SECTION. Sec. 9. The department of social and health services shall design a program for implementation involving recipients of aid to families with dependent children. A goal of this program is to develop a system that segments the aid to families with dependent children recipient population and identifies subgroups, matches services to the needs of the subgroup, and prioritizes available services. The department shall specify the services to be offered in each population segment, and not all services shall be available to each segment. The general focus of the services offered shall be on job training, work force preparedness, and job retention.

The program shall be designed for state-wide implementation on July 1, 1994. Any proposal for implementation may include phasing certain components over time or geographic area. The department shall submit this program to the legislative task force on welfare reform on October 1, 1993.

NEW SECTION. Sec. 10. The department of social and health services shall consider the following in developing the program:

- (1) An employment incentive program that strengthens the ability of recipients to reach a level of self-sufficiency. Aid to families with dependent children grants may be used to supplement a program participant's wages;
- (2) Development of a community work program for those persons who are long-term recipients of aid to families with dependent children;
- (3) Services that are limited in duration;

(4) Segmentation of the recipient population based on factors such as work experience, education level, age of recipient, wage history, child support history, and length of time the person has been an aid to families with dependent children recipient;

(5) Matching appropriate services to each segment of the recipient population. The criteria may include an array of services that targets high cost, intensive services to the least employable groups and low cost, less intensive services to the most employable groups;

(6) Use of contracts between recipients and the department that set forth employability/self-sufficiency plans and sanctions for noncompliance;

(7) Training and education services for absent parents that increase their ability to support their children;

(8) The elimination of work disincentives for recipients of aid to families with dependent children; and

(9) Appropriate education and training services designed to promote economic self-sufficiency.

NEW SECTION. Sec. 11. The president of the senate and speaker of the house of representatives shall appoint a legislative welfare reform task force. In addition to representatives of the four caucuses, the president and speaker may appoint additional members representing individuals and organizations with an expressed interest in welfare reform issues. The legislative task force on welfare reform shall (1) participate in developing the implementation plan for chapter 74.-- RCW (sections 2, 4, 5, and 7 through 10 of this act), (2) review the implementation plan prepared by the department, and (3) develop legislation for consideration during the 1994 legislative session implementing the plan.

NEW SECTION. Sec. 12. Sections 2, 4, 5, and 7 through 10 of this act shall constitute a new chapter in Title 74 RCW."

Representative Patterson moved adoption of the following amendment to the amendment by Representatives Patterson and others:

On page 1, line 17 of the amendment, after "training," insert "child care,"

On page 1, line 19 of the amendment, after "services" insert ", such as child care,"

Representative Patterson spoke in favor of adoption of the amendment to the amendment and the amendment was adopted.

Representative Mielke moved adoption of the following amendment to the amendment by Representatives Mielke and Cooke:

On page 2, line 23, after "dwelling;" strike "and"

On page 2, line 26, after "home" insert "; and"

(e) The financial history of the recipient to include timely payments by the recipient of housing and utility payments, and other financial obligations. The department shall also determine the need, if any, for an alternative payee."

Representatives Mielke and Locke spoke in favor of adoption of the amendment to the amendment and it was adopted.

Representative Tate moved adoption of the following amendment to the amendment by Representative Tate and others:

On page 9, after line 26, insert the following:

"NEW SECTION. Sec. 8. All able-bodied recipients of aid to families with dependent children benefits shall perform non-paid community service work. The department of social and health services shall establish by rule the hours per week of non-paid community service work required. This section shall not apply to a recipient who is enrolled in an approved educational or training program, or is otherwise qualified for an exemption under the job opportunities and basic skills training program."

Representatives Tate and Mielke spoke in favor of adoption of the amendment to the amendment and Representatives Leonard and Locke spoke against it.

Representative Tate again spoke in favor of the amendment.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment to the amendment on page 9 after line 26 of the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

Representative Padden moved adoption of the following amendment to the amendment:

On page 11, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

The department of social and health services shall restore five full time equivalent staff positions to the fraud early detection unit and fifteen full time equivalent staff positions to the general investigation unit. The department shall also enter into the aid to families with dependent children optional fraud program and seek the maximum federal assistance available for the program."

Representative Padden spoke in favor of adoption of the amendment to the amendment and Representative Locke spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment to the amendment on page 11 after line 9 of the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 36, Nays - 62, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 62.

Representative Cooke moved adoption of the following amendment to the amendment:

On page 11, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

There shall be no additional monetary assistance for children conceived after entry into the aid to families with dependent children program. The department is directed to provide information to recipients regarding all birth control or family planning services provided by the state."

Representatives Cooke, Forner, Miller and Mielke spoke in favor of adoption of the amendment to the amendment and Representatives Leonard, Heavey, Locke, R. Meyers and Padden spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 11, after line 9 of the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 31, Nays - 67, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chappell, Cooke, Dellwo, Dyer, Edmondson, Flemming, Forner, Horn, Lisk, Long, Mielke, Miller, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 31.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chandler, Cole, G., Conway, Cothorn, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Stevens, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 67.

Representative Brough moved adoption of the following amendment to the amendment:

On page 11, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

Authorized postsecondary education for recipients of aid to families with dependent children benefits shall be limited to a vocational degree or certificate program. The department of social and health services shall establish rules to grandfather those individuals enrolled in other postsecondary educational programs as of the effective date of this act."

Representatives Brough, Locke and Riley spoke in favor of adoption of the amendment and Representatives Brown, Jacobson, Mastin and J. Kohl spoke against it.

Representative Brough again spoke in favor and Representative Jacobsen again spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 11 after line 9 of the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Fisher, G., Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Linville, Lisk, Locke, Long, Mielke, Miller, Morton, Padden, Peery, Reams, Riley, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Sommers, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven and Wood - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Pruitt, Quall, Rayburn, Romero, Rust, Scott, Sheldon, Shin, Springer, Thibaudeau, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 54.

Representative Morton moved adoption of the following amendment to the amendment:

On page 11, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

New residents of the state shall receive for the first six months of residence the same level of benefits granted to them by their previous state of residence or they will receive Washington's grant level, whichever is lower. "New residents" means anyone who has resided in the state of Washington for fewer than six of the previous six months."

Representatives Morton, Hansen, Padden, Schoesler, Roland and Long spoke in favor of adoption of the amendment and Representative Leonard spoke against it.

Representative Morton again spoke in favor of the amendment.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 11, after line 9 of the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 49, Nays - 49, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Cooke, Dyer, Edmondson, Eide, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Horn, Lisk, Long, Mastin, Mielke, Miller, Morris, Morton, Padden, Patterson, Quall, Rayburn, Reams, Roland, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 49.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Conway, Cothorn, Dellwo, Dorn, Dunshee, Finkbeiner, Fisher, R., Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Myers, H., Ogden, Orr, Peery, Pruitt, Riley, Romero, Rust, Sheldon, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 49.

Representative Talcott moved adoption of the following amendment to the amendment:

On page 11, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

As a condition of receiving aid to families with dependent children benefits, parents are ultimately responsible and shall be held accountable for their children's school attendance from kindergarten through sixth grade. If a student violates the state's truancy laws during a specified school quarter, the financial grant may be reduced twenty five dollars per day for each day of truancy. The department shall establish penalties, sanctions, or termination of benefits for additional violations. The superintendent of public instruction and secretary of social and health services shall establish a process for the sharing of information pertaining to student attendance records."

Representatives Talcott, Ballard, Padden and Mielke spoke in favor of adoption of the amendment and Representatives Karahalios, Leonard, Chappell, G. Fisher, Dorn and L. Johnson spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 11, after line 9 of the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Lemmon, Lisk, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Representative Mielke moved adoption of the following amendment to the amendment:

On page 11, after line 9, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

In order to receive aid to families with dependent children benefits, both parents of each child to be covered by the program must be listed on the application for benefits whenever possible."

Representatives Mielke and Vance spoke in favor of adoption of the amendment to the amendment and Representatives Leonard and Locke spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment to the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

The House resumed consideration of the amendment to the amendment by Representative Mielke.

Representative Mielke moved adoption of the following amendment to the amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Public assistance is intended to be a temporary financial relief program, recognizing that families can be confronted with a financial crisis at any time in life. Successful public assistance programs depend on the availability of adequate resources to assist individuals deemed eligible for the benefits of such a program. In this way, eligible families are given sufficient assistance to reenter productive employment in a minimal time period. When eligibility for public assistance is not clearly defined or enforced, resources are consumed for purposes other than what the public intends and the result is a shortage of resources for eligible recipients;

(2) The current public assistance system requires a reduction in grant standards when income is received. In most cases, family income is limited to levels below the standard of need. Work involvement, a crucial factor in the individual's ability to return to the work force, can result in the same reduction or elimination of benefits. To remove this disincentive, the legislature intends to assist families by incorporating work experience with private employers without an immediate reduction or termination of benefits;

(3) Employment, job search, training, and educational services provided to employable recipients of public assistance are effective tools in achieving economic self-sufficiency. Support services that are targeted at the specific needs of the individual offer the best hope of achieving economic self-sufficiency in a cost-effective manner;

(4) State welfare-to-work programs, which move individuals from dependence to economic independence, must be operated cooperatively and collaboratively between state agencies and programs. Public assistance recipients shall be active participants in the programs and will benefit from the concepts of personal empowerment, responsibility, self-motivation, and self-esteem;

(5) Many barriers to economic independence are found in federal statutes and rules, and provide states with limited options for restructuring existing programs in order to create incentives for employment over continued dependence; and

(6) Public assistance should promote the formation of healthy families, reward work effort, and promote personal responsibility to include education, parental responsibility, job training, community enhancement activity, and gainful employment.

NEW SECTION. Sec. 2. A new section is added to chapter 74.12 RCW to read as follows:

(1) As part of the orientation and assessment conducted pursuant to RCW 74.25.020, the department shall determine the most appropriate living situation for each recipient of aid to families with dependent children who is receiving those benefits as a head of household and is under age eighteen. Appropriate living situations may include, but are not limited to:

- (a) The parent's home;
- (b) The home of a relative;
- (c) A group living situation with adult supervision and guidance;
- (d) Living independently; and
- (e) Payment of the recipient's grant to another as provided in RCW 74.12.250.

(2) In conducting the assessment, the department shall consider all relevant factors, including but not limited to:

- (a) Whether the recipient is enrolled in and attending school;
- (b) Whether the recipient is employed;

(c) The situation in the home of the recipient's parents, including but not limited to, whether there is substance abuse or domestic violence in the home and the adequacy of the dwelling;

(d) Whether there is a history of physical, emotional, or sexual abuse of the recipient by a person living in or frequenting the recipient's parents' home; and

(e) The financial history of the recipient to include timely payments by the recipient of housing and utility payments, and other financial obligations. The department shall also determine the need, if any, for an alternative payee.

(3) If, as a result of the assessment, the department becomes aware of a recipient's need for other services that will help the recipient complete high school or achieve economic independence, the department shall make every effort to link the recipient with the services.

(4) Failure of the teenage recipient to comply with the department's determination shall result in termination from the programs.

NEW SECTION. Sec. 3. A new section is added to chapter 74.04 RCW to read as follows:

The department shall study the feasibility of using electronic benefit transfer technology for the food stamp, aid to families with dependent children, and women, infant, and children programs. The department shall report to the appropriate standing committees of the legislature by December 1, 1994.

NEW SECTION. Sec. 4. A new section is added to chapter 74.04 RCW to read as follows:

The department may replace food stamps with the cash equivalent for individuals eligible to receive food assistance upon receipt of all necessary statutory and administrative changes from congress, the food and nutrition service, and the department of health and human services.

NEW SECTION. Sec. 5. A new section is added to chapter 74.04 RCW to read as follows:

The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable and seek all necessary federal approval.

NEW SECTION. Sec. 6. A new section is added to chapter 74.04 RCW to read as follows:

The department may provide grants to community action agencies or other local nonprofit organizations to provide job opportunities and basic skills training program participants with transitional support services, one-to-one assistance, and job retention services.

Sec. 7. RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—~~Temporary~~ public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of temporary assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program(~~PROVIDED FURTHER, That~~). During any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department.

(C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance.

Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general

assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for temporary assistance.

(8) "Recipient"—Any person receiving temporary assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent(~~(= PROVIDED, That)~~). An applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days

such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment(~~(- PROVIDED, That)~~). If in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of aid to families with dependent children to exempt savings accounts with balances up to an additional one thousand five hundred dollars.

(e) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the aid to families with dependent children program rules adopted by the department.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 8. A new section is added to chapter 74.04 RCW to read as follows:

The department is directed to immediately institute the following policy changes state-wide:

(1) In order to receive aid to families with dependent children benefits, both parents of each child to be covered by the program must be listed on the application for benefits.

(2) Minors must have a protective payee designated to receive their welfare funds. Whenever possible, protective payees shall be a responsible, immediate adult family member. Protective payees shall have a duty to make sure housing and utility costs are paid in a timely manner. Where an adequate protective payee cannot be found, the department shall assume the protective payee function.

(3) As a condition of receiving benefits, parents are ultimately responsible and shall be held accountable for their children's school attendance from kindergarten through sixth grade. If a student violates the state's truancy laws during a specified school quarter, the financial grant shall be reduced by a minimum of ten percent for sixty days. The department shall establish penalties, sanctions, or termination of benefits for additional violations. The superintendent of public instruction and secretary of social and health services shall establish a process for the sharing of information pertaining to student attendance records.

(4) Authorized postsecondary education shall be limited to a vocational degree or certificate program only.

(5) Restore all FTE's to the fraud early detection unit and place an emphasis on either filling or expanding, or both, all field investigator positions. The department shall enter into the aid to families with dependent children optional fraud program and seek the maximum federal assistance for the programs.

(6) There shall be no additional monetary assistance for children conceived after entry into the aid to families with dependent children or JOBS programs. The department is directed to provide information to recipients regarding all birth control or family planning that is provided by the state.

(7) New residents of the state shall receive for the first six months of residence the same level of benefits granted to them by their previous state of residence or they will receive Washington's grant level, whichever is lower.

(8) The department is directed to develop a data collection system that will allow for improved data on recipients' migration and recidivism. The department shall collect better information pertaining to the characteristics of those who have received benefits for more than five cumulative years and shall not limit data collection for individuals to a five year-period.

(9) There shall no longer be a self-prescribed disability exemption for individuals or those claiming care for a dependent spouse. Medical evidence must be provided proving that a disability requiring attendant care exists.

NEW SECTION. Sec. 9. A new section is added to chapter 74.12 RCW to read as follows:

The department of social and health services is directed to develop an aid to families with dependent children-unemployable and aid to families with dependent children-employable program based on these parameters:

(1) At the point of application to receive public assistance benefits an applicant shall:

(a) Participate in an extensive interview that will be used to determine work and educational history. The level of services needed will also be determined at this time;

(b) Participate in the development of a program that will expedite the process of the applicant gaining economic self-sufficiency;

(c) Enter into a formal contract, that will be binding for six months, that will explain all of the recipient's rights and responsibilities. Compliance with this contract will be a condition for the receipt of benefits;

(d) Provide the name of both parents of the child or children. The applicant must comply with this subsection as a condition for the receipt of benefits; and

(e) Attend an orientation where all program services as well as individual responsibilities shall be explained. Attendance shall serve as a prerequisite for the initial receipt of benefits.

(2) There shall be four levels of need that the department shall build personal programs on:

(a) Most job-ready;

(b) Moderately job-ready;

(c) Least job-ready; and

(d) Exempt.

(3) For those individuals meeting the most job-ready criteria, there shall be an initial period of sixty days in which recipients will receive fifty percent of the standard grant level. Recipients shall receive an additional fifty percent of the standard grant level in exchange for a set number of hours per week of community service to be determined by rule by the department. Individuals shall then enter into a job search program that will last for ninety days. If at the end of ninety days they are unable to find employment, individuals shall enter into an assisted work program in cooperation with the private sector modeled after federal work study programs. Once benefits have been received for a cumulative of seventeen months, individuals shall then perform community service for a set number of hours based on a formula to be developed by rule by the department as a condition for the receipt of benefits.

(4) For those individuals meeting the moderately job-ready criteria, there shall be an initial period of sixty days in which recipients shall receive fifty percent of the standard grant level. Recipients shall receive an additional fifty percent of the standard grant level in exchange for a set number of hours per week of community service to be determined by rule by the department. Individuals shall then enter into a job search program for ninety days. If at the end of ninety days they are unable to find employment, individuals shall be eligible for up to twenty-four months of

postsecondary education limited to a vocational degree or certificate. If at the end of twenty-four months they are unable to find employment, individuals shall enter into an assisted work program in cooperation with the private sector modeled after federal work study programs. Once benefits have been received for a cumulative of forty-one months, individuals shall perform community service for a set number of hours based on a formula to be developed by rule by the department as a condition for the receipt of benefits.

(5) For those individuals meeting the least job-ready criteria, there shall be an initial period of sixty days in which recipients shall receive fifty percent of the standard grant level. Recipients shall receive an additional fifty percent of the standard grant level in exchange for a set number of hours per week of community service to be determined by rule by the department. Individuals shall then enter into a basic education program for a period that is deemed necessary to provide them with the equivalent of a high school education. At the end of this time, individuals shall enter into an assisted work program in cooperation with the private sector modeled after federal work study programs for a period up to twelve months. Should individuals remain unemployed at the conclusion of the twelve-month period, they shall be eligible for up to twenty-four months of postsecondary training limited to a vocational degree or certificate only. At the end of the vocational training, the recipient shall enter into a job-search program for up to three months. Once benefits have been received for a cumulative of fifty-three months, individuals shall then perform community service for a set number of hours based on a formula to be developed by rule by the department as a condition for the receipt of benefits.

(6) For those individuals meeting the exempt criteria, no program participation shall be required, except that individuals must perform community service for a set number of hours based on a formula to be developed by rule by the department, as a condition for the receipt of benefits.

(7) A recipient with a child less than six months of age, a recipient who is responsible for providing attendant care for disabled family member, or a recipient who is disabled shall be exempt from the participation requirements of the program created in this section.

NEW SECTION. Sec. 10. A new section is added to chapter 74.04 RCW to read as follows:

The department of social and health services shall develop a plan to implement section 4 of this act as a pilot project to include approximately twenty thousand participants. The department shall report its recommendations to the legislature by January 30, 1994, and be prepared to implement its recommendations beginning January 1, 1995.

NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

The department shall develop a pilot project to provide child care for those individuals receiving education, training, or providing community service as part of the program created under section 4 of this act. Child care facilities should be located on or near community and technical college or vocational school campuses. Care should be given primarily by recipients fulfilling a community service requirement and receiving the benefits of the program set up under section 4 of this act.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Mielke and Vance spoke in favor of adoption of the amendment to the amendment and Representatives Leonard and Locke spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the striking amendment to the amendment to Substitute House Bill No. 1197, and the amendment was not adopted by the following vote: Yeas - 34, Nays - 64, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

Representatives Leonard and Linville Vance spoke in favor of the striking amendment as amended. The amendment as amended was adopted.

The bill was ordered engrossed.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard, Locke, Mielke, Talcott and Shin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1197.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1197 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1197, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 93-4622, by Representatives R. Meyers, Heavey, Ebersole, Locke, Wineberry, Ballard, Brough, Dyer, Foreman, Chandler, Silver, Wood, Wang and Anderson

WHEREAS, The House of Representatives wishes to honor a great man, John L. O'Brien, who devoted over fifty years of his illustrious life to this institution; and

WHEREAS, This man served as a Member of the House of Representatives beginning in 1939 during the presidency of Franklin Roosevelt; and

WHEREAS, He is number one in longevity, with no individual among the more than seven thousand state legislators having served longer in any legislature in the United States; and

WHEREAS, The man we honor served the people of his state, his district, and this assembly longer than anyone else has ever served as a member of the legislature of the great state of Washington; and

WHEREAS, He served in the House of Representatives for half the time that Washington has been a state and for well over half the days the legislature has met in its history; and

WHEREAS, John L. O'Brien served twenty-six terms in service to his constituents as State Representative from the 33rd District, renumbered the 35th District, now the 37th District; and

WHEREAS, Representative O'Brien served four terms as Speaker, nine terms as Speaker Pro Tempore, as both majority and minority leader, and on every major committee in the House of Representatives; and

WHEREAS, Every major piece of legislation in our state over the past fifty years was guided by his leadership and parliamentary skills; and

WHEREAS, In the course of his extensive involvement with colleagues across the country, John L. O'Brien was elected in 1968 as President of the National Conference of State Legislative Leaders; and

WHEREAS, He served as Chairman of the Washington State Legislative Council from 1955 to 1962; and

WHEREAS, John L. O'Brien was responsible for many innovations and reforms in the operation of the House, a prominent example of which is the electronic roll call voting machine in chambers; and

WHEREAS, The face of state government, through every state building program during his tenure, was influenced by Representative O'Brien's committee work; and

WHEREAS, John L. O'Brien was instrumental in gaining official state recognition in 1977 of Mother Joseph, a Catholic sister and outstanding Washington pioneer; and

WHEREAS, His leadership of a fund raising drive enabled the placement of a statue of Mother Joseph as this state's second and final representative in Statuary Hall in the nation's capitol; and

WHEREAS, In the 1982 Session, the House of Representatives prevailed upon John L. O'Brien to write a book about his legislative experience so that others might benefit from some of his knowledge; and

WHEREAS, The House of Representatives in 1988 honored its longest-serving member by establishing the John L. O'Brien Postgraduate Legislative Fellowship Program; and

WHEREAS, On St. Patrick's Day, 1989, to honor John L. O'Brien's Irish heritage, the House of Representatives celebrated his fifty years of public service as a legislator, honored his wife Mary O'Brien for her many contributions to the state, and renamed the House Office Building as the John L. O'Brien Building; and

WHEREAS, In 1990, the long-awaited biography appeared as Speaker of the House, The Political Career and Times of John L. O'Brien, by Daniel Jack Chasan; and

WHEREAS, John L. O'Brien is famous for the unsurpassed leadership and skill he exercised as Speaker which shaped this institution and become a part of its history; and

WHEREAS, He is the epitome of the dignified, elder statesman and is the most outstanding parliamentarian this body has ever produced; and

WHEREAS, John L. O'Brien's command of House rules is unmatched and rarely challenged; and

WHEREAS, This venerable man has been and will continue to be an irreplaceable source of knowledge, understanding, and lore about the legislative process in this state for current and future members of the legislature and all state citizens; and

WHEREAS, The members of this assembly, veteran and new legislator alike, will miss their most esteemed colleague and need his knowledge, his expertise, and his continuing guidance in understanding the legislative process;

NOW, THEREFORE, BE IT RESOLVED, That on this St. Patricks Day, March 17, 1993, John L. O'Brien is conferred the perpetual title of Honorary Speaker Emeritus of the Washington State House of Representatives for the honor and learning that it is our hope he may continue to bestow upon this institution; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorable John L. O'Brien, Honorary Speaker Emeritus of the House of Representatives.

Representative R. Meyers moved adoption of the resolution and spoke in favor of it.

House Resolution No. 4622 was adopted.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Friday March 19, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SIXTY-SIXTH DAY, MARCH 17, 1993

JOURNAL OF THE HOUSE

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

SIXTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 19, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Brown presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Juliana Roe and Owen Freeman. Prayer was offered by Pastor Rodney Draggon of Mount Tahoma Seventh Day Adventist Church. Poetry was offered by Bart Baxter.

The Wreck of the Princess Sophia

The light of the streetlamps in Skagaway that night
in October were like flags from the snowfall
faired flush with the wind, and the streets fared no better
with the drifting and pillage of snow.

They had come down from Dawson in the year
of the Armistice from the mines west of Ruby
and Whitehorse, some shouting, some saying
"I'll be back soon," or "I'll see you, my love,
when the river breaks up,"

and young Charlie Castleman sat sipping whiskey,
looking out at the weather from the Skagaway Hotel.
He was thinking about Breckinridge,
and the little girl sitting across from him seemed
so excited she couldn't sit still. Her name was Margaret,
the daughter of Oscar and Chrissie,
turned seven years old in the summer of Armistice,
all going south to be home for the winter,

and Charlie was thinking of his sister Christina.
When he left for the Klondike, she was seven years old,
and he thought of her sometimes, like summer
and baseball, and like Margaret, he too was happy
to be going home that he couldn't sit still.

When the Princess Sophia came in about seven
o'clock, Captain Locke took on water and oil,
and the stores were laid in for the long inside passage,
but he worried about the weather, barometer falling,
the new moon, and the wind seemed at odds with his sailing.

The tide was at flood, and the Lynn Canal tides
can run down like a rip saw with little relief.
With her cargo of mail and her passengers loaded,
she backed down off the breast line,
sprung away from the dock and the city lights,
off the current for the Vanderbilt Reef.
Oh, hard lie the rocks,
and Oh, shallow the water,
she made six knots or better, ran up on a westerly,
hurricane force, driving spindrift and green water
over the mainposts. She made good an a one sixty bearing,
with a drift in the current, by the growlers and brash,
and the little the lookouts could see in the snow.

Captain Locke on the flying bridge spoke
to his first mate about safety speed,
"We can make Alert Bay, if the wind gets no fresher.
and I'll be in Seattle by Armistice Day."

Down below decks the passengers whiled away time.
Charlie Castleman laughed and taught Margaret
to whistle, played whilst with her, read her a book
about sea otters, told her a tale
about cowboys, both unaware of the wind and the swell,
and the spurious bearing, and the white water
surge on the Vanderbilt Reef.

"Oh, come hard," say the rocks,
and "Come high," say the eddies.
"You must give us Ozymandias,
tell tomorrow what matters."

The wind was alive in the wireless antenna.
There was ice at the bridge railing, ice in the capstan.
"There is safety in speed," Captain Locke said to Jeremy.
"We can make Alert Bay, on a one sixty bearing,
and I'll be in Seattle by Armistice Day."

There is scarcely a rock now uncharted.
There is hardly a deadhead could bring us to grief,
but the rip tide and current, and the snow that came blowing
that night, took the Princess Sophia with her deckhands
and Captain, with her children of miners and pipefitters,
soldiers and storekeepers, daughters and sons of the Northwest,
and brought her aground on the Vanderbilt Reef.

With a brutal concussion she came up on a rock,
ran up high in the middle, and was dragging her keel
when the steampipes exploded under eight feet of water.

At the call of her wireless, the King and Winge came
around Sentinel Island. the Amy and Estabeth,
anchored nearby, came around off her lee side
and lay along side her.
But no one came near, not a life boat was lowered
for the crew and the passengers, for the surf was too high,
for she seemed to ride stable. So they waited 'til morning
in the scope of the anchor chain
and the hope of good weather.

the Cedar and Estabeth, King and Winge waited

in the lee of Mab Island, all intent on the wind.
All awake in the wheel houses,
prudent of weather, knew that they would go out
in the storm if the telegraph came. And it did.
"We are foundering, come quickly, we are foundering."

There were two whistles blew from the Cedar that night.
The King and Winge steamed off her quarter.
On the Amy the telegraph sent out a message that said:
"Godspeed to those on the Princess Sophia tonight."

but the mothers were taken from the arms of their children
when the westwind came calling. Sophia came up
and spun wildly abeam as the wind caught her broadside,

and Charlie found Margaret alone at the railing,
where her mother and father had been swept to the sea.
She was frightened and crying, and he wrapped his coat
'round her, took her up in his arms and said,
You come with me to the foredeck,"
where he raised her up high on his shoulders.
Together they stood until water ran over the deck tackle,
over the taffrail, over the bridge and the officers,
over them both, and over the others who perished
in the backwash of dark shallow water that ran
at the wreck of the Princess Sophia that night.

There was nothing to see but her main mast
in the light from the Amy and Estabeth.
The beam wind had taken her, open by surge,
she had broadened hard and foundered,
rolled sideways and slipped to the shoal.

In the dark, wretched weeks that the world
came to watch, when the tide took the children
and laid them on shorelines and snowcovered rocks,
they found a young man
with his arms still around a small girl.

We are vain with the powers of men,
and all pretense at salvation of conveyance,
like Ozymandias' smile, is at odds
with the coursing of current,
and our only recourse is to hold one another,
raise each other up gently, and take on our shoulders
the weakest among us.

When three hundred fifty daughters
and sons of the Northwest went down
on the Princess Sophia that night in October,
in the year of the Armistice, beaten and broken
beyond all belief, beyond all that,
Seattle would mourn for the loss of the souls
on the Princess Sophia, when she went aground
and rolled off in the waters
that carry the tide on the Vanderbilt Reef.

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

Mr. Speaker:

March 17, 1993

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5034,
SUBSTITUTE SENATE BILL NO. 5159,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5306,
SUBSTITUTE SENATE BILL NO. 5310,
SENATE BILL NO. 5334,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5395,
ENGROSSED SENATE BILL NO. 5411,
ENGROSSED SENATE BILL NO. 5423,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5515,
SENATE BILL NO. 5568,
ENGROSSED SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5667,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,
SENATE BILL NO. 5693,
SENATE BILL NO. 5695,
ENGROSSED SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5739,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5773,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5794,
SECOND SUBSTITUTE SENATE BILL NO. 5850,
SUBSTITUTE SENATE BILL NO. 5876,
ENGROSSED SENATE BILL NO. 5879,
SUBSTITUTE SENATE BILL NO. 5918,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HCR 4416 by Representatives Peery and Ballard

Resolving that the House and Senate meet in Joint Session to receive the budget message from Governor Lowry.

HCR 4417 by Representatives Forner, Dyer, Thomas, Vance, Cooke and Reams

Exempting House Bill No. 1166 from the cut-off dates established in Senate Concurrent Resolution No. 8401.

SSB 5034 by Senate Committee on Natural Resources (originally sponsored by Senators Haugen and A. Smith)

Authorizing rents from leased beds of navigable waters in a code city not within a port district to be paid to the municipal authority.

Referred to Committee on Local Government.

SSB 5044 by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Revising incorporation procedures for cities and towns.

Referred to Committee on Local Government.

SSB 5130 by Senate Committee on Law & Justice (originally sponsored by Senators Talmadge and A. Smith)

Revising the calculation for determining whether a prevailing party is entitled to attorneys' fees.

Referred to Committee on Judiciary.

SSB 5159 by Senate Committee on Ecology & Parks (originally sponsored by Senators Talmadge, Owen and Fraser)

Encouraging landscaping for energy conservation.

Referred to Committee on Natural Resources & Parks.

SSB 5221 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, Erwin, M. Rasmussen, Deccio and Barr)

Establishing the Washington rural development council.

Referred to Committee on Trade, Economic Development & Housing.

ESSB 5226 by Senate Committee on Ways & Means (originally sponsored by Senators Skratek, Haugen, Talmadge, Winsley, M. Rasmussen and Quigley)

Providing for additional evaluation of state programs.

Referred to Committee on State Government.

E2SSB 5306 by Senate Committee on Ways & Means (originally sponsored by Senators Pelz, Gaspard, Moyer, Rinehart, McAuliffe, Spanel, A. Smith, Winsley, Skratek and Drew; by request of Council on Education Reform and Funding)

Reforming education.

Referred to Committee on Education.

SSB 5310 by Senate Committee on Natural Resources (originally sponsored by Senator Owen)

Modifying prosecutions for trespass or waste of public lands.

Referred to Committee on Natural Resources & Parks.

SB 5324 by Senator Pelz; by request of Law Revision Commission

Correcting a double amendment related to reimbursement of school transportation costs.

Referred to Committee on Education.

SSB 5329 by Senate Committee on Government Operations (originally sponsored by Senators Haugen, A. Smith and Talmadge)

Changing provisions relating to port districts.

Referred to Committee on Local Government.

SB 5330 by Senators Haugen, Moore and Amondson

Exempting auction sold property from a statutory holding period.

Referred to Committee on Commerce & Labor.

SB 5334 by Senators West and Moyer

Requiring bicycle helmets.

Referred to Committee on Health Care.

ESSB 5341 by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Quigley, McCaslin, Vognild, Winsley, Deccio, von Reichbauer, M. Rasmussen, Roach and Oke)

Providing for confiscation of registration and license plates and forfeiture of the vehicle upon conviction for driving while under the influence of intoxicating liquor or drugs.

Referred to Committee on Judiciary.

SB 5387 by Senators Fraser, Talmadge and Haugen; by request of Department of Ecology

Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds.

Referred to Committee on Environmental Affairs.

SSB 5395 by Senate Committee on Transportation (originally sponsored by Senators Skratek and Erwin)

Involving the public in transportation planning.

Referred to Committee on Transportation.

ESB 5411 by Senators Vognild, Prince, Prentice, Drew, Sheldon and Sellar; by request of Department of Licensing

Modifying provisions regarding fuel taxes.

Referred to Committee on Transportation.

ESB 5423 by Senators Skratek and Prince; by request of Department of Transportation

Developing a public transportation policy plan.

Referred to Committee on Transportation.

ESSB 5425 by Senate Committee on Transportation (originally sponsored by Senator Fraser; by request of Department of Transportation)

Adjusting routes and methodology of scenic and recreational highways.

Referred to Committee on Transportation.

ESSB 5477 by Senate Committee on Education (originally sponsored by Senators Prentice, McDonald and Skratek)

Changing school levy provisions.

Referred to Committee on Appropriations.

SB 5494 by Senators Talmadge and Deccio; by request of Department of Social and Health Services

Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders".

Referred to Committee on Human Services.

SSB 5503 by Senate Committee on Labor & Commerce (originally sponsored by Senators Vognild, Newhouse, Sutherland, Moore, Amondson, McAuliffe, Fraser, Pelz, Cantu, Snyder, Deccio and Hochstatter)

Providing injured workers with an increased incentive to return to work.

Referred to Committee on Commerce & Labor.

2SSB 5514 by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, Bluechel, Williams, Erwin, Skratek, M. Rasmussen, Deccio and Snyder)

Creating the economic development grants program.

Referred to Committee on Trade, Economic Development & Housing.

ESSB 5515 by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice and Sutherland)

Changing provisions relating to industrial insurance claims.

Referred to Committee on Commerce & Labor.

SSB 5556 by Senate Committee on Education (originally sponsored by Senators Bauer, Snyder, Deccio and Sutherland; by request of Washington State School for the Blind and Washington State School for the Deaf)

Changing provisions relating to state schools for the blind, deaf, and sensory impaired.

Referred to Committee on Education.

SB 5568 by Senators Jesernig, Amondson, Bauer, Roach, Moore, McDonald, Owen, Skratek, Snyder, Hargrove, M. Rasmussen, West, Hochstatter, Loveland, Vognild, Pelz, McAuliffe, Winsley, Deccio, Anderson, Erwin, Barr, Drew, Oke, Sheldon, Cantu, Bluechel, von Reichbauer and Quigley

Restricting the duration of agency rules.

Referred to Committee on State Government.

ESB 5580 by Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer; by request of Department of Community Development

Modifying the regulation of manufactured housing.

Referred to Committee on Trade, Economic Development & Housing.

SSB 5596 by Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of State Treasurer)

Destroying redeemed warrants.

Referred to Committee on State Government.

SSB 5652 by Senate Committee on Law & Justice (originally sponsored by Senators Hargrove, A. Smith and Nelson; by request of Department of Corrections)

Revising provisions relating to offenders under the jurisdiction of the department of corrections.

Referred to Committee on Corrections.

SSB 5665 by Senate Committee on Law & Justice (originally sponsored by Senators Talmadge, Prentice and Moore)

Enacting the Washington state false claims act.

Referred to Committee on Judiciary.

SB 5667 by Senators Talmadge, Fraser, Moore, Sutherland, Bluechel, A. Smith and Haugen

Creating a water trail recreation program.

Referred to Committee on Natural Resources & Parks.

ESSB 5671 by Senate Committee on Natural Resources (originally sponsored by Senators Owen, Sutherland, Amondson, Erwin, Hargrove, Oke, L. Smith and Fraser)

Modifying the definition of a substantial development for the purposes of the shoreline management act.

Referred to Committee on Environmental Affairs.

SB 5693 by Senators Vognild, Drew and Quigley

Authorizing exemptions from county vehicle license fees.

Referred to Committee on Transportation.

SB 5695 by Senators Bauer, Gaspard, Sellar, Pelz, Drew, Prince and M. Rasmussen; by request of State Board for Community and Technical Colleges

Changing provisions relating to GED tests.

Referred to Committee on Higher Education.

ESSB 5702 by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Wojahn and Franklin; by request of Employment Security Department)

Regulating unemployment insurance.

Referred to Committee on Commerce & Labor.

ESB 5720 by Senator Rinehart; by request of Office of Financial Management

Repealing the natural resources conservation areas stewardship account endowment.

Referred to Committee on Natural Resources & Parks.

SSB 5736 by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Pelz and Fraser)

Regulating chiropractic care for industrial insurance.

Referred to Committee on Commerce & Labor.

SSB 5739 by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Anderson, Oke and Winsley)

Concerning the regulation of small businesses.

Referred to Committee on Trade, Economic Development & Housing.

ESSB 5773 by Senate Committee on Energy & Utilities (originally sponsored by Senators Fraser and Barr)

Allowing counties to establish coordinated water resources programs.

Referred to Committee on Natural Resources & Parks.

SB 5779 by Senators Haugen, Drew, Owen, Deccio and Oke; by request of Productivity Board

Clarifying productivity awards programs.

Referred to Committee on State Government.

ESSB 5794 by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Amondson and Jesernig)

Revising administrative law.

Referred to Committee on State Government.

ESB 5843 by Senators Moyer, Talmadge, Hochstatter, Deccio, Prentice, Quigley, McAuliffe, Erwin, Pelz, Winsley and M. Rasmussen

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.

Referred to Committee on Local Government.

2SSB 5850 by Senate Committee on Ways & Means (originally sponsored by Senators M. Rasmussen, Loveland and Barr)

Clarifying definitions relating to farmers.

Referred to Committee on Agriculture & Rural Development.

SB 5870 by Senators Haugen and McCaslin

Concerning the tax value of new construction.

Referred to Committee on Local Government.

SSB 5876 by Senate Committee on Transportation (originally sponsored by Senators Prentice, Skratek, Sellar, M. Rasmussen and Winsley)

Extending incentives for ride sharing and vanpools.

Referred to Committee on Transportation.

ESB 5879 by Senators A. Smith, Spanel, Deccio and Winsley

Conforming state law on child passenger restraint systems to the Uniform Vehicle Code.

Referred to Committee on Transportation.

SSB 5896 by Senate Committee on Government Operations (originally sponsored by Senators M. Rasmussen, Amondson, Haugen, Winsley, Sheldon, Gaspard and Snyder)

Authorizing counties to use the hotel-motel tax for public restroom facilities.

Referred to Committee on Revenue.

ESSB 5910 by Senate Committee on Energy & Utilities (originally sponsored by Senator Sutherland)

Assisting public drinking water systems.

Referred to Committee on Environmental Affairs.

SSB 5918 by Senate Committee on Transportation (originally sponsored by Senators Drew, Sellar, Vognild, Bluechel and Winsley)

Allowing ride-sharing incentives to include cars.

Referred to Committee on Transportation.

SSJM 8009 by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Bluechel, Snyder, Sellar, Skratek, M. Rasmussen, Erwin, Gaspard, Fraser, McDonald, Franklin, Winsley and Oke)

Supporting Guam in its quest for commonwealth status.

Referred to Committee on Trade, Economic Development & Housing.

ESSJM 8016 by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Spanel, Haugen, Prince, Loveland, Barr, Erwin, McDonald, Roach, Bauer, Drew, Gaspard, Skratek, McAuliffe, Sheldon, Prentice, Fraser, Rinehart, Deccio, Jesernig, Winsley, Pelz, McCaslin, Sellar, von Reichbauer, Vognild, Moyer, A. Smith, West, Franklin, Wojahn, Hochstatter, Quigley, Anderson, Amondson and Oke)

Requesting investigation and reporting on the E. Coli outbreak.

Referred to Committee on Agriculture & Rural Development.

On motion of Representative Peery, the bills, memorials and resolutions listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Concurrent Resolution No. 4416.

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

SECOND READING

On motion of Representative Peery, the rules were suspended, and House Concurrent Resolution No. 4416 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4416, by Representatives Peery and Ballard

Resolving that the House and Senate meet in Joint Session to receive the budget message from Governor Lowry.

Representative Peery spoke in favor of adoption of the resolution.

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

House Concurrent Resolution No. 4416 was adopted.

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

REPORTS OF STANDING COMMITTEES

March 18, 1993

SB 5124 Prime Sponsor, Owen: Revising laws relating to commercial fishing licenses. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5125 Prime Sponsor, Owen: Regulating issuance of commercial salmon fishing licenses. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5126 Prime Sponsor, Snyder: Correcting references to the geographical landmark on Cape Shoalwater. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5302 Prime Sponsor, Owen: Concerning food fish and shellfish rules. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5404 Prime Sponsor, Fraser: Allowing a private right of action under the model toxic control act.

Majority Recommendation: Do pass with the following amendment:

On page 1, line 13, after "include" insert "reasonable"

On page 2, line 5, after "recover its" insert "reasonable."

Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Roland; and Sheahan."

Excused: Representatives Van Luven, Assistant Ranking Minority Member, Bray and Linville.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Peery, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

On motion of Representative Peery, the bills listed on today's floor calendar were referred to the Committee on Rules.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4631, by Representatives Romero, Wolfe and Wineberry

WHEREAS, The Reverend Wendell Dennis Morris devoted his entire life to preaching the word of God and was a powerful beacon in his community; and

WHEREAS, He honorably and faithfully served his country for twenty years in the United States Army, including tours of duty in Germany and Vietnam, providing spiritual guidance to our fighting men and women; and

WHEREAS, Reverend Morris had a larger vision for his community and was aware of the positive role played by the Black Church in the lives of generations of African-Americans; and

WHEREAS, He steadfastly believed in education, continuing his own education at Evergreen, while pastoring at New Life Baptist Church, visiting the sick and housebound, and running and creating a successful prison ministry; and

WHEREAS, He brought forth his own spirituality to this distinguished body on several occasions by blessing us with his uplifting and inspirational prayers; and

WHEREAS, In the tradition of other more celebrated African-American leaders, Reverend Morris' participation in the community did not end at the pulpit; and

WHEREAS, His enthusiastic participation in local, state, and national politics set an example for all of us to follow; and

WHEREAS, Reverend Morris faithfully and diligently served on the Board of Directors of the Olympia YMCA, the Tacoma Branch of the Olympia Urban League, and the Rainbow Coalition of Thurston County; and

WHEREAS, He was a powerful role model for the youth of his community, as they saw in Pastor Morris, a strong, principled man who lead not only by his words, but by his actions; and

WHEREAS, His selfless, lifetime devotion to students included founding the New Life Mary Graham Scholarship Fund for youths planning to continue their education after high school; and

WHEREAS, For the last eight years, Reverend Morris has administered to the spiritual needs of the community at New Life Baptist Church in Olympia; and

WHEREAS, On March 15, 1993, Reverend Wendell Dennis Morris died at the age of 47; and

WHEREAS, In the wake of his untimely death, our community feels as though the world is a little darker; and

WHEREAS, It now falls upon all of us to carry on the message of change and hope that Pastor Morris stood for in his life;

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the House of Representatives of the State of Washington, along with the people of our state, pay tribute to the life and memory of Reverend Wendell Dennis Morris.

Representative Romero moved adoption of the resolution and Representatives Romero and Wineberry spoke in favor of it.

House Resolution No. 4631 was adopted.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative Wineberry presiding) called the House to order.

MESSAGE FROM THE SENATE

March 15, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5101,

SUBSTITUTE SENATE BILL NO. 5212,
SUBSTITUTE SENATE BILL NO. 5357,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
SUBSTITUTE SENATE BILL NO. 5405,
SENATE BILL NO. 5474,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5535,
SUBSTITUTE SENATE BILL NO. 5557,
SENATE BILL NO. 5577,
SUBSTITUTE SENATE BILL NO. 5657,
SUBSTITUTE SENATE BILL NO. 5821,
SENATE BILL NO. 5906,

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

On motion of Representative Peery, Engrossed Substitute Senate Bill No. 5452 was referred from Committee on Judiciary to Committee on Corrections.

On motion of Representative Peery, House Bill No. 2098 was referred from Committee on Human Services to Committee on Health Care.

On motion of Representative Peery, Senate Bill No. 5703 was referred from Committee on Trade Economic Development and Housing to Committee on Commerce and Labor.

On motion of Representative Peery, Senate Bill No. 5787 was referred from Committee on Trade Economic Development and Housing to Committee on Commerce and Labor.

On motion of Representative Peery, Substitute Senate Bill No. 5357 was referred from Committee on Education to Committee on Appropriations.

On motion of Representative Peery, Senate Bill No. 5889 was referred from Committee on Education to Committee on Higher Education.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Monday, March 22, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SIXTY-EIGHTH DAY, MARCH 19, 1993

JOURNAL OF THE HOUSE

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

SEVENTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 22, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Cothorn presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brian LeFavor and Emily Walker. Prayer was offered by Representative Cothorn.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2107 by Representatives R. Fisher, Locke, Sommers, Rust, Cothorn, Wolfe, Ogden, Heavey, J. Kohl, Jacobsen, Leonard and Anderson; by request of Governor Lowry

AN ACT Relating to transportation funding; amending RCW 46.16.070, 46.16.160, 46.44.0941, 46.44.095, 46.44.096, 46.68.035, 47.78.010, 81.104.170, 82.08.050, 82.14.045, 82.36.025, 82.36.415, 82.36.440, 82.38.280, 82.80.010, 82.80.090, 39.50.010, 81.104.015, 81.104.010, 81.104.020, 81.104.050, 81.104.060, 81.104.070, 81.104.100, 81.104.120, 81.104.130, 81.112.010, 81.112.030, 81.112.060, 81.112.070, and 81.112.080; reenacting and amending RCW 46.44.041, 82.08.0255, 82.12.0256, and 82.44.150; adding a new section to chapter 47.05 RCW; adding new sections to chapter 46.68 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 81.104 RCW; creating new sections; repealing RCW 46.44.160 and 82.36.225; repealing 1987 c 175 s 1 and 1980 c 166 s 5 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

On motion of Representative Sheldon, the bill listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 18, 1993

HB 1435 Prime Sponsor, Representative Wang: Authorizing funds for state agency buildings. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; Eide; R. Fisher; Jacobsen; Jones; Ludwig; Romero; Silver; Sommers; and Thomas.

Excused: Representative Heavey.

Passed to Committee on Rules for second reading.

March 18, 1993

HB 1524 Prime Sponsor, Representative Locke: Making supplemental appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Rust; Sehlin; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Morton and Sheahan.

Excused: Representatives Dellwo, G. Fisher and Peery.

Passed to Committee on Rules for second reading.

March 18, 1993

HB 2070 Prime Sponsor, Representative Patterson: Modifying financial responsibility for juvenile offenders. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Padden; Patterson; and Thibaudeau.

Excused: Representatives Lisk and Wolfe.

Referred to Committee on Appropriations.

March 19, 1993

SSB 5026 Prime Sponsor, Governmental Operations: Revising provisions regulating funeral directors, embalmers, and crematories. As Reported by Committee on Commerce & Labor

MAJORITY recommendation: do pass. Signed by Representatives G. Cole, Vice Chair, Lisk, Ranking Minority Member, Conway, Horn, King, Springer and Veloria.

Excused: Representatives Heavey, Chair and Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 19, 1993

SSB 5066 Prime Sponsor, Committee on Law & Justice: Limiting powers of trustees. Reported by Judiciary.

MAJORITY recommendation: do pass. Signed by Representatives Appelwick, Chair, Ludwig, Vice Chair, Padden, Ranking Minority Member, Ballasiotes, Assistant Ranking Minority Member, Campbell, Chappell, Forner, Johanson, Long, Mastin, H. Myers, Riley and Tate.

Excused: Representatives Locke, Schmidt, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 19, 1993

SB 5128 Prime Sponsor, Moore: Raising keg registration container size requirements from four to five and one-half gallons. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives G. Cole, Vice Chair; Lisk, Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Excused: Representatives Heavey, Chair and Chandler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5139 Prime Sponsor, Fraser: Consolidating the state capital historical association and the state historical society. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representatives Reams, Ranking Minority Member and Vance, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 19, 1993

SSB 5246 Prime Sponsor, Labor & Commerce: Creating the public works administration account. Reported by Committee on Commerce & Labor.

MAJORITY recommendation: Do pass. Signed by Representatives G. Cole, Vice Chair, Lisk, Ranking Minority Member, Conway, Horn, King, Springer and Veloria.

Excused: Representatives Heavey, Chair and Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 18, 1993

SB 5265 Prime Sponsor, Snyder: Modifying funeral expenses of a deceased person. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused; Representatives Dellwo, G. Fisher and Peery.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5275 Prime Sponsor, Oke: Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representatives Reams, Ranking Minority Member and Vance, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 18, 1993

ESB 5351 Prime Sponsor, Newhouse: Regarding death benefits for disabled teacher retirees under plan I. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Dellwo, G. Fisher and Peery.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5426 Prime Sponsor, Loveland: Consolidating gross weight permit authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brown, Vice Chair, Schmidt, Ranking Minority Member, Finkbeiner and Heavey.

Passed to Committee on Rules for second reading.

March 18, 1993

ESB 5427 Prime Sponsor, Loveland: Setting tire limits on vehicles weighing over ten thousand pounds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brown, Vice Chair, Schmidt, Ranking Minority Member, Finkbeiner and Heavey.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5455 Prime Sponsor, Fraser: Correcting the codification of a section relating to chemical dependency. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Padden; Patterson; and Thibaudeau.

Excused: Representatives Lisk, Karahalios and Wolfe.

Passed to Committee on Rules for second reading.

March 18 1993

SSB 5479 Prime Sponsor, Fraser: Declaring Washington state children's day. As reported by State Government.

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair, Campbell, Conway, Dyer, King and Pruitt.

Excused: Representatives Reams, Ranking Minority Member and Vance, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 19, 1993

SB 5541 Prime Sponsor, Fraser: Revising the statute of limitations for certain sex offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; and Tate.

Excused: Representatives Locke, Schmidt, Scott and Wineberry.

Passed to Committee on Rules for second reading.

March 18, 1993

SB 5851 Prime Sponsor, Gaspard: Changing the membership of the joint legislative systems committee. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representatives Reams, Ranking Minority Member and Vance, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1435 and House Bill No. 1524.

On motion of Representative Sheldon, the rules were suspended and House Bill No. 1435 and House Bill No. 1524 were advanced to second reading and placed on the second reading calendar.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

SECOND READING

HOUSE BILL NO. 1435, by Representatives Wang and Ogden; by request of Office of Financial Management

Authorizing funds for state agency buildings.

The bill was read the second time.

On motion of Representative Wang, Substitute House Bill No. 1435 was substituted for House Bill No. 1435 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1435 was read the second time.

Representative Lemmon moved the adoption of the following amendment by Representatives Lemmon, Rayburn and Wang:

On page 2, line 31, strike "additional meeting rooms and seating" and insert "moveable seating, electrical and utility work, parking lots, and landscaping"

Representative Lemmon spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

On motion of Representative J. Kohl, Representatives Ebersole, Peery and Locke were excused.

On motion of Representative Wood, Representatives Padden, Schmidt, Casada and Forner were excused.

With the consent of the House, Representative G. Fisher was excused.

Representative Wang spoke in favor of passage of the bill and Representative Sehlin spoke against it. Representative Wang again spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1435.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1435 and the bill passed the House by the following vote: Yeas - 59, Nays - 31, Absent - 0, Excused - 8.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Zellinsky - 59.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Reams, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 31.

Excused: Representatives Casada, Fisher, G., Forner, Locke, Padden, Peery, Schmidt and Mr. Speaker - 8.

Engrossed Substitute House Bill No. 1435, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Sheldon, the House adjourned until 10:00 a. m., Wednesday March 24, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SEVENTY-FIRST DAY, MARCH 22, 1993

JOURNAL OF THE HOUSE

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

SEVENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 24, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Patterson presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Wang presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Barabe and Cameron Summers. Prayer was offered by Representative Don Carlson.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

March 22, 1993

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4416,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2108 by Representatives Shin, Brumsickle, Zellinsky, Sheldon and Flemming

AN ACT Relating to unlawful vehicle sales; amending RCW 46.70.021; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2109 by Representatives G. Fisher, Wang, Ballard, Foreman, Morris, Linville, Dyer, Silver, Scott, Rayburn, Zellinsky, Kessler, Jones, Talcott, Cooke, Anderson, Campbell, Orr, Basich, King, Quall, Karahalios, L. Johnson, Lemmon, Thibaudeau, R. Meyers, Wolfe, Forner and Cothorn

AN ACT Relating to nursing homes; amending RCW 82.04.050, 74.46.481, 74.46.020, 74.46.380, 74.46.530, and 74.46.495; adding a new section to chapter 74.46 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 2110 by Representative R. Fisher; by request of Department of Transportation

AN ACT Relating to priority programming of multimodal solutions to address state highway deficiencies; amending RCW 47.05.010, 47.05.021, 47.05.030, 47.05.035, and 47.05.051; adding a new section to chapter 47.05 RCW; and repealing RCW 47.05.040, 47.05.055, 47.05.070, and 47.05.085.

Referred to Committee on Transportation.

HB 2111 by Representative R. Fisher; by request of Office of Financial Management

AN ACT Relating to transportation appropriations; amending 1991 sp.s. c 15 s 4 (uncodified); amending 1991 c 15 s 8 (uncodified); amending 1992 c 166 s 8 (uncodified); amending 1992 c 166 s 9 (uncodified); amending 1992 c 166 s 19 (uncodified); amending 1992 c 166 s 20 (uncodified); amending 1992 c 166 s 21 (uncodified); amending 1992 c 166 s 22 (uncodified); and amending 1991 sp.s. c 15 s 37 (uncodified).

Referred to Committee on Transportation.

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

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

REPORTS OF STANDING COMMITTEES

March 22, 1993

SB 5053 Prime Sponsor, A. Smith: Requiring the department of licensing to collect the local vessel excise tax on behalf of the counties. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative R. Meyers.

Passed to Committee on Rules for second reading.

March 23, 1993

SB 5070 Prime Sponsor, Prentice: Using labor relations consultants. Reported by Committee on Commerce & Labor.

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

March 23, 1993

ESSB 5131 Prime Sponsor, Law & Justice: Authorizing destruction of confiscated firearms. Reported by Judiciary.

MAJORITY Recommendation: Do pass with the following amendments:

On page 4, after line 36, insert the following:

"New Section. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, safety or support of the state government and its existing public institutions, and shall take effect immediately."

On page 3, line 13, after "are" strike "judicially forfeited or" and insert ": (i) Judicially forfeited and no longer needed for evidence; or (ii)"

On page 3, beginning on line 14, after "63.32.010" strike all material through "evidence," on line 15 and insert "or 63.40.010,"

On page 3, beginning on line 24, after "63.32.010" strike all material through "evidence" on line 25 and insert "or 63.40.010"

On page 3, beginning on line 26, after "(b)" strike all material through "subsection," on line 36 and insert "Except as provided in (c) of this subsection, of the inventoried firearms"

On page 4, at the beginning of line 18, strike "(d)" and insert "(c)"

On page 4, after line 22, insert the following:

"(d) Firearms in the possession of the Washington state patrol on or after the effective date of this act that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to commercial sellers. The Washington state patrol may retain any proceeds of an auction."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Chappell; Johanson; Mastin; H. Myers; Riley; Scott; and Wineberry.

MINORITY Recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Campbell; and Long.

Excused: Representatives Ballasiotes, Assistant Ranking Minority Member, Forner, Locke, Schmidt and Tate.

Passed to Committee on Rules for second reading.

March 22, 1993

SSB 5148 Prime Sponsor, Transportation: Adjusting penalties for improper use of disabled parking spaces. Reported by Committee on Transportation.

MAJORITY Recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative R. Meyers.

Passed to Committee on Rules for second reading.

March 22, 1993

SSB 5179 Prime Sponsor, Ecology & Parks: Promoting vessel safety. Reported by Committee on Environmental Affairs.

MAJORITY Recommendation: Do pass with the following amendments:

On page 2, line 28, strike "this section" and insert "sections 1 through 5 of this act"

On page 2, line 30, after "required" strike all material through "revenue" on line 31 and insert "under RCW 88.02.020 to display a decal or that is exempt from registration pursuant to RCW 88.02.030(10)"

On page 3, line 12, strike "is a violation of this chapter" and insert "shall be unlawful"

On page 3, line 16, strike "is a violation of this chapter" and insert "shall be unlawful"

Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; J. Kohl; Linville; Roland; and Sheahan.

Excused: Representatives Horn, Ranking Minority Member and L. Johnson.

Passed to Committee on Rules for second reading.

March 22, 1993

SB 5229 Prime Sponsor, Vognild: Permitting the department of transportation and state patrol to adopt rules to govern state rest areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative R. Meyers.

Passed to Committee on Rules for second reading.

March 23, 1993

SB 5245 Prime Sponsor, A. Smith: Regulating the analysis of blood and breath alcohol. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.502 and 1987 c 373 s 2 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state (~~while~~):

~~((1))~~ (a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after driving, as shown by analysis of the person's breath made under RCW 46.61.506; or

~~((2))~~ (b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after driving, as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ (c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

~~((4))~~ (d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section.

Sec. 2. RCW 46.61.504 and 1987 c 373 s 3 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state (~~while~~):

~~((4))~~ (a) And the person has 0.10 grams or more of alcohol per two hundred ten liters of breath within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's breath made under RCW 46.61.506; or

~~((2))~~ (b) And the person has 0.10 percent or more by weight of alcohol in the person's blood within two hours after being in actual physical control of a motor vehicle, as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ (c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

~~((4))~~ (d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1) (a) and (b) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of a motor vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.10 or more within two hours after being in actual physical control of a motor vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged actual physical control of a motor vehicle may be used as evidence that within two hours of the alleged actual physical control of a motor vehicle, a person had 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more of alcohol in the person's blood, pursuant to subsection (1) (a) and (b) of this section, and may be used as evidence that a person was under the influence of or affected by intoxicating liquors or any drug pursuant to subsection (1) (c) and (d) of this section."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Johanson.

Excused: Representative Long.

Passed to Committee on Rules for second reading.

March 23, 1993

SB 5309 Prime Sponsor, Owen: Modifying provisions relating to exchange of urban land for land bank land.
Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; and Thomas.

Passed to Committee on Rules for second reading.

March 23, 1993

SB 5313 Prime Sponsor, Government Operations: Deleting the expiration date for a portion of the surcharge on recording documents. Reported by Local Government.

MAJORITY Recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Excused: Representatives Dunshee and Horn.

Passed to Committee on Rules for second reading.

March 23, 1993

SSB 5360 Prime Sponsor, Law & Justice: Creating new procedures for reporting domestic violence. Reported by Judiciary.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 16, after "required" strike all material through "proficiency" on line 17

On page 2, beginning on line 33, after "order," strike all material through "order." on line 35, and insert "and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.""

On page 2, line 37, after "list by" strike "court staff" and insert "the court clerk"

On page 3, line 1, after "(2)" strike "Court staff shall be required to obtain" and insert "All court clerks shall obtain"

On page 3, beginning on line 14, after "brochures to" strike "the staff of all courts" and insert "all court clerks"

On page 3, after line 16, insert the following:

"(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Long.

Referred to Committee on Appropriations.

March 22, 1993

SB 5387 Prime Sponsor, Fraser: Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; J. Kohl; Linville; Roland; and Sheahan.

Excused: Representatives Horn, Ranking Minority Member and L. Johnson.

Passed to Committee on Rules for second reading.

March 19, 1993

ESB 5442 Prime Sponsor, Vognild: Clarifying authority of tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Mielke, Assistant Ranking Minority Member; Brumsickle; Cothorn; Eide; Finkbeiner; Hansen; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Shin; Wood; and Zellinsky.

Excused: Representatives Jones, Vice Chair, Schmidt, Ranking Minority Member, Brough, Forner, Fuhrman, Heavey and Sheldon.

Passed to Committee on Rules for second reading.

March 22, 1993

SSB 5802 Prime Sponsor, Ecology & Parks: Regarding state environmental policy act documents. Reported by Committee on Environmental Affairs.

MAJORITY Recommendation: Do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; J. Kohl; Linville; Roland; and Sheahan.

Excused: Representatives Horn, Ranking Minority Member and L. Johnson.

Passed to Committee on Rules for second reading.

March 18, 1993

SSB 5937 Prime Sponsor, Quigley: Including certain indebtedness in the calculation of the seven percent debt limitation. Reported by Committee on Capital Budget.

MAJORITY Recommendation: Do pass with the following amendment:

On page 2, line 17, strike lines 17 through 20 and insert "(6) Indebtedness authorized or incurred before the effective date of this act pursuant to statute (~~heretofore or hereafter enacted~~) which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues"

On page 2, line 26, after "Indebtedness" insert "authorized and"

On page 2, line 29, after "treasury" insert "except higher education operating fees"

Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; R. Fisher; Jacobsen; Jones; Ludwig; Romero; Silver; Sommers; and Thomas.

Excused: Representatives Eide and Heavey.

Passed to Committee on Rules for second reading.

March 23, 1993

SJM 8001 Prime Sponsor, Sutherland: Requesting amending the Copyright Act to address current situations. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17, after "television was 'of" strike "the" and insert "a"

Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

March 22, 1993

SJM 8021 Prime Sponsor, Williams: Requesting federal assistance with implementing the safe drinking water act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 21, strike "approximately double its budget and"

Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; J. Kohl; Linville; Roland; and Sheahan.

Excused: Representatives Horn, Ranking Minority Member and L. Johnson.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

JOINT SESSION

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

The Speaker instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate Joel Pritchard, President Pro Tempore Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marc Gaspard, and Minority Leader George Sellar to seats on the Rostrum.

The Speaker presented the gavel to President of the Senate Joel Pritchard.

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

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

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Representatives R. Fisher and Silver and Senators Hochstatter and Loveland as a special committee to advise his Excellency, Governor Mike Lowry, that the Joint Session had assembled and to escort him from his office to the House Chamber.

The President of the Senate appointed Representatives Morris, Ogden, Sheahan and Foreman and Senators Franklin, Moore, Prince and West as a special committee to escort the Supreme Court Justices from the State Reception Room, to the House Chambers.

The President of the Senate appointed Representatives H. Myers, Voloria, Wolfe, Chandler, Schoesler and Thomas and Senators Drew, Fraser, Hargrove, Bluechel, Erwin and Roach as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices and the State Elected Officials.

The President of the Senate introduced Speaker Brian Ebersole.

REMARKS BY SPEAKER EBERSOLE

There are many points in the life of our state that mark the crossroads of our history. Today is one of those points. Today, the Governor will open both a legislative and a public dialogue about how we shape our future by balancing our budget. The proposals we are about to hear will set the course of our state for years to come. How we deal with our budget is not just a matter of making the numbers add up; it is a matter of making choices about what we value most, and where we want to go. And the more difficult the budget-and this one is extremely difficult-the more important the quality of leadership in the Governor's office.

At this crossroads in our history, we are truly blessed. We have a governor who is passionately optimistic, a governor who has immense faith in the goodness of our citizens, and a governor who will work all day and half the night to make his vision of the future come true. No matter how difficult the challenge, this Governor will rise to meet it. And so let us rise to meet him. Ladies and gentlemen, the 20th governor of the state of Washington, Mike Lowry.

GOVERNOR MIKE LOWRY'S BUDGET ADDRESS

Thank you, Mr. Speaker,

Mr. President, distinguished members of the Supreme Court, distinguished State Elected Officials, and members of the legislature, thank you for this opportunity.

I wish we met today under happier conditions for both state government and the state's economy. You've all read the bad news. In the next biennium, state government will face a shortfall of \$1.8 billion, and the private sector isn't much better off. The national recession saved our state for the last, but not the least. Washington's unemployment rate is running at over 9 percent, which means that more than 150,000 of our neighbors can't find

work. This is a terrible waste and a great challenge, but I am confident that we can meet and overcome these adversities.

Let me tell you why I'm optimistic about the future of this state. I'm optimistic because when you look beyond all the bleak headlines and statistics, you see the tremendous assets of this state. Assets we have only begun to tap.

First and foremost, there is the great beauty, vitality and variety of Washington's natural setting. In Washington, you can find virtually every kind of environment, from deserts to ocean beaches, from farmland to forests, from deepest gorges to the highest peaks. And most of it is still unspoiled.

Second, there is Washington's strategic location. We stand literally on the leading edge of the continent, of the Pacific Rim, of the global economy. We stand physically, intellectually, and economically on the frontier of the future.

Third, Washington enjoys the great investment made by previous generations-public investments in new technologies and modern factories. These investments have created an infrastructure of opportunity for everything that exists today and is possible tomorrow.

Fourth, in Washington we enjoy the freedom to think, to create, to experience different cultures and ideas, to apply our energies as we choose. Ours is still a very young state, barely a hundred years old. We are not gripped by the prejudices and intolerance, the rigid interest groups, the hostile classes, and the old elites and cliques that hobble other states and regions.

Fifth and most importantly, I'm optimistic about the future because of the quality of Washington's people-people like you. People who are good partners, good co-workers, good employees, good managers, good professionals, good citizens, good elected officials and a very good legislature.

I want to salute this legislature for the tremendous progress it is making on health care reform, education reform, civil service reform, consolidating and streamlining state government, law and justice reform, and developing a statewide approach to our infrastructure needs. Each of these high priority items is an important component of getting our fiscal house in order, and I thank you for your leadership. History will record that the politics of avoidance ended with this legislature.

We face a great challenge and a great opportunity with this budget. We face some fundamental choices-not just between cuts and adds, but between reform and stagnation, action and neglect, progress and decay. We can choose to balance this budget without any new general fund revenues, but the deepness of the cuts required to do that would devastate our states future and endanger lives of some of our citizens. Or we can choose a balanced combination of cuts and new revenues-a responsible budget that will move us to a bright future. That is the budget I have chosen.

Some argue that projected revenues may grow \$900 million over the next two years, and that should be enough. That sounds very reasonable, except they fail to note that costs that are out of our immediate control will increase by twice as much:

- * K-12 enrollments up 50,000 kids, costing an additional \$799 million

- * Health care up nearly \$534 million

- * Corrections up more than \$200 million

- * Debt service on capital budget up \$159 million.

Obviously, these \$2 billion in cost increases beyond our immediate control are more than double the projected \$900 million revenue increases. In fact, now that the national recession has reached our state, the projected growth of state revenues for the coming biennium are less than one-third the 30-year average of state revenue growth. And so, we face rapidly escalating costs and significantly slower revenues.

This is the challenge that the Legislature and I inherited-and that we asked for the opportunity to meet. I am very confident we have the fortitude to meet this challenge with great success. In preparing this budget, I committed to three fundamental principles:

- * We would **restructure** for the future by consolidating agencies and programs, eliminating functions, reforming civil service, reducing management, improving service delivery, and bringing health care costs under control.

- * We would **invest** in the future by protecting services for our children, reforming education, expanding work force training, increasing aid for low-income students, building local economic development capacity, and improving our stewardship for state lands.

- * And we would save for the future by throwing away the tricks and gimmicks and building up our reserve to guard against future economic adversity.

Before we achieved a single reform, investment or savings, we faced a shortfall of \$2 billion over the next biennium. We have eliminated that shortfall. Today I am presenting a balanced general fund budget totaling \$16.3 billion for the next biennium. This budget is \$634 million less than the one proposed by Governor Gardner in December.

We have cut programs and costs by \$642 million. Many of those are tough cuts. We have identified \$231 million in alternative sources to pay for vital services. We have intensified collections to cover another \$103 million in service costs. We have eliminated the equivalent of 2,100 full-time, general-fund state jobs, including 500 managers. We have consolidated agencies such as Fisheries and Wildlife, and Community Development and the Department of Trade.

We have asked our hard-working and dedicated public employees to live for two years without a cost-of-living raise, which is really a net pay cut. We have reduced higher education budgets by \$148 million. We have reduced K-12 administration and programs by \$123 million. We have reduced general fund expenditures for social and health programs by \$261 million. People will complain loudly and in some cases legitimately about these cuts to their legislators. If you have a better way, tell me. Others will say I have cut too little. If you have a better way, tell me. But the fact is, there are some cuts that cost too much. For while it is important that we cut government spending and streamline operations and make government more efficient, it also is important that we invest in the future of our state.

So, in this budget, we have placed high priority on protecting programs for children.

* We have added funding to feed hungry school kids.

* We paid for the first phase of education reform.

* We increased spending on children's mental health and prenatal care.

And while we call for tough management savings in higher education, we refuse to make the penny-wise and pound foolish mistakes of some other states that presently are dismantling their higher education systems.

We realize that the quality of education that's available to our work force is critical to our economic recovery, and we refuse to make the devastating higher education cuts that a "no new taxes" budget would cause. And because no qualified students should be stopped from achieving their education goals because of income limitations, we will double the number of students getting financial aid and significantly expand work study programs. And again, because of its importance to our economic vitality, we put new money into retraining our work force and into employing dislocated workers to help restore and maintain public lands.

Now, no responsible budget would be complete without a savings plan-as I'm sure the people of this state will agree. That's why I'm proposing that we increase the state's "rainy day" fund to \$144 million, and also build in an additional cash reserve to raise the state's total reserves to \$366 million, which is more than 2 percent of the general fund budget. I know that State Treasurer Dan Grimm is happy about that part of this proposal, and the financial markets will be, too. Unfortunately, however, we cannot set aside this emergency reserve, maintain essential services and pay for new investment without additional revenues.

After starting with a \$1.8 billion shortfall, and making significant and tough cuts, tuition increases, and increased fees for special services-we were still short \$848 million. So, I am proposing to close that gap by closing loopholes for those that are exempted from paying sales tax on services mostly used by the higher income.

I chose this alternative because it has the least effect on middle income and low income people and families in the state. In doing this, I rejected tax alternatives-such as raising the sales tax, which is unfair to consumers, or raising B&O taxes which is unfair to employers. In fact, I reduced B&O taxes and expanded sales tax deferrals to help spur new business and investment. By choosing to close loopholes, we are able to greatly reduce the tax effect on the general public. As a matter of fact, this revenue proposal would cost the average family of four only a little over \$2 a month. In Seattle, that's the price of a latte'. For the rest of us, it's less than the price of a "Grand Slam" at Denny's.

In exchange, we will protect and enhance our most important resource, our children. We will be able to move forward with education reform, we will maintain our excellent higher education system, we will train and employ dislocated workers and teenagers, we will launch new strategies for economic development. This, I submit, is a grand slam for \$2 a month.

I know that we will spend the coming weeks debating pennies on the dollar in budget cuts, new reforms, and the size and fairness of various tax rates. That is part of the job that the people elected us to do, but it is not the whole task entrusted to us. The people also expect us to look beyond politics. They ask us to be wise as well as smart, they ask us to be responsible as well as accountable.

After the gavel falls sine die on this session of the legislature, memory of who won and who lost this or that debate will quickly fade into oblivion. But if we fail to maintain and fund vital state services, the people will not forget. And if we fail to seize the unique opportunities for reform and investment which face us today, the generations to come will not forgive us. More than a budget hangs in the balance. The whole future of our state hangs in the balance. Let's make it a great future. Join me in this budget. Thank You.

The President of the Senate instructed the special committee to escort Governor Lowry to his chambers.

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

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

MOTION

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

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

The Speaker instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate Joel Pritchard, President Pro Tempore Lorraine Wojahn, Vice President Pro Tempore Al Williams, Majority Leader Marc Gaspard, and Minority Leader George Sellar from the House Chamber.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Friday March 26, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SEVENTY-THIRD DAY, MARCH 24, 1993

JOURNAL OF THE HOUSE

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SEVENTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 26, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Rayburn presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mariah Donaldson and Alison Coombs.

Inspirational Message was offered by Representative Shin.

My Legislative Shopping List:

One of these days I must go shopping. I am completely out of self respect. I want to exchange the self-righteousness I picked up during the campaign, for some humility, which my majority leader says is less expensive and wears better. I want to look at some tolerance, which is being used for wraps in the legislature. My minority leader showed me some pretty samples of peace of mind; I am a little low on that. I can never have too much of it. And by the way, I must look for some patience that my speaker wears. It is quite becoming on him and I think it might look equally well on me. I might try on that garment of long suffering and understanding that my seat mate is wearing. I never thought I wanted to wear it, but I feel myself in need of it. And I mustn't forget to have my sense of humor mended, and look for some inexpensive everyday goodness and honesty. It is surprising how quickly one's stock of good is depleted. Yes, I must go shopping soon.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 93-4633, by Representatives Horn and Ballasiotes

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The incredible Mercer Island High School Islanders Boys' Basketball Team exhibited the highest level of excellence in overcoming the competition and winning the Washington State High School Boys' Basketball AAA Championship on March 13, 1993, by a score of 59 to 54; and

WHEREAS, The amazing Mercer Island High School Islanders Boys' Basketball Team demonstrated spirited play and exemplary sportsmanship in achieving this outstanding accomplishment; and

WHEREAS, The awesome Mercer Island High School Islanders Boys' Basketball Team had an impressive 1992 season team record of twenty-three wins and only six losses; and

WHEREAS, Jason Cooper was selected as the Washington State High School Boys' Basketball AAA Championship Tournament's Most Valuable Player, a feat that exemplifies the epitome of a well-rounded and skilled athlete; and

WHEREAS, These extraordinary accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The Mercer Island High School Islanders Head Coach Ed Pepple, and Assistant Coaches Omar Parker, Bob Sagerson, Aaron Clifford, and Scott Reid, and all the players, David Arigbabu, Terik Brown, Jason Cooper, Grant Farmer, Bobby Fielder, Markus Hallgrimson, Jamal Hill, Steve Howard, Albert Jones, Jeff Knoll, Javier Marin, Keith Passe, Landon Porter, Matt Schreck, Nate Snyder, and Peter Spear, share in the Mercer Island High School Islanders Boys' Basketball Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, The inspiring individual and team achievements of the 1992 Mercer Island High School Islanders Boys' Basketball Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Mercer Island High School Islanders Boys' Basketball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the 1992 Mercer Island High School Islanders Boys' Basketball Team; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Head Coach Ed Pepple, the entire 1992 Mercer Island High School Islanders Boys' Basketball Team, and the Principal of Mercer Island High School, Gary Bridgman.

Representative Horn moved adoption of the resolution.

Representatives Horn and Ballasiotes spoke in favor of adoption of the resolution.

House Resolution No. 4633 was adopted.

HOUSE RESOLUTION NO. 93-4621, by Representatives Brumsickle, Chappell, Basich, Springer and Morris

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The incredible Adna High School Girls Softball Team has exhibited the highest level of excellence in ending another fantastic season by winning the Washington State "B" Softball Championship in Spokane on May 28, 1992; and

WHEREAS, The amazing Adna High School Girls Softball Team also won the Washington State "B" Softball Championships in 1987 and 1990, exceptional feats of skill; and

WHEREAS, The sensational Adna High School Girls Softball Team maintained their remarkable record of excellence by winning the 1992 Central "B" League Champions for the sixth straight year; and

WHEREAS, The phenomenal Adna High School Girls Softball Team also won the 1992 District IV Championship; and

WHEREAS, The awesome Adna High School Girls Softball Team had an impressive 1992 season record of twenty wins and only five losses; and

WHEREAS, The inspiring Adna High School Girls Softball Team had an astonishing team grade point average of 3.49, showing the dedication and commitment of school teachers, staff, and administrators to academics; and

WHEREAS, These extraordinary accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, and community members, who backed them all the way; and

WHEREAS, The Adna High School Girls Softball Team coaches, Dean A. Johnsen, Matt Bannish, and Cary Painter, and all the players, Katie McMenemy, Krissy Haslett, Jessica Hunt, Shelly Long, Jenni Johnson, Marci Bower, Melody Dunnagan, Carrie Smith, Kristen Shearer, Melissa Dickey, Cali Skeen, Tera Howard, Jalyn Howard, Terry VonMoos, Lacie Long, Tawni Scott, Kimi King, and Jessica Anderson, share in the Adna High School Girls Softball Teams' success by combining outstanding coaching with outstanding playing; and

WHEREAS, The incredible individual and team achievements of the 1992 Adna High School Girls Softball Team will always be remembered when commemorating their winning year; and

WHEREAS, The Adna High School Girls Softball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the 1992 Adna High School Girls Softball Team; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coach Dean A. Johnsen, the entire 1992 Adna High School Girls Softball Team, and the Principal of Adna High School, Ed Rothlin.

Representative Brumsickle moved adoption of the resolution.

Representatives Brumsickle and Chappell spoke in favor of adoption of the resolution.

House Resolution No. 4621 was adopted.

HOUSE RESOLUTION NO. 93-4634, by Representatives Dorn and Miller

WHEREAS, It is important to recognize the special abilities of all students; and

WHEREAS, Through the arts, students develop imagination, initiative, creativity, self-expression, self confidence, and aesthetic sensitivity; and

WHEREAS, The arts are an essential part of the human experience, providing communication across culture and providing an historical record; and

WHEREAS, Because of the arts, many students who may otherwise lose interest in school become invigorated in learning because of the opportunity to pursue the arts; and

WHEREAS, The 20th Annual High School Art Show is being conducted by the Superintendent of Public Instruction on Thursday, March 25, 1993, recognizing the talents of our students, supporting arts education in our schools and communities, and marking the beginning of "A Year Dedicated to Arts Education, 1993-94";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the contribution of the arts to education and honor the winners of the 20th Annual High School Arts Show and their teachers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Superintendent of Public Instruction Judith Billings and through her to the state winners of the 20th Annual High School Art Show.

Representative Miller moved adoption of the resolution.

Representatives Miller and Dorn spoke in favor of adoption of the resolution.

House Resolution No. 4634 was adopted.

The Speaker assumed the chair.

HOUSE RESOLUTION NO. 93-4629, by Representatives Conway, Ebersole, Eide, R. Fisher, G. Cole, Roland, Patterson, J. Kohl, Sheldon, Sommers, Karahalios, Romero, Holm, Cothorn, L. Johnson, Hansen, Wolfe, Jones, Campbell, Wineberry, Wang, Dorn, Flemming, R. Meyers, King, Dellwo, Veloria, Pruitt, Orr, Peery, Valle, Leonard, Thibaudeau, Kessler, Chappell, Dunshee, Finkbeiner, Anderson, Ludwig, Quall, Riley, Johanson, Linville, Mastin, Shin, Ogden, Brough and Kremen

WHEREAS, Clyde Hupp's commitment to public service has spanned more than forty years, benefitted countless lives, and enriched the people of Washington State; and

WHEREAS, Clyde Hupp's leadership on the Pierce County Central Labor Council and Washington State Labor Council has inspired trust, respect, and affection across a broad spectrum of business, labor, and political leaders; and

WHEREAS, Clyde Hupp's tireless efforts as a member and past chair of the L.H. Bates General Advisory Council have contributed mightily to improvements in the curriculum and facilities of the L.H. Bates Technical College; and

WHEREAS, Clyde Hupp's outstanding service on the State Board for Community and Technical Colleges and the Governor's Advisory Committee on Investment in Human Capital has helped to enhance our work force and our future; and

WHEREAS, Clyde Hupp's distinguished tenure as Vice-President and President of United Ways of Washington, and as a respected leader on the Tacoma Urban League's Board of Directors, yielded many further contributions to the public good; and

WHEREAS, Clyde Hupp's renowned fairness, honesty, integrity, sincerity, ability, and likability is a tribute to his character and an inspiration to others; and

WHEREAS, Clyde Hupp has announced his decision to retire as Secretary-Treasurer of the Pierce County Central Labor Council, where his excellent leadership will be long remembered and sorely missed;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Clyde Hupp and hereby declare and proclaim March 26, 1993, as Clyde Hupp Day, and urge all citizens to join in this observance; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Clyde Hupp, his wife Lula Mae, and to his daughters, Marilou Gadley and Barbara McCulloch.

Representative Conway moved adoption of the resolution.

Representatives Conway, Dorn and Wang spoke in favor of the adoption of the resolution.

House Resolution No. 4629 was adopted.

HOUSE RESOLUTION NO. 93-4628, by Representatives Brown, Miller, J. Kohl, Ogden, Flemming, Wolfe, L. Johnson, Eide, Veloria, Conway, Shin, Karahalios, Grant, Dellwo, Thibaudeau, Anderson, Pruitt, Johanson, Romero, G. Fisher, Wood, Rust, Finkbeiner, Cothorn, Kessler, Orr, Mastin, Jacobsen, R. Fisher, Wineberry, H. Myers and Long

WHEREAS, Women of every race, economic status, religious affiliation, age, sexual orientation, and ethnic background and women with varying degrees of abilities and disabilities have made significant contributions to the growth and development of our communities, state, nation, and world; and

WHEREAS, Women continue to make vital social, economic, spiritual, and cultural contributions; and

WHEREAS, Throughout history, women have provided most of the labor of raising and caring for children and have performed countless hours of unpaid household labor; and

WHEREAS, Women have been particularly important in establishing and operating many charitable, philanthropic, political, and cultural institutions and campaigns; and

WHEREAS, Women have served as leaders of movements for progressive social change and fought to secure individual rights and freedoms; and

WHEREAS, Despite these contributions, women have been overlooked and undervalued in history, literature, social and scientific theories, and culture;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the accomplishments of American women and women everywhere, honor and pay tribute to the women of the world, and join with others in acknowledging March 8th as International Women's Day and March as Women's History Month.

Representative Brown moved adoption of the resolution.

Representatives Brown and J. Kohl spoke in favor of the adoption of the resolution.

House Resolution No. 4628 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4416

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

INTRODUCTIONS AND FIRST READING

HB 2112 by Representatives G. Fisher and Peery; by request of Governor Lowry

AN ACT Relating to taxation; amending RCW 82.04.050, 82.04.190, 82.04.4282, 82.04.460, 82.04.060, 82.08.020, 82.12.020, 82.04.480, 82.08.090, 82.12.0252, 82.12.0255, 82.12.0259, 82.12.035, 82.12.060, 82.08.100, 82.14.020, 82.14.030, 82.14.045, 82.14.048, 82.14.050, 82.14.060, 82.32.030, 70.95E.020, 83.100.010, 83.100.020, 83.100.030, 83.100.040, 83.100.045, 83.100.050, 83.100.070, 83.100.080, 83.100.090, 83.100.130, 83.100.150, 82.03.190, 82.60.020, 82.60.050, 82.60.060, 82.61.010, 82.61.040, 82.61.060, 82.61.070, 82.62.010, 82.62.040, 48.32.145, 48.32A.090, 82.04.470, 82.08.050, 82.04.417, and 82.45.060; reenacting and amending RCW 82.12.010; adding new sections to chapter 82.08

RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 82.04 RCW; adding new sections to chapter 83.100 RCW; adding new sections to chapter 48.14 RCW; adding a new chapter to Title 82 RCW; repealing RCW 82.04.300, 83.100.160, 83.100.170, 83.100.180, and 83.100.190; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Revenue.

On motion Representative Sheldon the bill listed on today's introduction sheet under the fourth order of business was referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

March 23, 1993

SSB 5035 Prime Sponsor, Committee on Government Operation: Authorizing cities to use the hotel-motel tax for public restroom facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 15, after "any" insert "county."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; R. Fisher; Rayburn; Romero; Springer; Van Luven and Zellinsky.

Excused: Representatives Dunshee and Horn.

Referred to Committee on Revenue.

March 23, 1993

SSB 5052 Prime Sponsor, Committee on Government Operation: Removing the requirement that city and town council meetings be held within the corporate limits. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended to read as follows:

The town council shall meet ~~((on the second Tuesday))~~ in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at any time by the mayor or by three ~~((councilmen))~~ councilmembers, by written notice ~~((delivered to each member at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three ~~((councilmen))~~ councilmembers.

All meetings of the council shall be held ~~((within the corporate limits of the town,))~~ at such places as may be designated by ~~((ordinance and shall))~~ the town council. All final actions on resolutions and ordinances must take place within the corporate limits of the town. All meetings of the town council must be public.

Sec. 2. RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to read as follows:

The city council and mayor shall meet ~~((on the first Tuesday))~~ in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice ~~((delivered to each member of the council at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held ~~((within the corporate limits of the city))~~ at such place as may be designated by ~~((ordinance))~~ the city council. All final actions on resolutions and ordinances must take place within the corporate limits of the city. All meetings of the city council must be public.

Sec. 3. RCW 35A.12.110 and 1979 ex.s. c 18 s 23 are each amended to read as follows:

The city council and mayor shall meet regularly, at least once a month, at a place (~~within the corporate limits of the city~~) and at such times as may be (~~fixed by ordinance or resolution~~) designated by the city council. All final actions on resolutions and ordinances must take place within the corporate limits of the city. Special meetings may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least twenty-four hours before the time specified for the proposed meeting. All actions that have heretofore been taken at special council meetings held pursuant to this section, but for which the number of hours of notice given has been at variance with requirements of RCW 42.30.080, are hereby validated. All council meetings shall be open to the public except as permitted by chapter 42.30 RCW. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to each local newspaper of general circulation and to each local radio or television station, as provided in RCW 42.30.080 as now or hereafter amended. Meetings of the council shall be presided over by the mayor, if present, or otherwise by the mayor pro tempore, or deputy mayor if one has been appointed, or by a member of the council selected by a majority of the council members at such meeting. Appointment of a council member to preside over the meeting shall not in any way abridge his right to vote on matters coming before the council at such meeting. In the absence of the clerk, a deputy clerk or other qualified person appointed by the clerk, the mayor, or the council, may perform the duties of clerk at such meeting. A journal of all proceedings shall be kept, which shall be a public record."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Excused: Representative Dunshee and Horn.

Passed to Committee on Rules for second reading.

March 23, 1993

SSB 5056 Prime Sponsor, Haugen: Regulating seaweed harvesting. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass as amended by Committee on Fisheries & Wildlife as further amended, with the following amendment by Committee on Appropriations.

On page 2, beginning on line 1, strike sections 3 and 4 and insert:

"NEW SECTION. Sec. 3. The maximum daily wet weight harvest or possession of seaweed for personal use from all private and public tidelands and state bedlands is ten pounds per person. The department of natural resources in cooperation with the department of fisheries may establish seaweed harvest limits of less than ten pounds for conservation purposes.

NEW SECTION. Sec. 4. By December 31, 1993, the department of natural resources in cooperation with the department of fisheries shall develop and report to the appropriate committees of the legislature on a process and budget necessary to accomplish the following:

- 1) Inventory and monitor the seaweed resource for seaweed species that are or have the potential to be harvested for recreational purposes;
- 2) Develop a management plan that will address the appropriate level of recreational harvest of seaweed while conserving the seaweed resource; and
- 3) Involve interested parties in development of the inventory and management plan, including the state parks and recreation commission, affected counties, private tideland owners, and representatives of those who harvest seaweed for personal use.

The department of natural resources shall involve members of the interested parties in subsection (3) above in development of the process and budget."

On page 2, line 13, strike "specie" and insert "species"

Signed by Representatives King, Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon and Scott. Wineberry; and Wolfe.

Excused: Representatives Orr, Vice Chair, and Fuhrman, Ranking Minority Member.

Referred to Committee on Appropriations.

March 25, 1993

SB 5079 Prime Sponsor, Owen: Modifying conditions for the digging of razor clams for persons who have physical disability permits. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 14, after "person." strike the remainder of the subsection and insert: "The physical disability permittee is required to be in the direct line of sight of the person digging razor clams for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the physical disability permittee is required to be within one-quarter mile of the person who is digging razor clams for him or her."

Signed by Representatives King, Chair; Orr, Vice Chair; Sehlín, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representative Fuhrman, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 24, 1993

SB 5082 Prime Sponsor, M. Rasmussen: Including ratites in poultry farming regulations. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 23, 1993

SSB 5088 Prime Sponsor, Committee on Government Operations: Authorizing flexible approaches to developing administrative rules. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while the 1988 Administrative Procedure Act expanded public participation in the agency rule-making process, there continue to be instances when participants have developed adversarial relationships with each other, resulting in the inability to identify all of the issues, the failure to focus on solutions to problems, unnecessary delays, litigation, and added cost to the agency, affected parties, and the public in general.

When interested parties work together, it is possible to negotiate development of a rule that is acceptable to all affected, and that conforms to the intent of the statute the rule is intended to implement.

After a rule is adopted, unanticipated negative impacts may emerge. Examples include excessive costs of administration for the agency and compliance by affected parties, technical conditions that may be physically or economically unfeasible to meet, problems of interpretation due to lack of clarity, and reporting requirements that duplicate or conflict with those already in place.

It is therefore the intent of the legislature to encourage flexible approaches to developing administrative rules, including but not limited to negotiated rule making and a process for testing the feasibility of adopted rules, often called the pilot rule process. However, nothing in this act shall be construed to create any mandatory duty for an agency to use the procedures in RCW 34.05.310 or section 4 of this act in any particular instance of rule making. Agencies shall determine, in their discretion, when it is appropriate to use these procedures.

Sec. 2. RCW 34.05.310 and 1989 c 175 s 5 are each amended to read as follows:

~~((1) In addition to seeking information by other methods, an agency, before publication of a notice of a proposed rule adoption under RCW 34.05.320, is encouraged to solicit comments from the public on a subject of possible rule making under active consideration within the agency, by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.~~

~~(2) Each agency may appoint committees to comment, before publication of a notice of proposed rule adoption under RCW 34.05.320, on the subject of a possible rule-making action under active consideration within the agency.~~

~~(3) Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.)~~ To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies are encouraged to:

(1) Solicit comments from the public on a subject of possible rule making before publication of a notice of proposed rule adoption under RCW 34.05.320. This process can be accomplished by having a notice published in the state register of the subject under active consideration and indicating where, when, and how persons may comment; and

(2) Develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;

(b) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;

(c) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;

(d) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;

(e) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and

(f) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement.

NEW SECTION. Sec. 3. Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.

NEW SECTION. Sec. 4. If, during development of a rule or after its adoption, an agency determines that implementation may produce unreasonable economic, procedural, or technical burdens, agencies are encouraged to develop methods for measuring or testing the feasibility of compliance with the rule, including the use of voluntary pilot study groups. Measuring and testing methods should emphasize public notice, participation by persons who have a recognized interest in or are significantly affected by the adoption of the proposed rule, a high level of involvement from agency management, consensus on issues and procedures among participants in the pilot group, assurance of fairness, and reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated if consensus cannot be reached on the rule.

The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 34.05 RCW under the subchapter heading "rule-making procedures."

Signed by Representatives Anderson, Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representative Veloria, Vice Chair.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Van Luven; and Zellinsky.

Excused: Representative Springer.

Passed to Committee on Rules for second reading.

March 24, 1993

SSB 5145 Prime Sponsor, Committee on Labor & Commerce: Regulating bungee jumping. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 9, after "reinspected by" insert "an insurer, a person with whom the insurer has contracted,
or"

On page 4, line 15, after "reinspected by" strike "a person authorized by the department" and insert "an insurer, a person with whom the insurer has contracted, or a person authorized by the department to inspect bungee jumping devices"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 24, 1993

ESB 5217 Prime Sponsor, Pelz: Requiring compliance with chapter 39.12 RCW of public works. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

March 24, 1993

SB 5241 Prime Sponsor, Vognild: Making certain powers and duties of the gambling commission permissive. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 4, at the beginning of line 21, strike "permissive" and insert "discretionary"

On page 5, line 10, after "are" strike "permissive" and insert "discretionary"

Signed by Representatives Heavey, Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative G. Cole, Vice Chair;

Passed to Committee on Rules for second reading.

March 24, 1993

SSB 5255 Prime Sponsor, Committee on Ecology & Parks: Providing for evaluation and transfer to the parks and recreation commission of land acquired by the state by escheat. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Passed to Committee on Rules for second reading.

March 25, 1993

ESB 5260 Prime Sponsor, Spanel: Requiring salmon food fish to be labeled by its source and common name.
Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that salmon consumers in Washington benefit from knowing the species and origin of the salmon they purchase. The accurate identification of such species, as well as knowledge of the country or state of origin and of whether they were caught commercially or were farm raised, is important to consumers.

NEW SECTION. Sec. 2. A new section is added to chapter 69.04 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 5 of this act.

(1) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

SCIENTIFIC NAME	COMMON NAME
<i>Oncorhynchus tshawytscha</i>	Chinook salmon or king salmon
<i>Oncorhynchus kisutch</i>	Coho salmon or silver salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon
<i>Salmo salar</i> (in other than its landlocked form)	Atlantic salmon

(2) "Commercially caught" means salmon harvested by commercial fishers.

NEW SECTION. Sec. 3. A new section is added to chapter 69.04 RCW to read as follows:

With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell any fresh or frozen salmon food fish or cultured aquatic salmon without labeling the species of salmon by its common name. A person knowingly violating this section is guilty of misbranding under this chapter. A person who receives misleading and erroneous information about the species of salmon and subsequently labels or offers for wholesale or retail sale salmon that is inaccurately identified shall not be guilty of misbranding. This section shall not apply to salmon that is minced, pulverized, coated with batter, or breaded.

NEW SECTION. Sec. 4. A new section is added to chapter 69.04 RCW to read as follows:

With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell any fresh or frozen:

(1) Private sector cultured aquatic salmon without labeling the product as farm raised salmon; or

(2) Commercially caught salmon designated as food fish under Title 75 RCW without labeling the product as commercially caught salmon.

A person knowingly violating this section is guilty of misbranding under this chapter. A person who receives misleading or erroneous information about whether the salmon is farm raised or commercially caught, and subsequently labels or offers for wholesale or retail sale salmon that is inaccurately identified shall not be guilty of misbranding. This section shall not apply to salmon that is minced, pulverized, coated with batter, or breaded.

NEW SECTION. Sec. 5. A new section is added to chapter 69.04 RCW to read as follows:

To promote honesty and fair dealing for consumers, the director, in consultation with the director of the department of fisheries, shall adopt rules:

(1) Fixing and establishing a reasonable definition and standard of identity for salmon for purposes of selling and labeling salmon;

(2) Defining necessary documentation for purposes of enforcement; and

(3) Enforcing sections 3 and 4 of this act."

Signed by Representatives King, Chair; Orr, Vice Chair; Sehlín, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representative Fuhrman, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 23, 1993

SB 5301 Prime Sponsor, Fraser: Authorizing the state parks and recreation commission to enter into cooperative agreements with private nonprofit corporations with regard to state park property and facilities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Passed to Committee on Rules for second reading.

March 24, 1993

ESB 5378 Prime Sponsor, M. Rasmussen: Modifying the regulation of horticultural plants and facilities. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 24, 1993

ESSB 5379 Prime Sponsor, Committee on Agriculture: Making major changes to milk and milk products regulations. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.36.115 and 1989 c 354 s 18 and 1989 c 175 s 48 are each reenacted and amended to read as follows:

(1) If the results of an antibiotic, pesticide, or other drug residue test under RCW 15.36.110 are above the actionable level established in the pasteurized milk ordinance published by the United States public health service and determined using procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products," a producer holding a grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the permit on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW (~~and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580~~). At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other drug residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic, pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic, pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic, pesticide, or other drug residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues.

Sec. 2. RCW 69.07.040 and 1992 c 160 s 3 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by the license fee. The license fee is determined by computing the gross annual sales for the accounting year immediately preceding the license year. If the license is for a new operator, the license fee shall be based on an estimated gross annual sales for the initial license period.

If gross annual sales are: The license fee is:

\$0 to \$50,000	\$50.00
\$50,001 to \$500,000	\$100.00
\$500,001 to \$1,000,000	\$200.00
\$1,000,001 to \$5,000,000	\$350.00
\$5,000,001 to \$10,000,000	\$500.00
Greater than \$10,000,000	\$750.00

Such application shall include the full name of the applicant for the license and the location of the food processing plant he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Wherever a license holder wishes to engage in processing a type of food product that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter. The director may waive the licensure requirements of this chapter for a person's operations at a facility if the person is licensed under chapter 15.32 RCW or has a permit under chapter 15.36 RCW to conduct the same or a similar operation at the facility.

Sec. 3. RCW 15.36.595 and 1989 c 175 s 49 are each amended to read as follows:

(1) The director of agriculture shall adopt rules imposing a civil penalty for violations of the standards for component parts of fluid dairy products which are established by RCW 15.36.030 or adopted pursuant to RCW 69.04.398. The penalty shall not exceed ten thousand dollars and shall be such as is necessary to achieve proper enforcement of the standards. The rules shall be adopted before January 1, 1987, and shall become effective on July 1, 1987.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW ((and, to the extent they are not inconsistent with this subsection,

the provisions of RCW 15.36.580)). At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for the component parts of milk products by a state laboratory of a milk sample collected by a department official shall be admitted as prima facie evidence of the amounts of milk components in the product.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department.

(4) All penalties received or recovered from violations of this section shall be remitted by the violator to the department and deposited in the revolving fund of the Washington state dairy products commission. One-half of the funds received shall be used for purposes of education with the remainder one-half to be used for dairy processing or marketing research, or both. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the standards for the composition of milk products, an investigation shall be made to determine the cause of the violation which shall be corrected. Additional samples shall be taken as soon as possible and tested by the department.

NEW SECTION. Sec. 4. RCW 15.36.580 and 1989 c 354 s 26, 1987 c 202 s 175, 1981 c 67 s 17, & 1961 c 11 s 15.36.580 are each repealed."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 24, 1993

SSB 5380 Prime Sponsor, Committee on Labor and Commerce: Concerning collective bargaining for members of the Washington state patrol. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.475 and 1988 c 110 § 2 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(7), the provisions of RCW 41.56.430(~~(, 41.56.440, and)~~) through 41.56.452 and RCW 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) The mediator shall not consider wages and wage-related matters.

~~(2) ((The services of the mediator, including any per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this section shall be construed to prohibit the public employer and a bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure.~~

~~(3) If the public employer and a bargaining representative are unable to reach an agreement in mediation, either party, by written notice to the other party and to the commission, may request that the matters in dispute be submitted to a fact finder for recommendations. If the executive director, upon the recommendation of the mediator, finds that the parties remain at an impasse after a reasonable period of negotiations, the executive director shall initiate fact-finding proceedings.~~

~~(a) The executive director shall provide the parties with a list of five persons qualified to serve as the neutral fact finder. The parties shall without delay attempt to agree upon a fact finder from the list provided by the commission or to agree upon some other person as a fact finder. Upon the failure of the parties to agree upon a fact finder within seven days after the issuance of the list, the commission shall, upon the request of either party, appoint a fact finder. The commission shall not appoint as fact finder the same person who acted as mediator in the dispute.~~

~~(b) The fact finder shall promptly establish a date, time, and place to meet with the representatives of the parties and shall provide reasonable notice of the meeting to the parties to the dispute. The requirements of chapter 34.05 RCW shall not apply to fact-finding proceedings. The fact finder shall make inquiries and investigations, hold hearings, and take such other steps as he or she deems appropriate. The fact finder may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.~~

~~(c) The fact finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how their dispute should be resolved. A copy shall be delivered or mailed to each of the parties to the dispute. A copy shall be filed with the commission. The findings and recommendations of the fact finder are advisory only.~~

~~(d) The findings and recommendations of the fact finder shall be held in confidence among the fact finder, the public employer, the bargaining representative, and the commission for seven calendar days following their issuance, to permit the public employer and the bargaining representative to study the recommendations. No later than seven calendar days following the issuance of the recommendations of the fact finder, each party shall notify the~~

~~commission and the other party whether it accepts or rejects, in whole or in part, the recommendations of the fact-finder. If the parties remain in disagreement following the expiration of the seven-day period, the findings and recommendations of the fact-finder may be made public.~~

~~(e) The fees and expenses of the fact-finder shall be paid by the parties to the dispute, in equal amounts. All other costs of the proceeding shall be paid by the party incurring those costs. Nothing in this section prohibits an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, some other impasse procedure or from agreeing to some other allocation of the costs of fact-finding between them.)~~ In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of hours and conditions of employment."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Chandler, Assistant Ranking Minority Member; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member and Horn.

Passed to Committee on Rules for second reading.

March 23, 1993

SSB 5430 Prime Sponsor, Committee on Trade, Technology & Economic Development: Commemorating the thirtieth anniversary of Washington's sister-state relationship with Hyogo prefecture. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 37, after "reappropriated" insert "for the biennium ending June 30, 1995,"

Signed by Representatives Anderson, Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representative Veloria, Vice Chair.

Referred to Committee on Appropriations.

March 24, 1993

SB 5484 Prime Sponsor, Quigley: Preserving rights under prior lien laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 60.04 RCW to read as follows:

All rights acquired and liabilities incurred under acts or parts of act repealed by chapter 281, Laws of 1991, are hereby preserved, and all actions pending as of June 1, 1992, shall proceed under the law as it existed at the time chapter 281, Laws of 1991, took effect.

NEW SECTION. Sec. 2. This act is remedial in nature and shall be applied retroactively to June 1, 1992.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 24, 1993

ESB 5534 Prime Sponsor, Vognild: Authorizing terminal safety audits of private carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 14, strike the remainder of subsection (b) and insert "have terminal operations in the state of Washington are subject to commission jurisdiction."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Horn; Johanson; J. Kohl; R. Meyers; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; and Zellinsky.

Excused: Representatives Fuhrman, Heavey, Miller and Wood.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5567 Prime Sponsor, Committee on Government Operations: Allowing benefits for emergency medical service district volunteers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 32, beginning with "the three" strike all the matter through "members" on line 35, and insert "three of the members of the county legislative authority or their designees, the county auditor or the auditor's designee, the head of the emergency medical service district, and one emergency worker from the emergency medical service district to be elected by the emergency workers"

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Van Luven; and Zellinsky.

Excused: Representative Springer.

Passed to Committee on Rules for second reading.

March 23, 1993

SSB 5634 Prime Sponsor, Committee on Government Operations: Requiring state agencies to submit interagency disputes to mediation before filing lawsuits. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 14, after "listed in" strike "RCW 42.17.2401" and insert "RCW 42.17.2401(1)"

Signed by Representatives Anderson, Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Excused: Representative Veloria, Vice Chair.

Passed to Committee on Rules for second reading.

March 25, 1993

SB 5675 Prime Sponsor, Drew: Concerning the financing of bonds for storm water facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after the enacting clause, strike the remainder of the bill and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.89 RCW to read as follows:

Whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm water control facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm water plan intended to be financed by the proceeds of such bonds. If the county provides storm water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service.

The provisions of this section apply whether or not the bonds finance facilities that are geographically located within the area that is annexed or incorporated.

NEW SECTION. Sec. 2. A new section is added to chapter 36.94 RCW to read as follows:

Whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm or surface water drains or facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm water plan intended to be financed by the proceeds of such bonds. If the county provides storm water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service.

The provisions of this section apply whether or not the bonds finance facilities that are geographically located within the area that is annexed or incorporated.

Sec. 3. RCW 36.89.080 and 1970 ex.s. c 30 s 7 are each amended to read as follows:

Any (~~board of county commissioners~~) county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any storm water control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the (~~board~~) county legislative authority may in its discretion consider: (1) Services furnished or to be furnished((?)); (2) benefits received or to be received((?)); (3) the character and use of land((?)) or its water runoff characteristics; (4) the nature or type of land user; or (5) any other matters which present a reasonable difference as a ground for distinction. (~~Such~~) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating storm water control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Van Luven; and Zellinsky.

Excused: Representative Springer.

Passed to Committee on Rules for second reading.

March 25, 1993

SSJM 8005 Prime Sponsor, Committee on Natural Res: Requesting the federal government to allow the state of Washington to permanently remove certain predatory seals and sea lions. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, strike "absolute"

On page 1, line 10, strike "Mammals" and insert "Mammal"

Beginning on page 2, strike the remainder of the act and insert:

"WHEREAS, The well-known situation of "Herschel the sea lion," at the Ballard Locks in Seattle, is an excellent example of marine mammal predation that is seriously harming a particular anadromous fish run and which has yet to be thwarted by nonlethal means; and

WHEREAS, A long-term member of the Washington State Senate, who recently passed away, Senator A.L. "Slim" Rasmussen, had long championed the last resort solution to the "Herschel" problem, which is lethal removal; and

WHEREAS, It is time that the federal government allow lethal removal of predatory seals and sea lions in order for specific salmon and steelhead stocks to be allowed a reasonable chance to survive;

NOW, THEREFORE, Your Memorialists respectfully pray that the President and Congress recognize the wisdom of Senator A.L. "Slim" Rasmussen and modify the Marine Mammal Protection Act to: 1) authorize state or federal agencies to lethally remove, where appropriate, marine mammals causing significant damage to other valuable natural resources; 2) continue to allow individual fishers to protect their gear and catch by lethally removing animals which are not threatened or endangered; and 3) to provide a framework that allows the active management of abundant populations at stable and healthy levels determined with modern wildlife management science by federal, state and tribal management agencies.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Chairs of the Senate and House Committees charged with reauthorization of the Marine Mammal Protection Act, and each member of Congress from the State of Washington."

Signed by Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representative Fuhrman, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 23, 1993

SJM 8017 Prime Sponsor, Jesernig: Requesting the United States Department of Energy to support the Fast Flux Test Facility at Hanford. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

With the consent of the House, the Speaker moved that the House consider Engrossed Senate Bill No. 5362 on today's second reading calendar.

ENGROSSED SENATE BILL NO. 5362, by Senators A. Smith, Niemi, Pelz, Spanel and Quigley

Requiring full disclosure of civil court proceedings relating to public hazards.

The bill was read the second time.

With the consent of the House, Representative Riley withdrew amendment No. 311 to Engrossed Senate Bill No. 5362.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon:

On page 1, line 18, after "licenses." insert "As used in this section an instrumentality does not include instrumentalities from manufactures regulated by the Federal Aviation Administration."

Representatives Sheldon, Miller, Brough and Dyer spoke in favor of adoption of the amendment and Representatives Appelwick and Morris spoke against it.

Representative Fuhrman demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 1, line 18 by Representative Sheldon to Engrossed Senate Bill No. 5362 and the amendment failed the House by the following vote: Yeas - 44, Nays - 52, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Forner, Fuhrman, Hansen, Heavey, Horn, Johnson, R., Kremen, Lisk, Long, Meyers, R., Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Holm, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Linville, Locke, Ludwig, Mastin, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 52.

Excused: Representatives Eide and Leonard - 2.

POINT OF INQUIRY

Representative Appelwick yielded to a question by Representative King.

Representative King: Representative Appelwick, is there anything in this proposal before us that would prohibit the two parties to a settlement from entering into an agreement that would seal or otherwise suppress the amount of money involved in the settlement?

Representative Appelwick: No, there is not. The legislation with or without this amendment is not intended to prohibit the sealing of the amount of settlement or judgment. It's not intended to be an advertisement of recoveries.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker called upon the House to divide on the motion by Representative Sheldon to place Engrossed Senate Bill No. 5362 on third reading. The result of the division was 61 YEAS; 35 NAYS. Having failed to receive the necessary two-thirds vote the motion failed.

Engrossed Senate Bill No. 5362 was passed to the Committee on Rules for third reading.

HOUSE BILL NO. 1524, by Representatives Locke, Silver and Valle; by request of Office of Financial Management

Making supplemental appropriations.

The bill was read the second time.

On motion of Representative Locke, Substitute House Bill No. 1524 was substituted for House Bill No. 1524, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1524 was read the second time.

Representative Locke moved the following amendment by Representative Locke:

On page 2, after line 1, insert the following:

"**Sec. 1.** 1992 c 232 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ((27,687,000))	<u>27,921,000</u>
Public Safety and Education Account Appropriation \$ 26,352,000	
Judicial Information System Account Appropriation \$ 200,000	
Drug Enforcement and Education Account Appropriation \$ 850,000	
TOTAL APPROPRIATION \$ ((55,089,000))	<u>55,323,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((~~20,850,000~~)) 21,084,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) \$688,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) \$6,507,000 of the public safety and education account appropriation and \$850,000 of the drug enforcement and education account appropriation are provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(6) In implementing the cost reduction measures required by this act, the administrator for the courts may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

(7) \$345,000 of the general fund--state appropriation is provided solely for implementation of Substitute House Bill No. 2459. The amount provided in this subsection is contingent on enactment of Substitute House Bill No. 2459 (superior court judges) and House Bill No. 2887 or 2997 (appellate court filing fees). If neither House Bill No. 2887 or 2997 is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) \$10,000 of the general fund appropriation is provided solely for the jury source list task force to continue to develop methodology and standards for merging the list of registered voters with the list of licensed drivers and identocard holders to form an expanded jury source list for use in the state. The task force shall include the department of information services. By November 2, 1992, the task force shall report its recommendations to the supreme court and the appropriate committees of the legislature. However, if Substitute House Bill No. 2945 is enacted by June 30, 1992, the amount provided in this subsection is provided solely to implement the bill."

Representatives Locke and Silver spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved the following amendment by Representatives Locke and Silver:

On page 2, line 17, strike "4,350,081" and insert "4,330,000"

On page 2, line 21, strike "3,653,000" and insert "3,384,000"

Representatives Locke and Silver spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved the following amendment by Representatives Locke and Silver:

On page 5, line 15, strike "~~(4,467,000)~~ 5,207,000" and insert "4,467,000"

On page 5, line 28, strike "42,762,514" and insert "42,022,514"

On page 7, beginning on line 3, strike all of subsections 6 and 7

Representatives Locke and Silver spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved the following amendment by Representatives Locke and Silver:

On page 8, line 11, strike "202" and insert "201"

The amendment was adopted.

Representative Sheahan moved the following amendment by Representatives Sheahan and Schoesler:

On page 83, beginning on line 9, strike all material through "398,711" on line 19

On page 89, before line 3, insert the following:

"NEW SECTION. Sec. 701. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

FOR THE GOVERNOR--PROCUREMENT SERVICES

General Fund--State Appropriation	\$ 2,092,000
Procurement Funding Revolving Account Appropriation	\$ 1,876,000
TOTAL APPROPRIATION	\$ 3,968,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of state procurement from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the procurement funding revolving account, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for state procurement services."

Representative Sheahan spoke in favor of adoption of the amendment and Representative Locke spoke against it. The amendment was not adopted.

Representative Locke moved the following amendment by Representatives Locke and Sommers:

On page 5, line 16, strike "5,207,000" and insert "6,704,000"

On page 5, line 28, strike "42,762,514" and insert "44,259,514"

On page 7, after line 7, insert:

"(8) \$1,497,000 of the general fund--state appropriation is provided solely for the purchasing and contract administration program within the office of state procurement in lieu of revolving fund billings paid or due from the institutions of higher education."

On page 83, beginning on line 9, strike all material through "398,711" on line 19

Representatives Locke and Sheahan spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Locke spoke in favor of passage of the bill and Representatives Silver, Morton and Forner spoke against it.

Representative Locke again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1524.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1524, and the bill passed the House by the following vote: Yeas - 66, Nays - 30, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 30.

Excused: Representatives Eide and Leonard - 2.

Substitute House Bill No. 1524, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00, Monday March 29, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SEVENTY-FIFTH DAY, MARCH 26, 1993

JOURNAL OF THE HOUSE

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

SEVENTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 29, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Richard Christenson and Mavissa Di Julio. Prayer was offered by Representative Sarah Casada.

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

The Speaker called on Representative R. Meyers to preside.

MESSAGE FROM THE SENATE

March , 1993

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4416,

and the same is herewith transmitted.

Marty Brown, Secretary

MESSAGE FROM THE SENATE

March , 1993

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1022,
HOUSE BILL NO. 1035,
HOUSE BILL NO. 1036,
HOUSE BILL NO. 1037,
HOUSE BILL NO. 1038,
HOUSE BILL NO. 1079,
HOUSE BILL NO. 1130,
ENGROSSED HOUSE BILL NO. 1238,
SUBSTITUTE HOUSE BILL NO. 1578,
HOUSE BILL NO. 1790,
HOUSE BILL NO. 1956,
HOUSE BILL NO. 2032,

and the same are herewith transmitted.

Marty Brown, Secretary

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

REPORTS OF STANDING COMMITTEES

March 25, 1993

HJM 4022 Prime Sponsor, Representative Zellinsky: Urging repeal of unfairly restrictive and burdensome federal banking laws. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Dellwo and Dorn.

Passed to Committee on Rules for second reading.

March 26, 1993

SB 5164 Prime Sponsor, Wojahn: Exempting nonprofit organizations providing credit services from the business and occupation tax. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Brown; Cothorn; Morris; Silver; Talcott; Thibaudeau; and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Romero; Rust; and Wang.

Excused: Representatives Fuhrman, Assistant Ranking Minority Member, Anderson, Leonard and Romero.

Passed to Committee on Rules for second reading.

March 26, 1993

SB 5251 Prime Sponsor, Bauer: Requiring identification for the nonresident sales tax exemption. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Brown; Cothorn; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representatives Fuhrman, Assistant Ranking Minority Member, Anderson and Leonard.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5263 Prime Sponsor, Committee on Agriculture: Regulating the marketing of milk. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 7, after line 18, strike all material through "impractical." on line 25, and insert the following: "(3) Except as provided in subsection (4) of this section, the director, within ~~((sixty))~~ ninety days from the date the results of ~~((the))~~ a referendum approved under subsection (2) of this section are filed with the secretary of state, shall adopt rules to establish a market pool in the market area, as provided for in this chapter. In conducting hearings on rules proposed for adoption under this subsection, the director shall invite public comment on whether milk regulation similar to the market area pooling plan proposed in the rules exists in neighboring states and whether a lack of such milk regulation in neighboring states would render such a market area pooling plan in this state ineffective or impractical."

On page 7, line 26, strike "(3)" and insert "~~((3))~~ (4) If, following hearings held under subsection (3) of this section, the director determines that the lack of milk regulation in neighboring states similar to the market area pooling plan proposed for this state would render such a pooling arrangement in this state ineffective or impractical, the director shall so state in writing. The director shall file the statement with the code reviser for publication in the Washington State Register. In such a case, a market area pooling plan shall not be established in the market area under subsection (3) of this section based upon the referendum that precipitated the hearings. If the director determines that such a lack of milk regulation in neighboring states would not render such a market area pooling plan ineffective or impractical in this state, the director shall adopt rules in accordance with subsection (3) of this section.

(5)"

On page 7, line 32, strike "(4)" and insert "(((4))) (6)" On page 10, line 18, after "fund." insert "Moneys from such assessments shall be used to provide testing of the milk in a state-certified laboratory."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5270 Prime Sponsor, Senator Moore: Creating a department of financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt and Tate.

Excused: Representatives Dellwo and Dorn.

Referred to Committee on Appropriations.

March 25, 1993

2SSB 5288 Prime Sponsor, Committee on Ways & Means: Extending the expiration date of the solid waste collection tax. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Roland.

MINORITY recommendation: Without recommendation. Signed by Representatives Van Luven, Assistant Ranking Minority Member; and Edmondson.

Referred to Committee on Revenue.

March 25, 1993

ESSB 5320 Prime Sponsor, Committee on Ecology & Parks: Adopting limits on phosphorus contents in certain detergents. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Flemming, Vice Chair; Van Luven, Assistant Ranking Minority Member; Bray; Holm; L. Johnson; J. Kohl; Linville; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Horn, Ranking Minority Member; Edmondson; Foreman; Hansen; and Sheahan.

Passed to Committee on Rules for second reading.

March 26, 1993

SSB 5368 Prime Sponsor, Senator Owen: Creating a sales tax exemption for certain vessels. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Brown; Cothorn; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Excused: Representatives Fuhrman, Assistant Ranking Minority Member, Anderson and Leonard.

Passed to Committee on Rules for second reading.

March 25, 1993

SB 5384 Prime Sponsor, Moore: Regulating investment advisory contracts. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Grant; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Scott, Vice Chair, Dellwo, Dorn and R. Johnson.

Passed to Committee on Rules for second reading.

March 25, 1993

SB 5385 Prime Sponsor, Moore: Creating the uniform commercial code fund. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Grant; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt and Tate.

Excused: Representatives Dellwo, Dorn and R. Johnson.

Referred to Committee on Revenue.

March 25, 1993

SSB 5407 Prime Sponsor, Committee on Ecology & Parks: Regarding county administration of agricultural burning permits. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.650 and 1991 c 199 s 408 are each amended to read as follows:

(1) Any person who proposes to set fires in the course of

(a) weed abatement,

(b) instruction in methods of fire fighting (~~((except forest fires))~~), except forest fire training, or

(c) agricultural activities(,) shall (~~(, prior to carrying out the same,)~~) obtain a permit from an air pollution control authority (~~(or)~~), the department of ecology, ((as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in RCW 70.94.660)) or a local entity delegated permitting authority under RCW 70.94.654. General permit criteria of state-wide applicability (~~(for ruling on such permits)~~) shall be established by the department, by rule, after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both. All permits (~~(so issued)~~) shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise in which the applicant is engaged, or both. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in this section shall relieve the applicant from obtaining permits, licenses, or other approvals required by any other law. An application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, shall be acted upon within seven days from the date such application is filed. The department of ecology and local air authorities shall provide convenient methods for issuance and oversight of agricultural burning permits. The department and local air authorities shall, through agreement, work with counties and cities to provide convenient methods for granting permission for agricultural burning, including telephone, facsimile transmission, issuance from local city or county offices, or other methods.

(2) (~~(Except as provided in RCW 70.94.780))~~ Permit fees shall be assessed for (~~(outdoor)~~) burning under this section and shall be collected by the department of ecology (~~(or)~~), the appropriate local air authority, or a local entity delegated permitting authority pursuant to RCW 70.94.654 at the time the permit is issued. All fees collected shall be deposited in the air pollution control account created in RCW 70.94.015, except for that portion of the fee necessary to cover local costs of administering a permit issued under this section. Fees shall be set by rule by the permitting agency at the level determined by the task force created by subsection (4) of this section, but shall not exceed two dollars and fifty cents per acre to be burned. After fees are established by rule, any increases in such fees shall be limited to annual inflation adjustments as determined by the state office of the economic and revenue forecast council.

(3) Conservation districts and the Washington State University agricultural extension program in conjunction with the department shall develop public education material for the agricultural community identifying the health and environmental ~~(affects [effects])~~ effects of agricultural outdoor burning and providing technical assistance in alternatives to agricultural outdoor burning.

(4) An agricultural burning practices and research task force shall be established under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair; one representative of eastern Washington local air authorities; three representatives of the agricultural community from different agricultural pursuits; one representative of the department of agriculture; two representatives from universities or colleges knowledgeable in agricultural issues; one representative of the public health or medical community; and one representative of the conservation districts. The task force shall identify best management practices for reducing air contaminant emissions from agricultural activities and provide such information to the department and local air authorities. The task force shall determine the level of fees to be assessed by the permitting agency pursuant to subsection (2) of this section, based upon the level necessary to cover the costs of administering and enforcing the permit programs, to provide funds for research into alternative methods to reduce emissions from such burning, and to the extent possible be consistent with fees charged for such burning permits in neighboring states. The fee level shall provide, to the extent possible, for lesser fees for permittees who use best management practices to minimize air contaminant emissions. The task force shall identify research needs related to minimizing emissions from agricultural burning and alternatives to such burning. Further, the task force shall make recommendations to the department on priorities for spending funds provided through this chapter for research into alternative methods to reduce emissions from agricultural burning.

Sec. 2. RCW 70.94.654 and 1991 c 199 s 409 are each amended to read as follows:

(1) Whenever the department of ecology shall find that any fire protection agency, county, or conservation district which is outside the jurisdictional boundaries of an activated air pollution control authority is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 and desirous of doing so, the department of ecology may delegate powers necessary for the issuance or enforcement, or both, of permits for any or all of the kinds of burning to the fire protection agency, county, or conservation district. Such delegation may be withdrawn by the department of ecology upon its finding that the fire protection agency, county, or conservation district is not effectively administering the permit program.

(2) A local air authority may delegate authority to issue and enforce permits for burning under RCW 70.94.650 to any fire protection agency, county, or conservation district within the jurisdictional boundaries of the local air authority. A local air authority may withdraw delegation if the local air authority finds that the fire protection agency, county, or conservation district is not effectively administering the permit program."

Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; Roland; and Sheahan.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5432 Prime Sponsor, Committee on Labor & Comm: Studying discrimination based on race and national origin in home mortgage lending. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Grant; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Dellwo, Dorn and R. Johnson.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5443 Prime Sponsor, Committee on Agriculture: Modifying the regulation of livestock. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.65.030 and 1991 c 17 s 1 are each amended to read as follows:

(1) On and after June 10, 1959, no person shall operate a public livestock market without first having obtained a license from the director. Application for such license or renewal thereof shall be in writing on forms prescribed by the director, and shall include the following:

- (a) A legal description of the property upon which the public livestock market shall be located.
- (b) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens, and all facilities the applicant proposes to use in the operation of such public livestock market.
- (c) A detailed statement showing all the assets and liabilities of the applicant which must reflect a sufficient net worth to construct or operate a public livestock market.
- (d) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.
- (e) The weekly or monthly sales day or days on which the applicant proposes to operate his or her public livestock market sales.
- (f) Projected source and quantity of livestock, by county, anticipated to be handled.
- (g) Projected income and expense statements for the first year's operation.
- (h) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.
- (i) Such other information as the director may reasonably require.

(2) The director shall, after public hearing as provided by chapter 34.05 RCW, grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to all of the requirements of this section and giving reasonable consideration at the same hearing to:

- (a) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application; and
- (b) The present market services elsewhere available to the trade area proposed to be served.

(3) Such application shall be accompanied by a license fee based on the average gross sales volume per official sales day of that market:

- (a) Markets with an average gross sales volume up to and including ten thousand dollars, a fee of no less than one hundred ((dollar fee)) dollars or more than one hundred fifty dollars;
- (b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a fee of no less than two hundred ((dollar fee)) dollars or more than three hundred fifty dollars; and
- (c) Markets with an average gross sales volume over fifty thousand dollars, a fee of no less than three hundred ((dollar fee)) dollars or more than four hundred fifty dollars.

The fees for public livestock market licensees shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act.

(4) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate license fee.

(5) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

Sec. 2. RCW 16.65.090 and 1983 c 298 s 8 are each amended to read as follows:

The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market or special open consignment horse sale(~~(- PROVIDED, That if in any one sale day the total fees collected for brand inspection do not exceed sixty dollars, then such licensee shall pay sixty dollars for such brand inspection or as much thereof as the director may prescribe))~~). The director shall set by rule, adopted after a hearing under chapter 34.05 RCW and in conformance with section 10 of this act, a minimum daily inspection fee that shall be paid to the department by the licensee. Such a fee shall be not less than sixty dollars and not more than ninety dollars.

Sec. 3. RCW 16.58.050 and 1979 c 81 s 2 are each amended to read as follows:

The application for an annual license to engage in the business of operating one or more certified feed lots shall be accompanied by a license fee of no less than five hundred dollars or no more than seven hundred fifty dollars. The actual license fee for a certified feed lot license shall be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Upon approval of the application by the director and compliance with the provisions of this chapter and rules (~~(and regulations)~~) adopted hereunder, the applicant shall be issued a license or a renewal thereof.

Sec. 4. RCW 16.58.130 and 1991 c 109 s 14 are each amended to read as follows:

Each licensee shall pay to the director a fee of no less than ten cents but no more than fifteen cents for each head of cattle handled through the licensee's feed lot. The fee shall be set by the director by rule after a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Payment of such fee shall be made by the

licensee on a monthly basis. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if a licensee has failed to make prompt and timely payments.

Sec. 5. RCW 16.57.080 and 1991 c 110 s 1 are each amended to read as follows:

The director shall establish by rule a schedule for the renewal of registered brands. The fee for renewal of the brands shall be no less than twenty-five dollars for each two-year period of brand ownership, except that the director may, in adopting a renewal schedule, provide for the collection of renewal fees on a prorated basis and may by rule increase the registration and renewal fee for brands by no more than fifty percent subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. At least one hundred twenty days before the expiration of a registered brand, the director shall notify by letter the owner of record of the brand that on the payment of the requisite application fee and application of renewal the director shall issue the proof of payment allowing the brand owner exclusive ownership and use of the brand for the subsequent registration period. The failure of the registered owner to pay the renewal fee by the date required by rule shall cause such owner's brand to revert to the department. The director may for a period of one year following such reversion, reissue such brand only to the prior registered owner upon payment of ~~((twenty-five dollars and an additional fee of ten dollars))~~ the registration fee and a late filing fee to be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act, for renewal subsequent to the regular renewal period. The director may at ~~((his))~~ the director's discretion, if such brand is not reissued within one year to the prior registered owner, issue such brand to any other applicant.

Sec. 6. RCW 16.57.090 and 1974 ex.s. c 64 s 3 are each amended to read as follows:

A brand is the personal property of the owner of record. Any instrument affecting the title of such brand shall be acknowledged in the presence of the recorded owner and a notary public. The director shall record such instrument upon presentation and payment of a ~~((ten dollar))~~ recording fee not to exceed fifteen dollars to be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Such recording shall be constructive notice to all the world of the existence and conditions affecting the title to such brand. A copy of all records concerning the brand, certified by the director, shall be received in evidence to all intent and purposes as the original instrument. The director shall not be personally liable for failure of ~~((his))~~ the director's agents to properly record such instrument.

Sec. 7. RCW 16.57.140 and 1974 ex.s. c 64 s 4 are each amended to read as follows:

The owner of a brand of record may procure from the director a certified copy of the record of ~~((his))~~ the owner's brand upon payment of ~~((five dollars))~~ a fee not to exceed seven dollars and fifty cents to be prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act.

Sec. 8. RCW 16.57.220 and 1981 c 296 s 17 are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules ~~((and regulations))~~ adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection ~~((shall))~~ may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection ~~((performed at inspection points according to schedules established by the director))~~ shall be not less than ~~((thirty cents nor more than))~~ fifty cents nor more than seventy-five cents per head for cattle and not less than two dollars nor more than three dollars per head for horses as prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with section 10 of this act. Fees for brand inspection of cattle and horses performed by the director at points other than those designated by the director or not in accord with the schedules established by ~~((him))~~ the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. Such schedule of fees shall be established subsequent to a hearing and all regulations concerning fees shall be adopted in accord with the provisions of chapter 34.05 RCW, the Administrative Procedure Act, concerning the adoption of rules as enacted or hereafter amended.

Sec. 9. RCW 16.57.400 and 1981 c 296 s 23 are each amended to read as follows:

The director may provide by rules and regulations adopted pursuant to chapter 34.05 RCW for the issuance of individual horse and cattle identification certificates or other means of horse and cattle identification deemed appropriate. Such certificates or other means of identification shall be valid only for the use of the horse and cattle owner in whose name it is issued.

Horses and cattle identified pursuant to the provisions of this section and the rules and regulations adopted hereunder shall not be subject to brand inspection except when sold at points provided for in RCW 16.57.380. The director shall charge a fee for the certificates or other means of identification authorized pursuant to this section and no identification shall be issued until the director has received the fee. The schedule of fees shall be established in accordance with the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 16.57 RCW to read as follows:

(1) The director shall establish a livestock identification advisory board. The board shall be composed of six members appointed by the director. One member shall represent each of the following groups: Beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. In making appointments, the director shall solicit nominations from organizations representing these groups state-wide.

(2) The purpose of the board is to provide advice to the director regarding livestock identification programs administered under this chapter and regarding brand inspection fees and related licensing fees. The director shall consult the board before adopting, amending, or repealing a rule under this chapter or altering a fee under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director publishes in the state register a proposed rule to be adopted under the authority of this chapter or a proposed rule setting a fee under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not received the approval of the advisory board, the director shall file with the board a written statement setting forth the director's reasons for proposing the rule without the board's approval.

(3) The members of the advisory board serve three-year terms. However, the director shall by rule provide shorter initial terms for some of the members of the board to stagger the expiration of the initial terms. The members serve without compensation. The director may authorize the expenses of a member to be reimbursed if the member is selected to attend a regional or national conference or meeting regarding livestock identification. Any such reimbursement shall be in accordance with RCW 43.03.050 and 43.03.060.

Sec. 11. RCW 16.57.410 and 1989 c 286 s 25 are each amended to read as follows:

(1) No person may act as a registering agency without a permit issued by the department. The director may issue a permit to any person or organization to act as a registering agency for the purpose of issuing permanent identification symbols for horses in a manner prescribed by the director. Application for such permit, or the renewal thereof by January 1 of each year, shall be on a form prescribed by the director, and accompanied by the proof of registration to be issued, any other documents required by the director, and a fee of one hundred dollars.

(2) Each registering agency shall maintain a permanent record for each individual identification symbol. The record shall include, but need not be limited to, the name, address, and phone number of the horse owner and a general description of the horse. A copy of each permanent record shall be forwarded to the director, if requested by the director.

(3) Individual identification symbols shall be inspected as required for brands under RCW 16.57.220 and 16.57.380 (~~and 16.57.390~~). Any horse presented for inspection and bearing such a symbol, but not accompanied by proof of registration and certificate of permit, shall be sold as provided under RCW 16.57.290 through 16.57.330.

(4) The director shall adopt such rules as are necessary for the effective administration of this section pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 12. RCW 16.57.390 and 1974 ex.s. c 38 s 2 are each repealed."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5487 Prime Sponsor, Committee on Agriculture: Changing provisions regarding agister liens. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 25, 1993

SB 5494 Prime Sponsor, Talmadge: Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders". Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representatives Leonard, Chair; Brown and Wolfe.

Passed to Committee on Rules for second reading.

March 25, 1993

SB 5526 Prime Sponsor, Barr: Providing for the Columbia river resource task force. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15 after "Idaho," strike "or" and insert "and"

Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Excused: Representative Miller.

Referred to Committee on Appropriations.

March 26, 1993

SB 5638 Prime Sponsor, Skratek: Modifying property tax valuation of property affected by growth management regulations. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 12, after "practices" insert "adopted by the governing body of a local government and"

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Brown; Cothorn; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Loven; and Wang.

Excused: Representatives Fuhrman, Assistant Ranking Minority Member, Anderson and Leonard.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5678 Prime Sponsor, Committee on Agriculture: Exempting licensed domestic wineries from commission merchant requirements. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5686 Prime Sponsor, Committee on Labor & Comm: Limiting the penalty charge for late payment of a credit card balance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 63.14.090 and 1984 c 280 s 2 are each amended to read as follows:

(1) The holder of any retail installment contract, retail charge agreement, or lender credit card agreement may not collect any delinquency or collection charges, including any attorney's fee and court costs and disbursements, unless the contract, charge agreement, or lender credit card agreement so provides. In such cases,

the charges shall be reasonable, and no attorney's fee may be recovered unless the contract, charge agreement, or lender credit card agreement is referred for collection to an attorney not a salaried employee of the holder.

(2) The contract, charge agreement, or lender credit card agreement may contain other provisions not inconsistent with the purposes of this chapter, including but not limited to provisions relating to refinancing, transfer of the buyer's equity, construction permits, and title reports.

(3) Notwithstanding subsection (1) of this section, where the minimum payment is received within the ten days following the payment due date, delinquency charges for the late payment of a retail charge agreement or lender credit card agreement may not be more than ten percent of the average balance of the delinquent account for the prior thirty-day period when the average balance of the account for the prior thirty-day period is less than one hundred dollars, except that a minimum charge of up to two dollars shall be allowed. This subsection (3) shall not apply in cases where the payment on the account is more than thirty days overdue."

Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Grant; Kremen; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Dellwo, Dorn, R. Johnson, Kessler and Lemmon.

Passed to Committee on Rules for second reading.

March 25, 1993

ESB 5694 Prime Sponsor, Snyder: Lowering the age for use of an out-of-state license or learner's permit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12, after "least" strike "~~(sixteen)~~ fifteen" and insert "sixteen"

On page 1, line 14, after "state or" strike "an" and insert "is at least 15 years of age with a valid"

On page 1, line 15, after "state," insert "and"

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Eide, Fuhrman and R. Meyers.

Passed to Committee on Rules for second reading.

March 25, 1993

ESB 5729 Prime Sponsor, Rinehart: Changing the family emergency assistance program. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Karahalios; Lisk; Padden; Patterson and Thibaudeau.

Excused: Representatives Leonard, Chair; Brown and Wolfe.

Referred to Committee on Appropriations.

March 25, 1993

SB 5759 Prime Sponsor, McAuliffe: Extending the involuntary treatment act to cover the commitment of chemically dependent adults. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representatives Leonard, Chair; Brown and Wolfe.

Passed to Committee on Rules for second reading.

March 25, 1993

ESB 5780 Prime Sponsor, Sutherland: Authorizing the board of boiler rules to prescribe extended inspection schedules for power boilers. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.79.240 and 1951 c 32 s 22 are each amended to read as follows:

Each boiler and unfired pressure vessel used or proposed to be used within this state, except boilers or unfired pressure vessels exempt in RCW 70.79.080 and 70.79.090, shall be thoroughly inspected as to their construction, installation, condition and operation, as follows:

(1) Power boilers shall be inspected annually both internally and externally while not under pressure ~~((and))~~, except that the board may provide for longer periods between inspections where the contents, history, or operation of the power boiler or the material of which it is constructed warrant special consideration. Power boilers shall also be inspected annually externally while under pressure if possible;

(2) Low pressure heating boilers shall be inspected both internally and externally biennially where construction will permit;

(3) Unfired pressure vessels subject to internal corrosion shall be inspected both internally and externally biennially where construction will permit, except that the board may, in its discretion, provide for longer periods between inspections;

(4) Unfired pressure vessels not subject to internal corrosion shall be inspected externally at intervals set by the board, but internal inspections shall not be required of unfired pressure vessels, the contents of which are known to be noncorrosive to the material of which the shell, head, or fittings are constructed, either from the chemical composition of the contents or from evidence that the contents are adequately treated with a corrosion inhibitor, provided that such vessels are constructed in accordance with the rules and regulations of the board or in accordance with standards substantially equivalent to the rules and regulations of the board, in effect at the time of manufacture.

Sec. 2. RCW 70.79.250 and 1951 c 32 s 23 are each amended to read as follows:

In the case of power boilers a grace period of not more than two months longer than the ~~((twelve months))~~ period established by the board under RCW 70.79.240(1) may elapse between internal inspections of a boiler while not under pressure or between external inspections of a boiler while under pressure; in the case of low pressure heating boilers not more than twenty-six months shall elapse between inspections, and in the case of unfired pressure vessels not more than two months longer than the period between inspections prescribed by the board shall elapse between internal inspections."

Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Excused: Representative Miller.

Passed to Committee on Rules for second reading.

March 25, 1993

SB 5838 Prime Sponsor, Sutherland: Creating an energy siting process review committee. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that meeting future energy demands within the state will require the siting of new generating facilities, renewable resources, transmission facilities, and natural gas pipelines. The legislature further finds that current siting processes, designed to accommodate large thermal power plants, do not allow efficient development of current energy supply options. The legislature further finds that a comprehensive review and revision of siting policy is needed to ensure timely development of adequate, environmentally sound energy resources at an affordable cost.

NEW SECTION. Sec. 2. There is created an energy siting process review committee. The committee shall review the siting processes currently applicable to energy facilities, including: (1) Major thermal power plants; (2) natural gas-fired combustion turbines; (3) cogeneration plants; (4) hydroelectric facilities; (5) other renewable resources, including wind, solar, geothermal, and biomass energy; (6) natural gas pipelines; and (7) electric transmission lines. The committee shall recommend changes to statutes, rules, and policies that will reduce the cost and allow timely siting of new resources while preserving environmental quality, recognizing and ensuring coordination with applicable federal licensing and permitting authorities, promoting energy system reliability, allowing public review and comment, and ensuring an appropriate role for local government.

NEW SECTION. Sec. 3. The energy siting process review committee shall consist of fifteen members, as follows:

- (1) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (2) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and
- (3) Eleven members appointed by the governor, representing the following interests:
 - (a) One member representing cities;
 - (b) One member representing counties;
 - (c) One member representing publicly owned electric utilities;
 - (d) One member representing investor-owned electric utilities;
 - (e) One member representing natural gas local distribution utilities;
 - (f) One member representing natural gas pipeline companies;
 - (g) One member representing environmental organizations;
 - (h) One member representing independent power producers; and
 - (i) Three members representing citizens at large.

Members appointed by the governor shall represent the various geographical regions of the state.

The chairperson shall be selected by the governor from the citizen members of the committee.

Members appointed by the governor shall receive no compensation for their services but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed for expenses as provided in RCW 44.04.120.

NEW SECTION. Sec. 4. The state energy office shall provide staff support to the energy siting process review committee.

NEW SECTION. Sec. 5. The energy siting process review committee shall report its findings and recommendations, including proposed legislation, to the governor and appropriate standing committees of the legislature no later than December 1, 1993.

NEW SECTION. Sec. 6. This act shall expire June 30, 1994."

Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Excused: Representative Miller.

Passed to Committee on Rules for second reading.

March 25, 1993

SB 5841 Prime Sponsor, Moyer: Requiring an outreach campaign on shaken baby syndrome. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representatives Leonard, Chair; Brown and Wolfe.

Passed to Committee on Rules for second reading.

March 25, 1993

ESSB 5844 Prime Sponsor, Committee on Government Operations: Allowing volunteers to assist agencies to serve at-risk children's needs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.150 RCW to read as follows:

A volunteer organization or individual volunteer may assist a public agency, with the agency's approval, in a collaborative program designed to serve the needs of at-risk children. The center, with the advice and counsel of the attorney general, shall develop guidelines defining at-risk children and establish reasonable safety standards to protect the safety of program participants and volunteers, including but not limited to background checks for program supervisors or as appropriate as provided in RCW 43.43.830 through 43.43.834. In carrying out the volunteer activity, the individual volunteer or member of the volunteer organization shall not be considered to be an employee or agent of any public agency involved in the collaborative program. Prior to participation, a volunteer and the public agency administering the collaborative program shall sign a written master agreement, approved in form by the attorney general, that includes provisions defining the scope of the volunteer activities and waiving any claims against each other. An individual volunteer shall not be liable for civil damages resulting from any act or omission arising from volunteer activities which comply with safety standards issued by the center for volunteerism and citizen service, other than acts or omissions constituting gross negligence or wilful or wanton misconduct. In any action for damages against a public agency or volunteer organization, a claimant must establish by a preponderance of the evidence that a public agency or other sponsor of a program under this section failed to comply with reasonable safety standards established by the center."

Signed by Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representatives Leonard, Chair; Brown and Wolfe.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5849 Prime Sponsor, Committee on Agriculture: Revising dairy management. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 10, after line 4, strike all of section 12, renumber the remaining sections consecutively and correct internal references accordingly.

On page 10, line 18, after "through" strike "14" and insert "13"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 25, 1993

SSB 5874 Prime Sponsor, Committee on Natural Res: Improving recreational fishing. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 13, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. There is created within the department of fisheries the Puget Sound Recreational Salmon and Marine Fish Enhancement Program. The department of fisheries shall identify a coordinator for the program who shall act as spokesperson for the program and shall:

(1) coordinate the activities of the Puget Sound Recreational Salmon and Marine Fish Enhancement Program;

(2) provide reports as needed to the legislature and the public; and

(3) work within and outside of the department to achieve the goals stated in this chapter."

On page 2, strike lines 3 and 4 and insert:
"NEW SECTION. Sec. 3. The department shall: Develop"

On page 2, strike line 12 and insert:
"Long-term responsibilities of the department are to:"

Signed by Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Excused: Representative Fuhrman.

Referred to Committee on Appropriations.

March 26, 1993

SSB 5878 Prime Sponsor, Committee on Higher Ed: Decentralizing posttenure evaluation for higher education faculty. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.50.851 and 1991 c 294 s 2 and 1991 c 238 s 68 are each reenacted and amended to read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2)(a) "Faculty appointment", except as otherwise provided in (b) of this subsection, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian; faculty appointment shall also mean employment on a reduced work load basis when a faculty member has retained tenure under RCW 28B.50.859;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in (a) of this subsection, when such employment results from special funds provided to a community college district from federal moneys or other special funds which other funds are designated as "special funds" by the college board: PROVIDED, That such "special funds" so designated by the college board for purposes of this section shall apply only to teachers, counselors and librarians hired from grants and service agreements and teachers, counselors and librarians hired in nonformula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of program: PROVIDED FURTHER, That "faculty appointees" holding faculty appointments pursuant to subsections (1) or (2)(a) of this section who have been subsequently transferred to positions financed from "special funds" pursuant to (b) of this subsection and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (1) or (2)(a) of this section depending upon their status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers (~~(or tenured faculty member's peers)~~), a student representative, and the administrative staff of the community or technical college(~~(: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers or tenured faculty member's peers)~~).

Sec. 2. RCW 28B.50.869 and 1991 c 238 s 70 are each amended to read as follows:

The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff, a student representative, and the ((teaching)) faculty. ~~((The representatives of the teaching faculty shall represent a majority of the members on each review committee.))~~ The members representing the teaching faculty on each review committee shall be selected by a majority of the ((teaching)) faculty and faculty department heads acting in a body. The student representative, who shall be a full time student, shall be chosen by the student association of the particular community or technical college in such manner as the members thereof shall determine.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

By June 30, 1994, each community college and technical college shall establish, through the local collective bargaining process, periodic posttenure evaluation of all full-time faculty consistent with the standards of the Northwest association of schools and colleges.

NEW SECTION. Sec. 4. RCW 28B.50.858 and 1991 c 294 s 5 are each repealed.

NEW SECTION. Sec. 5. Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Flemming; Kessler; J. Kohl; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Finkbeiner and Mielke.

Passed to Committee on Rules for second reading.

March 26, 1993

SSB 5889 Prime Sponsor, Committee on Higher Ed: Awarding grants for pilot regional collaborative professional development school projects. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Flemming; Kessler; J. Kohl; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Finkbeiner and Mielke.

Referred to Committee on Appropriations.

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

With the consent of the House, the House advanced to the sixth order of business.

SECOND READING

MOTION

Representative Peery moved that the House immediately consider Engrossed Senate Bill No. 5351 on today's second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5351, by Senators Newhouse, Spanel, Moore, Bauer, Winsley, von Reichbauer and Roach; by request of Joint Committee on Pension Policy

Regarding death benefits for disabled teacher retirees under plan I.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers, Sheahan and Karahalios spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Appelwick, Chappell, Anderson, Brown, G. Fisher, R. Fisher, Flemming, Hansen and Scott were excused.

On motion of Representative Wood, Representative Chandler was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5351.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5351 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Excused: Representatives Anderson, Appelwick, Brown, Chandler, Chappell, Fisher, G., Fisher, R., Flemming, Hansen and Scott - 10.

Engrossed Senate Bill No. 5351, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Dyer: Thank you Mr. Speaker. Members of the House, Mr. Speaker, Rarely in this body and on this floor do we have an opportunity to celebrate an unusual and joyous occasion. This morning, I'd like to bring your attention to something that happened at six fifteen this morning to my esteemed colleague from the fifth district. He now has a new title. In addition to being State Representative, he is also Grandfather Thomas. So I'd like to ask you to join me in congratulating Grandfather Thomas.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, the House advanced to the seventh order of business.

THIRD READING

With consent of the House, the House immediately considered Engrossed Senate Bill No. 5362 on the third reading calendar.

ENGROSSED SENATE BILL NO. 5362, by Senators A. Smith, Niemi, Pelz, Spanel and Quigley

Requiring full disclosure of civil court proceedings relating to public hazards.

The bill was read the third time.

Representatives Appelwick, Heavey and J. Kohl spoke in favor of passage of the bill and Representatives Forner, Sheldon, Morton and Dyer spoke against it.

Representative Appelwick again spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5362.
ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5362 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Bray, Brough, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Schmidt, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Kremen, Lisk, Mielke, Miller, Morton, Orr, Padden, Rayburn, Reams, Schoesler, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Excused: Representatives Brown and Scott - 2.

Engrossed Senate Bill No. 5362, having received the constitutional majority, was declared passed.

With the consent of the House, the House advanced to the eighth order of business.

MOTION

On motion of Representative Peery, Engrossed Senate Bill No. 5720 was referred from Committee on Natural Resources and Parks to Committee on Appropriations.

On motion of Representative Peery, Senate Bill No. 5905 was referred from Committee on Local Government to Committee on Transportation.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Wednesday March 31, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SEVENTY-EIGHTH DAY, MARCH 29, 1993

JOURNAL OF THE HOUSE

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

EIGHTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 31, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Douglas Matheson and Yani Molina.

Inspirational Message was offered by Joan Staples, Tacoma Indian Center.

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

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

REPORTS OF STANDING COMMITTEES

March 29, 1993

HB 1450 Prime Sponsor, Representative Pruitt: Repealing the natural resources conservation areas stewardship account endowment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Dorn; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sommers; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Morton; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Cooke, Dellwo, Dunshee and Wineberry.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 1800 Prime Sponsor, Representative Ogden: Funding the office of minority and women's business enterprises. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Cooke, Dellwo and Peery.

Passed to Committee on Rules for second reading.

March 29, 1993

HB 2070 Prime Sponsor, Representative Patterson: Modifying financial responsibility for juvenile offenders. Reported by Committee on Appropriations

MAJORITY Recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 30, 1993

ESSB 5054 Prime Sponsor, Committee on Law & Justice: Requiring the sellers of sports memorabilia to authenticate the merchandise. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 8, after "a" strike all matter through "9.92.020" on line 9, and insert "misdemeanor, and guilty of a gross misdemeanor for any second or subsequent offense. However, any offense committed more than five years after a previous conviction shall be considered a first offense"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5068 Prime Sponsor, Committee on Law & Justice: Changing the homestead exemption. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Forner.

Excused: Representatives Locke and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5077 Prime Sponsor, Vognild: Specifying when damages for pain and suffering of a deceased person may be recovered by survivors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5107 Prime Sponsor, Sutherland: Concerning arrest without warrant. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 29, 1993

SB 5139 Prime Sponsor, Fraser: Consolidating the state capital historical association and the state historical society. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 30, 1993

ESSB 5157 Prime Sponsor, Committee on Law & Justice: Increasing statutory attorneys' fees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 12.20.060 and 1985 c 240 s 2 are each amended to read as follows:

When the prevailing party in district court is entitled to recover costs as authorized in RCW 4.84.010 in a civil action, the judge shall add the amount thereof to the judgment; in case of failure of the plaintiff to recover or of dismissal of the action, the judge shall enter up a judgment in favor of the defendant for the amount of his or her costs; and in case any party so entitled to costs is represented in the action by an attorney, the judge shall include attorney's fees of ~~((fifty))~~ one hundred twenty-five dollars as part of the costs: PROVIDED, HOWEVER, That the plaintiff shall not be entitled to such attorney fee unless he or she obtains, exclusive of costs, a judgment in the sum of ~~((twenty-five))~~ fifty dollars or more."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5159 Prime Sponsor, Committee on Ecology & Parks: Encouraging landscaping for energy conservation. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Valle; and Wolfe.

Excused; Representative Thomas.

Passed to Committee on Rules for second reading.

March 26, 1993

ESB 5205 Prime Sponsor, Wojahn: Modifying review of infant and child mortality rates. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Excused: Representative Ballasiotes, Assistant Ranking Minority Member and Mielke.

Passed to Committee on Rules for second reading.

March 29, 1993

SSB 5222 Prime Sponsor, Committee on Trade, Technology & Economic Development: Establishing a project to assist urban/rural economic partnerships. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; and Valle.

Excused: Representative Wood.

Referred to Committee on Appropriations.

March 30, 1993

SB 5233 Prime Sponsor, A. Smith: Specifying the fees allowed to prevailing parties for costs related to service of process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "authorized by" strike "law" and insert "RCW 36.18.040"

On page 2, line 1, after "cost" insert "for services designated in RCW 36.18.040"

On page 2, line 2, after "service" insert ". In addition to reasonable costs of services designated in RCW 36.18.040, recoverable costs may include the reasonable costs of the following services: (i) Costs incurred for tracing the defendant to be served if the defendant has moved; (ii) "stake-out costs" incurred while waiting for a defendant who is actively avoiding service to appear at a location which the defendant is known to frequent; (iii) forwarding costs incurred when a process server forwards documents to another server if the defendant is located in another geographical area; and (iv) costs incurred in making multiple attempts to serve the defendant"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Scott; Tate; and Wineberry.

Excused: Representatives Locke and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1993

2SSB 5237 Prime Sponsor, Committee on Ways & Means: Regulating charitable solicitations. As reported by Committee on Judiciary

MAJORITY Recommendation: Do pass with the following amendment:

On page 27, after line 7 insert a section to read as follows:

"NEW SECTION. Sec. 42. (1) Annually, the secretary of state shall publish a report indicating:

(a) For each charitable organization registered under RCW 19.09.065 the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and received from all other sources on behalf of the charitable purpose of the organization;

(b) For each commercial fund raiser registered under RCW 19.09.065 the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the commercial fund raiser; and
(c) Such other information as the secretary of state deems appropriate.
(2) The secretary of state may use the latest information obtained pursuant to RCW 19.09.075 or otherwise under chapter 19.09 RCW to prepare the report."

On page 18, beginning on line 23, strike everything through line 26

On page 18, beginning on line 23, strike everything through "9A.20 RCW." on line 26

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 26, 1993

2SSB 5239 Prime Sponsor, Committee on Ways & Means: Centralizing poison information services. As reported by Committee on Health Care

MAJORITY Recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Excused: Representatives Ballasiotes, Assistant Ranking Minority Member and Mielke.

Referred to Committee on Appropriations

March 29, 1993

2SSB 5264 Prime Sponsor, Committee on Ways & Means: Establishing a Washington state trade office in the Russian Far East. As reported by Committee on Trade, Economic Development & Housing

MAJORITY Recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; and Valle.

Excused: Representative Wood.

Referred to Committee on Appropriations.

March 30, 1993

SSB 5310 Prime Sponsor, Committee on Natural Resources: Modifying prosecutions for trespass or waste of public lands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5358 Prime Sponsor, Pelz: Creating an appropriated real estate education account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Referred to Committee on Appropriations.

March 26, 1993

SSB 5386 Prime Sponsor, Committee on Health & Human Services: Modifying licensure of home health, hospice, and home care agencies. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Excused: Representatives Ballasiotes, Assistant Ranking Minority Member and Mielke.

Referred to Committee on Appropriations.

March 30, 1993

SSB 5397 Prime Sponsor, Committee on Higher Education: Granting resident status at institutions of higher education for active duty personnel stationed in Washington and their spouses and dependents. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 25, after "through" strike "28B.15.014" and insert "~~((28B.15.014))~~ 28B.15.013"

On page 5, line 34, after "through" strike "28B.15.015" and insert "~~((28B.15.015))~~ 28B.15.013"

On page 8, line 32, after "through" strike "28B.15.015" and insert "~~((28B.15.015))~~ 28B.15.013"

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Referred to Committee on Appropriations.

March 26, 1993

SB 5444 Prime Sponsor, Talmadge: Eliminating the termination of hospice care and service coverage as medical assistance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Excused: Representatives Ballasiotes, Assistant Ranking Minority Member and Mielke.

Referred to Committee on Appropriations.

March 30, 1993

SSB 5471 Prime Sponsor, Committee on Law & Justice: Changing provisions relating to nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Referred to Committee on Appropriations.

March 30, 1993

SSB 5492 Prime Sponsor, Committee on Law & Justice: Authorizing the secretary of state to set fees by rule.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 23.86.070 and 1991 c 72 s 15 are each amended to read as follows:

For filing articles of incorporation of an association organized under this chapter or filing application for a certificate of authority by a foreign corporation, there shall be paid to the secretary of state the sum of twenty-five dollars ~~((and for filing of an amendment the sum of twenty dollars))~~. Fees for filing an amendment to articles of incorporation shall be established by the secretary of state by rule. For filing other documents with the secretary of state and issuing certificates, fees shall be as prescribed in RCW 23B.01.220. Associations subject to this chapter shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.

Sec. 2. RCW 23B.01.220 and 1992 c 107 s 7 are each amended to read as follows:

(1) The secretary of state shall collect in accordance with the provisions of this title:

- (a) Fees for filing documents and issuing certificates;
- (b) Miscellaneous charges;
- (c) License fees as provided in RCW 23B.01.500 through 23B.01.550;
- (d) Penalty fees; and
- (e) Other fees as the secretary of state may establish by rule adopted under chapter 34.05 RCW.

(2) The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:

~~((a))~~ One hundred seventy-five dollars, pursuant to RCW 23B.01.520 and 23B.01.540, for:

- ~~((i))~~ (a) Articles of incorporation; and
- ~~((ii))~~ (b) Application for certificate of authority;
- ~~((b))~~ Fifty dollars for an

(3) The secretary of state shall establish by rule, fees for the following:

- ~~(a)~~ Application for reinstatement;
- ~~((c))~~ Twenty-five dollars for:
- ~~((i))~~ (b) Articles of correction;
- ~~((ii))~~ (c) Amendment of articles of incorporation;
- ~~((iii))~~ (d) Restatement of articles of incorporation, with or without amendment;
- ~~((iv))~~ (e) Articles of merger or share exchange;
- ~~((v))~~ (f) Articles of revocation of dissolution; ~~(and~~
- ~~((vi))~~ (g) Application for amended certificate of authority;
- ~~((d))~~ Twenty dollars for an) (h) Application for reservation, registration, or assignment of reserved name;
- ~~((e))~~ Ten dollars for;

(i) Corporation's statement of change of registered agent or registered office, or both, except where this information is provided in conjunction with and on an initial report or an annual report form filed under RCW 23B.01.530, 23B.01.550, 23B.02.050, or 23B.16.220;

~~((ii))~~ (j) Agent's resignation, or statement of change of registered office, or both, for each affected corporation;

~~((iii))~~ (k) Initial report; and

~~((iv))~~ (l) Any document not listed in this subsection that is required or permitted to be filed under this title~~((;))~~.

~~((f))~~ No fee) (4) Fees shall be adjusted by rule only in an amount that does not exceed the average biennial increase in the cost of providing service. This shall be determined in a biennial cost study performed by the secretary.

(5) The secretary of state shall not collect fees for:

- ~~((i))~~ (a) Agent's consent to act as agent;
- ~~((ii))~~ (b) Agent's resignation, if appointed without consent;
- ~~((iii))~~ (c) Articles of dissolution;
- ~~((iv))~~ (d) Certificate of judicial dissolution;
- ~~((v))~~ (e) Application for certificate of withdrawal; and
- ~~((vi))~~ (f) Annual report when filed concurrently with the payment of annual license fees.

~~((3))~~ (6) The secretary of state shall collect a fee ~~((of twenty-five dollars))~~ in an amount established by the secretary of state by rule per defendant served, upon being served process under this title. The party to a proceeding causing service of process is entitled to recover this fee as costs if such party prevails in the proceeding.

~~((4))~~ (7) The secretary of state shall establish by rule and collect a fee from every person or organization:

(a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation ~~((, ten dollars for the certificate, plus twenty cents for each page copied))~~;

(b) For furnishing a certificate, under seal, attesting to the existence of a corporation, or any other certificate ~~((, ten dollars))~~; and

(c) For furnishing copies of any document, instrument, or paper relating to a corporation, other than of an initial report or an annual report ~~((, one dollar for the first page and twenty cents for each page copied thereafter. The fee for furnishing a copy of the most recent annual report of a corporation (or of the initial report if no annual report has been filed) is one dollar, and the fee for furnishing a copy of any other annual report of a corporation is five dollars))~~.

~~((5))~~ (8) For annual license fees for domestic and foreign corporations, see RCW 23B.01.500, 23B.01.510, 23B.01.530, and 23B.01.550. For penalties for nonpayment of annual license fees and failure to complete annual report, see RCW 23B.01.570.

Sec. 3. RCW 23B.01.530 and 1989 c 165 s 19 are each amended to read as follows:

For the privilege of doing business, every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall make and file a statement in the form prescribed by the secretary of state and shall pay an annual license fee each year following incorporation, on or before the expiration date of its corporate license, to the secretary of state. The secretary of state shall collect an annual license fee of ten dollars for each inactive corporation and fifty dollars for other corporations. As used in this section, "inactive corporation" means a corporation that certifies at the time of filing under this section that it did not engage in any business activities during the year ending on the expiration date of its corporate license.

Sec. 4. RCW 23B.01.560 and 1989 c 165 s 22 are each amended to read as follows:

(1) A corporation seeking reinstatement shall pay the full amount of all annual corporation license fees which would have been assessed for the license years of the period of administrative dissolution had the corporation been in active status, plus a surcharge ~~((of twenty-five percent))~~ established by the secretary of state by rule, and the license fee for the year of reinstatement.

(2) The penalties herein established shall be in lieu of any other penalties or interest which could have been assessed by the secretary of state under the corporation laws or which, under those laws, would have accrued during any period of delinquency, dissolution, or expiration of corporate duration.

Sec. 5. RCW 24.03.405 and 1991 c 223 s 1 are each amended to read as follows:

(1) The secretary of state shall charge and collect for:

~~((1))~~ (a) Filing articles of incorporation ~~((€))~~, thirty dollars.

(b) Filing an annual report of a domestic or foreign corporation, ten dollars.

(c) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

(2) The secretary of state shall establish by rule, fees for the following:

~~((a))~~ (a) An application for reinstatement under RCW 24.03.386 ~~((, thirty dollars))~~.

~~((2))~~ (b) Filing articles of amendment or restatement or an amendment or supplement to an application for reinstatement ~~((, twenty dollars))~~.

~~((3))~~ (c) Filing articles of merger or consolidation ~~((, twenty dollars))~~.

~~((4))~~ (d) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, or any combination of these ~~((, ten dollars))~~. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to articles of incorporation or in conjunction with the filing of the annual report.

~~((5))~~ (e) Filing articles of dissolution, no fee.

~~((6))~~ (f) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

~~((7))~~ (g) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state ~~((, twenty dollars))~~.

~~((8))~~ (h) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

~~((9))~~ (i) Filing a certificate by a foreign corporation of the appointment of a registered agent ~~((, ten dollars))~~. A separate fee for filing such certificate shall not be charged if the statement appears in conjunction with the filing of the annual report.

~~((10))~~ (j) Filing a certificate of election adopting the provisions of chapter 24.03 RCW ~~((, twenty dollars))~~.

~~((11))~~ (k) Filing an application to reserve a corporate name ~~((, twenty dollars))~~.

~~((12))~~ (k) Filing a notice of transfer of a reserved corporate name(~~(, twenty dollars)~~).

~~((13))~~ (l) Filing a name registration(~~(, twenty dollars per year, or part thereof)~~).

~~((14) Filing an annual report of a domestic or foreign corporation, ten dollars.~~

~~(15))~~ (m) Filing any other statement or report authorized for filing under this chapter(~~(, ten dollars)~~).

(3) Fees shall be adjusted by rule only in an amount that does not exceed the average biennial increase in the cost of providing service. This shall be determined in a biannual cost study performed by the secretary.

Sec. 6. RCW 24.03.410 and 1982 c 35 s 111 are each amended to read as follows:

The secretary of state shall ~~((charge))~~ establish fees by rule and collect:

(1) For furnishing a certified copy of any charter document or any other document, instrument, or paper relating to a corporation(~~(, five dollars for the certificate, plus twenty cents for each page copied)~~).

(2) For furnishing a certificate, under seal, attesting to the status of a corporation(~~(,)~~) or any other certificate(~~(, five dollars)~~).

(3) For furnishing copies of any document, instrument or paper relating to a corporation(~~(, one dollar for the first page and twenty cents for each page copied thereafter)~~).

(4) At the time of any service of process on him or her as registered agent of a corporation(~~(, twenty five dollars, which))~~ an amount that may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 7. RCW 24.06.450 and 1991 c 223 s 2 are each amended to read as follows:

(1) The secretary of state shall charge and collect for:

~~((1))~~ (a) Filing articles of incorporation, thirty dollars.

~~((2) Filing articles of amendment or restatement, twenty dollars.~~

~~((3))~~ (b) Filing an annual report, ten dollars.

(c) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

(2) The secretary of state shall establish by rule, fees for the following:

(a) Filing articles of amendment or restatement.

(b) Filing articles of merger or consolidation(~~(, twenty dollars)~~).

~~((4))~~ (c) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, or any combination of these(~~(, ten dollars)~~). A separate fee for filing such statement shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

~~((5))~~ (d) Filing articles of dissolution, no fee.

~~((6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.~~

~~((7))~~ (e) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state(~~(, twenty dollars)~~).

~~((8))~~ (f) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state(~~(, twenty dollars)~~).

~~((9))~~ (g) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state(~~(, twenty dollars)~~).

~~((10))~~ (h) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

~~((11))~~ (i) Filing a certificate by a foreign corporation of the appointment of a registered agent(~~(, ten dollars)~~). A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

~~((12))~~ (j) Filing a certificate by a foreign corporation of the revocation of the appointment of a registered agent(~~(, ten dollars)~~). A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

~~((13))~~ (k) Filing an application to reserve a corporate name(~~(, twenty dollars)~~).

~~((14))~~ (l) Filing a notice of transfer of a reserved corporate name(~~(, twenty dollars)~~).

~~((15))~~ (m) Filing any other statement or report(~~(, including an annual report,))~~ of a domestic or foreign corporation(~~(, ten dollars)~~).

(3) Fees shall be adjusted by rule in an amount that does not exceed the average biennial increase in the cost of providing service. This shall be determined in a biennial cost study performed by the secretary.

Sec. 8. RCW 24.06.455 and 1982 c 35 s 155 are each amended to read as follows:

The secretary of state shall ~~((charge and collect in advance))~~ establish by rule, fees for the following:

(1) For furnishing a certified copy of any charter document or any other document, instrument, or paper relating to a corporation(~~(, five dollars for the certificate, plus twenty cents for each page copied)~~);

(2) For furnishing a certificate, under seal, attesting to the status of a corporation; or any other certificate(~~(, five dollars.);~~);

(3) For furnishing copies of any document, instrument, or paper relating to a corporation(~~(, one dollar for the first page and twenty cents for each page copied thereafter.); and~~);

(4) At the time of any service of process on ~~((him))~~ the secretary of state as resident agent of any corporation(~~(, twenty-five dollars, which)).~~ This amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 9. RCW 24.06.520 and 1982 c 35 s 162 are each amended to read as follows:

If the term of existence of a corporation which was organized under this chapter, or which has availed itself of the privileges thereby provided expires, such corporation shall have the right to renew within two years of the expiration of its term of existence. The corporation may renew the term of its existence for a definite period or perpetually and be reinstated under any name not then in use by or reserved for a domestic corporation organized under any act of this state or a foreign corporation authorized under any act of this state to transact business or conduct affairs in this state. To do so the directors, members and officers shall adopt amended articles of incorporation containing a certification that the purpose thereof is a reinstatement and renewal of the corporate existence. They shall proceed in accordance with the provisions of this chapter for the adoption and filing of amendments to articles of incorporation. Thereupon such corporation shall be reinstated and its corporate existence renewed as of the date on which its previous term of existence expired and all things done or omitted by it or by its officers, directors, agents and members before such reinstatement shall be as valid and have the same legal effect as if its previous term of existence had not expired.

A corporation reinstating under this section shall pay to the state all fees and penalties which would have been due if the corporate charter had not expired, plus a reinstatement fee (~~(of twenty-five dollars)~~) established by the secretary of state by rule.

Sec. 10. RCW 24.20.020 and 1982 c 35 s 165 are each amended to read as follows:

The secretary of state shall file such articles of incorporation in ~~((his))~~ the secretary of state's office and issue a certificate of incorporation to any such lodge or other society upon the payment of the sum of twenty dollars.

Sec. 11. RCW 24.24.100 and 1982 c 35 s 167 are each amended to read as follows:

The secretary of state shall file such articles of incorporation or amendment thereto in ~~((his))~~ the secretary of state's office and issue a certificate of incorporation or amendment, as the case may be, to such fraternal association upon the payment of a fee in the sum of twenty dollars.

Sec. 12. RCW 31.12.085 and 1984 c 31 s 10 are each amended to read as follows:

(1) Upon the approval of the supervisor under RCW 31.12.075(2), the applicants shall file a copy of the articles of incorporation with the secretary of state. Upon receipt of the approved articles of incorporation and a ~~((five))~~ twenty dollar filing fee to be provided by the applicants, the secretary of state shall file and record the articles of incorporation. The applicants shall in writing promptly notify the supervisor of the exact date of the filing.

(2) Upon the filing and recording of the approved articles of incorporation with the secretary of state, the persons named in the articles of incorporation and their successors may operate as a credit union, which shall have the powers and be subject to the duties and obligations of this chapter. A credit union shall not conduct business until the articles have been recorded by the secretary of state.

(3) A credit union shall organize and begin business within six months of the date that its articles of incorporation are filed and recorded with the secretary of state or its charter shall become void, unless the supervisor for cause grants an extension of the six-month period. The supervisor shall not grant a single extension exceeding three months, but may grant as many extensions to a credit union as circumstances require.

Sec. 13. RCW 33.28.010 and 1981 c 302 s 33 are each amended to read as follows:

The secretary of state shall collect fees of twenty dollars in advance (~~(the following fees from each association);~~) for filing articles of incorporation(~~(, or amendments thereof, or)~~). The secretary of state shall establish by rule, fees for amendments to articles of incorporation, other certificates required to be filed in his or her office, (~~(ten dollars);~~) and for furnishing copies of papers filed in his or her office(~~(, per folio, twenty cents)~~).

Every association shall also pay to the secretary of state, for filing any instrument with him or her, the same fees as are required of general corporations for filing similar papers.

NEW SECTION. Sec. 14. A new section is added to chapter 43.07 RCW to read as follows:

The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under chapter 11.110 or 19.09 RCW:

- (1) Any service rendered in-person at the secretary of state's office;
- (2) Any expedited service;

- (3) The electronic transmittal of documents;
- (4) The providing of information by microfiche or other reduced-format compilation;
- (5) The handling of checks or drafts for which sufficient funds are not on deposit;
- (6) The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;
- (7) The handling of telephone requests for information; and
- (8) Special search charges.

Sec. 15. RCW 43.07.120 and 1991 c 72 § 53 are each amended to read as follows:

(1) The secretary of state shall establish by rule and collect the fees ~~((herein prescribed for the secretary of state's official services))~~ in this subsection:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office ~~((for which no other fee is provided, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page))~~;

(b) For any certificate under seal ~~((, five dollars))~~;

(c) For filing and recording trademark ~~((, fifty dollars))~~;

(d) For each deed or patent of land issued by the governor ~~((, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar))~~;

(e) For recording miscellaneous records, papers, or other documents ~~((, five dollars for filing each case))~~.

(2) The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under Title 23B RCW, chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, or 25.10 RCW:

(a) Any service rendered in-person at the secretary of state's office;

(b) Any expedited service;

(c) The electronic or facsimile transmittal of information from corporation records or copies of documents;

(d) The providing of information by ~~((microfiche))~~ micrographic or other reduced-format compilation;

(e) The handling of checks ~~((or))~~, drafts, or credit or debit cards upon adoption of rules authorizing their use for which sufficient funds are not on deposit; and

~~((f)) The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;~~

~~((g)) The handling of telephone requests for information; and~~

~~((h)) Special search charges.~~

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) The secretary of state may adopt rules for the use of credit or debit cards for payment of fees.

(5) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 16. RCW 46.64.040 and 1982 c 35 s 197 are each amended to read as follows:

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his or her operation of a vehicle thereon, or the operation thereon of his or her vehicle with his or her consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his or her vehicle is being operated thereon with his or her consent, express or implied, and such operation and acceptance shall be a signification of ~~((his))~~ the nonresident's agreement that any summons or process against him or her which is so served shall be of the same legal force and validity as if served on ~~((him))~~ the nonresident personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his or her lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee ~~((of twenty-five dollars))~~ established by the secretary of state by rule with the secretary of state of the state of Washington, or at ~~((his))~~ the secretary of state's office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that ~~((he))~~ the attorney has with due diligence attempted to serve personal process upon the defendant at all addresses known to him or her of

defendant and further listing in his or her affidavit the addresses at which he or she attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at ~~((his))~~ the defendant's address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee ~~((of twenty five dollars))~~ paid by the plaintiff to the secretary of state shall be taxed as part of his or her costs if he or she prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Referred to Committee on Revenue.

March 30, 1993

ESB 5508 Prime Sponsor, Hargrove: Modifying child support orders in dependency cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 7, beginning on line 23, after "parent" strike all material through "efforts." on line 26 and insert the following: "Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child."

On page 8, line 34, after "Costs" insert "incurred or"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5523 Prime Sponsor, Barr: Expanding authority for appointment of district court judges pro tem. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 1 strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.34.130 and 1986 c 161 § 4 are each amended to read as follows:

(1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A district that has a population of not more than ten thousand and that has no person available who meets the qualifications under RCW 3.34.060 (2)(a) or (b), may appoint as a pro tempore judge a person who has taken and passed the qualifying examination for the office of district judge as is provided by rule of the supreme court. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority. For each day that a judge

pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5546 Prime Sponsor, Prentice: Regulating unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 29, 1993

ESSB 5574 Prime Sponsor, Committee on Labor & Commerce: Regulating credit information use. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that consumers have a vital interest in establishing and maintaining creditworthiness. The legislature further finds that an elaborate mechanism using credit reports has developed for investigating and evaluating a consumer's creditworthiness, credit capacity, and general reputation and character. As such, credit reports are used for evaluating credit card, loan, mortgage, and small business financing applications, as well as for decisions regarding employment and the rental or leasing of dwellings. Moreover, financial institutions and other creditors depend upon fair and accurate credit reports to efficiently and accurately evaluate creditworthiness. Unfair or inaccurate reports undermine both public and creditor confidences in the reliability of credit granting systems.

Therefore, this chapter is necessary to assure accurate credit data collection, maintenance, and reporting on the citizens of the state. It is the policy of the state that credit reporting agencies maintain accurate credit reports, resolve disputed reports promptly and fairly, and adopt reasonable procedures to promote consumer confidentiality and the proper use of credit data in accordance with this chapter.

NEW SECTION. Sec. 2. This chapter shall be known as the Fair Credit Reporting Act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Adverse action" includes:

(i) Denial of, increase in any charge for, or reduction in the amount of insurance for personal, family, or household purposes;

(ii) Denial of employment or any other decision for employment purposes that adversely affects a current or prospective employee;

(iii) Action or determination with respect to a consumer's application for credit that is adverse to the interests of the consumer; and

(iv) Action or determination with respect to a consumer's application for the rental or leasing of residential real estate that is adverse to the interests of the consumer.

(b) "Adverse action" does not include:

(i) A refusal to extend additional credit under an existing credit arrangement if:

(A) The applicant is delinquent or otherwise in default with respect to the arrangement; or

(B) The additional credit would exceed a previously established credit limit; or

(ii) A refusal or failure to authorize an account transaction at a point of sale.

(2) "Attorney general" means the office of the attorney general.

(3) "Consumer" means an individual.

(4)(a) "Consumer report" means a written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living that is used or expected to be used or collected in whole or in part for:

(i) The purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes;

(ii) Employment purposes; or

(iii) Other purposes authorized under section 4 of this act.

(b) "Consumer report" does not include:

(i) A report containing information solely as to transactions or experiences between the consumer and the person making the report;

(ii) An authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

(iii) A report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to the request, if the third party advises the consumer of the name and address of the person to whom the request was made and the person makes the disclosures to the consumer required under section 9 of this act;

(iv) A list compiled by a consumer reporting agency to be used by its client for direct marketing of goods or services not involving an offer of credit;

(v) A report solely conveying a decision whether to guarantee a check in response to a request by a third party; or

(vi) A report furnished for use in connection with a transaction that consists of an extension of credit to be used for a commercial purpose.

(5) "Consumer reporting agency" means a person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the business of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of commerce for the purpose of preparing or furnishing consumer reports. "Consumer reporting agency" does not include a person solely by reason of conveying a decision whether to guarantee a check in response to a request by a third party or a person who obtains a consumer report and provides the report or information contained in it to a subsidiary or affiliate of the person.

(6) "Credit transaction that is not initiated by the consumer" does not include the use of a consumer report by an assignee for collection or by a person with which the consumer has an account, for purposes of (a) reviewing the account, or (b) collecting the account. For purposes of this subsection "reviewing the account" includes activities related to account maintenance and monitoring, credit line increases, and account upgrades and enhancements.

(7) "Direct solicitation" means the process in which the consumer reporting agency compiles or edits for a client a list of consumers who meet specific criteria and provides this list to the client or a third party on behalf of the client for use in soliciting those consumers for an offer of a product or service.

(8) "Employment purposes," when used in connection with a consumer report, means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.

(9) "File," when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

(10) "Investigative consumer report" means a consumer report or portion of it in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom the consumer is acquainted or who may have knowledge concerning any items of information. However, the information does not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when the information was obtained directly from a creditor of the consumer or from the consumer.

(11) "Medical information" means information or records obtained, with the consent of the individual to whom it relates, from a licensed physician or medical practitioner, hospital, clinic, or other medical or medically related facility.

(12) "Person" includes an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal or commercial entity.

(13) "Prescreening" means the process in which the consumer reporting agency compiles or edits for a client a list of consumers who meet specific credit criteria and provides this list to the client or a third party on behalf of the client for use in soliciting those consumers for an offer of credit.

NEW SECTION. Sec. 4. (1) A consumer reporting agency may furnish a consumer report only under the following circumstances:

(a) In response to the order of a court having jurisdiction to issue the order;

(b) In accordance with the written instructions of the consumer to whom it relates; or

(c) To a person that the agency has reason to believe:

(i) Intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer;

(ii) Intends to use the information for employment purposes;

(iii) Intends to use the information in connection with the underwriting of insurance involving the consumer;

(iv) Intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(v) Otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

(2)(a) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer who is not an employee at the time the report is procured or caused to be procured unless:

(i) A clear and conspicuous disclosure has been made in writing to the consumer before the report is procured or caused to be procured that a consumer report may be obtained for purposes of considering the consumer for employment. The disclosure may be contained in a written statement contained in employment application materials; or

(ii) The consumer authorizes the procurement of the report.

(b) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any employee unless the employee has received, at any time after the person became an employee, written notice that consumer reports may be used for employment purposes. A written statement that consumer reports may be used for employment purposes that is contained in employee guidelines or manuals available to employees or included in written materials provided to employees constitutes written notice for purposes of this subsection. This subsection does not apply with respect to a consumer report of an employee who the employer has reasonable cause to believe has engaged in specific activity that constitutes a violation of law.

(c) In using a consumer report for employment purposes, before taking any adverse action based in whole or part on the report, a person shall provide to the consumer to whom the report relates: (i) The name, address, and telephone number of the consumer reporting agency providing the report; (ii) a description of the consumer's rights under this chapter pertaining to consumer reports obtained for employment purposes; and (iii) a reasonable opportunity to respond to any information in the report that is disputed by the consumer.

NEW SECTION. Sec. 5. (1) A consumer reporting agency may provide a consumer report relating to a consumer under section 4(1)(c)(i) of this act in connection with a credit transaction that is not initiated by the consumer only if:

(a) The consumer authorized the consumer reporting agency to provide the report to such a person; or

(b) The consumer has not elected in accordance with subsection (3) of this section to have the consumer's name and address excluded from such transactions.

(2) A consumer reporting agency may provide only the following information under subsection (1) of this section:

(a) The name and address of the consumer; and

(b) Information pertaining to a consumer that is not identified or identifiable with particular accounts or transactions of the consumer.

(3)(a) A consumer may elect to have his or her name and address excluded from any list provided by a consumer reporting agency through prescreening under subsection (1) of this section or from any list provided by a consumer reporting agency for direct solicitation transactions that are not initiated by the consumer by notifying the consumer reporting agency. The notice must be made in writing through the notification system maintained by the consumer reporting agency under subsection (4) of this section and must state that the consumer does not consent

to any use of consumer reports relating to the consumer in connection with any transaction that is not initiated by the consumer.

(b) An election of a consumer under (a) of this subsection is effective with respect to a consumer reporting agency and any affiliate of the consumer reporting agency, within five business days after the consumer reporting agency receives the consumer's notice.

(4) A consumer reporting agency that provides information intended to be used in a prescreened credit transaction or direct solicitation transaction that is not initiated by the consumer shall:

(a) Maintain a notification system that facilitates the ability of a consumer in the agency's data base to notify the agency to promptly withdraw the consumer's name from lists compiled for prescreened credit transactions and direct solicitation transactions not initiated by the consumer; and

(b) Publish at least annually in a publication of general circulation in the area served by the agency, the address for consumers to use to notify the agency of the consumer's election under subsection (3) of this section.

(5) A consumer reporting agency that maintains consumer reports on a nation-wide basis shall establish a system meeting the requirements of subsection (4) of this section on a nation-wide basis, and may operate such a system jointly with any other consumer reporting agencies.

(6) Compliance with the requirements of this section by any consumer reporting agency constitutes compliance by the agency's affiliates.

NEW SECTION. Sec. 6. (1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:

(a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;

(b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;

(c) Paid tax liens that, from date of payment, antedate the report by more than seven years;

(d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;

(e) Records of arrest, indictment, or conviction of crime that, from date of disposition, release, or parole, antedate the report by more than seven years;

(f) Any other adverse item of information that antedates the report by more than seven years.

(2) Subsection (1) of this section is not applicable in the case of a consumer report to be used in connection with:

(a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more.

NEW SECTION. Sec. 7. (1) A person may not procure or cause to be prepared an investigative consumer report on a consumer unless:

(a) It is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to the consumer's character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and the disclosure:

(i) Is made in a writing mailed, or otherwise delivered, to the consumer not later than three days after the date on which the report was first requested; and

(ii) Includes a statement informing the consumer of the consumer's right to request the additional disclosures provided for under subsection (2) of this section and the written summary of the rights of the consumer prepared under section 10(7) of this act; or

(b) The report is to be used for employment purposes for which the consumer has not specifically applied.

(2) A person who procures or causes to be prepared an investigative consumer report on a consumer shall make, upon written request made by the consumer within a reasonable period of time after the receipt by the consumer of the disclosure required in subsection (1)(a) of this section, a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure must be made in a writing mailed, or otherwise delivered, to the consumer not later than the latter of five days after the date on which the request for the disclosure was either received from the consumer or the report was first requested.

(3) No person may be held liable for a violation of subsection (1) or (2) of this section if the person shows by a preponderance of the evidence that at the time of the violation the person maintained reasonable procedures to assure compliance with subsection (1) or (2) of this section.

(4) A consumer reporting agency shall maintain a detailed record of:

(a) The identity of the person to whom an investigative consumer report or information from a consumer report is provided by the consumer reporting agency; and

(b) The certified purpose for which an investigative consumer report on a consumer, or any other information relating to a consumer, is requested by the person.

For purposes of this subsection, "person" does not include an individual who requests the report unless the individual obtains the report or information for his or her own individual purposes.

NEW SECTION. Sec. 8. (1) A consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 6 of this act and to limit the furnishing of consumer reports to the purposes listed under section 4 of this act. These procedures must require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. A consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by the prospective user before furnishing the user a consumer report. No consumer reporting agency may furnish a consumer report to a person if the agency has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 4 of this act.

(2) Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

(3) Notwithstanding section 4 of this act, a consumer reporting agency may furnish identifying information about a consumer, limited to the consumer's name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

(4) A consumer reporting agency shall maintain a detailed record of:

(a) The identity of any person to whom a consumer report or information from a consumer report is provided by the consumer reporting agency; and

(b) The certified purpose for which a consumer report on a consumer, or any other information relating to a consumer, is requested by any person.

For purposes of this subsection, "person" does not include an individual who requests the report unless the individual obtains the report or information for his or her own purposes.

NEW SECTION. Sec. 9. A consumer reporting agency shall, upon request by the consumer, clearly and accurately disclose:

(1) All information in the file on the consumer at the time of request, except that medical information may be withheld. The agency shall inform the consumer of the existence of medical information, and the consumer has the right to have that information disclosed to the health care provider of the consumer's choice. Nothing in this chapter prevents, or authorizes a consumer reporting agency to prevent, the health care provider from disclosing the medical information to the consumer. The agency shall inform the consumer of the right to disclosure of medical information at the time the consumer requests disclosure of his or her file.

(2) All items of information in its files on that consumer, including disclosure of the sources of the information, except that sources of information acquired solely for use in an investigative report may only be disclosed to a plaintiff under appropriate discovery procedures.

(3) Identification of (a) each person who for employment purposes within the two-year period before the request, and (b) each person who for any other purpose within the six-month period before the request, procured a consumer report.

(4) A record identifying all inquiries received by the agency in the six-month period before the request that identified the consumer in connection with a credit transaction that is not initiated by the consumer.

(5) An identification of a person under subsection (3) or (4) of this section must include (a) the name of the person or, if applicable, the trade name under which the person conducts business; and (b) upon request of the consumer, the address of the person.

NEW SECTION. Sec. 10. (1) A consumer reporting agency shall make the disclosures required under section 9 of this act during normal business hours and on reasonable notice.

(2) The consumer reporting agency shall make the disclosures required under section 9 of this act to the consumer:

(a) In person if the consumer appears in person and furnishes proper identification;

(b) By telephone if the consumer has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer; or

(c) By any other reasonable means that are available to the consumer reporting agency if that means is authorized by the consumer.

(3) A consumer reporting agency shall provide trained personnel to explain to the consumer, information furnished to the consumer under section 9 of this act.

(4) The consumer reporting agency shall permit the consumer to be accompanied by one other person of the consumer's choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in the other person's presence.

(5) If a credit score is provided by a consumer reporting agency to a consumer, the agency shall provide an explanation of the meaning of the credit score.

(6) Except as provided in section 17 of this act, no consumer may bring an action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against a consumer reporting agency or a user of information, based on information disclosed under this section or section 9 of this act, except as to false information furnished with malice or willful intent to injure the consumer. Except as provided in section 17 of this act, no consumer may bring an action or proceeding against a person who provides information to a consumer reporting agency in the nature of defamation, invasion of privacy, or negligence for unintentional error.

(7)(a) A consumer reporting agency must provide to a consumer, with each written disclosure by the agency to the consumer under section 9 of this act, a written summary of all rights and remedies the consumer has under this chapter.

(b) The summary of the rights and remedies of consumers under this chapter must include:

(i) A brief description of this chapter and all rights and remedies of consumers under this chapter;

(ii) An explanation of how the consumer may exercise the rights and remedies of the consumer under this chapter; and

(iii) A list of all state agencies, including the attorney general's office, responsible for enforcing any provision of this chapter and the address and appropriate phone number of each such agency.

NEW SECTION. Sec. 11. (1) If the completeness or accuracy of an item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of the dispute, the agency shall reinvestigate without charge and record the current status of the disputed information before the end of thirty business days, beginning on the date the agency receives the notice from the consumer.

(2) Before the end of the five business-day period beginning on the date a consumer reporting agency receives notice of a dispute from a consumer in accordance with subsection (1) of this section, the agency shall notify any person who provided an item of information in dispute.

(3)(a) Notwithstanding subsection (1) of this section, a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under subsection (1) of this section if the agency determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure of the consumer to provide sufficient information.

(b) Upon making a determination in accordance with (a) of this subsection that a dispute is frivolous or irrelevant, a consumer reporting agency shall notify the consumer within five business days of the determination. The notice shall be made in writing or any other means authorized by the consumer that are available to the agency, but the notice shall include the reasons for the determination and a notice of the consumer's rights under subsection (6) of this section.

(4) In conducting a reinvestigation under subsection (1) of this section with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in subsection (1) of this section with respect to the disputed information.

(5)(a) If, after a reinvestigation under subsection (1) of this section of information disputed by a consumer, the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall promptly delete the information from the consumer's file.

(b)(i) If information is deleted from a consumer's file under (a) of this subsection, the information may not be reinserted in the file after the deletion unless the person who furnishes the information verifies that the information is complete and accurate.

(ii) If information that has been deleted from a consumer's file under (a) of this subsection is reinserted in the file in accordance with (b)(i) of this subsection, the consumer reporting agency shall notify the consumer of the reinsertion within thirty business days. The notice shall be in writing or any other means authorized by the consumer that are available to the agency.

(6) If the reinvestigation does not resolve the dispute or if the consumer reporting agency determines the dispute is frivolous or irrelevant, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit these statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

(7) After the deletion of information from a consumer's file under this section or after the filing of a statement of dispute under subsection (6) of this section, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item of information has been deleted or that item of information is disputed. In the case of disputed information, the notification shall include the statement filed under subsection (6) of this section. The notification shall be furnished to any person specifically designated by the consumer, who has, within two years before the deletion or filing of a dispute, received a consumer report concerning the consumer for employment purposes, or who has, within six months of the deletion or the filing of the dispute, received a consumer report concerning the consumer for any other purpose, if these consumer reports contained the deleted or disputed information.

(8)(a) Upon completion of the reinvestigation under this section, a consumer reporting agency shall provide notice, in writing or by any other means authorized by the consumer, of the results of a reinvestigation within five business days.

(b) The notice required under (a) of this subsection must include:

(i) A statement that the reinvestigation is completed;

(ii) A consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

(iii) A description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

(iv) If requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any person contacted in connection with the information;

(v) If the reinvestigation does not resolve the dispute, a summary of the consumer's right to file a brief statement as provided in subsection (6) of this section; and

(vi) If information is deleted or disputed after reinvestigation, a summary of the consumer's right to request notification to persons who have received a consumer report as provided in subsection (7) of this section.

(9) In the case of a consumer reporting agency that compiles and maintains consumer reports on a nationwide basis, the consumer reporting agency must provide to a consumer who has undertaken to dispute the information contained in his or her file a toll-free telephone number that the consumer can use to communicate with the agency. A consumer reporting agency that provides a toll-free number required by this subsection shall also provide adequately trained personnel to answer basic inquiries from consumers using the toll-free number.

NEW SECTION. Sec. 12. (1) Except as provided in subsections (2) and (3) of this section, a consumer reporting agency may charge the following fees to the consumer:

(a) For making a disclosure under sections 9 and 10 of this act, the consumer reporting agency may charge a fee not exceeding eight dollars. Beginning January 1, 1995, the eight-dollar charge may be adjusted on January 1st of each year based on corresponding changes in the Consumer Price Index with fractional changes rounded to the nearest half dollar.

(b) For furnishing a notification, statement, or summary to a person under section 11(7) of this act, the consumer reporting agency may charge a fee not exceeding the charge that the agency would impose on each designated recipient for a consumer report. The amount of any charge must be disclosed to the consumer before furnishing the information.

(2) A consumer reporting agency shall make all disclosures under sections 9 and 10 of this act and furnish all consumer reports under section 11 of this act without charge, if requested by the consumer within sixty days after receipt by the consumer of a notification of adverse action under section 13 of this act or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected.

(3) A consumer reporting agency shall not impose any charge for (a) providing notice to a consumer required under section 11 of this act, or (b) notifying a person under section 11(7) of this act of the deletion of information that is found to be inaccurate or that can no longer be verified, if the consumer designates that person to the agency before the end of the thirty-day period beginning on the date of notice under section 11(8) of this act.

NEW SECTION. Sec. 13. If a person takes an adverse action with respect to a consumer that is based, in whole or in part, on information contained in a consumer report, the person shall:

(1) Provide written notice of the adverse action to the consumer, except verbal notice may be given by a person in an adverse action involving a business regulated by the Washington utilities and transportation commission or involving an application for the rental or leasing of residential real estate if such verbal notice does not impair a consumer's ability to obtain a credit report without charge under section 12(2) of this act; and

(2) Provide the consumer with the name, address, and telephone number of the consumer reporting agency that furnished the report to the person.

NEW SECTION. Sec. 14. An action to enforce a liability created under this chapter is permanently barred unless commenced within two years after the cause of action accrues, except that where a defendant has materially and willfully misrepresented information required under this chapter to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this chapter, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

NEW SECTION. Sec. 15. A person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses is subject to a fine of up to five thousand dollars or imprisonment for up to one year, or both.

NEW SECTION. Sec. 16. An officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information is subject to a fine of up to five thousand dollars or imprisonment for up to one year, or both.

NEW SECTION. Sec. 17. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. The burden of proof in an action alleging a violation of this chapter shall be by a preponderance of the evidence, and the applicable statute of limitation shall be as set forth in section 14 of this act. For purposes of a judgment awarded pursuant to an action by a consumer under chapter 19.86 RCW, the consumer shall be awarded actual damages and costs of the action together with reasonable attorney's fees as determined by the court. However, where there has been willful failure to comply with any requirement imposed under this chapter, the consumer shall be awarded actual damages, a monetary penalty of one thousand dollars, and the costs of the action together with reasonable attorneys' fees as determined by the court.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Sections 1 through 18 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 20. This act takes effect January 1, 1994."

Signed by Representatives Zellinsky, Chair; Mielke, Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; and Tate.

Excused: Representatives Scott, Vice Chair, Dyer, Assistant Ranking Minority Member, Reams and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5597 Prime Sponsor, A. Smith: Limiting the use of documentary materials. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5649 Prime Sponsor, Quigley: Removing the expiration date for Washington state support registry employer reporting. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 29, 1993

SB 5660 Prime Sponsor, M. Rasmussen: Developing the Washington state citizens' exchange program. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Sheldon; Springer; and Valle.

Excused: Representative Wood.

Referred to Committee on Appropriations.

March 30, 1993

SB 5695 Prime Sponsor, Bauer: Changing provisions relating to GED tests. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Casada; Finkbeiner; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Basich and Flemming.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5704 Prime Sponsor, Committee on Law & Justice: Penalizing unlawful factoring of credit card transactions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 15, after "person" strike all material through "by" on line 17, and insert ", with intent to defraud a cardholder, credit card issuer, or financial institution"

On page 2, line 18, after "(a)" strike "Presenting to or depositing with, or causing" and insert "Presents to or deposits with, or causes"

On page 2, line 22, after "(b)" strike "Employing, soliciting, or otherwise causing" and insert "Employs, solicits, or otherwise causes"

On page 2, line 27, after "(c)" strike "Employing, soliciting, or otherwise causing" and insert "Employs, solicits, or otherwise causes"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 26, 1993

ESB 5745 Prime Sponsor, Bluechel: Creating the PNWER-Net working group. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Long; and Ludwig.

Excused: Representative Kremen.

Referred to Committee on Appropriations.

March 30, 1993

SSB 5753 Prime Sponsor, Committee on Ways & Means: Creating a new judgeship for Cowlitz County. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Referred to Committee on Appropriations.

March 29, 1993

ESSB 5778 Prime Sponsor, Committee on Labor & Commerce: Creating a joint underwriting association for midwives. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Chair; Mielke, Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Scott, Vice Chair and Dyer Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5800 Prime Sponsor, Nelson: Increasing the penalty for violating human remains. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.44 RCW to read as follows:

(1) Any person who has sexual intercourse or sexual contact with a dead human body is guilty of a class C felony.

(2) As used in this section:

(a) "Sexual intercourse" (i) has its ordinary meaning and occurs upon any penetration, however slight; and (ii) also means any penetration of the vagina or anus however slight, by an object, when committed on a dead human body, except when such penetration is accomplished as part of a procedure authorized or required under chapter 68.50 RCW or other law; and (iii) also means any act of sexual contact between the sex organs of a person and the mouth or anus of a dead human body.

(b) "Sexual contact" means any touching by a person of the sexual or other intimate parts of a dead human body done for the purpose of gratifying the sexual desire of the person."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 30, 1993

ESSB 5815 Prime Sponsor, Committee on Law & Justice: Concerning seizure and forfeiture. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 6 after "interest of" strike everything through "value" on line 8 and insert "an owner"
On page 3, line 8 after "that" strike everything through "recipient" on line 9 and insert "owner"

On page 3, line 10 after "the" strike everything through "recipient's" on line 11 and insert "owner's"

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 29, 1993

SSB 5829 Prime Sponsor, Committee on Labor & Commerce: Licensing mortgage brokers and loan originators.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.146.005 and 1987 c 391 s 1 are each amended to read as follows:

The legislature finds and declares that the brokering of residential real estate loans substantially affects the public interest. The practices of mortgage brokers have had significant impact on the citizens of the state and the banking and real estate industries. It is the intent of the legislature to establish a temporary state system of licensure in addition to rules of practice and conduct of mortgage brokers to promote honesty and fair dealing with citizens and to preserve public confidence in the lending and real estate community.

Sec. 2. RCW 19.146.010 and 1987 c 391 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) "Computer loan origination systems" or "CLO system" means the real estate mortgage financing information system defined by rule of the director.

(3) "Department" means the department of licensing.

(4) "Director" means the director of licensing.

(5) "Loan originator" means a natural person employed, either directly or indirectly, by a licensed mortgage broker, or a natural person who represents a licensed mortgage broker, in the performance of any acts specified in subsection (7) of this section.

(6) "Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms at which it will make a loan available to that borrower.

(7) "Mortgage broker" means ~~(every)~~ any person who for compensation or gain, or in the expectation of compensation ~~((either directly or indirectly makes, negotiates, or offers to make or negotiate a residential mortgage loan))~~ or gain, directly or indirectly negotiates, places, assists in placement, finds, or offers to negotiate, place, assist in placement, or find residential mortgage loans for others.

~~((3))~~ (8) "Person" means a natural person, corporation, company, partnership, or association.

~~((4))~~ (9) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

~~((5))~~ (10) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services to the mortgage broker in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

Sec. 3. RCW 19.146.020 and 1987 c 391 s 4 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the following are exempt from all provisions of this chapter:

~~((4))~~ (a) Any person doing business under the laws of this state or the United States relating to commercial banks, bank holding companies, ~~((mutual))~~ savings banks, trust companies, savings and loan associations, credit unions, consumer ~~((finance companies, industrial))~~ loan companies, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof;

~~((2))~~ (b) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

~~((3))~~ (c) Any person doing any act under order of any court;

~~((4))~~ (d) Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;

~~((5))~~ (e) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

~~((6))~~ (f) Any mortgage broker approved and subject to auditing by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation;

~~((7))~~ (g) Any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act, 12 U.S.C. Sec. 1701, as now or hereafter amended; ~~((and~~

~~((8))~~ (h) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality of any of the entities in this subsection (1)(h); and

(i) A real estate broker who provides information only in connection with a CLO system, who may receive a fee for such information in an amount approved by the director and who conforms to all rules of the director with respect to the providing of such service.

(2) Those persons otherwise exempt under subsection (1) (f), (g), and (i) of this section must comply with section 4 of this act.

NEW SECTION. Sec. 4. It is unlawful for a loan originator, mortgage broker required to be licensed under this chapter, or mortgage broker otherwise exempted from this chapter under RCW 19.146.020(1) (f), (g), or (i) in connection with a residential mortgage loan to:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders;

(2) Engage in any conduct that operates as a fraud upon or unfair or deceptive practice toward any person;

(3) Obtain property by fraud or misrepresentation;

(4) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting from a person exempt from licensing under RCW 19.146.020(1) (f) or (g) or a lender with whom the mortgage broker maintains a written correspondent or loan brokerage agreement under RCW 19.146.040;

(6) Fail to make disclosures to loan applicants and noninstitutional investors as required by RCW 19.146.030 and any other applicable state or federal law;

(7) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan;

(8) Make any false statement in connection with any reports filed by a licensee, or in connection with any examination of the licensee's business;

(9) Make any payment, directly or indirectly, to any fee appraiser third party of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(10) Fail to include the words "licensed mortgage broker" in all advertising for the broker's services that are directed at the general public if the person is required to be licensed under this chapter;

(11) Fail to comply with the requirements of the truth-in-lending act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended, in all advertising of residential mortgage loans.

NEW SECTION. Sec. 5. (1) A person may not engage in the business of a mortgage broker, except as an employee of a person licensed or exempt from licensing, without first obtaining and maintaining a license under this chapter.

(2) A person may not bring a suit or action for the collection of compensation as a mortgage broker unless the plaintiff alleges and proves that he or she was a duly licensed mortgage broker, or exempt from the license requirement of this chapter, at the time of offering to perform or performing any such an act or service regulated by this chapter. This subsection does not apply to suits or actions for the collection or compensation for services performed prior to the effective date of this section.

NEW SECTION. Sec. 6. (1) Application for a mortgage broker license under this chapter shall be in writing and in the form prescribed by the director. Unless waived by the director, the application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the applicant, and any other names, dates of birth, or social security numbers previously used by the applicant;

(b) If the applicant is a partnership or association, the name, address, date of birth, and social security number of each general partner or principal of the association, and any other names, dates of birth, or social security numbers previously used by the members;

(c) If the applicant is a corporation, the name, address, date of birth, and social security number of each officer, director, registered agent, and each principal stockholder, and any other names, dates of birth, or social security numbers previously used by the officers, directors, registered agents, and principal stockholders;

(d) The street address, county, and municipality where the principal business office is to be located;

(e) Submission of a complete set of fingerprints taken by an authorized law enforcement officer; and

(f) Such other information regarding the applicant's background, financial responsibility, experience, character, and general fitness as the director may require by rule.

(2) At the time of filing an application for a license under this chapter, each applicant shall pay to the director the appropriate license fee in an amount determined by rule of the director in accordance with RCW 43.24.086 to be sufficient to cover, but not exceed, the department's costs in administering this chapter. The director shall deposit the moneys in the mortgage broker fund created under section 19 of this act.

(3)(a) Each applicant for a mortgage broker's license shall file and maintain a surety bond, in an amount of forty thousand dollars or such lower amount the director deems adequate to protect the public interest, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's violation of any provision of this chapter or rules adopted under this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including, but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090. The applicant may obtain the bond directly from the surety or through a group bonding arrangement involving a professional organization comprised of mortgage brokers if the arrangement provides at least as much coverage as is required under this subsection.

(b) In lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.

(c) In lieu of the surety bond or compliance with (b) of this subsection, an applicant may obtain insurance or coverage from an association comprised of mortgage brokers that is organized as a mutual corporation for the sole purpose of insuring or self-insuring claims that may arise from a violation of this chapter. An applicant may only substitute coverage under this subsection for the requirements of (a) or (b) of this subsection if the director, with the consent of the insurance commissioner, has authorized such association to organize a mutual corporation under such terms and conditions as may be imposed by the director to ensure that the corporation is operated in a financially responsible manner to pay any claims within the financial responsibility limits specified in (a) of this subsection.

NEW SECTION. Sec. 7. (1) The director shall issue and deliver a mortgage broker license to an applicant if, after investigation, the director makes the following findings:

(a) The applicant has paid the required license fees;

(b) The applicant has complied with section 6 of this act;

(c) The applicant has not had a license issued under this chapter or any similar state statute suspended or revoked within five years of the filing of the present application;

(d) The applicant has not been convicted of a felony within seven years of the filing of the present application;

(e) The applicant has at least two years of experience in the residential mortgage loan industry; and

(f) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter.

(2) If the director does not find the conditions of subsection (1) of this section have been met, the director shall not issue the license. The director shall notify the applicant of the denial and return to the applicant the bond or

approved alternative and any remaining portion of the license fee that exceeds the departments actual cost to investigate the license.

(3) The director may delay the effective date of section 5 of this act for an additional thirty days with respect to an applicant for a mortgage broker license for the purpose of processing the application when the applicant has filed a completed application by October 31, 1993.

(4) A license issued pursuant to this chapter is valid from the date of issuance.

(5) A licensee may surrender a license by delivering to the director written notice of surrender, but the surrender does not affect the licensee's civil or criminal liability arising from acts or omissions occurring before such surrender.

NEW SECTION. Sec. 8. (1) The director shall enforce all laws and rules relating to the licensing of mortgage brokers, grant or deny licenses to mortgage brokers, and hold hearings. The director may impose any one or more of the following sanctions: Suspend or revoke licenses, deny applications for licenses, or fine violators under this chapter. In addition, the director may issue an order directing a licensee or person subject to this chapter to cease and desist from conducting business in a manner that is injurious to the public or violates any provision of this chapter.

(2) The director may take those actions specified in subsection (1) of this section if the director finds any of the following:

(a) The licensee has failed to pay a fee due the state of Washington, to maintain in effect the bond or approved alternative required under this chapter, or to comply with any specific order or demand of the director lawfully made and directed to the licensee in accordance with this chapter; or

(b) The licensee or person subject to this chapter has violated any provision of this chapter or a rule adopted under this chapter; or

(c) The licensee made false statements on the application or omitted material information that, if known, would have allowed the director to deny the application for the original license.

(3) The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions.

NEW SECTION. Sec. 9. In accordance with the administrative procedure act, chapter 34.05 RCW, the director may issue rules to govern the activities of licensed mortgage brokers consistent with this chapter.

NEW SECTION. Sec. 10. The proceedings for denying license applications, issuing cease and desist orders, and suspending or revoking licenses issued pursuant to this chapter and any appeal therefrom or review thereof shall be governed by the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 11. For the purposes of investigating complaints arising under this chapter, the director may at any time, either personally or by a designee, examine the business, including but not limited to the books, accounts, records, and files used therein, of every licensee and of every person engaged in the business of mortgage brokering, whether such a person shall act or claim to act under or without the authority of this chapter. For that purpose the director and designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons. The director or designated person may require the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or subject matter of any such investigation.

Sec. 12. RCW 19.146.030 and 1987 c 391 s 5 are each amended to read as follows:

(1) Upon receipt of a loan application and before the receipt of any moneys from a borrower, a mortgage broker shall provide to each borrower a written notice indicating the number of the lenders with whom it maintains a written correspondent or loan brokerage agreement, unless exempt from licensing under this chapter, and make a full written disclosure to each borrower containing an itemization and explanation of all fees and costs that the borrower is required to pay in connection with obtaining a residential mortgage loan. A good faith estimate of a fee or cost shall be provided if the exact amount of the fee or cost is not determinable.

(2) The written disclosure shall contain the following information:

~~((4))~~ (a) The annual percentage rate, finance charge, amount financed, total amount of all payments, number of payments, amount of each payment, amount of points or prepaid interest and the conditions and terms under which any loan terms may change between the time of disclosure and closing of the loan; and if a variable rate, the circumstances under which the rate may increase, any limitation on the increase, the effect of an increase, and an example of the payment terms resulting from an increase. Disclosure in compliance with the requirements of the Truth-in-Lending Act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

~~((2))~~ (b) The itemized costs of any credit report, appraisal, title report, title insurance policy, mortgage insurance, escrow fee, property tax, insurance, structural or pest inspection, and any other third-party provider's costs associated with the residential mortgage loan. Disclosure through good faith estimates of settlement services and

special information booklets in compliance with the requirements of the Real Estate Settlement Procedures Act, 12 U.S.C. Sec. 2601, and Regulation X, 24 C.F.R. Sec. 3500, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

~~((3))~~ (c) If applicable, the cost, terms, duration, and conditions of ~~((an agreement to lock-in or commit the mortgage broker or lender to a specific interest rate or other financing term for any period of time up to and including the time the loan is closed))~~ a lock-in agreement and whether a lock-in agreement has been entered;

~~((4))~~ (d) A statement that if the borrower is unable to obtain a loan for any reason, the mortgage broker must, within five days of a written request by the borrower, give copies of any appraisal, title report, or credit report paid for by the borrower to the borrower, and transmit the appraisal, title report, or credit report to any other mortgage broker or lender to whom the borrower directs the documents to be sent;

~~((5))~~ (e) The name of the lender and the nature of the business relationship between the lender providing the residential mortgage loan and the mortgage broker, if any: PROVIDED, That this disclosure may be made at any time up to the time the borrower accepts the lender's commitment; and

~~((6))~~ (f) A statement providing that moneys paid by the borrower to the mortgage broker for third-party provider services are held in a trust account and any moneys remaining after payment to third-party providers will be refunded.

A violation of the Truth-in-Lending Act, Regulation Z, the Real Estate Settlement Procedures Act, and Regulation X is a violation of this section for purposes of this chapter.

Sec. 13. RCW 19.146.070 and 1987 c 391 s 9 are each amended to read as follows:

(1) Except as otherwise permitted by this section, a mortgage broker shall not receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan unless a borrower actually obtains a loan from a lender on the terms and conditions agreed upon by the borrower and mortgage broker.

(2) A mortgage broker may:

(a) If the mortgage broker has obtained for the borrower a written commitment from a lender for a loan on the terms and conditions agreed upon by the borrower and the mortgage broker, and the borrower fails to close on the loan through no fault of the mortgage broker, charge a fee not to exceed three hundred dollars for services rendered, preparation of documents, or transfer of documents in the borrower's file which were prepared or paid for by the borrower if the fee is not otherwise prohibited by the Truth-in-Lending Act, 15 U.S.C. Sec. 1601, and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended; or

(b) Solicit or receive fees for third party provider goods or services in advance. Fees for any goods or services not provided must be refunded to the borrower and the mortgage broker may not charge more for the goods and services than the actual costs of the goods or services charged by the third party provider.

~~((3) A mortgage broker may not:~~

~~(a) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower; or~~

~~(b) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting-))~~

NEW SECTION. Sec. 14. (1) Any person injured by a violation of this chapter may bring an action against the surety bond or approved alternative of the licensed mortgage broker who committed the violation or who employed the loan originator committing the violation.

(2) A person who is damaged by the licensee's violation of this chapter, or rules adopted under this chapter, may bring suit upon the surety bond or approved alternative in the superior court of any county in which jurisdiction over the licensee may be obtained. Jurisdiction shall be exclusively in the superior court. Any such action must be brought not later than one year after the alleged violation of this chapter or rules adopted under this chapter. In the event valid claims against a bond or deposit exceed the amount of the bond or deposit, each claimant shall only be entitled to a pro rata amount, based on the amount of the claim as it is valid against the bond or deposit, without regard to the date of filing of any claim or action. A judgment arising from a violation of this chapter or rule adopted under this chapter shall be entered for actual damages and in no case be less than the amount paid by the borrower to the licensed mortgage broker plus reasonable attorneys' fees and costs. In no event shall the surety bond or approved alternative provide payment for any trebled or punitive damages.

(3) The remedies provided under this section are cumulative and nonexclusive and do not affect any other remedy available at law.

NEW SECTION. Sec. 15. A licensed mortgage broker is liable for any conduct violating this chapter by a loan originator or other licensed mortgage broker while employed by the broker. In addition, a branch office manager is liable for any conduct violating this chapter by a loan originator or other licensed mortgage broker employed at the branch office.

NEW SECTION. Sec. 16. No license issued under the provisions of this chapter shall authorize any person other than the person to whom it is issued to do any act by virtue thereof nor to operate in any other manner than under his or her own name except:

(1) A licensed mortgage broker may operate or advertise under a name other than the one under which the license is issued by obtaining the written consent of the director to do so; and

(2) A broker may establish one or more branch offices under a name or names different from that of the main office if the name or names are approved by the director, so long as each branch office is clearly identified as a branch or division of the main office. No broker may establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the office, if any, and in any advertisement or on any letterhead of any stationery or any forms, or signs used by the mortgage firm on which either the name of the main or branch offices appears.

NEW SECTION. Sec. 17. Every licensed mortgage broker must have and maintain an office in this state accessible to the public which shall serve as his or her office for the transaction of business. Any office so established must comply with the zoning requirements of city or county ordinances and the broker's license must be prominently displayed therein. In addition, any branch office must comply with the zoning requirements of city or county ordinances.

NEW SECTION. Sec. 18. A licensed mortgage broker may apply to the director for authority to establish one or more branch offices under the same or different name as the main office upon the payment of a fee as prescribed by the director by rule. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have a branch manager who shall be a licensed mortgage broker authorized by the mortgage broker to perform the duties of a branch manager.

NEW SECTION. Sec. 19. All moneys collected under this chapter shall be deposited in the mortgage brokers' licensing account hereby created in the state treasury. Expenditures from the account, subject to appropriation, may be used solely for department costs in administering this chapter.

Sec. 20. RCW 19.146.110 and 1987 c 391 s 13 are each amended to read as follows:

Any person who violates any provision of (~~RCW 19.146.005 through 19.146.040 or 19.146.060 through 19.146.100~~) this chapter other than RCW 19.146.050 or any rule or order of the director shall be guilty of a misdemeanor punishable under chapter 9A.20 RCW. Any person who violates RCW 19.146.050 shall be guilty of a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 21. (1) There is established the mortgage brokerage commission consisting of five commission members who shall act in an advisory capacity to the director on mortgage brokerage issues.

(2) The director shall appoint the members of the commission, weighing the recommendations from professional organizations representing mortgage brokers. At least three of the commission members shall be mortgage brokers required to apply for a mortgage brokers license under this chapter and at least one shall be exempt from licensure under RCW 19.146.020(1) (f) or (g). No commission member shall be appointed who has had less than five years' experience in the business of residential mortgage lending. In addition, the attorney general, or a designee, and the director, or a designee, shall serve as ex officio, nonvoting members of the commission. Voting members of the commission shall serve for two-year terms with three of the initial commission members serving one-year terms. The department shall provide staff support to the commission.

(3) Members of the commission shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060. All costs and expenses associated with the commission shall be paid from the mortgage brokers' licensing account created in section 19 of this act.

(4)(a) The commission shall advise the director on the characteristics and needs of the mortgage brokerage profession. In addition to its advisory capacity, the commission shall review all state and federal provisions governing mortgage brokers and shall prepare a report:

- (i) Summarizing state and federal statutes and regulations governing mortgage brokers;
- (ii) Identifying the type and magnitude of complaints arising with regard to the practices of mortgage brokers operating in this state;
- (iii) Reviewing the detrimental and beneficial effects of state licensing, bonding, training, experience, and educational requirements for mortgage brokers;
- (iv) Considering the appropriate location within state government to exercise regulatory authority and administer a licensing program; and
- (v) Containing recommended legislation that adopts ongoing state licensing requirements for mortgage brokers.

(b) In preparing its report, the commission shall solicit comments from the mortgage broker industry, the department of licensing, the attorney general's office, other state regulators, and residential mortgage loan consumers. The committee shall submit its report to the labor and commerce committee of the senate and the financial institutions and insurance committee of the house of representatives by December 1, 1993.

NEW SECTION. Sec. 22. The director shall take steps and adopt rules necessary to implement the sections of this act by their effective dates.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. Sections 4 through 11, 14 through 19, and 21 of this act are each added to chapter 19.146 RCW.

NEW SECTION. Sec. 25. (1) If the powers, duties, and functions of the division of banking and the division of savings and loan are transferred into a new department, the powers, duties, and functions of the department relating to the administration of chapter 19.146 RCW shall be transferred to the new department. In such event, all references to the director or the department of licensing shall be construed to mean the new department or its director.

(2) In the event that the new department is created, all reports, documents, surveys, books, records, files, papers, or other written or electronically stored material in the possession of the department of licensing pertaining to the powers, functions, and duties transferred under subsection (1) of this section shall be delivered to the custody of the new department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of licensing in carrying out the powers, functions, and duties transferred by subsection (1) of this section shall be made available to the new department if such property was purchased from funds deposited in the mortgage brokers' licensing account. All funds contained in the mortgage brokers' licensing account shall be transferred to the appropriate account of the new department for administration of chapter 19.146 RCW and shall be used solely for the costs of administering this chapter. In the event any dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and powers transferred under subsection (1) of this section, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 26. (1) Sections 2 through 4, 9, 13, and 21 through 23 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 6 through 8, 10, 18, and 19 of this act shall take effect September 1, 1993.

(3) Sections 1, 5, 11, 12, 14 through 17, and 20 of this act shall take effect October 31, 1993. However, the effective date of section 5 of this act may be delayed thirty days upon an order of the director of licensing under section 7(3) of this act.

NEW SECTION. Sec. 27. This act shall expire October 31, 1994, except for section 21 of this act. However, if a licensing program for mortgage brokers is not extended past October 31, 1994, section 21 of this act also shall expire on October 31, 1994."

Signed by Representatives Zellinsky, Chair; Mielke, Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Excused: Representatives Scott, Vice Chair, Dyer and Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 30, 1993

SB 5875 Prime Sponsor, Gaspard: Enacting the national guard mutual assistance counter-drug activities compact.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.08.040 and 1989 c 19 s 7 are each amended to read as follows:

In event of war, insurrection, rebellion, invasion, tumult, riot, mob, or organized body acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger of the occurrence of any of said events, or at the lawful request of competent state or local authority in support of enforcement of controlled substance statutes, or whenever responsible civil authorities shall, for any reason, fail to preserve law and order, or protect life or property, or the governor believes that such failure is imminent, or in event of public disaster, the governor shall have power to order the organized militia of Washington, or any part thereof, into active service of the state to execute the laws, and to perform such duty as the governor shall deem proper.

NEW SECTION. Sec. 2. A new section is added to chapter 38.08 RCW to read as follows:

(1) The governor, with the consent of congress, is authorized to enter into compacts and agreements for the deployment of the national guard with governors of other states concerning drug interdiction, counter-drug, and demand reduction activities. Article 1, Section 10 of the Constitution of the United States permits a state to enter into a compact or agreement with another state, subject to the consent of congress. Congress, through enactment of Title 4 of the U.S.C. Section 112, encourages the states to enter such compacts for cooperative effort and mutual assistance.

(2) The compact language contained in this subsection is intended to deal comprehensively with the supportive relationships between states in utilizing national guard assets in counter-drug activities.

NATIONAL GUARD MUTUAL ASSISTANCE COUNTER-DRUG ACTIVITIES COMPACT

ARTICLE I PURPOSE

The purposes of this compact are to:

(a) Provide for mutual assistance and support among the party states in the utilization of the national guard in drug interdiction, counter-drug, and demand reduction activities.

(b) Permit the national guard of this state to enter into mutual assistance and support agreements, on the basis of need, with one or more law enforcement agencies operating within this state, for activities within this state, or with a national guard of one or more other states, whether said activities are within or without this state in order to facilitate and coordinate efficient, cooperative enforcement efforts directed toward drug interdiction, counter-drug activities, and demand reduction.

(c) Permit the national guard of this state to act as a receiving and a responding state as defined within this compact and to ensure the prompt and effective delivery of national guard personnel, assets, and services to agencies or areas that are in need of increased support and presence.

(d) Permit and encourage a high degree of flexibility in the deployment of national guard forces in the interest of efficiency.

(e) Maximize the effectiveness of the national guard in those situations that call for its utilization under this compact.

(f) Provide protection for the rights of national guard personnel when performing duty in other states in counter-drug activities.

(g) Ensure uniformity of state laws in the area of national guard involvement in interstate counter-drug activities by incorporating said uniform laws within the compact.

ARTICLE II ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into force when enacted into law by any two states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states.

ARTICLE III MUTUAL ASSISTANCE AND SUPPORT

(a) As used in this article:

(1) "Drug interdiction and counter-drug activities" means the use of national guard personnel, while not in federal service, in any law enforcement support activities that are intended to reduce the supply or use of illegal drugs in the United States. These activities include, but are not limited to:

(i) Providing information obtained during either the normal course of military training or operations or during counter-drug activities, to federal, state, or local law enforcement officials that may be relevant to a violation of any federal or state law within the jurisdiction of such officials;

(ii) Making available any equipment, including associated supplies or spare parts, base facilities, or research facilities of the national guard to any federal, state, or local civilian law enforcement official for law enforcement purposes, in accordance with other applicable law or regulation;

(iii) Providing available national guard personnel to train federal, state, or local civilian law enforcement in the operation and maintenance of equipment, including equipment made available above, in accordance with other applicable law;

(iv) Providing available national guard personnel to operate and maintain equipment provided to federal, state, or local law enforcement officials pursuant to activities defined and referred to in this compact;

(v) Operation and maintenance of equipment and facilities of the national guard or law enforcement agencies used for the purposes of drug interdiction and counter-drug activities;

(vi) Providing available national guard personnel to operate equipment for the detection, monitoring, and communication of the movement of air, land, and sea traffic, to facilitate communications in connection with law enforcement programs, to provide transportation for civilian law enforcement personnel, and to operate bases of operations for civilian law enforcement personnel;

(vii) Providing available national guard personnel, equipment, and support for administrative, interpretive, analytic, or other purposes;

(viii) Providing available national guard personnel and equipment to aid federal, state, and local officials and agencies otherwise involved in the prosecution or incarceration of individuals processed within the criminal justice system who have been arrested for criminal acts involving the use, distribution, or transportation of controlled substances as defined in 21 U.S.C. Sec. 801 et seq., or otherwise by law, in accordance with other applicable law.

(2) "Demand reduction" means providing available national guard personnel, equipment, support, and coordination to federal, state, local, and civic organizations, institutions and agencies for the purposes of the prevention of drug abuse and the reduction in the demand for illegal drugs.

(3) "Requesting state" means the state whose governor requested assistance in the area of counter-drug activities.

(4) "Responding state" means the state furnishing assistance, or requested to furnish assistance, in the area of counter-drug activities.

(5) "Law enforcement agency" means a lawfully established federal, state, or local public agency that is responsible for the prevention and detection of crime and the enforcement of penal, traffic, regulatory, game, immigration, postal, customs, or controlled substances laws.

(6) "Official" means the appointed, elected, designated, or otherwise duly selected representative of an agency, institution, or organization authorized to conduct those activities for which support is requested.

(7) "Mutual assistance and support agreement" or "agreement" means an agreement between the national guard of this state and one or more law enforcement agencies or between the national guard of this state and the national guard of one or more other states, consistent with the purposes of this compact

(8) "Party state" refers to a state that has lawfully enacted this compact.

(9) "State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(b) Upon the request of a governor of a party state for assistance in the area of interdiction and counter-drug, and demand reduction activities, the governor of a responding state shall have authority under this compact to send without the borders of his or her state and place under the temporary operational control of the appropriate national guard or other military authorities of the requesting state, for the purposes of providing such requested assistance, all or any part of the national guard forces of his or her state as he or she may deem necessary, and the exercise of his or her discretion in this regard shall be conclusive.

(c) The governor of a party state may, within his or her discretion, withhold the national guard forces of his or her state from such use and recall any forces or part or member thereof previously deployed in a requesting state.

(d) The national guard of this state is hereby authorized to engage in interdiction and counter-drug activities and demand reduction.

(e) The adjutant general of this state, in order to further the purposes of this compact, may enter into a mutual assistance and support agreement with one or more law enforcement agencies of this state, including federal law enforcement agencies operating within this state, or with the national guard of one or more other party states to provide personnel, assets, and services in the area of interdiction and counter-drug activities and demand reduction. However, no such agreement may be entered into with a party that is specifically prohibited by law from performing activities that are the subject of the agreement.

(f) The agreement must set forth the powers, rights, and obligations of the parties to the agreement, where applicable, as follows:

(1) Its duration;

(2) The organization, composition, and nature of any separate legal entity created thereby;

(3) The purpose of the agreement;

- (4) The manner of financing the agreement and establishing and maintaining its budget;
- (5) The method to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
- (6) Provision for administering the agreement, which may include creation of a joint board responsible for such administration;
- (7) The manner of acquiring, holding, and disposing of real and personal property used in this agreement, if necessary;
- (8) The minimum standards for national guard personnel implementing the provisions of this agreement;
- (9) The minimum insurance required of each party to the agreement, if necessary;
- (10) The chain of command or delegation of authority to be followed by national guard personnel acting under the provisions of the agreement;
- (11) The duties and authority that the national guard personnel of each party state may exercise; and
- (12) Any other necessary and proper matters.

Agreements prepared under the provisions of this section are exempt from any general law pertaining to intergovernmental agreements.

(g) As a condition precedent to an agreement becoming effective under this part, the agreement must be submitted to and receive the approval of the office of the attorney general of Washington. The attorney general of the state of Washington may delegate his or her approval authority to the appropriate attorney for the Washington national guard subject to those conditions which he or she decides are appropriate. The delegation must be in writing and is subject to the following:

(1) The attorney general, or his or her agent as stated above, shall approve an agreement submitted to him or her under this part unless he or she finds that it is not in proper form, does not meet the requirements set forth in this part, or otherwise does not conform to the laws of Washington. If the attorney general disapproves an agreement, he or she shall provide a written explanation to the adjutant general of the Washington national guard; and

(2) If the attorney general, or his or her authorized agent as stated above, does not disapprove an agreement within thirty days after its submission to him or her, it is considered approved by him or her.

(h) Whenever national guard forces of any party state are engaged in the performance of duties, in the area of drug interdiction, counter-drug, and demand reduction activities, pursuant to orders, they shall not be held personally liable for any acts or omissions which occur during the performance of their duty.

ARTICLE IV RESPONSIBILITIES

(a) Nothing in this compact shall be construed as a waiver of any benefits, privileges, immunities, or rights otherwise provided for national guard personnel performing duty pursuant to Title 32 of the United States Code nor shall anything in this compact be construed as a waiver of coverage provided for under the Federal Tort Claims Act. In the event that national guard personnel performing counter-drug activities do not receive rights, benefits, privileges, and immunities otherwise provided for national guard personnel as stated above, the following provisions shall apply:

(1) Whenever national guard forces of any responding state are engaged in another state in carrying out the purposes of this compact, the members thereof so engaged shall have the same powers, duties, rights, privileges, and immunities as members of national guard forces of the requesting state. The requesting state shall save and hold members of the national guard forces of responding states harmless from civil liability, except as otherwise provided herein, for acts or omissions that occur in the performance of their duty while engaged in carrying out the purposes of this compact, whether responding forces are serving the requesting state within the borders of the responding state or are attached to the requesting state for purposes of operational control.

(2) Subject to the provisions of paragraphs (3), (4), and (5) of this Article, all liability that may arise under the laws of the requesting state or the responding states, on account of or in connection with a request for assistance or support, shall be assumed and borne by the requesting state.

(3) Any responding state rendering aid or assistance pursuant to this compact shall be reimbursed by the requesting state for any loss or damage to, or expense incurred in the operation of, any equipment answering a request for aid, and for the cost of the materials, transportation, and maintenance of national guard personnel and equipment incurred in connection with such request, provided that nothing herein contained shall prevent any responding state from assuming such loss, damage, expense, or other cost.

(4) Unless there is a written agreement to the contrary, each party state shall provide, in the same amounts and manner as if they were on duty within their state, for pay and allowances of the personnel of its national guard units while engaged without the state pursuant to this compact and while going to and returning from such duty pursuant to this compact.

(5) Each party state providing for the payment of compensation and death benefits to injured members and the representatives of deceased members of its national guard forces in case such members sustain injuries or are killed within their own state shall provide for the payment of compensation and death benefits in the same manner and on the same terms in the event such members sustain injury or are killed while rendering assistance or support

pursuant to this compact. Such benefits and compensation shall be deemed items of expense reimbursable pursuant to paragraph (3) of this Article.

(b) Officers and enlisted personnel of the national guard performing duties subject to proper orders pursuant to this compact shall be subject to and governed by the provisions of their home state code of military justice whether they are performing duties within or without their home state. In the event that any national guard member commits, or is suspected of committing, a criminal offense while performing duties pursuant to this compact without his or her home state, he or she may be returned immediately to his or her home state and said home state shall be responsible for any disciplinary action to be taken. However, nothing in this section shall abrogate the general criminal jurisdiction of the state in which the offense occurred.

ARTICLE V DELEGATION

Nothing in this compact shall be construed to prevent the governor of a party state from delegating any of his or her responsibilities or authority respecting the national guard, provided that such delegation is otherwise in accordance with law. For purposes of this compact, however, the governor shall not delegate the power to request assistance from another state.

ARTICLE VI LIMITATIONS

Nothing in this compact shall:

(a) Authorize or permit national guard units or personnel to be placed under the operational control of any person not having the national guard rank or status required by law for the command in question.

(b) Deprive a properly convened court of jurisdiction over an offense or a defendant merely because of the fact that the national guard, while performing duties pursuant to this compact, was utilized in achieving an arrest or indictment.

ARTICLE VII CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any state or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Locke.

Passed to Committee on Rules for second reading.

March 26, 1993

SSB 5922 Prime Sponsor, Committee on Health & Human Services: Regarding the use of controlled substances by advanced registered nurse practitioners, certified nurse anesthetists. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 23, after "anesthetist," insert "'Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia."

On page 3, line 24, strike all of section 2 and renumber the remaining section

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

Excused: Representatives Ballasiotes, Assistant Ranking Minority Member and Mielke.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4635, by Representatives Dorn, Cothorn, Brough, Wolfe, Bray, Wineberry, Campbell, Eide, Karahalios, Orr, Sehlin, Lemmon, Linville, Springer, Mastin, Conway, Holm, L. Johnson, Schmidt, Ballasiotes, Cooke, Van Luven, Talcott, Vance, Reams, Carlson, Romero, Basich, Ogden, R. Meyers, Padden, R. Johnson, Fuhrman, Brumsickle, Horn, Jacobsen, Sheahan, Casada, Quall, Thomas, Leonard, Thibaudeau, Morris, Edmondson, Morton, Finkbeiner, Riley, Ludwig, Valle, King, H. Myers, G. Fisher, Wang, Miller, Appelwick, Sommers, Grant, Rust, Rayburn, Sheldon, Dellwo, Roland, Patterson, Kessler, Jones, Pruitt, Johanson, Veloria, Zellinsky and Kremen

WHEREAS, The development of a world class education system and a highly trained work force is essential to promoting economic development in Washington State; and

WHEREAS, Policy makers, employers, employees, educators, and community leaders should work together to create a globally competitive work force that is educated, skilled, and adaptable; and

WHEREAS, Washington State has made significant progress toward reforming our education system, training and retraining workers, coordinating state work force training initiatives, and promoting international trade and economic development; and

WHEREAS, A long-term strategic plan is essential to ensuring that Washington citizens can compete in a global economy; and

WHEREAS, The National Conference of State Legislatures and Jobs for the Future are soliciting proposals from state legislative leaders to develop integrated systems for work force preparation and economic development; and

WHEREAS, The National Conference of State Legislatures and Jobs for the Future have designed the "Investing in People" project to help states achieve their economic and educational goals; and

WHEREAS, Governor Lowry and the legislative leaders of the Senate and the House of Representatives have declared their intention to participate in the "Investing in People" project;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives applaud and endorse the goals of the work force preparation and economic development project developed by the National Conference of State Legislatures and Jobs for the Future; and

BE IT FURTHER RESOLVED, That the House of Representatives declare its intention to participate as a partner with the National Conference of State Legislatures, Jobs for the Future, and selected states in the "Investing in People" project; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the National Conference of State Legislatures.

Representative Dorn moved adoption of the resolution.

Representative Dorn spoke in favor of the resolution.

House Resolution No. 4635 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 27, 1993

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4013 with the following amendments:
On page 1, after line 7, strike the remainder of the joint memorial and insert the following:

"WHEREAS, The Washington State House of Representatives and Senate recognize that the permanent loss of jobs in natural resource-based industries has gravely and irreversibly impacted the coastal economies of Pacific and Grays Harbor counties and parts of Jefferson and Clallam counties; and

WHEREAS, The loss of timber-related jobs has created a further erosion of jobs in coastal communities which presently do not have alternative employment opportunities; and

WHEREAS, Hard-working families are losing their homes, automobiles, and other possessions and are going without adequate food, critically needed medical care, educational, and social services previously earned with wages from their jobs; and

WHEREAS, The loss of sales tax, property tax, and other local revenues by local coastal communities resulting from the devastating economic dislocation is accompanied by a heavy additional burden placed on public services provided by local police, prosecutors, public health, and social service providers that manifestly precludes local government from financing an economic recovery program; and

WHEREAS, In 1991 the federal government received an estimated one hundred forty-three million dollars in general tax revenue, exclusive of social security and unemployment insurance taxes, from Pacific and Grays Harbor counties; and

WHEREAS, In 1991 the State of Washington received an estimated seventy-seven million dollars in general fund taxes from the two-county area; and

WHEREAS, Implementation of the Coastal Economic Recovery Plan will provide jobs and improve the coastal economy so that at the end of ten years the federal government tax revenues will increase from one hundred forty-three million dollars a year to two hundred five million dollars and the Washington State general fund revenues will increase from seventy-seven million dollars a year to one hundred thirteen million dollars over the ten-year period; and

WHEREAS, The millions of dollars monthly spent by the federal and state government for public assistance, unemployment compensation, medical assistance, food, retraining, and other social service programs can be sharply reduced through implementation of the coastal economy which emphasizes tourism, outdoor recreation, and commercial and sports fishing;

NOW, THEREFORE, Your Memorialists respectfully pray that the federal government invest, along with the State of Washington, in a Coastal Economic Recovery Plan by funding the following elements of the plan:

(1) Habitat restoration jobs, including Olympic peninsula, Grays Harbor and Willapa Bay drainages. The primary beneficiaries of the work will be wild stocks of salmon: Fifty million dollars;

(2) Federal share of new coastal hatcheries including wild stock supplementation facilities: Seventeen million five hundred thousand dollars;

(3) Federal share of coastal tourism infrastructure facilities: Twelve million dollars;

(4) Federal funding of educational facilities at Grays Harbor College for Dislocated Timber Workers: Five million dollars; and

(5) Federal share of coastal transportation facilities for tourism and outdoor recreation: Ten million dollars.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved that the House do concur in the Senate amendments to Engrossed House Joint Memorial No. 4013. The motion was carried.

On motion of Representative J. Kohl, Representatives Thomas and Jacobsen were excused.

On motion of Representative Wood, Representatives Sehlin and Silver were excused.

FINAL PASSAGE OF HOUSE JOINT MEMORIAL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4013 as amended by the Senate.

Representatives Kessler, Forner and Wineberry spoke in favor of final passage of the memorial.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Joint Memorial No. 4013 as amended by the Senate and the memorial passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Absent: Representative Morris - 1.

Excused: Representatives Jacobsen, Patterson, Sehlin and Silver - 4.

Engrossed House Joint Memorial No. 4013, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE JOINT MEMORIAL NO. 4013,

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

MOTION

On motion of Representative Dorn, the House adjourned until 12:00 p.m., Thursday April 1, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTIETH DAY, MARCH 31, 1993

JOURNAL OF THE HOUSE

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

EIGHTY-FIRST DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, April 1, 1993

The House was called to order at 12:00 p.m. by the Speaker.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1036,
HOUSE BILL NO. 1037,
HOUSE BILL NO. 1790,
HOUSE BILL NO. 1956,
HOUSE JOINT MEMORIAL NO. 4010,

With the consent of the House, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2113 by Representative Jones, Foreman, Kremen, Holm, Jacobsen, Morton, Basich, Van Luven, Dellwo, Roland, Heavey, Linville and Appelwick.

AN ACT Relating to military service credit; and amending RCW 41.40.710.

Referred to Committee on Appropriations.

On motion of Representative Peery, the bill listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

With the consent of the House, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

HB 2111 Prime Sponsor, Representative R. Fisher: Adopting the supplemental transportation budget. Reported by
Committee on Transportation March 30, 1993

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 1991 sp.s. c 15 s 4 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ ~~((185,000))~~

202,000

~~((No more than \$80,000 may be expended for attorney general fees.))~~

Sec. 2. 1992 c 166 s 8 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ ((45,695,000))	<u>46,089,500</u>
General Fund--Marine Fuel Tax Refund Account-- State Appropriation \$ 25,000	
General Fund--Wildlife Account--State Appropriation \$ 504,000	
TOTAL APPROPRIATION \$ ((46,224,000))	<u>46,618,500</u>

Sec. 3. 1992 c 166 s 9 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account-- State Appropriation \$ 4,394,000	
Highway Safety Fund--State Appropriation \$ ((48,256,000))	<u>48,405,078</u>
Highway Safety Fund--Motorcycle Safety Education Account-- State Appropriation \$ 884,000	
TOTAL APPROPRIATION \$ ((53,534,000))	<u>53,683,078</u>

Sec. 4. 1992 c 166 s 20 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ ((217,750,000))	<u>221,550,000</u>
Motor Vehicle Fund--Local Appropriation \$ 750,000	
TOTAL APPROPRIATION \$ ((218,500,000))	<u>222,300,000</u>

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; J. Kohl; Miller; H. Myers; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Johanson, R. Meyers, Orr and Patterson.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5060 Prime Sponsor, A. Smith: Revising provisions relating to indeterminate sentencing. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; and Riley.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5075 Prime Sponsor, Committee on Higher Education: Prohibiting hazing at institutions of higher education.
Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

As used in sections 2 and 3 of this act, "hazing" includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state. "Hazing" does not include customary athletic events or other similar contests or competitions.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

- (1) No student, or other person in attendance at any public or private institution of higher education, or any other postsecondary educational institution, may conspire to engage in hazing or participate in hazing of another.
- (2) A violation of this section is a misdemeanor, punishable as provided under RCW 9A.20.021.
- (3) Any organization, association, or student living group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

- (1) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the institution of higher education.
- (2) Any organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by a public institution of higher education.
- (3) The public institutions of higher education shall adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education shall adopt rules providing sanctions for conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of section 1 of this act. Conduct covered by this section may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation."

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Casada; Finkbeiner; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Basich and Flemming

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5129 Prime Sponsor, Committee on Education: Allowing educational service district boards of directors to provide cooperative and informational services. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 2, at the beginning of line 23, strike everything through "provides" and insert "that provide"

On page 2, line 28, after "district" insert ". as long as the cooperative and informational services are not in conflict with other law"

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Pruitt; Roland; Stevens; and Vance.

Excused: Representative Patterson.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5262 Prime Sponsor, Committee on Agriculture: Modifying composition of the beef commission. Reported by Committee on Agriculture & Rural Development

MAJORITY Recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5274 Prime Sponsor, Committee on Labor & Commerce: Adding certain boilers to boiler regulation exemptions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 14, strike all of section 2

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5300 Prime Sponsor, Skratek: Promoting economic development. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Quall; Schoesler; Sheldon; and Valle.

Excused: Representative Morris, Springer and Wood.

Passed to Committee on Rules for second reading.

March 30, 1993

2SSB 5304 Prime Sponsor, Committee on Ways & Means: Reforming health care cost control and access. As Reported by Committee on Health Care.

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 5. FINDINGS. The legislature finds that our health and financial security are jeopardized by our ever increasing demand for medical care and by current medical insurance and medical system practices. Current medical system practices encourage public demand for unneeded, ineffective, and sometimes dangerous medical treatments. These practices often result in unaffordable cost increases that far exceed ordinary inflation for essential care. Current total medical and health care expenditure rates should be sufficient to provide access to essential health and medical care interventions to all within a reformed, efficient system.

The legislature finds that too many of our state's residents are without medical insurance, that each year many individuals and families are forced into poverty because of serious illness, and that many must leave gainful employment to be eligible for publicly funded medical services. Additionally, thousands of citizens are at risk of losing adequate medical insurance, have had insurance canceled recently, or cannot afford to renew existing coverage.

The legislature finds that businesses find it difficult to pay for medical insurance and remain competitive in a global economy, and that individuals, the poor, and small businesses bear an inequitable medical insurance burden.

The legislature finds that persons of color have significantly higher rates of mortality, poor health outcomes, and substantially lower numbers and percentages of persons covered by health insurance than general population. It is intended that chapter . . . , Laws of 1993 (this act) make provisions to address the special health care needs of these racial and ethnic populations in order to improve their health status.

The legislature finds that uncontrolled demand and expenditures for medical care are eroding the ability of families, businesses, communities, and governments to invest in other enterprises that promote health, maintain independence, and ensure continued economic welfare. Housing, nutrition, education, and the environment are all diminished as we invest ever increasing shares of wealth in medical treatments.

The legislature finds that while immediate steps must be taken, a long-term plan of reform is also needed.

NEW SECTION. Sec. 6. LEGISLATIVE INTENT AND GOALS. (1) The legislature intends that state government policy stabilize health services costs, assure access to essential services for all residents, actively address the health care needs of persons of color, improve the public's health, and reduce unwarranted health services costs to preserve the viability of nonmedical care businesses.

(2) The legislature intends that:

(a) Total health services costs be stabilized and kept within rates of increase similar to the rates of general economic inflation within a publicly regulated, private marketplace that preserves personal choice;

(b) State residents be enrolled in the certified health plan of their choice that meets state standards regarding affordability, accessibility, cost-effectiveness, and clinically efficacious;

(c) State residents be able to choose health services from the full range of health care providers, as defined in section 402(12) of this act, in a manner consistent with good health service management, quality assurance, and cost effectiveness;

(d) Individuals and businesses have the option to purchase any health or medical services they may choose in addition to those contained in the uniform benefits package;

(e) All state residents, businesses, employees, and government participate in payment for health services, with total costs to individuals on a sliding scale based on income to encourage efficient and appropriate utilization of services and to protect individuals from impoverishment because of health care costs;

(f) These goals be accomplished within a reformed system using private service providers and facilities in a way that allows consumers to choose among competing plans operating within budget limits and other regulations that promote the public good; and

(g) That a policy of facilitating communication and networking in the delivery, purchase, and provision of health services among the federal, state, local, and tribal governments be encouraged and accomplished by chapter . . . , Laws of 1993 (this act).

(3) Accordingly, the legislature intends that chapter . . . , Laws of 1993 (this act) provide both early implementation measures and a process for overall reform of the health services system.

PART II. EARLY IMPLEMENTATION MEASURES

A. BASIC HEALTH PLAN EXPANSION

NEW SECTION. Sec. 201. A new section is added to chapter 70.47 RCW to read as follows:
TRANSFER OF POWER AND DUTIES TO WASHINGTON STATE HEALTH CARE AUTHORITY. The powers, duties, and functions of the Washington basic health plan are hereby transferred to the Washington state health care authority. All references to the administrator of the Washington basic health plan in the Revised Code of Washington shall be construed to mean the administrator of the Washington state health care authority.

NEW SECTION. Sec. 202. **TRANSFER OF RECORDS, EQUIPMENT, FUNDS.** All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington basic health plan shall be delivered to the custody of the Washington state health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the Washington basic health plan shall be made available to the Washington state health care authority. All funds, credits, or other assets held by the Washington basic health plan shall be assigned to the Washington state health care authority.

Any appropriations made to the Washington basic health plan shall, on the effective date of this section, be transferred and credited to the Washington state health care authority. At no time may those funds in the basic health plan trust account, any funds appropriated for the subsidy of any enrollees, or any premium payments or other sums made or received on behalf of any enrollees in the basic health plan be commingled with any appropriated funds designated or intended for the purposes of providing health care coverage to any state or other public employees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 203. **TRANSFER OF EMPLOYEES.** All employees of the Washington basic health plan are transferred to the jurisdiction of the Washington state health care authority. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 204. **RULES AND BUSINESS.** All rules and all pending business before the Washington basic health plan shall be continued and acted upon by the Washington state health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state health care authority.

NEW SECTION. Sec. 205. **VALIDITY OF PRIOR ACTS.** The transfer of the powers, duties, functions, and personnel of the Washington basic health plan shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 206. **APPORTIONMENT OF BUDGETED FUNDS.** If apportionments of budgeted funds are required because of the transfers directed by sections 201 through 205 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 207. **COLLECTIVE BARGAINING.** Nothing contained in sections 201 through 206 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 208. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:
BASIC HEALTH PLAN--FINDINGS. (1) The legislature finds that:
(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women (~~((who are an especially vulnerable population, along with their children))~~), and at-risk children and adolescents who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents (~~((under sixty five years of age))~~) not (~~((otherwise))~~) eligible for medicare (~~((with gross family income at or below two hundred percent of the federal poverty guidelines))~~) or medical assistance who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) (~~((The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.))~~)

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program. It is also the intent of the legislature to condition access to this plan for nonsubsidized enrollees upon the prior placement of subsidized enrollees, to the extent funding is available.

(c) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 209. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

BASIC HEALTH PLAN--DEFINITIONS. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. On and after July 1, 1997, "managed health care system" means a certified health plan, as defined in section 402 of this act.

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse ~~((and/or))~~ or dependent children, ~~((all under the age of sixty five and))~~ not ~~((otherwise))~~ eligible for medicare or medical assistance, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who chooses to obtain basic health care coverage from a particular managed health care system and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes ~~((, from funds appropriated from the basic health plan trust account,))~~ to a managed health care system on behalf of ~~((an))~~ a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income ~~((and determined under RCW 70.47.060(2),))~~ which an ~~((enrollee))~~ individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 210. RCW 70.47.030 and 1992 c 232 s 907 are each amended to read as follows:

ACCOUNTS. (1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((After July 1, 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.))~~

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 211. RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended to read as follows:

BASIC HEALTH PLAN--PROGRAM WITHIN STATE HEALTH CARE AUTHORITY. (1) The Washington basic health plan is created as ~~((an independent agency of the state))~~ a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator ~~((who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040))~~ of the Washington state health care authority. The administrator shall appoint a medical director. The ~~((administrator,))~~ medical director ~~((,))~~ and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its

contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) ~~((In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law))~~ Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Sec. 212. RCW 70.47.060 and 1992 c 232 s 908 are each amended to read as follows:

ADMINISTRATOR'S POWERS AND DUTIES. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, ~~((for the period ending June 30, 1993,))~~ with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for ~~((prenatal or postnatal))~~ such services ~~((that are provided under the medical assistance program under chapter 74.09 RCW))~~ except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider ~~((, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992))~~. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On or after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to section 448 of this act shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size ~~((as well as))~~ and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system

provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the appropriate premium tax as provided by law.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed ninety-five percent of the total premiums due from the enrollee.

(d) On or after July 1, 1995, the administrator shall comply with any schedule of premiums that may be adopted by the Washington health services commission.

(3) To design and implement a structure of ((nominal)) copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. On or after July 1, 1995, the administrator shall comply with schedules of enrollee point of service cost-sharing adopted by the Washington health services commission.

(4) ((To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5)) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

((In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.))

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medicaid, may, at their option, continue

to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least ~~((annually))~~ semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. ~~((An enrollee who remains current in payment of the sliding scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled.))~~ No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from small business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a small business owner pay at least fifty percent but not more than ninety-five percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Effective on or after July 1, 1997, the employer participation levels established by the health services commission pursuant to section 455 of this act shall govern employer participation levels under this section. For the purposes of this subsection, an employee means an individual who regularly works for the small business for at least twenty hours per week. The businesses may have no more than one hundred employees at the time of initial enrollment and enrollment is limited to those not eligible for medicare or medical assistance, who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((41))~~ (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the ~~((administrator))~~ plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.))~~

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) ~~((To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state))~~ To endeavor to expand enrollment as much as possible to correspond to the proportion of persons of color in the community served using the best available data that estimates representation of persons of color and describe these efforts in its annual report.

Sec. 213. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

ENROLLMENT. On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, total ~~((enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.))~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4))~~ subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan. To the extent that new funding is appropriated for expansion, the administrator shall endeavor to secure participation contracts from managed health care systems in geographic areas of the state that are unserved by the plan at the time at which the new funding is appropriated.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

B. EXPANDED MANAGED CARE FOR STATE EMPLOYEES

Sec. 214. RCW 41.05.011 and 1990 c 222 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceutical, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an ~~((insurance carrier as defined in chapter 48.21 or 48.22))~~ insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. On and after July 1, 1997, "insuring entity" means a certified health plan, as defined in section 402 of this act.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; upon a determination by the administrator as provided in RCW 41.05.021(2), all full-time employees of school districts; elected and appointed officials of the executive branch of government, including full-time members of

boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205(~~, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350~~) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, upon the determination provided for in RCW 41.05.021(2) by the administrator, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization.

(7) "Board" means the (~~state~~) public employees' benefits board established under RCW 41.05.055.

Sec. 215. RCW 41.05.021 and 1990 c 222 s 3 are each amended to read as follows:

HEALTH CARE AUTHORITY DUTIES. (1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits (~~and to~~) study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care, and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

~~((1))~~ (a) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

~~((2))~~ (b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

~~((a))~~ (i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

~~((b))~~ (ii) Utilization of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods;

~~((c))~~ (iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

~~((4))~~ (iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

~~((e))~~ (v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

~~((3))~~ (c) To analyze areas of public and private health care interaction;

~~((4))~~ (d) To provide information and technical and administrative assistance to the board;

~~((5))~~ (e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state(~~, and school districts~~) to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 (~~and 28A.400.350~~), setting the premium contribution for approved groups as outlined in RCW 41.05.050;

~~((6))~~ (f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and

~~((7))~~ (g) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) The administrator shall determine the year in which the public employees' benefits board will undertake design and approval of insurance benefits plans for school district employees. Upon making that determination the administrator shall:

(a) Provide written notification to the fiscal committees of the senate and the house of representatives. Such notification shall be given by January 1 of the year prior to which the administrator will begin purchasing insurance benefits on behalf of school district employees; and

(b) Develop procedures necessary to ensure that the transition to insurance benefits purchasing by the administrator does not disrupt existing insurance contracts between school district employees and insurers.

(3) The public employees' benefits board shall implement strategies to promote managed competition among employee health benefit plans by January 1, 1995, including but not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced sealed bid of a qualified plan within a geographical area. If the state's contribution is less than one hundred percent of the lowest priced sealed bid, employee financial contributions shall be structured on a sliding-scale basis related to household income;

(d) Ensuring access to quality health services, including assuring reasonable access to local providers, especially for enrollees residing in rural areas;

(e) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

Sec. 216. RCW 41.05.050 and 1988 c 107 s 18 are each amended to read as follows:

FERRY EMPLOYEES. (1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. All such contributions will be paid into the ~~((state))~~ public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. ~~((However,))~~ Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter . . . , Laws of 1993 (this act).

(3) The administrator with the assistance of the ~~((state))~~ public employees' benefits board shall survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the authority. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the authority for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 217. RCW 41.05.055 and 1989 c 324 s 1 are each amended to read as follows:

SCHOOL DISTRICT EMPLOYEES. (1) The ~~((state))~~ public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and upon a determination by the administrator as provided in RCW 41.05.021(2), school district employees.

(2) Beginning in the year in which the administrator determines that the public employees' benefits board will undertake design and approval of insurance benefits plans for school district employees, as provided in RCW 41.05.021(2), the board shall be composed of ~~((seven))~~ nine members appointed by the governor as follows:

(a) ~~((Three))~~ Two representatives of state employees, ~~((one of whom shall represent an employee association certified as exclusive representative of at least one bargaining unit of classified employees,))~~ one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

~~((Three))~~ (c) Four members with experience in health benefit management and cost containment; and

~~((e))~~ (d) The administrator.

Prior to that year, the composition of the public employees benefits board shall reflect its composition on January 1, 1993.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

Sec. 218. RCW 41.05.065 and 1988 c 107 s 8 are each amended to read as follows:

EMPLOYEE BENEFIT PLANS--STANDARDS. (1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state(~~(- PROVIDED, That)~~), however liability insurance shall not be made available to dependents.

(2) The ~~((state))~~ public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, exercise, ~~((and))~~ automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers; ~~((and))~~

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of standard benefit plans to be offered to enrollees participating in the employee health benefit plans. On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees. To maintain the comprehensive nature of employee health care benefits, the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan in effect on January 1, 1993.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. ~~((Such authorization shall require a vote of five members of the board for approval.))~~

(5) Employees ~~((may))~~ shall choose participation in only one of the health care benefit plans developed by the board.

(6) The board shall review plans proposed by insurance carriers that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

Sec. 219. RCW 41.05.120 and 1991 sp.s. c 13 s 100 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE ACCOUNT. (1) The ~~((state))~~ public employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of

contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the ~~((state))~~ public employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the ~~((state))~~ public employees' insurance account.

Sec. 220. RCW 41.05.140 and 1988 c 107 s 12 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE RESERVE FUND. (1) The authority may self-fund or self-insure for public employees' benefits plans, but shall also enter into other methods of providing insurance coverage for insurance programs under its jurisdiction except property and casualty insurance. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. Reserves established by the authority shall be held in a separate trust fund by the state treasurer and shall be known as the ~~((state))~~ public employees' insurance reserve fund. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the ~~((state))~~ public employees' insurance reserve fund.

(2) Any savings realized as a result of a program created under this section shall not be used to increase benefits unless such use is authorized by statute.

(3) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

(4) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

(5) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

NEW SECTION. Sec. 221. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. (1) Notwithstanding any other provisions of this chapter, if a waiver of the medicare statute, as provided in section 460 of this act, is not obtained prior to June 30, 1995, the administrator shall develop at least two medical plans for retirees eligible for medicare. One of the packages shall include coverage for prescription drugs. The packages shall be offered beginning July 1, 1996, and until a medicare waiver is obtained, to any resident of the state eligible for medicare benefits.

(2) The administrator may:

(a) Offer a self-funded medical plan for retirees eligible for medicare that includes all services available in the uniform benefits package to the extent they are not covered by medicare; and

(b) Offer medical plans for retirees eligible for medicare that conform to the requirements of chapter 48.66 RCW.

(3) The medical plans for retirees eligible for medicare shall be administered and shall have rates calculated as a distinct experience pool.

(4) To the extent that funding is made available specifically for this purpose, the administrator shall establish subsidies for low-income residents' premium and cost-sharing payments.

Sec. 222. RCW 47.64.270 and 1988 c 107 s 21 are each amended to read as follows:

Until December 31, 1996, absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW~~((-))~~; and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW

47.64.180. On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter . . . , Laws of 1993 (this act). To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 223. RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33 s 381 are each reenacted and amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the ~~((greater of: (i) The formula amount for insurance benefits))~~ amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable ~~(; or (ii) the actual average amount provided by the school district in the 1986-87 school year))~~. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210 ~~((-or))~~; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

Sec. 224. RCW 28A.400.350 and 1990 1st ex.s. c 11 s 3 and 1990 c 74 s 1 are each reenacted and amended to read as follows:

(1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority

administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Except to the extent provided in RCW 28A.400.200, upon the making of a determination provided for in RCW 41.05.021(2) by the administrator of the state health care authority, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student: PROVIDED, That the school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

C. CONSOLIDATED STATE HEALTH CARE PURCHASING AGENT

NEW SECTION. Sec. 225. A new section is added to Title 43 RCW to read as follows:

STATE HEALTH SERVICES AGENT. (1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after July 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: The basic health plan; health benefits for active employees of school districts, to the extent that the administrator has made a determination under RCW 41.05.021(2); and health benefits for active state employees. Until that date, in purchasing health services, the health care authority shall maintain separate experience pools for each of the programs in this subsection. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the experience pools. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long-term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community-rated risk pool effective on and after July 1, 1997.

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan or a uniform benefits package as adopted by the Washington health services commission as provided in section 448 of this act, use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them, and that a health maintenance organization, health care service contractor, insurer, or certified health plan that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them;

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter . . . , Laws of 1993 (this act);

(e) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section;

(f) Ensure that procedures and due process guarantees no less beneficial than those available under federal and state law to participants in the medical assistance, limited casualty, and medical care services programs are provided to all persons who, but for the federal waivers and state legislation procured under subsection (1) of this section, would be eligible for those programs.

NEW SECTION. Sec. 226. A new section is added to chapter 41.05 RCW to read as follows:

WASHINGTON STATE GROUP PURCHASING ASSOCIATION. (1) The Washington state group purchasing association is established for the purpose of coordinating and enhancing the health care purchasing power of the groups identified in subsection (2) of this section. The purchasing association shall be administered by the administrator.

(2) The following organizations or entities may seek the approval of the administrator for membership in the purchasing association:

(a) Private nonprofit human services provider organizations under contract with state agencies, on behalf of their employees and their employees' spouses and dependent children;

(b) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the medical assistance personal care or community options program entry system program as provided in chapter 74.09 RCW, or the chore services program, as provided in chapter 74.08 RCW, on behalf of themselves and their spouses and dependent children;

(c) Owners and operators of child day care centers and family child care homes licensed under chapter 74.15 RCW and of preschool or other child care programs exempted from licensing under chapter 74.15 RCW on behalf of themselves and their employees and employees' spouses and dependent children; and

(d) Foster parents contracting with the department of social and health services under chapter 74.13 RCW and licensed under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children.

(3) In administering the purchasing association, the administrator shall:

(a) Negotiate and enter into contracts on behalf of the purchasing association's members in conjunction with its contracting and purchasing activities for employee benefit plans under RCW 41.05.075. In negotiating and contracting with insuring entities on behalf of employees and purchasing association members, distinct experience pools shall be maintained.

(b) Review and approve or deny applications from entities seeking membership in the purchasing association:

(i) The administrator may require all or the substantial majority of the employees of the organizations or entities listed in subsection (2) of this section to enroll in the purchasing association.

(ii) The administrator shall require, that as a condition of membership in the purchasing association, an entity or organization listed in subsection (2) of this section that employs individuals pay at least fifty percent but not more than ninety-five percent of the cost of the insurance coverage for each employee enrolled in the purchasing association.

(iii) In offering and administering the purchasing association, the administrator may not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history.

(4) On or after July 1, 1995, the uniform benefits package and schedule of premiums and point of service cost-sharing adopted and from time to time revised by the health services commission pursuant to chapter . . . , Laws of 1993 (this act) shall be applicable to the association.

(5) The administrator shall adopt preexisting condition coverage provisions for the association as provided in sections 280 through 283 of this act.

(6)(a) The Washington state group purchasing association account is established in the custody of the state treasurer, to be used by the administrator for the deposit of premium payments from individuals and entities described in subsection (2) of this section, and for payment of premiums for benefit contracts entered into on behalf of the purchasing association's participants and operating expenses incurred by the authority in the administration of

benefit contracts under this section. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(b) Disbursements from the account are not subject to appropriations, but shall be subject to the allotment procedure provided under chapter 43.88 RCW.

NEW SECTION. Sec. 227. A new section is added to chapter 41.05 RCW to read as follows:

MARKETING PLAN. The administrator shall develop a marketing plan for the basic health plan and the Washington state group purchasing association. The plan shall be targeted to individuals and entities eligible to enroll in the two programs and provide clear and understandable explanations of the programs and enrollment procedures. The plan also shall incorporate special efforts to reach communities and people of color.

NEW SECTION. Sec. 228. WASHINGTON STATE GROUP PURCHASING ASSOCIATION--REPEAL.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(1) RCW 41.05.____ and 1993 c ____ s 226 (section 226 of this act); and

(2) RCW 41.05.____ and 1993 c ____ s 227 (section 227 of this act).

NEW SECTION. Sec. 229. TRANSFER OF AUTHORITY TO PURCHASE SERVICES FROM

COMMUNITY HEALTH CENTERS. (1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary medical and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary medical and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) To further the intent of chapter . . . , Laws of 1993 (this act), the health care authority, in consultation with the department of health, shall evaluate the organization and operation of the federal and state-funded community health centers and other not-for-profit health care organizations and propose recommendations to the health services commission and the health policy committees of the legislature by November 30, 1994, that identify changes to permit community health centers and other not-for-profit health care organizations to form certified health plans or other innovative health care delivery arrangements that help ensure access to primary health care services consistent with the purposes of chapter . . . , Laws of 1993 (this act).

D. HEALTH CARE PROVIDER CONFLICT OF INTEREST STANDARDS

Sec. 230. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment: PROVIDED, That ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; and (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities.

Any person violating the provisions of this section is guilty of a misdemeanor.

E. PUBLIC HEALTH FINANCING AND GOVERNANCE

Sec. 231. RCW 70.05.010 and 1967 ex.s. c 51 s 1 are each amended to read as follows:

For the purposes of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) and unless the context thereof clearly indicates to the contrary:

- (1) "Local health departments" means the ~~((city, town,))~~ county or district which provides public health services to persons within the area;
- (2) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the ~~((city, town,))~~ county or district public health department;
- (3) "Local board of health" means the ~~((city, town,))~~ county or district board of health.
- (4) "Health district" means ~~((all territory encompassed within a single county and all cities and towns therein except cities with a population of over one hundred thousand, or))~~ all the territory consisting of one or more counties ~~((and all the cities and towns in all of the combined counties except cities of over one hundred thousand population which have been combined and))~~ organized pursuant to the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~: PROVIDED, That cities with a population of over one hundred thousand may be included in a health district as provided in RCW 70.46.040)).
- (5) "Department" means the department of health.

Sec. 232. RCW 70.05.030 and 1967 ex.s. c 51 s 3 are each amended to read as follows:

In counties without a home rule charter, the board of county commissioners ~~((of each and every county in this state, except where such county is a part of a health district or is purchasing services under a contract as authorized by chapter 70.05 RCW and RCW 70.46.020 through 70.46.090,))~~ shall constitute the local board of health ~~((for such county, and said local board of health's jurisdiction))~~, unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county ~~((, except that nothing herein contained shall give said board jurisdiction in cities of over one hundred thousand population or in such other cities and towns as are providing health services which meet health standards pursuant to RCW 70.46.090)).~~

Sec. 233. RCW 70.05.040 and 1984 c 25 s 1 are each amended to read as follows:

The local board of health shall elect a ~~((chairman))~~ chair and may appoint an administrative officer. A local health officer shall be appointed pursuant to RCW 70.05.050. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local board of health, the members shall elect a ~~((chairman))~~ chair to serve for a period of one year. ~~((In home rule charter counties that have a local board of health established under RCW 70.05.050, the administrative officer may be appointed by the official designated under the county's charter.))~~

NEW SECTION. Sec. 234. A new section is added to chapter 70.05 RCW to read as follows:

In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

Sec. 235. RCW 70.05.050 and 1984 c 25 s 5 are each amended to read as follows:

~~((Each local board of health, other than boards which are established under RCW 70.05.030 and which are located in counties having home rule charters, shall appoint a local health officer. In home rule charter counties which have a local board of health established under RCW 70.05.030, the local health officer shall be appointed by the official designated under the provisions of the county's charter.))~~

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but ~~((he))~~ the local health officer shall not be removed until after notice is given

~~((him))~~, and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. ~~((He))~~ The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 236. RCW 70.05.070 and 1991 c 3 s 309 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or section 234 of this act, if any, shall:

- (1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and filing of actions authorized by RCW 43.70.190;
- (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;
- (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;
- (4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;
- (5) Prevent, control or abate nuisances which are detrimental to the public health;
- (6) Attend all conferences called by the secretary of health or his or her authorized representative;
- (7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;
- (8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;
- (9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 237. RCW 70.05.080 and 1991 c 3 s 310 are each amended to read as follows:

If the local board of health or other official responsible for appointing a local health officer under RCW 70.05.050 refuses or neglects to appoint a local health officer after a vacancy exists, the secretary of health may appoint a local health officer and fix the compensation. The local health officer so appointed shall have the same duties, powers and authority as though appointed under RCW 70.05.050. Such local health officer shall serve until a qualified individual is appointed according to the procedures set forth in RCW 70.05.050. The board or official responsible for appointing the local health officer under RCW 70.05.050 shall also be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his or her responsibilities under the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~.

Sec. 238. RCW 70.05.120 and 1984 c 25 s 8 are each amended to read as follows:

Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Sec. 239. RCW 70.05.130 and 1991 c 3 s 313 are each amended to read as follows:

All expenses incurred by the state, health district, or county in carrying out the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or any other public health law, or the rules of the ~~((state))~~ department of health enacted under such laws, shall be paid by the county ~~((or city by which or in behalf of which such expenses shall have been incurred))~~ and such expenses shall constitute a claim against the general fund as provided herein.

Sec. 240. RCW 70.05.150 and 1967 ex.s. c 51 s 22 are each amended to read as follows:

In addition to powers already granted them, any ~~((city, town,))~~ county, district, or local health department may contract for either the sale or purchase of any or all health services from any local health department: PROVIDED, That such contract shall require the approval of the state board of health.

Sec. 241. RCW 70.08.010 and 1985 c 124 s 1 are each amended to read as follows:

Any city with one hundred thousand or more population and the county in which it is located, are authorized, as shall be agreed upon between the respective governing bodies of such city and said county, to establish and operate a combined city and county health department, and to appoint ~~((the director of public health))~~ a local health officer for the county served. Class AA counties may appoint a director of public health as specified in this chapter.

Sec. 242. RCW 70.12.030 and 1945 c 46 s 1 are each amended to read as follows:

Any county, ~~((first class city))~~ combined city-county health department, or health district is hereby authorized and empowered to create a "public health pooling fund", hereafter called the "fund", for the efficient management and control of all moneys coming to such county, ~~((first class city))~~ combined department, or district for public health purposes.

~~(("Health district" as used herein may mean all territory consisting of one or more counties and all cities with a population of one hundred thousand or less, and towns therein.))~~

Sec. 243. RCW 70.12.050 and 1945 c 46 s 3 are each amended to read as follows:

All expenditures in connection with salaries, wages and operations incurred in carrying on the health department of the county, ~~((first class city))~~ combined city-county health department, or health district shall be paid out of such fund.

Sec. 244. RCW 70.46.020 and 1967 ex.s. c 51 s 6 are each amended to read as follows:

Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties ~~((including all cities and towns except cities of over one hundred thousand population)).~~ The

district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. ~~((The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the financial contribution of such cities and towns and representation from the several classifications of cities and towns.))~~

At the first meeting of a district board of health the members shall elect a ~~((chairman))~~ chair to serve for a period of one year.

Sec. 245. RCW 70.46.060 and 1967 ex.s. c 51 s 11 are each amended to read as follows:

The district board of health shall constitute the local board of health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the county ~~((or city or town))~~ board of health of any county ~~((, city or town))~~ included in the health district ~~((, except as otherwise in chapter 70.05 RCW and RCW 70.46.020 through 70.46.090 provided))~~.

Sec. 246. RCW 70.46.080 and 1971 ex.s. c 85 s 10 are each amended to read as follows:

Each health district shall establish a fund to be designated as the "district health fund", in which shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. ~~((The county treasurer of the county in the district embracing only one county; or,))~~ In a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board ~~((: PROVIDED, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above))~~.

Each county ~~((, city or town))~~ which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health ~~((after consultation with the Washington state association of counties and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of the proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district))~~.

Sec. 247. RCW 70.46.085 and 1967 ex.s. c 51 s 20 are each amended to read as follows:

The expense of providing public health services shall be borne by each county ~~((, city or town))~~ within the health district ~~((, and the local health officer shall certify the amount agreed upon or as determined pursuant to RCW 70.46.080, and remaining unpaid by each county, city or town to the fiscal or warrant issuing officer of such county, city or town.~~

~~If the expense as certified is not paid by any county, city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the governmental unit is situated who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund shall be reimbursed by the county auditor out of the money due said governmental unit at the next monthly settlement or settlements of the collection of taxes and shall be transferred to the current expense fund))~~.

Sec. 248. RCW 70.46.090 and 1967 ex.s. c 51 s 21 are each amended to read as follows:

Any county (~~or any city or town~~) may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the county (~~, city or town~~) gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective: PROVIDED, That any county (~~, city or town~~) which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health: PROVIDED FURTHER, That no local health department shall be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in RCW 70.05.050.

Sec. 249. RCW 70.46.120 and 1963 c 121 s 1 are each amended to read as follows:

In addition to all other powers and duties, health districts shall have the power to charge fees in connection with the issuance or renewal of a license or permit required by law: PROVIDED, That the fees charged shall not exceed the actual cost involved in issuing or renewing the license or permit (~~: PROVIDED FURTHER, That no fees shall be charged pursuant to this section within the corporate limits of any city or town which prior to the enactment of this section charged fees in connection with the issuance or renewal of a license or permit pursuant to city or town ordinance and where said city or town makes a direct contribution to said health district, unless such city or town expressly consents thereto~~).

Sec. 250. RCW 82.44.110 and 1991 c 199 s 221 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) ~~((8.83))~~ 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(l) 2.95 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

Sec. 251. RCW 82.44.155 and 1991 c 199 s 223 are each amended to read as follows:

When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110(~~((4))~~)(1)(d) to the cities and towns

ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection ~~((and the preservation of the public health))~~ in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise taxes imposed by RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 252. RCW 43.20.030 and 1984 c 287 s 75 are each amended to read as follows:

The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, ~~((an elected city official who is a member of a local health board, an))~~ two elected county officials who ~~((is a))~~ are members of a local health board, a local health officer, and two persons representing the consumers of health care. ~~((Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities.))~~ Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department ~~((of social and health services))~~ shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 253.** RCW 70.08.010, as amended by this act, shall be recodified in chapter 70.05 RCW.

NEW SECTION. **Sec. 254.** The following acts or parts of acts are each repealed:

- (1) RCW 70.05.005 and 1989 1st ex.s. c 9 s 243;
- (2) RCW 70.05.020 and 1967 ex.s. c 51 s 2;
- (3) RCW 70.05.132 and 1984 c 25 s 9 & 1983 1st ex.s. c 39 s 6;
- (4) RCW 70.05.145 and 1983 1st ex.s. c 39 s 5;
- (5) RCW 70.12.005 and 1989 1st ex.s. c 9 s 245;
- (6) RCW 70.46.030 and 1991 c 363 s 141, 1969 ex.s. c 70 s 1, 1967 ex.s. c 51 s 5, & 1945 c 183 s 3;
- (7) RCW 70.46.040 and 1967 ex.s. c 51 s 7 & 1945 c 183 s 4; and
- (8) RCW 70.46.050 and 1967 ex.s. c 51 s 8, 1957 c 100 s 1, & 1945 c 183 s 5.

NEW SECTION. **Sec. 255.** It is hereby requested that the governing authorities of the association of Washington cities, the Washington state association of counties, and the Washington association of county officials jointly initiate a study and develop consensus recommendations regarding implementation of the provisions of sections 231 through 254 of this act. The study and recommendations should at a minimum include consideration of the fiscal impact of these sections on counties, the desirability of maintaining a process whereby city officials can effectively communicate concerns regarding the delivery of public health services to both the counties and the state, the need for larger cities to be able to continue to provide supplemental health care services when needed, and other matters as the three associations agree are of substance in the implementation of sections 231 through 254 of this act. The agreed upon recommendations shall be presented to the senate health and human services and house of representatives health care committees prior to December 31, 1993.

F. DATA COLLECTION

Sec. 256. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

(1) To promote the public interest consistent with the purposes of chapter . . . , Laws of 1993 (this act), the department is responsible for the development, implementation, and custody of a state-wide ((hospital)) health care data system, with policy direction and oversight to be provided by the Washington health services commission. As

part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, ~~((hospital))~~ health care data needed by consumers, purchasers, health care payers, ~~((hospitals))~~ providers, and state government as consistent with the intent of chapter . . . , Laws of 1993 (this act) ~~((chapter))~~. The department shall identify a set of ~~((hospital))~~ health care data elements and report specifications which satisfy these needs. The ~~((council))~~ Washington health services commission, created by section 403 of this act, shall review the design of the data system and may ~~((direct the department to))~~ establish a technical advisory committee on health data and shall, if deemed cost-effective and efficient, recommend that the department contract with a private vendor for assistance in the design of the data system or for any part of the work to be performed under this section. The data elements, specifications, and other ~~((design))~~ distinguishing features of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by ~~((January 1, 1990))~~ July 1, 1994.

(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered ~~((through the department's development of a biennial data plan, as proposed to,))~~ with the oversight and policy guidance of the Washington health services commission or its technical advisory committee and funded by~~((,))~~ the legislature through the biennial appropriations process with funds appropriated to the health services account. ~~((Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.~~

~~((3))~~ (3) In designing the state-wide ~~((hospital))~~ health care data system and any data plans, the department shall identify ~~((hospital))~~ health care data elements relating to ~~((both hospital finances))~~ health care costs, the quality of health care services, the outcomes of health care services, and ((the)) use of ((services by patients)) health care by consumers. Data elements ~~((relating to hospital finances))~~ shall be reported ~~((by hospitals))~~ as the Washington health services commission directs by reporters in conformance with a uniform ~~((system of))~~ reporting ~~((as specified by the department and shall))~~ system established by the department, which shall be adopted by reporters. "Reporter" means an individual or business entity, other than a hospital, required to be registered with the department of revenue for payment of taxes imposed under chapter 82.04 RCW or Title 48 RCW, that is primarily engaged in furnishing or insuring for medical, surgical, and other health services to persons. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act), for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ~~((and reported to the Washington state hospital commission))~~. The commission and the department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

~~((4))~~ (3) The state-wide ~~((hospital))~~ health care data system shall be uniform in its identification of reporting requirements for ~~((hospitals))~~ reporters across the state to the extent that such uniformity is ~~((necessary))~~ useful to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act). Data reporting requirements may reflect differences ~~((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors))~~ that involve pertinent distinguishing features as determined by the Washington health services commission by rule. So far as ~~((possible))~~ is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ~~((and))~~ the state in its role of gathering public health statistics, or any other payer program of consequence so as to minimize any unduly burdensome reporting requirements imposed on ~~((hospitals))~~ reporters.

~~((5))~~ (4) In identifying financial reporting requirements under the state-wide ~~((hospital))~~ health care data system, the department may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

~~((6))~~ In designing the initial state-wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.

(7) Until such time as the state-wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to

continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.

~~(9))~~ (5) The ~~((hospital))~~ health care data collected ~~((and))~~, maintained, and studied by the department or the Washington health services commission shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to chapter . . . , Laws of 1993 (this act) shall comply with departmental or commission requirements established by rule in the acquisition of data.

Sec. 257. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

The department shall provide, or may contract with a private entity to provide, ~~((hospital))~~ analyses and reports or any studies it chooses to conduct consistent with the purposes of chapter . . . , Laws of 1993 (this ((chapter) act). Subject to the availability of funds and any policy direction that may be given by the Washington health services commission. ~~((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance.))~~ These studies, analyses, or reports shall include:

(1) Consumer guides on purchasing ~~((hospital care services and))~~ or consuming health care and publications providing verifiable and useful aggregate comparative information to ~~((consumers on hospitals and hospital services))~~ the public on health care services, their cost, and the quality of health care providers who participate in certified health plans;

(2) Reports for use by classes of purchasers, who purchase from certified health plans, health care payers, and providers as specified for content and format in the state-wide data system and data plan; ~~((and))~~

(3) Reports on relevant ~~((hospital))~~ health care policy ~~((issues))~~ including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ~~((hospital))~~ provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ~~((hospital))~~ health care; and

(4) Any other reports the commission or department deems useful to assist the public or purchasers of certified health plans in understanding the prudent and cost-effective use of certified health plan services.

NEW SECTION. Sec. 258. A new section is added to chapter 70.170 RCW to read as follows:

Notwithstanding the provisions of chapter 42.17 RCW, any material contained within the state-wide health care data system or in the files of either the department or the Washington health services commission shall be subject to the following limitations: (1) Records obtained, reviewed by, or on file that contain information concerning medical treatment of individuals shall be exempt from public inspection and copying; and (2) any actuarial formulas, statistics, and assumptions submitted by a certified health plan to the commission or department upon request shall be exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition.

All persons and any public or private agencies or entities whatsoever subject to this chapter shall comply with any requirements established by rule relating to the acquisition or use of health services data and maintain the confidentiality of any information which may, in any manner, identify individual persons.

NEW SECTION. Sec. 259. A new section is added to chapter 70.170 RCW to read as follows:

The Washington health services commission shall have access to all health data presently available to the secretary of health. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies. The department of health shall be the designated depository agency for all health data collected pursuant to chapter . . . , Laws of 1993 (this act). The following data sources shall be developed or made available:

(1) The commission shall coordinate with the secretary of health to utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the commission's responsibilities.

(2) The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct other research necessary for the specific purpose of assisting in the design of the uniform benefit package under chapter . . . , Laws of 1993 (this act).

(3) The commission shall establish cost data sources and shall require each certified health plan to provide the commission and the department of health with enrollee care and cost information, to include, but not be limited to: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health care services or procedures provided; (e) provider charges, if any; and (f) amount paid. The department shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release.

(4) The commission shall coordinate with the area Indian health service, reservation Indian health service units, tribal clinics, and any urban Indian health service organizations the design, development, implementation, and maintenance of an American Indian-specific health data, statistics information system. The commission rules regarding the confidentiality to safeguard the information from inappropriate use or release shall apply.

NEW SECTION. Sec. 260. A new section is added to chapter 70.170 RCW to read as follows:

(1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges, if any; and (f) amount paid. The commission shall establish by rule, confidentiality standards to safeguard the information from inappropriate use or release. The department shall assist the commission in establishing reasonable time frames for the completion of the system development and system implementation.

NEW SECTION. Sec. 261. The commission shall determine, by January 1, 1995, the necessity, if any, of reporting requirements by the following health care entities: Health care providers, health care facilities, insuring entities, and certified health plans. The reporting requirements, if any, shall be for the purposes of determining whether the health care system is operating as efficiently as possible. Information reported pursuant to this section shall be made available to interested parties upon request. The commission shall report its findings to the legislature by January 1, 1995.

NEW SECTION. Sec. 262. A new section is added to chapter 70.170 RCW to read as follows:

The department shall establish in conjunction with the area Indian health services system and providers an advisory group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery element for the health services improvement plan. The element shall include:

(1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;

(2) Methods to improve American Indian-specific health programming; and

(3) Creation of co-funding recommendations and opportunities for the unmet health care needs of American Indians.

G. DISCLOSURE OF HOSPITAL, NURSING HOME, AND PHARMACY CHARGES

NEW SECTION. Sec. 263. A new section is added to chapter 70.41 RCW to read as follows:

(1) The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making

physicians and other health care providers with hospital admitting privileges more aware of the cost consequences of health care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial hospital services, with a potential for reducing the utilization of those services. The requirement of the hospital to inform physicians and other health care providers of the charges of the health care services that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

(2) The chief executive officer of a hospital licensed under this chapter and the superintendent of a state hospital shall establish and maintain a procedure for disclosing to physicians and other health care providers with admitting privileges the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications.

NEW SECTION. Sec. 264. A new section is added to chapter 18.68 RCW to read as follows:

The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. One of the fastest growing segments of the health care expenditure involves prescription medications. By making physicians and other health care providers with prescriptive authority more aware of the cost consequences of health care treatments for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial drug and medication treatments. The requirement of the pharmacy to inform physicians and other health care providers of the charges of prescription drugs and medications that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

NEW SECTION. Sec. 265. A new section is added to chapter 18.68 RCW to read as follows:

The registered or licensed pharmacist of this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

NEW SECTION. Sec. 266. A new section is added to chapter 18.51 RCW to read as follows:

(1) The legislature finds that the spiraling costs of nursing home care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making nursing home facilities and care providers more aware of the cost consequences of care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial services and care, with a potential for reducing the utilization of those services. The requirement of the nursing home to inform physicians, consumers, and other care providers of the charges of the services that they order may have a positive effect on containing health costs.

(2) All nursing home administrators in facilities licensed under this chapter shall be required to develop and maintain a written procedure for disclosing patient charges to attending physicians with admitting privileges. The nursing home administrator shall have the capability to provide an itemized list of the charges for all health care services that may be ordered by a physician. The information shall be made available on request of consumers, or the physicians or other appropriate health care providers responsible for prescribing care.

NEW SECTION. Sec. 267. The department of health shall report to the legislature by December 31, 1994, with recommendations on any necessary revisions to sections 263 through 266 of this act, including their continued necessity and the appropriateness of their repeal.

H. HEALTH PROFESSIONAL SHORTAGES

NEW SECTION. Sec. 268. LEGISLATIVE INTENT. The legislature finds that the successful implementation of health care reform will depend on a sufficient supply of primary health care providers throughout the state. Many rural and medically underserved urban areas lack primary health care providers and because of this, basic health care services are limited or unavailable to populations living in these areas. The legislature has in recent years initiated new programs to address these provider shortages but funding has been insufficient and additional specific provider shortages remain.

Sec. 269. RCW 28B.125.010 and 1991 c 332 s 5 are each amended to read as follows:

(1) The higher education coordinating board, the state board for community ~~((college education))~~ and technical colleges, the superintendent of public instruction, the state department of health, the Washington health services commission, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and

enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational-technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) Strategies for promoting an increase in the use of persons of color in the health professions including adequate resources to train and utilize persons of color in the full spectrum of health professions, to include physicians, licensed physicians who are foreign medical graduates, nurses, administrators, planners, education, technicians, outreach workers, and dentists.

(g) A strategy that includes the incorporation of federal assistance programs for health career development with an emphasis on the national Indian health service programs targeting the American Indian population and other federal and state education and training assistance programs for the economically disadvantaged, physically challenged, and persons of color in all health professions.

~~((f))~~ (g) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

~~((g))~~ (h) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

~~((h))~~ (i) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

~~((i))~~ (j) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

~~((j))~~ (k) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

~~((k))~~ (l) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

~~((l))~~ (m) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

~~((m))~~ (n) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in RCW 28B.115.070.

~~((n))~~ (o) A description of needed changes in regulatory laws governing the credentialing of health professionals.

~~((o))~~ (p) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

~~((p))~~ (q) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

~~((q))~~ (r) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

~~((r))~~ (s) A description of how the higher education coordinating board, state board for community ~~(college education)~~ and technical colleges, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

~~((e))~~ (t) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B.115 RCW.

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

Sec. 270. RCW 28B.115.080 and 1991 c 332 s 21 are each amended to read as follows:

After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall ~~((not be more than fifteen thousand dollars per year))~~ be established by the board for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under chapter ~~((48.150))~~ 28B.115, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 271. A new section is added to chapter 43.70 RCW to read as follows:

MULTICULTURAL HEALTH CARE TECHNICAL ASSISTANCE PROGRAM. (1) Consistent with funds appropriated specifically for this purpose, the department shall provide matching grants to support a community-based multicultural health care technical assistance program. Its purpose shall be to promote technical assistance to community and migrant health clinics and other appropriate health care providers who serve principally the underserved and persons of color.

The technical assistance provided shall include, but is not limited to: (a) Collaborative research and data analysis on health care outcomes that disproportionately affect persons of color; (b) design and development of model health education and promotion strategies aimed at modifying unhealthy health behaviors or enhancing the use of the health care delivery system by persons of color; (c) provision of technical information and assistance on program planning and financial management; (d) administration, public policy development, and analysis in health care issues affecting people of color; and (e) enhancement and promotion of health care career opportunities for persons of color.

(2) Consistent with appropriate funds, the programs shall be available on a state-wide basis.

Sec. 272. RCW 70.185.030 and 1991 c 332 s 9 are each amended to read as follows:

COMMUNITY-BASED RECRUITMENT AND RETENTION--UNDERSERVED URBAN AREAS. (1) The department ~~((shall))~~ may, subject to funding, establish ~~((up to three))~~ community-based recruitment and retention project sites to provide financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural and underserved urban areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate the project with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

Sec. 273. RCW 43.70.460 and 1992 c 113 s 2 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--MALPRACTICE INSURANCE. (1) The department may establish a program to purchase and maintain liability malpractice insurance for retired ~~((physicians))~~ primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;

(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired ~~((physicians))~~ primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer to provide coverage to a ~~((physician))~~ primary care provider should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or ~~((physician))~~ primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

Sec. 274. RCW 43.70.470 and 1992 c 113 s 3 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--CONDITIONS. The department may establish by rule the conditions of participation in the liability insurance program by retired ~~((physicians))~~ primary care providers at clinics utilizing retired physicians for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating ~~((physician))~~ primary care provider associated with the clinic shall hold a valid license to practice ~~((medicine and surgery))~~ as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A or 18.57A RCW, or an advanced registered nurse practitioner under chapter 18.88 RCW in this state and otherwise be in conformity with current requirements for licensure as a retired ~~((physician))~~ primary care health care provider, including continuing education requirements;

(2) The participating ~~((physician))~~ primary care health care provider shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating ~~((physician))~~ primary care health care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating ~~((physician))~~ primary care health care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating ~~((physician))~~ primary care health care provider for services provided by the ~~((physician))~~ primary care health care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating ~~((physician))~~ primary care health care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

NEW SECTION. Sec. 275. MEDICAL SCHOOL GRADUATES SERVING IN RURAL AND MEDICALLY UNDERSERVED AREAS OF THE STATE--LEGISLATIVE INTENT. The legislature finds that the shortage of primary care physicians practicing in rural and medically underserved areas of the state has created a severe public health and safety problem. If unaddressed, this problem is expected to worsen with health care reform since an increased demand for primary care services will only contribute further to these shortages.

The legislature further finds that the medical training program at the University of Washington is an important and well respected resource to the people of this state in the training of primary care physicians. Currently, only a small proportion of medical school graduates are Washington residents who serve as primary care practitioners in certain parts of this state.

NEW SECTION. Sec. 276. MEDICAL SCHOOL PRIMARY CARE PHYSICIAN SHORTAGE PLAN DEVELOPMENT. (1) The University of Washington shall prepare a primary care shortage plan that accomplishes the following:

(a) Identifies specific activities that the school of medicine shall pursue to increase the number of Washington residents serving as primary care physicians in rural and medically underserved areas of the state,

including establishing a goal that assures that no less than forty-five percent of medical school graduates who are Washington state residents at the time of matriculation will enter into primary care residencies in Washington state by the year 2000;

(b) Assures that the school of medicine shall establish among its highest training priorities the distribution of its primary care physician graduates from the school and associated postgraduate residency programs into rural and medically underserved areas;

(c) Establishes the goal of assuring that the annual number of graduates from the family practice residency network entering rural or medically underserved practice shall be increased by forty percent over a baseline period from 1985 through 1990 by 1995;

(d) Establishes a further goal to make operational at least two additional family practice residency programs within Washington state in geographic areas identified by the plan as underserved in family practice by 1997. The geographic areas identified by the plan as being underserved by family practice physicians shall be consistent with any such similar designations as may be made in the health personnel research plan as authorized under chapter 28B.125 RCW;

(e) Establishes, with the cooperation of existing community and migrant health clinics in rural or medically underserved areas of the state, three family practice residency training tracks. Furthermore, the primary care shortage plan shall provide that one of these training tracks shall be a joint American osteopathic association and American medical association approved training site coordinated with an accredited college of osteopathic medicine with extensive experience in training primary care physicians for the western United States. Such a proposed joint accredited training track will have at least fifty percent of its residency positions in osteopathic medicine; and

(f) Implements the plan, with the exception of the expansion of the family practice residency network, within current biennial appropriations for the University of Washington school of medicine.

(2) The plan shall be submitted to the appropriate committees of the legislature no later than December 1, 1993.

I. SHORT-TERM HEALTH INSURANCE REFORM

NEW SECTION. Sec. 277. The legislature intends that, during the transition to a fully reformed health services system, certain health insurance practices be modified to increase access to health insurance coverage for some individuals and groups. The legislature recognizes that health insurance reform will not remedy the significant lack of access to coverage in Washington state without the implementation of strong cost control measures. The authority granted to the commissioner in chapter . . . , Laws of 1993 (this act) is in addition to any authority the commissioner currently has under Title 48 RCW to regulate insurers, health care service contractors, and health maintenance organizations.

NEW SECTION. Sec. 278. A new section is added to chapter 48.18 RCW to read as follows:

Every insurer upon canceling, denying, or refusing to renew any disability policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer and to any person covered under a group contract. Any benefits, terms, rates, or conditions of such a contract that are restricted, excluded, modified, increased, or reduced shall, upon written request, be set forth in writing and supplied to the insured and to any person covered under a group contract. The written communications required by this section shall be phrased in simple language that is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 279. RCW 48.21.200 and 1983 c 202 s 16 and 1983 c 106 s 24 are each reenacted and amended to read as follows:

(1) No individual or group disability insurance policy, health care service contract, or health maintenance agreement which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state (~~(after September 8, 1975)~~) which contains any provision whereby the insurer, contractor, or health maintenance organization may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any (~~(individual)~~) disability insurance policy, (~~(or under any individual)~~) health care service contract, or health maintenance agreement.

(2) No individual or group disability insurance policy, health care service contract, or health maintenance agreement providing hospital, medical or surgical expense benefits and which contains a provision for the reduction

of benefits otherwise payable or available thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements.

(3) The commissioner shall by rule establish guidelines for the application of this section, including:

(a) The procedures by which persons (~~(insured)~~) covered under such policies, contracts, and agreements are to be made aware of the existence of such a provision;

(b) The benefits which may be subject to such a provision;

(c) The effect of such a provision on the benefits provided;

(d) Establishment of the order of benefit determination; (~~(and)~~)

(e) Exceptions necessary to maintain the integrity of policies, contracts, and agreements that may require the use of particular health care facilities or providers; and

(f) Reasonable claim administration procedures to expedite claim payments and prevent duplication of payments or benefits under such a provision(~~(: PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages: AND PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3).~~)

(3) ~~The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements).~~

NEW SECTION. Sec. 280. A new section is added to chapter 48.20 RCW to read as follows:

(1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 281. A new section is added to chapter 48.21 RCW to read as follows:

(1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 282. A new section is added to chapter 48.44 RCW to read as follows:

(1) After January 1, 1994, every health care service contractor, except limited health care service contractors as defined under RCW 48.44.035, shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new contract to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 283. A new section is added to chapter 48.46 RCW to read as follows:

(1) After January 1, 1994, every health maintenance organization shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new agreement to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

Sec. 284. RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each amended to read as follows:

Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the

presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on or after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 285. A new section is added to chapter 48.44 RCW to read as follows:

(1) With respect to all health care service contracts issued or renewed on or after July 1, 1994, except limited health care service contracts as defined in RCW 48.44.035:

(a) Contracts shall guarantee continuity of coverage. Such provision, which shall be included in every contract, shall provide that:

(i) The contract may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premiums, for violation of published policies of the contractor which have been approved by the commissioner, for persons who are entitled to become eligible for medicare benefits and fail to subscribe to a medicare supplement plan offered by the contractor, for failure of such subscriber to pay any deductible or copayment amount owed to the contractor and not the provider of health care services, for fraud, or for a material breach of the contract; and

(ii) The contract may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the contractor has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a contractor to modify the coverage provided or rates applying to an in-force contract and to fail to make such modification in all such issued and outstanding contracts.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health care service contractor to:

(i) Cease the sale of a contract form unless it has received prior written authorization from the commissioner and has offered all subscribers covered under such discontinued contract the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects subscribers to rate increases on discontinued contract forms unless such subscribers are offered the opportunity to purchase comparable coverage without health screening.

(2) The health care service contractor may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 286. A new section is added to chapter 48.46 RCW to read as follows:

(1) With respect to all health maintenance agreements issued or renewed on or after July 1, 1994, and in addition to the restrictions and limitations contained in RCW 48.46.060(4):

(a) Agreements shall guarantee continuity of coverage. Such provision, which shall be included in every agreement, shall provide that the agreement may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the organization has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for an organization to modify the coverage provided or rates applying to an in-force agreement and to fail to make such modification in all such issued and outstanding agreements.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health maintenance organization to:

(i) Cease the sale of an agreement form unless it has received prior written authorization from the commissioner and has offered all enrollees covered under such discontinued agreement the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects enrollees to rate increases on discontinued agreement forms unless such enrollees are offered the opportunity to purchase comparable coverage without health screening.

(2) The health maintenance organization may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

Sec. 287. RCW 48.44.260 and 1979 c 133 s 3 are each amended to read as follows:

Every authorized health care service contractor, upon canceling, denying, or refusing to renew any individual health care service contract, shall, upon written request, directly notify in writing the applicant or ~~((insured))~~ subscriber, as the case may be, of the reasons for the action by the health care service contractor. Any benefits, terms, rates, or conditions of such a contract which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the ~~((insured))~~ subscriber. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 288. RCW 48.46.380 and 1983 c 106 s 16 are each amended to read as follows:

Every authorized health maintenance organization, upon canceling, denying, or refusing to renew any individual health maintenance agreement, shall, upon written request, directly notify in writing the applicant or enrolled participant as appropriate, of the reasons for the action by the health maintenance organization. Any benefits, terms, rates, or conditions of such agreement which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the individual. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. **Sec. 289.** The following acts or parts of acts are each repealed:

(1) RCW 48.46.160 and 1975 1st ex.s. c 290 s 17; and

(2) RCW 48.46.905 and 1975 1st ex.s. c 290 s 25.

NEW SECTION. **Sec. 290.** RCW 48.44.410 and 1986 c 223 s 12 are each repealed, effective July 1, 1994.

NEW SECTION. **Sec. 291.** A new section is added to chapter 48.20 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of disability insurance conflict with the provision of sections 401 through 409 and 425 through 456 of this act, sections 401 through 409 and 425 through 456 of this act shall control.

NEW SECTION. **Sec. 292.** A new section is added to chapter 48.21 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of disability insurance conflict with the provision of sections 401 through 409 and 425 through 456 of this act, sections 401 through 409 and 425 through 456 of this act shall control.

NEW SECTION. Sec. 293. A new section is added to chapter 48.44 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of health care service contracts conflict with the provision of sections 401 through 409 and 425 through 456 of this act, sections 401 through 409 and 425 through 456 of this act shall control.

NEW SECTION. Sec. 294. A new section is added to chapter 48.46 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of health maintenance agreements conflict with the provision of sections 401 through 409 and 425 through 456 of this act, sections 401 through 409 and 425 through 456 of this act shall control.

Sec. 295. RCW 48.44.095 and 1983 c 202 s 3 are each amended to read as follows:

(1) Every health care service contractor shall annually, (~~within one hundred twenty days of the closing date of its fiscal year~~) before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health care service contractor showing its financial condition as of the (~~closing date of its fiscal year~~) last day of the preceding calendar year. The statement shall be in such form as is furnished or prescribed by the commissioner. The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(2) The commissioner may suspend or revoke the certificate of registration of any health care service contractor failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

Sec. 296. RCW 48.46.080 and 1983 c 202 s 10 and 1983 c 106 s 6 are each reenacted and amended to read as follows:

(1) Every health maintenance organization shall annually, (~~within one hundred twenty days of the closing date of its fiscal year~~) before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health maintenance organization showing its financial condition as of the (~~closing date of its fiscal year~~) last day of the preceding calendar year.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) The number of doctors by type of practice who, under contract with or as an employee of the health maintenance organization, furnished health care services to consumers during the past year;

(d) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(e) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

(f) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

(3) The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(4) The commissioner may suspend or revoke the certificate of registration of any health maintenance organization failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

(5) No person shall knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a health maintenance organization which does not accurately state the health maintenance organization's financial condition.

PART III. TAXES AND APPROPRIATIONS

Sec. 301. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under section 459 of this act.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 302. RCW 82.24.080 and 1972 ex.s. c 157 s 4 are each amended to read as follows:

It is the intent and purpose of this chapter to levy a tax on all of the articles taxed herein, sold, used, consumed, handled, possessed, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, possesses (either physically or constructively, in accordance with RCW 82.24.020) or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles herein taxed is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, possessed, or distributed in this state.

It is also the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event occurring within this state: PROVIDED, HOWEVER, That failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

In the event of an increase in the rate of the tax imposed under this chapter, it is the intent of the legislature that the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed articles after the effective date of the rate increase shall be liable for the additional tax represented by the rate increase, but the failure to pay the additional tax with respect to the first taxable event after the effective date of a rate increase shall not prevent tax liability for the additional tax from arising from a subsequent taxable event.

Sec. 303. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

(1) (~~From and after June 1, 1971,~~) There is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. (~~Such tax~~)

(2) Taxes under this section shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

~~((2))~~ (3) An additional tax is imposed equal to (~~the rate specified in RCW 82.02.030~~) seven percent multiplied by the tax payable under subsection (1) of this section.

(4) An additional tax is imposed equal to the tax payable under subsection (1) of this section multiplied by the rate of eighty-five percent through June 30, 1994, ninety-five percent for the period July 1, 1994, through June 30, 1995, one hundred seventy percent for the period July 1, 1995, through June 30, 1996, and one hundred seventy-five percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under section 459 of this act.

Sec. 304. RCW 82.08.150 and 1989 c 271 s 503 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to (~~the rate specified in RCW 82.02.030~~) fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6) An additional tax is imposed equal to the taxes payable under subsections (1), (2), and (3) of this section multiplied by the rate of eight and eight-tenths percent through June 30, 1995, fifty percent for the period July 1, 1995, through June 30, 1997, and seventy-five percent thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under section 459 of this act.

(7) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

~~((7))~~ (8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((8))~~ (9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 305. RCW 66.24.290 and 1989 c 271 s 502 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer

wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4) An additional tax is imposed equal to the tax payable under subsection (1) of this section multiplied by eight and eight-tenths percent through June 30, 1995, fifty percent for the period July 1, 1995, through June 30, 1997, and seventy-five percent thereafter. The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on the effective date of this section or such subsequent date as may be provided by the board by rule. All revenues collected from the additional tax imposed under this subsection shall be deposited in the health services account created under section 459 of this act.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 306. RCW 82.02.030 and 1990 c 42 s 319 are each amended to read as follows:

~~((4))~~ The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), ~~((66.24.290(2)))~~ 82.04.2901, 82.16.020(2), ~~((82.26.020(2)))~~ 82.27.020(5), and 82.29A.030(2) shall be seven percent~~(; and~~

~~(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent).~~

NEW SECTION. Sec. 307. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to any health maintenance organization in respect to prepayments for health care services that are taxable under section 308 of this act, to any health care service contractor in respect to prepayments for health care services that are taxable under section 309 of this act, or to any certified health plan in respect to premiums that are taxable under section 310 of this act.

NEW SECTION. Sec. 308. A new section is added to chapter 48.14 RCW to read as follows:

(1) Each health maintenance organization, as defined in RCW 48.46.020, shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office on amounts received or collected by the health maintenance organization during the preceding calendar year as prepayments for comprehensive health care services.

(2) The amount of the tax shall be equal to the total amount of all prepayments for comprehensive health care services received by the health maintenance organization during the calendar year multiplied by the rate of six-tenths percent for the period January 1, 1995, through December 31, 1995, and one percent thereafter.

(3) Health maintenance organizations shall prepay their tax liability. The minimum amount of the prepayments shall be percentages of the health maintenance organization's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during calendar year 1995, the minimum amount of the prepayments shall be percentages of the health maintenance organization's tax obligation that would have been due had the tax been in effect during calendar year 1994. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(4) One hundred percent of the moneys collected under this section shall be deposited in the health services account created under section 459 of this act.

NEW SECTION. Sec. 309. A new section is added to chapter 48.14 RCW to read as follows:

(1) Each health care service contractor, as defined in RCW 48.44.010, shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office on amounts received or collected by the health care service contractor during the preceding calendar year as prepayments for health care services.

(2) The amount of the tax shall be equal to the total amount of all prepayments for health care services received by the health care service contractor during the calendar year multiplied by the rate of six-tenths percent for the period January 1, 1995, through December 31, 1995, and one percent thereafter.

(3) Health care service contractors shall prepay their tax liability. The minimum amount of the prepayments shall be percentages of the health care service contractor's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during calendar year 1995, the minimum amount of the prepayments shall be percentages of the health care service contractor's tax obligation that would have been due had the tax been in effect during calendar year 1994. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health care service contractor's prepayment obligations for the current tax year.

(4) One hundred percent of the moneys collected under this section shall be deposited in the health services account created under section 459 of this act.

NEW SECTION. Sec. 310. A new section is added to chapter 48.14 RCW to read as follows:

(1) Each certified health plan established under sections 427 through 444 of this act, shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office on premiums received or collected by the certified health plan during the preceding calendar year.

(2) The amount of the tax shall be equal to the total amount of all premiums collected or received by the certified health plan during the calendar year multiplied by the rate of six-tenths percent for the period January 1, 1995, through December 31, 1995, and one percent thereafter.

(3) Certified health plans shall prepay their tax liability. The minimum amount of the prepayments shall be percentages of the certified health plan's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year: PROVIDED, That for the prepayment of taxes due during calendar year 1995, the minimum amount of the prepayments shall be percentages of the certified health plan's tax obligation that would have been due had the tax been in effect during calendar year 1994. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the certified health plan's prepayment obligations for the current tax year.

(4) One hundred percent of the moneys collected under this section shall be deposited in the health services account created under section 459 of this act.

Sec. 311. RCW 82.04.260 and 1991 c 272 s 15 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling

the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care,

custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of five-tenths of one percent through June 30, 1995, and one and five-tenths percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under section 459 of this act.

Sec. 312. RCW 82.04.4289 and 1981 c 178 s 2 are each amended to read as follows:

~~((In computing tax there may be deducted from the measure of tax)) This chapter does not apply to amounts derived as compensation for services rendered to patients or from sales of prescription drugs as defined in RCW 82.08.0281 furnished as an integral part of services rendered to patients by ((a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation,)) a kidney dialysis facility operated as a nonprofit corporation, ((whether or not operated in connection with a hospital,)) nursing homes, and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. ((In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.))~~

NEW SECTION. **Sec. 313.** RCW 82.04.4288 and 1980 c 37 s 9 are each repealed.

NEW SECTION. **Sec. 314.** (1) The sum of one hundred seventy-three million nine hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the personal health services account for the purposes of continuing and expanding the basic health plan to state residents with incomes below two hundred percent of poverty by June 30, 1995.

(2) The sum of twenty million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the public health account to be used for the purposes of the public health services improvement plan in section 458 of this act and for the purposes of section 459(2) of this act. These funds shall not be used to supplant existing funds received by local public health departments or health districts from federal, state, local government, private or other sources.

(3) The sum of six million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the health professions, data systems, and research account for the purposes of section 459(3) of this act.

(4) The sum of four million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the department of health for the following purposes: Four hundred thousand dollars for preparation of the health personnel resource plan under chapter 28B.125 RCW, one million dollars for community-based health professional recruitment and retention activities under chapter 70.185 RCW, two hundred thousand dollars for the malpractice insurance program under RCW 43.70.460 and 43.70.470, one million eight hundred thousand dollars for training of volunteer emergency medical services

personnel under chapter 70.168 RCW, and four hundred thousand dollars to be distributed as needed for the studies authorized in sections 465 and 466 of this act.

(5) The sum of two million three hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the University of Washington for the following purposes: Two million dollars for the state-wide family medicine program authorized under chapter 70.112 RCW and three hundred thousand dollars for the training of physician assistants and advanced registered nurse practitioners.

(6) The sum of two million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the higher education coordinating board for the purposes of making awards through the health professional scholarship and loan repayment under chapter 28B.115 RCW.

(7) The sum of five million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the health care authority exclusively for the purposes of increasing the number of migrant, homeless, refugee, and other persons receiving primary health care services through community or migrant health clinics. These funds are intended as an increase over the funding levels provided for in the biennium ending June 30, 1993. These funds shall not be used to supplant existing funds received by community or migrant health clinics from federal, state, local government, private, and other sources.

(8) The sum of two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the health services account to the office of financial management for the purposes of section 406(26) of this act.

PART IV. HEALTH AND MEDICAL SYSTEM REFORM

NEW SECTION. Sec. 401. INTENT. The legislature intends that chapter . . . , Laws of 1993 (this act) establish structures, processes, and specific financial limits to stabilize the overall cost of medical care within the economy, reduce the demand for unneeded medical care, provide access to essential health and medical services, improve public health, and ensure that medical system costs do not undermine the financial viability of nonmedical care businesses.

NEW SECTION. Sec. 402. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1)(a) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with sections 432 through 443 of this act which insurer, contractor, health maintenance organization, or entity contracts to administer or provide the uniform benefits package in a managed care setting consistent with the requirements of this chapter.

(b) "Certified health plan" or "plan" also means an employee health benefits plan maintained by an employer who self-insures such benefits and chooses to comply with sections 432 through 443 of this act.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW. A qualified employee for full employer contributions is an employee who is employed at least eighty hours during a calendar month, two hundred forty hours during a calendar quarter, or nine hundred sixty hours during a calendar year. A part-time employee is an employee who is employed less than eighty hours during a calendar month, two hundred forty hours during a calendar quarter, or nine hundred sixty hours during a calendar year.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means copayments or coinsurance paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, within limits established by the commission.

(9) "Enrollee premium sharing" means that portion of the premium, determined by the commission, that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with sections 425 and 426 of this act.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any single expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that assumes financial risk for delivery of health services and that uses a defined network of providers or that promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers, excluding fee for service.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced plans in a geographic region including both premium-sharing and enrollee point of service cost-sharing.

(18) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

(19) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium.

(20) "Supplemental benefits" means those appropriate and effective health services, defined by the commission, in accordance with section 452 of this act, that expand coverage under the uniform benefits package and that may be offered to all Washington residents through certified health plans.

(21) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(22) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under section 448 of this act, that must be offered to all Washington residents through certified health plans.

(23) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under sections 427 through 456 of this act. "Washington resident" also includes people and their accompanying family members who are in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

A. THE WASHINGTON HEALTH SERVICES COMMISSION

NEW SECTION. Sec. 403. CREATION OF COMMISSION--MEMBERSHIP--TERMS OF OFFICE--VACANCIES--SALARIES. (1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members reflecting ethnic and racial diversity, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The insurance commissioner, or his or her designee, shall serve as a nonvoting member. Of the initial members, one shall be appointed to a term of three years, one shall be appointed to a term of four years, and one shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter 42.18 RCW, the executive branch conflict of interest act.

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

NEW SECTION. Sec. 404. STAKEHOLDERS' COMMITTEE. (1)(a) In an effort to ensure effective participation in the commission's deliberations, the chair shall appoint a stakeholders' committee with a balanced representation of members representing consumers, business, government, labor, insurers, health care providers, health care service contractors, health maintenance organizations, and persons of color. The chair may also appoint ad hoc and special committees for a specified time period.

(b) The chair shall also appoint health services effectiveness panels for specified periods of time to provide technical guidance related to appropriate and effective health services, use of technology and practice guidelines, and development of the uniform benefits package. Panels should include technical experts, such as general practitioners, specialty physicians or providers, health service researchers, health ethicists, epidemiologists, and public health experts who reflect the state's ethnic and cultural diversity.

(c) The commission shall also appoint a small business advisory committee composed of seven small business owners to assist the commission in development of the small business economic impact statement, as provided in section 448(7) of this act.

(2) Members of committees and panels shall serve without compensation for their services but shall be reimbursed for their expenses while attending meetings on behalf of the commission in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 405. POWERS AND DUTIES OF THE CHAIR. The chair shall be the chief administrative officer and the appointing authority of the commission and has the following powers and duties:

(1) Direct and supervise the commission's administrative and technical activities in accordance with the provisions of this chapter and rules and policies adopted by the commission;

(2) Employ personnel of the commission, representative of ethnic diversity, in accordance with chapter 41.06 RCW, and prescribe their duties. With the approval of a majority of the commission, the chair may appoint persons to administer any entity established pursuant to subsection (8) of this section, and up to seven additional employees all of whom shall be exempt from the provisions of chapter 41.06 RCW;

(3) Enter into contracts on behalf of the commission;

(4) Accept and expend gifts, donations, grants, and other funds received by the commission;

- (5) Delegate administrative functions of the commission to employees of the commission as the chair deems necessary to ensure efficient administration;
- (6) Subject to approval of the commission, appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the commission;
- (7) Preside at meetings of the commission;
- (8) Consistent with policies and rules established by the commission, establish such administrative divisions, offices, or programs as are necessary to carry out the purposes of chapter . . . , Laws of 1993 (this act); and
- (9) Perform such other administrative and technical duties as are consistent with chapter . . . , Laws of 1993 (this act) and the rules and policies of the commission.

NEW SECTION. Sec. 406. POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

- (1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.
- (2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:
 - (a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or
 - (b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.
- (3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter . . . , Laws of 1993 (this act), provided that an initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, enrollee and employer financial participation, levels of and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.
- (4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination with the planning process set forth in section 458 of this act a uniform set of health services based on the recommendations of the health care cost control and access commission.
- (5) Establish and modify as necessary, the uniform benefits package, as provided in section 448 of this act, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.
- (6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package. The premium cost of the uniform benefits package in 1995 shall be based upon an actuarial determination of the costs of providing the uniform benefits package, assuming cost savings that may result from reductions in cost shifting, the use of managed care, identification of cost-effective and clinically efficacious services, and any other factors deemed relevant by the commission. Beginning in 1996, the growth rate of the uniform benefits package shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than growth in Washington per capita personal income, as determined by the office of financial management.
- (b) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.
- (7) In order to promote price competition, establish annual premium shares and amounts that shall be paid by employers, government sponsors, and enrollees defined in relation to the price of the lowest priced plan in the region providing the uniform benefits package in a manner that ensures adequate quality of services. Enrollee premium share levels shall be related to enrollee household income and shall not apply to enrollees with income less

than the federal poverty level. The commission shall develop mechanisms through which enrollees whose premium share levels are reduced as a result of low household income can obtain subsidies necessary for enrollment in a certified health plan. The availability of subsidies shall be conditioned upon the appropriation of funds specifically for this purpose.

(8) Develop and implement, if necessary, one or more medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design and implementation of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection and (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments.

(9) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(10) Monitor the actual growth in total annual health services costs.

(11) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports from providers and shall report to the legislature regarding major capital expenditures by providers on at least an annual basis.

(12) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income and shall not result in household income being reduced below the federal poverty level.

(13) For health services provided under the uniform benefits package, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

(14) Suggest that certified health plans adopt certain practice guidelines or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider guidelines or protocols recommended according to section 410 of this act for these purposes.

(15) Suggest other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

(16) Adopt standards and oversee and develop policy for personal health data and information systems as provided in chapter 70.170 RCW.

(17) Adopt standards that prevent conflict of interest by health care providers as provided in section 408 of this act.

(18) Consider the extent to which medical research activities should be included within the health service system set forth in this chapter . . . , Laws of 1993 (this act).

(19) Adopt standards and procedures under which a health care provider, health care facility, enrollee, or certified health plan may seek a prior determination as to whether medical services and related health care services, drugs, and other technologies provided in connection with a particular treatment are included in the uniform benefits package.

(20) Evaluate and monitor the extent to which racial and ethnic minorities have access and to receive health services within the state, and develop strategies to address barriers to access.

(21) Develop standards for the certification process to certify health plans to provide the uniform benefits package, according to the provisions for certified health plans under chapter . . . , Laws of 1993 (this act).

(22) Develop rules for implementation of individual and employer participation under sections 454 and 455 of this act specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

(23) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

(24) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on or after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

(25) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(26) Undertake or facilitate evaluations of health care reform, including analysis of fiscal and economic impacts, the effectiveness of managed care and managed competition, and effects of reform on access and quality of service. Fiscal and economic impact analysis shall be conducted by the office of financial management.

(27) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these joint employee-employer entities are organized; and make appropriate recommendations to the governor and the legislature about how these trusts can be brought under the provisions of chapter . . . , Laws of 1993 (this act) when it is fully implemented.

(28) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of comprehensive subsidized health care benefits for all residents and report to the governor and the legislature their findings.

(29) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

(30) Evaluate the effect of reforms under chapter . . . , Laws of 1993 (this act) on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policymaking authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

NEW SECTION. Sec. 407. MODIFICATION OF MAXIMUM PREMIUM. Upon the recommendation of the insurance commissioner, and on the basis of evidence established by independent actuarial analysis, if the commission finds that the economic viability of a significant number of the state's certified health plans is seriously threatened, the commission may increase the maximum premium to the extent mandated by the Constitution, and must immediately thereafter submit to the legislature a proposal for a new formula for adjusting the maximum premium that must be approved by each house of the legislature by a sixty percent vote.

NEW SECTION. Sec. 408. CONFLICT OF INTEREST STANDARDS. The Washington health services commission established by section 403 of this act, in consultation with the secretary of health, and the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.

NEW SECTION. Sec. 409. CONTINUOUS QUALITY IMPROVEMENT AND TOTAL QUALITY MANAGEMENT. To ensure the highest quality health services at the lowest total cost, the commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science for continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful

experiences in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop standards for a Washington state health services supplier certification process and recommend such standards to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later than July 1, 1996, whereby all health service providers and health service facilities shall be certified prior to providing uniform benefits package services.

B. PRACTICE INDICATORS

NEW SECTION. Sec. 410. A new section is added to chapter 43.70 RCW to read as follows:

PRACTICE INDICATORS. The department of health shall consult with health care providers, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

- (1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.
- (2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.
- (3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

C. HEALTH CARE LIABILITY REFORMS

Sec. 411. RCW 18.72.400 and 1991 c 3 s 171 are each amended to read as follows:

(1) The secretary of health shall allocate all appropriated funds to accomplish the purposes of this chapter.

(2) Upon a showing by the secretary of health, on behalf of the medical disciplinary board, that expenditures in excess of levels authorized by legislative appropriation are necessary to meet unanticipated public demand for investigation of, and disciplinary action against, unsafe or impaired physicians or surgeons, the office of financial management may authorize necessary expenditures from the medical disciplinary account in excess of appropriated levels.

Sec. 412. RCW 43.70.320 and 1991 sp.s. c 13 s 18 are each amended to read as follows:

(1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190(4) shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Upon a showing by the department, on behalf of an individual health profession regulatory board, that expenditures in excess of levels authorized by legislative appropriation are necessary to meet unanticipated public demand for investigation of, and disciplinary action against, unsafe or impaired health care practitioners, the office of financial management may authorize necessary expenditures from the health professions account in excess of appropriated levels. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

NEW SECTION. Sec. 413. A new section is added to chapter 18.130 RCW to read as follows:

MALPRACTICE INSURANCE COVERAGE MANDATE. Except to the extent that liability insurance is not available, every licensed health care practitioner whose services are included in the uniform benefits package, as determined by section 448 of this act, and whose scope of practice includes independent practice, shall, as a condition of licensure and relicensure, be required to provide evidence of a minimum level of malpractice insurance

coverage issued by a company authorized to do business in this state. On or before January 1, 1994, the department shall designate by rule:

- (1) Those health professions whose scope of practice includes independent practice;
- (2) For each health profession whose scope of practice includes independent practice, whether malpractice insurance is available; and
- (3) If such insurance is available, the appropriate minimum level of mandated coverage.

NEW SECTION. Sec. 414. A new section is added to chapter 48.22 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, a casualty insurer's issuance of a new medical malpractice policy or renewal of an existing medical malpractice policy to a physician or other independent health care practitioner shall be conditioned upon that practitioner's participation in, and completion of, health care liability risk management training. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with the adverse health outcomes that do occur. For purposes of this section, "independent health care practitioners" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 413 of this act.

NEW SECTION. Sec. 415. A new section is added to chapter 48.05 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, each health care provider, facility, or health maintenance organization that self-insures for liability risks related to medical malpractice and employs physicians or other independent health care practitioners in Washington state shall condition each physician's and practitioner's liability coverage by that entity upon that physician's or practitioner's participation in risk management training offered by the provider, facility, or health maintenance organization to its employees. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with those adverse health outcomes that do occur. For purposes of this section, "independent health care practitioner" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 413 of this act.

Sec. 416. RCW 70.41.200 and 1991 c 3 s 336 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality (~~(assurance)~~) improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures(~~(--At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity))~~);

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality ~~((assurance))~~ improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ~~((about health care providers arising out of the matters that are under review or have been evaluated))~~ by a ~~((review))~~ quality improvement committee ~~((conducting quality assurance reviews))~~ are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ((assurance)) improvement committees regarding such health care provider; ~~((c))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

Sec. 417. RCW 70.41.230 and 1991 c 3 s 337 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ~~((about health care providers arising out of the matters that are under review or have been evaluated))~~ by a ~~((review))~~ quality improvement committee ~~((conducting quality assurance reviews))~~ are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~((assurance))~~ improvement committees regarding such health care provider; ~~((c))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 418. A new section is added to chapter 43.70 RCW to read as follows:

COORDINATED QUALITY IMPROVEMENT PROGRAM. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, and certified health plans approved pursuant to section 428 of this act may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, or certified health plan, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of

the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) The department of health shall adopt rules as are necessary to implement this section.

NEW SECTION. Sec. 419. MEDICAL MALPRACTICE REVIEW. (1) The administrator for the courts shall coordinate a collaborative effort to develop a voluntary system for review of medical malpractice claims by health services experts prior to the filing of a cause of action under chapter 7.70 RCW.

(2) The system shall have at least the following components:

(a) Review would be initiated, by agreement of the injured claimant and the health care provider, at the point at which a medical malpractice claim is submitted to a malpractice insurer or a self-insured health care provider.

(b) By agreement of the parties, an expert would be chosen from a pool of health services experts who have agreed to review claims on a voluntary basis.

(c) The mutually agreed upon expert would conduct an impartial review of the claim and provide his or her opinion to the parties.

(d) A pool of available experts would be established and maintained for each category of health care practitioner by the corresponding practitioner association, such as the Washington state medical association and the Washington state nurses association.

(3) The administrator for the courts shall seek to involve at least the following organizations in a collaborative effort to develop the informal review system described in subsection (2) of this section:

(a) The Washington defense trial lawyers association;

(b) The Washington state trial lawyers association;

(c) The Washington state medical association;

(d) The Washington state nurses association;

(e) The Washington state hospital association;

(f) The Washington state physicians insurance exchange and association;

(g) The Washington casualty company;

(h) The doctor's agency;

(i) Group health cooperative of Puget Sound;

(j) The University of Washington;

(k) Washington osteopathic medical association;

(l) Washington state chiropractic association;

(m) Washington association of naturopathic physicians; and

(n) The department of health.

(4) On or before January 1, 1994, the administrator for the courts shall provide a report on the status of the development of the system described in this section to the governor and the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 420. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. (1) All causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after the effective date of this section shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators. Mediators shall be compensated in the same amount and manner as judges pro tempore of the superior court unless the parties agree to a different amount or manner of compensation;

(b) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(c) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(d) The number of days following the selection of a mediator within which a mediation conference must be held;

(e) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(f) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

NEW SECTION. Sec. 421. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE. The making of a written, good faith request for mediation of a dispute related to damages for injury occurring as a result of health care provided prior to filing a cause of action under this chapter shall toll the statute of limitations provided in RCW 4.16.350.

NEW SECTION. Sec. 422. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. Section 420 of this act may not be construed to abridge the right to trial by jury following an unsuccessful attempt at mediation.

Sec. 423. RCW 5.60.070 and 1991 c 321 s 1 are each amended to read as follows:

(1) If there is a court order to mediate ~~((or))~~, a written agreement between the parties to mediate, or if mediation is mandated under section 420 of this act, then any communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

(a) When all parties to the mediation agree, in writing, to disclosure;

(b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;

(c) When a written agreement to mediate permits disclosure;

(d) When disclosure is mandated by statute;

(e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;

(f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or

(g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.

(2) When there is a court order ~~((or))~~ a written agreement to mediate, or when mediation is mandated under section 420 of this act, as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:

- (a) All parties to the mediation and the mediator agree in writing; or
- (b) In an action described in subsection (1)(g) of this section.

Sec. 424. RCW 4.22.070 and 1986 c 305 s 401 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, in all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsection ~~((e))~~ (1)(a) or (1)(b) or (4) (a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

(4) In all actions governed by chapter 7.70 RCW involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault that is attributable to every entity that caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant, and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount that represents that party's proportionate share of the claimant's total damages. The total damages shall first be reduced by any amount paid to the claimant by a released entity. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(c) A defendant shall be responsible to the claimant for any fault of an entity released by the claimant, provided that the total damages shall first be reduced by any amount paid to the claimant by a released entity, and, where some fault has been attributed to the claimant, by the claimant's proportionate share of his or her total damages.

D. HEALTH INSURANCE PURCHASING COOPERATIVES

NEW SECTION. **Sec. 425.** HEALTH INSURANCE PURCHASING COOPERATIVES--DESIGNATION OF REGIONS BY COMMISSION, INFORMATION SYSTEMS, MINIMUM STANDARDS, AND RULES. (1) The health service commission shall designate large geographic regions within the state in which competing health insurance

purchasing cooperatives may operate, based upon population, assuming that each cooperative must serve no less than one hundred thousand persons; geographic factors; market conditions; and other factors deemed appropriate by the commission. The commission may designate certain regions of the state as areas where only one cooperative may operate upon a determination that an insufficient population base exists within such region to efficiently support more than one cooperative. The commission shall authorize the creation of ten cooperatives within the state.

(2) In coordination with the commission and consistent with the provisions of chapter 70.170 RCW, the department of health shall establish an information clearinghouse for the collection and dissemination of information necessary for the efficient operation of cooperatives, including the establishment of a risk profile information system related to certified health plan enrollees that would permit the equitable distribution of losses among plans in accordance with section 406(8) of this act.

(3) Every health insurance purchasing cooperative shall:

(a) Admit all individuals, employers, or other groups wishing to participate in the cooperative;

(b) Make available for purchase by cooperative members every health care program offered by every certified health plan operating within the cooperative's region;

(c) Be operated as a member-governed and owned, nonprofit cooperative in which no certified health plan, health maintenance organization, health care service contractor, independent practice association, independent physician organization, or any individual with a pecuniary interest in any such organization, shall have any pecuniary interest in or management control of the cooperative;

(d) Provide for centralized enrollment and premium collection and distribution among certified health plans; and

(e) Serve as an ombudsman for its members to resolve inquiries, complaints, or other concerns with certified health plans.

(4) Every health insurance purchasing cooperative shall assist members in selecting certified health plans and for this purpose may devise a rating system or similar system to judge the quality and cost-effectiveness of certified health plans consistent with guidelines established by the commission. For this purpose, each cooperative and directors, officers, and other employees of the cooperative are immune from liability in any civil action or suit arising from the publication of any report, brochure, or guide, or dissemination of information related to the services, quality, price, or cost-effectiveness of certified plans unless actual malice, fraud, or bad faith is shown. Such immunity is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

(5) Every health insurance purchasing cooperative shall bear the full cost of its operations, including the costs of participating in the information clearinghouse, through assessments upon its members. Such assessments shall be billed and accounted for separately from premiums collected and distributed for the purchase of the uniform benefits package or any other supplemental insurance or health services program.

(6) No health insurance purchasing cooperative may bear any financial risk for the delivery of uniform benefits package services, or for any other supplemental insurance or health services program.

(7) No health insurance purchasing cooperative may directly broker, sell, contract for, or provide any insurance or health services program. However, nothing contained in this section shall be deemed to prohibit the use or employment of insurance agents or brokers by the cooperative for other purposes or to prohibit the facilitation of the sale and purchase by members of supplemental insurance or health services programs.

(8) The commission may adopt rules necessary for the implementation of this section including rules governing charter and bylaw provisions of cooperatives and may adopt rules prohibiting or permitting other activities by cooperatives.

(9) The commission shall consider ways in which cooperatives can develop, encourage, and provide incentives for employee wellness programs.

NEW SECTION. Sec. 426. LICENSING AND REGULATION OF HEALTH INSURANCE PURCHASING COOPERATIVES BY THE INSURANCE COMMISSIONER. (1) No person may establish or operate a health insurance purchasing cooperative without having first obtained a certificate of authority from the insurance commissioner.

(2) Every proposed cooperative shall furnish notice to the insurance commissioner that shall:

(a) Identify the principal name and address of the cooperative;

(b) Furnish the names and addresses of the initial officers of the cooperative;

(c) Include copies of letters of agreement for participation in the cooperative including minimum term of participation;

(d) Furnish copies of its proposed articles and bylaws; and

(e) Provide other information as prescribed by the insurance commissioner in consultation with the health services commission to verify that the cooperative is qualified and is managed by competent and trustworthy individuals.

(3)(a) The commissioner shall approve applications for certificates in accordance with the order received. Once the maximum number of cooperatives have been issued certificates of authority in each region in accordance with the rules adopted by the health services commission, the insurance commissioner may not issue any new certificate until or unless a previously authorized cooperative surrenders or loses its certificate of authority.

(b) The commissioner shall establish by rule a fee to be paid by cooperatives in an amount necessary to review and approve applications for a certificate of authority. Such fee shall accompany the application and no certificate may be issued until such fee is paid. Fees collected for such purpose shall be deposited in the insurance commissioner's regulatory account in the state treasury.

(4) All funds representing premiums or return premiums received by a cooperative in its fiduciary capacity shall be accounted for and maintained in a separate account from all other funds. Each willful violation of this section constitutes a misdemeanor.

(5) Every cooperative shall keep at its principal address, a record of all transactions it has consummated on behalf of its members with certified health plans. All such records shall be kept available and open to the inspection of the insurance commissioner at any business time during a five-year period immediately after the date of completion of the transaction.

E. CERTIFIED HEALTH PLANS

NEW SECTION. Sec. 427. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) On or after July 1, 1995, no person or entity in this state shall provide the uniform benefits package and supplemental benefits as defined in section 402 of this act without being certified as a certified health plan by the insurance commissioner.

(2) On or after July 1, 1995, the uniform benefits package and supplemental benefits shall be purchased only from entities certified as certified health plans.

(3) On or after July 1, 1995, the uniform benefits package shall be the minimum benefits package of any certified health plan.

NEW SECTION. Sec. 428. HEALTH PLAN CERTIFICATION STANDARDS. A certified health plan shall:

(1) Provide the benefits included in the uniform benefits package and offer supplemental benefits packages to enrolled Washington residents for a prepaid per capita community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission;

(2) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits packages regardless of factors referenced in RCW 49.60.020, including age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, or other condition or situation;

(3) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the uniform benefits package and offer supplemental benefits packages to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits;

(4) Comply with portability of benefits requirements prescribed by the commission;

(5) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing certified health plans;

(6) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal

health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;

(7) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing enrollees for any amounts in excess of applicable enrollee point of service cost-sharing obligations for services included in the uniform benefits package and the supplemental benefits package;

(8) Include in all of its contracts issued for uniform benefits package and supplemental benefits package coverage a subrogation provision that allows the certified health plan to recover the costs of uniform benefits package and supplemental benefits package services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

- (i) The fees and costs approved by the court in which the action was initiated; or
- (ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

(9) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for grievance procedures and resolution;

(10) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not modified or superseded by the provisions of chapter . . . , Laws of 1993 (this act) and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection (2) of this section;

(11) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age; and

(12) Permit every class of health care providers to provide health services or care for conditions included in the uniform benefits package and in the supplemental benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

- (i) Provision, utilization review, and cost containment of health services;
- (ii) Management and administrative procedures; and
- (iii) Provision of cost-effective and clinically efficacious health services.

NEW SECTION. Sec. 429. LIMITED CERTIFIED HEALTH PLAN FOR DENTAL SERVICES. (1) For the purposes of this section "limited certified dental plan" or "dental plan" means a certified health plan offering coverage for dental services only and that complies with all certified health plan requirements for managed care, community rating, portability, and nondiscrimination.

(2) A dental plan may provide coverage for dental services directly to individuals or to employers for the benefit of employees. If an individual or an employer purchases uniform dental services from a dental plan, the certified health plan covering the individual or the employees need not provide dental services required under the uniform benefits package. A certified health plan may subcontract with a dental plan to provide the dental benefits required under the uniform benefits package.

(3) The commission shall establish maximum premiums and maximum enrollee financial participation amounts that may be charged by dental plans and shall adopt rules defining the minimum, uniform dental services

that must be offered by dental plans. The commission shall also establish maximum premiums and maximum enrollee financial participation amounts for certified health plans not providing dental benefits by virtue of the individual's or employee's coverage by a dental plan, and rules governing the percentage change in the premium charged by a dental plan subcontracting with a certified health plan when the maximum premiums are changed by the commission.

(4) Rules governing dental plan premiums and financial participation amounts, and rules defining minimum, uniform dental services shall be adopted and shall apply to dental plans in accordance with the implementation dates applicable to certified health plans with respect to similar requirements.

NEW SECTION. Sec. 430. CONTRACTS BETWEEN CERTIFIED HEALTH PLANS AND HEALTH SERVICE PROVIDERS. (1) The legislature finds that not all health service providers, individually or as a class, provide the most cost-effective, efficacious health services for every health need. A fundamental goal of health care reform is to contain the growth in health care costs and related costs in purchasing coverage for health services. In order to achieve this goal, health service providers must either adjust their practice to achieve necessary levels of quality and cost-effectiveness or risk exclusion from certified health plans.

Balancing the need for health care reform and the need to protect health service providers, as a class and as individual providers, from improper exclusion presents a problem that can be satisfied with the creation of a process to ensure fair consideration of the inclusion of health service providers in managed care systems operated by certified health plans. It is therefore the intent of the legislature that the insurance commissioner in developing rules in accordance with this section and the attorney general in monitoring the level of competition in the various geographic markets, balance the need for cost-effective and quality delivery of health services with the need for inclusion of both individual health service providers and classes of health service providers in managed care programs developed by certified health plans. All licensed health service providers, irrespective of the type or kind of practice licensed by the state, should be afforded the opportunity to compete for inclusion in certified health plans consistent with the goals of health care reform.

(2) The insurance commissioner shall adopt rules requiring certified health plans to publish general criteria for the plan's selection of health service providers. In adopting such rules, the commissioner shall not require the disclosure of criteria deemed by the plan to be of a proprietary or competitive nature that would hurt the plan's ability to compete or to manage health services. If the commissioner and the plan disagree as to whether criteria is proprietary or its disclosure is anticompetitive, the plan shall be entitled to a hearing and the hearing shall be conducted in a manner that affords the protection of such disputed information from public disclosure. In part, disclosure of criteria is proprietary or anticompetitive if revealing the criteria would have the tendency to cause health service providers to alter their practice pattern in a manner that would harm efforts to contain health care costs and is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

(3) If a certified health plan uses unpublished criteria to judge the quality and cost-effectiveness of a health service provider's practice under any specific program within the plan, the plan may not terminate the provider participating in that program based upon such criteria until the provider has been informed that his or her practice fails to meet such criteria and is given a reasonable opportunity to conform to such criteria.

(4) In consultation with the attorney general's office, the insurance commissioner shall adopt rules:

(a) Prescribing the terms, conditions, and procedures for binding resolution of contractual disputes between providers and certified health plans to be included in all contracts between providers and plans; and

(b) Prescribing the terms, conditions, and procedures for provider appeal to the plan of a decision by the plan not to include the services of the provider.

(5) The attorney general with the assistance of the insurance commissioner shall analyze the market power of certified health plans and develop a standard for determining when the market share of any program of a certified health plan reaches a point where the plan's exclusion of health service providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services. Whenever, as a result of this analysis, the attorney general determines that a program's share of the market would have the tendency to substantially lessen competition for health services in the relevant market, the certified health plan must allow all providers within the affected market to participate in the program of the certified health plan subject to the following conditions:

(a) The provider must meet all published criteria of the program pertaining to the selection of providers;

(b) The provider must agree to abide by all published requirements of the program pertaining to utilization review, quality review, and cost containment; and

(c) The provider must agree to abide by all administrative and management procedures of the program.

Notwithstanding the provisions of this subsection, if the certified health plan demonstrates to the satisfaction of the attorney general that health service utilization data and similar information shows that the inclusion of additional health service providers would substantially lessen the plan's ability to control health care costs and that the plan's procedures for selection of providers are not improperly exclusive of providers, the plan need not include additional providers within the plan's program.

(6) Nothing contained in this section shall be construed to require a plan to allow or to continue the participation of a provider:

(a) Who violates the terms and conditions of a contract with the plan;

(b) Whose provision of health services is inefficient or of poor quality when compared to a provider's peer group which group is objectively determined;

(c) Whose health services violate any statute or regulation governing the provider's profession;

(d) Whose services are unnecessary because the uniform benefits package does not provide coverage for such services or with respect to a supplemental benefit program, because a supplemental benefit program does not provide coverage for such services; or

(e) If the plan is a federally qualified health maintenance organization and the participation of the provider or providers would prevent the health maintenance organization from operating as a health maintenance organization in accordance with 42 U.S.C Sec. 300e.

NEW SECTION. Sec. 431. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) No person or entity in this state may, by mail or otherwise, act or hold himself or herself out to be a certified health plan as defined by section 402 of this act without being registered as a certified health plan with the insurance commissioner.

(2) Anyone violating subsection (1) of this section is liable for a fine not to exceed ten thousand dollars and imprisonment not to exceed six months for each instance of such violation.

NEW SECTION. Sec. 432. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF REGISTRATION--APPLICATION REQUIREMENTS. Any corporation, cooperative group, partnership, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education are entitled to a certificate from the insurance commissioner as a certified health plan if it:

(1) Submits an application for certification as a certified health plan, which shall be verified by an officer or authorized representative of the applicant, being in a form as the insurance commissioner prescribes in consultation with the health services commission;

(2) Meets the minimum net worth requirements set forth in section 438 of this act and the funding reserve requirements set forth in section 439 of this act;

(3) A certified health plan may establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance to guidelines adopted by the commission, those which have been clearly drawn to be exclusionary within a health care catchment area.

NEW SECTION. Sec. 433. ISSUANCE OF CERTIFICATE--GROUNDS FOR REFUSAL. The commissioner shall issue a certificate as a certified health plan to an applicant within one hundred twenty days of such filing unless the commissioner notifies the applicant within such time that such application is not complete and the reasons therefor; or that the commissioner is not satisfied that:

(1) The basic organization document of the applicant permits the applicant to conduct business as a certified health plan;

(2) The applicant has demonstrated the intent and ability to assure that the health services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with a casualty insurer, a government agency, or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

- (c) Any arrangements for liability and malpractice insurance coverage.
- (4) The procedures for offering health care services are reasonable and equitable; and
- (5) Procedures have been established to:
 - (a) Monitor the quality of care provided by the certified health plan including standards and guidelines provided by the health services commission and other appropriate state agencies;
 - (b) Operate internal peer review mechanisms; and
 - (c) Resolve complaints and grievances in accordance with section 443 of this act and rules established by the insurance commissioner in consultation with the commission.

NEW SECTION. Sec. 434. PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--FILING OF PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--ADDITIONAL CHARGES PROHIBITED. (1) The insurance commissioner shall verify that the certified health plan and its providers are charging no more than the maximum premiums and enrollee financial participation amounts during the course of financial and market conduct examinations or more frequently if justified in the opinion of the insurance commissioner or upon request by the health services commission.

(2) The certified health plans shall file the premium schedules including employer contributions, enrollee premium sharing, and enrollee point of service cost sharing amounts with the insurance commissioner, within thirty days of establishment by the health services commission.

(3) No certified health plan or its provider may charge any fees, assessments, or charges in addition to the premium amount or in excess of the maximum enrollee financial participation limits established by the health services commission. The certified health plan that directly provides health care services may charge and collect the enrollee point of service cost sharing fees as established in the uniform benefits package or other approved benefit plan.

NEW SECTION. Sec. 435. ANNUAL STATEMENT FILING--CONTENTS--PENALTY FOR FAILURE TO FILE--ACCURACY REQUIRED. (1) Every certified health plan shall annually not later than March 1 of the calendar year, file with the insurance commissioner a statement verified by at least two of its principal officers showing its financial condition as of December 31 of the preceding year.

(2) Such annual report shall be in such form as the insurance commissioner shall prescribe and shall include:

(a) A financial statement of the certified health plan, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) All prepayments and other payments received for health care services rendered pursuant to certified health plan benefit packages;

(ii) Expenditures to all categories of health care facilities, providers, and organizations with which the plan has contracted to fulfill obligations to enrolled residents arising out of the uniform benefits package and other approved supplemental benefit agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) Expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) A report of the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(c) The number of residents enrolled and terminated during the report period. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to demonstrate compliance with the open enrollment and free access requirements of chapter . . . , Laws of 1993 (this act). The insurance commissioner shall specify additional information to be reported, which may include but not be limited to age, sex, location, and health status information;

(d) Such other information relating to the performance of the certified health plan or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter in accordance with rules;

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the certified health plan or provider of the certified health plan.

(3) The commissioner may require quarterly reporting of financial information, such information to be furnished in a format prescribed by the commissioner in consultation with the commission.

(4) The commissioner may for good reason allow a reasonable extension of time within which such annual statement shall be filed.

(5) The commissioner may suspend or revoke the certificate of a certified health plan for failing to file its annual statement when due or during any extension of time therefor that the commissioner, for good cause, may grant.

(6) The commissioner shall publish and make available to the health services commission and the major newspapers of the state an annual summary report of at least the information required in subsections (2) and (3) of this section.

(7) No person may knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a certified health plan that does not accurately state the certified health plan's financial condition.

NEW SECTION. Sec. 436. PENALTY FOR VIOLATIONS. A certified health plan that, or person who, violates any provision of this chapter is guilty of a gross misdemeanor, unless the penalty is otherwise specifically provided.

NEW SECTION. Sec. 437. PROVIDER CONTRACTS--ENROLLED RESIDENT'S LIABILITY, COMMISSIONER'S REVIEW. (1) Subject to subsection (2) of this section, every contract between a certified health plan and its providers of health care services shall be in writing and shall set forth that in the event the certified health plan fails to pay for health care services as set forth in the uniform benefits package, the enrollee is not liable to the provider for any sums owed by the certified health plan. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a contracting provider with the certified health plan, or to emergent and urgently needed out-of-area services.

(3) The certified health plan shall file the contracts with the insurance commissioner for approval thirty days prior to use.

NEW SECTION. Sec. 438. MINIMUM NET WORTH--REQUIREMENTS TO MAINTAIN--DETERMINATION OF AMOUNT. (1) Every certified health plan must maintain a minimum net worth equal to the greater of:

(a) One million dollars; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the insurance commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2)(a) In determining net worth, no debt may be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt may not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the insurance commissioner, may not be considered a liability and shall be recorded as equity.

(3) Every certified health plan shall, in determining liabilities, include an amount estimated in the aggregate to provide for unearned premiums and for the payment of claims for health care expenditures that have been incurred, whether reported or unreported, that are unpaid and for which such organization is or may be liable and to provide for the expense of adjustment or settlement of such claims.

The claims shall be computed in accordance with rules adopted by the insurance commissioner in consultation with the health services commission.

NEW SECTION. Sec. 439. FUNDED RESERVE REQUIREMENTS. (1) Each certified health plan obtaining certification from the insurance commissioner under sections 427 through 444 of this act shall provide and maintain a funded reserve of one hundred fifty thousand dollars. The funded reserve shall be deposited with the

insurance commissioner or with any organization acceptable to the commissioner in the form of cash, securities eligible for investment under chapter 48.13 RCW, approved surety bond, or any combination of these, and must be equal to or exceed one hundred fifty thousand dollars. The funded reserve shall be established as an assurance that the uncovered expenditures obligations of the certified health plan to the enrolled Washington residents shall be performed.

(2) All income from reserves on deposit with the commissioner shall belong to the depositing certified health plan and shall be paid to it as it becomes available.

(3) Funded reserves required by this section shall be considered an asset in determining the plan's net worth.

NEW SECTION. Sec. 440. EXAMINATION OF CERTIFIED HEALTH PLANS, POWERS OF COMMISSIONER, DUTIES OF PLANS, INDEPENDENT AUDIT REPORTS. (1) The insurance commissioner shall make an examination of the operations of a certified health plan as often as the commissioner deems it necessary in order to assure the financial security and health and safety of the enrolled residents. The insurance commissioner shall make an examination of a certified health plan not less than once every three calendar years.

(2) Every certified health plan shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services and systems shall be examined by the department of health except that the insurance commissioner may review such areas to the extent that such items impact the financial condition or the market conduct of the certified health plan. For the purpose of the examinations the insurance commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the certified health plans concerning their business.

(3) The insurance commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the certified health plan in the course of that part of the insurance commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4) Certified health plans shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of adopting rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, adoption of rules, and enforcement of the provisions of this chapter including a reasonable margin for cost variations. The assessments shall be established by rules adopted by the commissioner in consultation with the health services commission but may not exceed five and one-half cents per month per resident enrolled in the certified health plan. The minimum assessment shall be one thousand dollars. Assessment receipts shall be deposited in the insurance commissioner's regulatory account in the state treasury and shall be used for the purpose of funding the examinations authorized in subsection (1) of this section. Assessments received shall be used to pay a pro rata share of the costs, including overhead of regulating certified health plans. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in succeeding biennia.

NEW SECTION. Sec. 441. INSOLVENCY--COMMISSIONER'S DUTIES, CONTINUATION OF BENEFITS, ALLOCATION OF COVERAGE. (1) In the event of insolvency of a certified health plan and upon order of the commissioner, all other certified health plans shall offer the enrolled Washington residents of the insolvent certified health plan the opportunity to enroll in a solvent certified health plan. Enrollment shall be without prejudice for any preexisting condition and shall be continuous provided the resident enrolls in the new certified health plan within thirty days of the date of insolvency and otherwise complies with the certified health plan's managed care procedures within the thirty-day open enrollment period.

(2) The insurance commissioner, in consultation with the health services commission, shall establish guidelines for the equitable distribution of the insolvent certified health plan's enrollees to the remaining certified health plans. The guidelines may include limitations to enrollment based on financial conditions, provider delivery network, administrative capabilities of the certified health plan, and other reasonable measures of the certified health plan's ability to provide benefits to the newly enrolled residents.

(3) Each certified health plan shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the coverage period for which premiums have been paid and continuation of benefits to enrolled Washington residents who are confined on the date of insolvency in an inpatient facility until their discharge or transfer to a new certified health plan as provided in subsection (1) of this section. The plan shall be approved by the

insurance commissioner at the time of certification and shall be submitted for review and approval on an annual basis. The commissioner shall approve such a plan if it includes:

- (a) Insurance to cover the expenses to be paid for continued benefits after insolvency;
- (b) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the certified health plan's insolvency for which premium payment has been made and until the enrolled participant is transferred to a new certified health plan in accordance with subsection (1) of this section. Such extension of coverage shall not obligate the provider of service beyond thirty days following the date of insolvency;
- (c) Use of the funded reserve requirements as provided under section 439 of this act;
- (d) Acceptable letters of credit or approved surety bonds; or
- (e) Other arrangements the insurance commissioner and certified health plan mutually agree are appropriate to assure that benefits are continued.

NEW SECTION. Sec. 442. FINANCIAL FAILURE, SUPERVISION OF COMMISSIONER--PRIORITY OF DISTRIBUTION OF ASSETS. (1) Any rehabilitation, liquidation, or conservation of a certified health plan shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the insurance commissioner under the law governing the rehabilitation, liquidation, or conservation of insurance companies. The insurance commissioner may apply for an order directing the insurance commissioner to rehabilitate, liquidate, or conserve a certified health plan upon one or more of the grounds set forth in RCW 48.31.030, 48.31.050, and 48.31.080. Enrolled residents shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled residents and their dependents shall have the same priority as established by RCW 48.31.280 for policyholders and their dependents of insurance companies. If an enrolled resident is liable to a provider for services under and covered by a certified health plan, that liability shall have the status of an enrolled resident claim for distribution of general assets.

(3) A provider who is obligated by statute or agreement to hold enrolled residents harmless from liability for services provided under and covered by a certified health plan shall have a priority of distribution of the general assets immediately following that of enrolled residents and enrolled residents' dependents as described in this section, and immediately preceding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 443. GRIEVANCE PROCEDURE. A certified health plan shall establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrolled Washington residents concerning any matter relating to the provision of benefits under the uniform benefits package, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within twenty working days. The insurance commissioner in consultation with the health care commission shall establish standards for grievance procedures and resolution.

NEW SECTION. Sec. 444. EXEMPTION. The provisions of sections 432 through 443 of this act do not apply to any disability insurance company, health care service contractor, or health maintenance organization authorized to do business in Washington.

NEW SECTION. Sec. 445. ENFORCEMENT AUTHORITY OF COMMISSIONER. For the purposes of chapter . . . , Laws of 1993 (this act), the insurance commissioner shall have the same powers and duties of enforcement as are provided in Title 48 RCW.

F. MANAGED COMPETITION AND LIMITED ANTI-TRUST IMMUNITY

NEW SECTION. Sec. 446. MANAGED COMPETITION FINDINGS AND INTENT. (1) The legislature recognizes that competition among health care providers, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that providers of health care services face legal

and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that providers of health care coverage face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to displace competition in the health care market to the extent necessary to contain the aggregate cost of health care services; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, and Washington residents. To these ends, any lawful action taken pursuant to chapter . . . , Laws of 1993 (this act) by any person or entity created or regulated by chapter . . . , Laws of 1993 (this act) are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 447 of this act or under rules adopted pursuant to chapter . . . , Laws of 1993 (this act), does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies to agree or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the terms and conditions of their services;

(b) Among certified health plans as to the price or level of reimbursement for health care services;

(c) Among certified health plans to boycott a group or class of health care service providers;

(d) Among purchasers of certified health plan coverage to boycott a particular plan or class of plans;

(e) Among certified health plans to divide the market for health care coverage; or

(f) Among certified health plans and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a certified health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a certified health plan or purchasing group.

NEW SECTION. Sec. 447. COMPETITIVE OVERSIGHT AND ANTI-TRUST IMMUNITY. (1) A certified health plan, health care facility, health care provider, or other person involved in the development or marketing of health care or certified health plans may request, in writing, that the attorney general issue an informal opinion as to whether particular conduct is authorized by chapter . . . , Laws of 1993 (this act). The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion. If the attorney general concludes that such conduct is not authorized by chapter . . . , Laws of 1993 (this act), the person or organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (2) of this section.

(2) After consultation with and subject to the approval of the attorney general, the health services commission may authorize conduct requested by petition of a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a clear and convincing showing that the conduct is necessary to achieve the policy goals of chapter . . . , Laws of 1993 (this act) and a more competitive alternative is unavailable or impractical. Such petition shall be filed in a form and manner prescribed by rule of the commission.

After a public hearing, the commission shall issue a written decision approving or denying a petition filed in accordance with this section. The decision shall set forth findings as to benefits and disadvantages and explaining whether the benefits clearly outweigh the disadvantages. Upon the advice of the attorney general, the commission shall consider whether one or more of the following benefits may result:

(a) Enhancement of the quality of health services to consumers;

(b) Gains in cost-efficiency of health services;

(c) Improvements in utilization of health services and equipment; or

(d) Avoidance of duplication of health services resources.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among certified health plans, health care providers, or health care facilities;

(ii) Adverse impact on quality, availability or price of health care services to consumers; or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(3) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(4) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section and shall periodically review such conduct to determine whether such conduct should be continued and whether a more competitive alternative is available or practical. If the commission determines that the likely benefits of conduct approved by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct and such conduct shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(5) The commission may adopt all rules necessary to implement this section.

(6) After consultation with and subject to the approval of the attorney general, the commission shall adopt rules:

(a) Governing conduct among providers, health care facilities, and certified health plans including but not limited to the use of "most favored nation" clauses and exclusive dealing clauses in provider contracts;

(b) Permitting health service providers within the service area of a plan to collectively negotiate terms and conditions of contracts with a certified health plan; and

(c) Governing the merger of health care facilities.

G. THE UNIFORM BENEFITS PACKAGE

NEW SECTION. Sec. 448. UNIFORM BENEFITS PACKAGE DESIGN. (1) The commission shall define the uniform benefits package, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are effective and necessary on a societal basis for the maintenance of the health of citizens of the state, weighed against the need to control state health services expenditures. As the future rate of increase in health services expenditures is controlled, the commission shall consider whether the uniform benefits package should be revised to enhance the services or level of services included in the package.

(2) The schedule of covered health services shall emphasize proven preventive and primary health care and shall include primary and specialty health services, inpatient and outpatient hospital services, prescription drugs and medications, services necessary for maternity and well-child care, including preventive dental services for children, case managed mental health services, short-term skilled nursing facility, home health and hospice services, subject to preapproval, and other services deemed necessary by the commission. The commission shall determine the specific schedule of health services within the uniform benefits package, including limitations on scope and duration of services. The commission shall consider the recommendations of health services effectiveness panels established pursuant to section 404 of this act in defining the uniform benefits package.

(3) The uniform benefits package shall not limit coverage for preexisting or prior conditions, except that the commission shall establish exclusions for preexisting or prior conditions to the extent necessary to prevent residents from waiting until health services are needed before enrolling in a certified health plan.

(4) The commission shall establish a schedule of enrollee point of service cost-sharing for nonpreventive health services, related to enrollee household income, such that financial considerations are not a barrier to access for low-income persons, but that, for those of means, the uniform benefits package provides for moderate point of service cost-sharing. All point of service cost-sharing and cost control requirements shall apply uniformly to all health care providers providing substantially similar uniform benefits package services. The schedule shall provide for an alternate and lower schedule of cost-sharing applicable to enrollees with household income below the federal poverty level.

(5) The commission shall adopt rules related to coordination of benefits where a resident has duplicate coverage. The rules shall not have the effect of eliminating enrollee premium sharing or point of service cost-sharing. The commission shall endeavor to assure an equitable distribution, among both employers and employees, of the costs of coverage for those households composed of more than one member in the work force.

(6) In determining the uniform benefits package, the commission shall endeavor to seek the opinions of and information from the public. The commission shall consider the results of official public health assessment and policy development activities including recommendations of the department of health in discharging its responsibilities under this section.

(7) The commission shall submit the following to the legislature by December 1, 1994, and annually thereafter: (a) The uniform benefits package and any changes it may wish to make; (b) an independent actuarial

analysis of the cost of the proposed package; (c) a small business economic impact statement, to be prepared in consultation with the small business advisory committee, describing the economic impact on small business of providing the uniform benefits package to employees and dependents; and (d) if the small business economic impact statement indicates a need for assistance to small businesses, recommended mechanisms to offer such assistance. In developing its recommendations, the commission shall evaluate the potential effectiveness of business and occupation tax credits, a small business assistance fund, and any other mechanism deemed appropriate by the commission.

NEW SECTION. Sec. 449. SUPPLEMENTAL BENEFIT PACKAGES DESIGN. The commission shall define several supplemental benefits packages, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are desirable to expand the available health services defined in the uniform benefits package. Such supplemental benefit packages must be offered only by certified health plans and must be designed in conformance with the procedures and requirements for the design of the uniform benefits package under section 448 of this act. In designing such supplemental benefits packages, the commission shall consider the approach taken by congress and federal agencies in regulating the offering and design of medicare supplemental health insurance policies and the commission shall develop a regulatory method to ensure that pricing of such supplemental benefits packages is consistent with the maximum premium requirements for the uniform benefits package under section 406(6) of this act.

NEW SECTION. Sec. 450. The legislature may disapprove of the packages developed under sections 448 and 449 of this act by an act of law at any time prior to the thirtieth day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit modified packages to the legislature within fifteen days of the disapproval. If the legislature does not disapprove the packages or modify them by an act of law by the end of that regular session, they are deemed approved.

NEW SECTION. Sec. 451. LONG-TERM CARE INTEGRATION PLAN. (1) To meet the health needs of the residents of Washington state, it is critical to finance and provide long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. This system shall be available, accessible, and responsive to all residents based upon an assessment of their functional disabilities. The governor and the legislature recognize that families, volunteers, and community organizations are essential for the delivery of effective and efficient long-term care and support services, and that this private and public service infrastructure should be supported and strengthened. Further, it is important to provide benefits in perpetuity without requiring family or program beneficiary impoverishment for service eligibility.

(2) To realize the need for a strong long-term care system and to carry out the November 30, 1992, final recommendations of the Washington health care commission related to long-term care, the commission shall:

(a) Engage in a planning process, in conjunction with an advisory committee appointed for this purpose, for the inclusion of long-term care services in the uniform benefits package established under section 448 of this act as soon as practicable, but not later than July 1998;

(b) Include in its planning process consideration of the scope of services to be covered, the cost of and financing of such coverage, and the means through which existing long-term care programs and delivery systems can be coordinated and integrated.

(3) The commission shall submit recommendations concerning any necessary statutory changes or modifications of public policy to the governor and the legislature by January 1, 1995.

(4) The departments of health, retirement systems, revenue, social and health services, and veterans' affairs, the offices of financial management, insurance commissioner, and state actuary, along with the health care authority, shall participate in the review of the long-term care needs enumerated in this section and provide necessary supporting documentation and staff expertise as requested by the commission.

(5) The commission shall include in its planning process, the development of two social health maintenance organization long-term care pilot projects. The two pilot projects shall be referred to as the Washington life care pilot projects. Each life care pilot program shall be a single-entry system administered by an individual organization that is responsible for bringing together a full range of medical and long-term care services. The commission, in coordination with the appropriate agencies and departments, shall establish a Washington life care benefits package that shall include the uniform benefits package established in chapter . . . , Laws of 1993 (this act) and long-term care services. The Washington life care benefits package shall include, but not be limited to, the following long-term care

services: Case management, intake and assessment, nursing home care, adult family home care, home health and home health aide care, hospice, chore services/homemaker/personal care, adult day care, respite care, and appropriate social services. The pilot project shall develop assessment and case management protocol that emphasize home and community-based care long-term care options.

(a) In designing the pilot projects, the commission shall address the following issues: Costs for the long-term care benefits, a projected case-mix based upon disability, the required federal waiver package, reimbursement, capitation methodology, marketing and enrollment, management information systems, identification of the most appropriate case management models, provider contracts, and the preferred organizational design that will serve as a functioning model for efficiently and effectively transitioning long-term care services into the uniform benefits package established in chapter . . . , Laws of 1993 (this act). The commission shall also be responsible for establishing the size of the two membership pools.

(b) Each program shall enroll applicants based on their level of functional disability and personal care needs. The distribution of these functional level categories and ethnicity within the enrolled program population shall be representative of their distribution within the community, using the best available data to estimate the community distributions.

(c) The two sites selected for the Washington life care pilot program shall be drawn from the largest urban areas and include one site in the eastern part of the state and one site in the western part of the state. The two organizations selected to manage and coordinate the life care services shall have the proven ability to provide ambulatory care, personal care/chore services, dental care, case management and referral services, must be accredited and licensed to provide long-term care for home health services, and may be licensed to provide nursing home care.

(d) The report on the development and establishment date of the two social health maintenance organizations shall be submitted to the governor and appropriate committees of the legislature by September 16, 1994. If the necessary federal waivers cannot be secured by January 1, 1995, the commission may elect to not establish the two pilot programs.

NEW SECTION. Sec. 452. ADDITIONAL BENEFITS. (1) Nothing in chapter . . . , Laws of 1993 (this act) shall preclude insurers, health care service contractors, health maintenance organizations, or certified health plans from insuring, providing, or contracting for additional benefits not included in the uniform benefits package or in supplemental benefits packages designed by the commission.

(2) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer, an employee representative to negotiate for, or an individual to purchase additional benefits not included in the uniform benefits package.

(3) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer or an employee representative to negotiate for payment of up to one hundred percent of the premium of the lowest priced uniform benefits package available in the geographic area where the employer is located.

(4) Pending receipt of necessary federal waivers, nothing in chapter . . . , Laws of 1993 (this act) shall be construed to limit the collective bargaining rights of employee organizations under state or federal law.

NEW SECTION. Sec. 453. CONSCIENCE OR RELIGION. (1) No certified health plan or health care provider may be required by law or contract in any circumstances to participate in the provision of any uniform benefit if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(2) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the uniform benefits package. Each certified health plan shall:

(a) Provide written notice to certified health plan enrollees, upon enrollment with the plan and upon enrollee request thereafter, listing, by provider, services that any provider refuses to perform for reason of conscience or religion;

(b) Develop written information describing how an enrollee may directly access, in an expeditious manner, services that a provider refuses to perform; and

(c) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b) of this subsection.

H. STATE RESIDENT AND EMPLOYER PARTICIPATION

NEW SECTION. Sec. 454. INDIVIDUAL PARTICIPATION. (1) All residents of the state of Washington are required to purchase a uniform benefits package from a certified health plan no later than July 1, 1998. This participation requirement may be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions set forth in the First Amendment, United States Constitution and Article I, section 11 of the state Constitution. Residents of the state of Washington who work in another state for an out-of-state employer shall be deemed to have satisfied the requirements of this section if they receive health insurance coverage through such employer.

(2) The commission shall monitor the enrollment of individuals into certified health plans and shall make public periodic reports concerning the number of persons enrolled and not enrolled, the reasons why individuals are not enrolled, recommendations to reduce the number of persons not enrolled, and recommendations regarding enforcement of this provision.

NEW SECTION. Sec. 455. EMPLOYER PARTICIPATION. (1) The legislature recognizes that small businesses play an essential and increasingly important role in the state's economy. The legislature further recognizes that many of the state's small business owners provide health insurance to their employees through small group policies at a cost that directly affects their profitability. Other small business owners are prevented from providing health benefits to their employees by the lack of access to affordable health insurance coverage. The legislature intends that the provisions of chapter . . . , Laws of 1993 (this act) make health insurance more available and affordable to small businesses in Washington state through strong cost control mechanisms and the option to purchase health benefits through the basic health plan, the Washington state group purchasing association, and health insurance purchasing cooperatives.

(2) In defining the level of mandated employer participation under this section, the commission shall consider the impact of such participation on the financial well-being of the state's employers. In its deliberations, the commission shall evaluate the following:

(a) Whether employers' premium payments should be related to the number of qualified employees the business employs;

(b) Whether different levels of employer premium payments should be applied to employees and dependents;

(c) The profitability of small businesses in Washington state; and

(d) Any other factors deemed necessary by the commission.

(3) On July 1, 1995, every employer employing more than five hundred qualified employees shall offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package within their geographic region as determined by the commission. On July 1, 1996, all dependents of qualified employees of these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic region as determined by the commission. For part-time employees and their dependents, the employer shall pay the amount resulting from application of the following formula: The number of hours worked by the part-time employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by eighty.

(4) By July 1, 1996, every employer employing more than one hundred qualified employees shall offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package as determined by the commission. On July 1, 1997, all dependents of qualified employees in these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic area as determined by the commission. For part-time employees and their dependents, the employer shall pay the amount resulting from application of the following formula: The number of hours worked by the part-time employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by eighty.

(5) By July 1, 1997, every employer shall offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their

geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package as determined by the commission. On July 1, 1998, all dependents of qualified employees in all firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic area as determined by the commission. For part-time employees and their dependents, the employer shall pay the amount resulting from application of the following formula: The number of hours worked by the part-time employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by eighty.

(6) This employer participation requirement may be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions of the First Amendment of the United States Constitution and Article I, section 11, of the state Constitution. In such case the employer shall, pursuant to commission rules, set aside an amount equal to the applicable employer contribution level in a manner that would permit his or her employee to fully comply with the requirements of this chapter.

(7) The commission shall adopt rules that address employer participation requirements related to dependents when dependents are eligible for coverage under more than one plan.

(8) In lieu of offering the uniform benefits package to employees and their dependents through direct contracts with certified health plans, an employer may combine the employer contribution with that of the employee's contribution and enroll in the basic health plan as provided in chapter 70.47 RCW or a health insurance purchasing cooperative established under sections 425 and 426 of this act.

(9) The commission shall submit its employer contribution levels and any changes it may wish to make to the legislature by December 1, 1994, and annually thereafter.

NEW SECTION. Sec. 456. The legislature may disapprove of the levels under section 455 of this act by an act of law at any time prior to the thirtieth day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit regular modified employer contribution levels to the legislature within fifteen days of the disapproval. If the legislature does not disapprove the levels or modify them by an act of law by the end of that regular session they shall be deemed approved.

NEW SECTION. Sec. 457. Under the guidance and direction of the Washington health services commission not more than two depositories will be established where the premium payments made by employers on behalf of part-time employees may be held in safekeeping for the benefit of such individuals. The commission shall establish, after consultation with representatives of employers and employees, especially those engaged in part-time or seasonal businesses or occupations, appropriate procedures whereby such payments under section 455 of this act will be properly deposited to the credit of such persons on an individual basis, which they in turn may access for the purchase of coverage for themselves and their families from the basic health plan or a certified health plan of their choice.

I. PUBLIC HEALTH SERVICES IMPROVEMENT PLAN

NEW SECTION. Sec. 458. A new section is added to chapter 43.70 RCW to read as follows:
PUBLIC HEALTH SERVICES IMPROVEMENT PLAN. (1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan should provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances;

- (i) Enumeration of communities not meeting those standards;
 - (ii) A budget and staffing plan for bringing all communities up to minimum standards;
 - (iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;
- (b) Recommended strategies and a schedule for improving public health programs throughout the state, including:
- (i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and
 - (ii) Timing of increased funding for public health services linked to specific objectives for improving public health; and
- (c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.
- (4) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (6) of this section.
- (5) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.
- (6) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.
- (7) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

J. HEALTH SERVICES ACCOUNT

NEW SECTION. Sec. 459. (1) The health services account is created in the state treasury. All designated receipts from RCW 82.26.020(4), 82.24.020(3), 82.08.150(6), 66.24.210(5), 66.24.290(4), 82.04.260(15), and sections 307 through 310 of this act shall be deposited into the account and are subject to appropriation.

(2) The trust fund shall consist of three subsidiary accounts:

(a) The personal health services account from which funds shall be appropriated for the purchase of health services for persons eligible for public subsidies.

(b) The public health account from which funds shall be expended to maintain and improve the health of all Washington residents, through: (i) Assessment and reporting on the population's health status; (ii) development of public policy that promotes and maintains health; and (iii) assuring the availability and delivery of appropriate and effective health interventions. This public system shall be composed of the state board of health, state department of health, and local public health departments and districts. None of the funds shall be used for any service reimbursable through the uniform benefits package.

(c) The health professions, data systems, health systems regulation and research account from which funds shall be expended to:

- (i) Retain needed health care providers;
- (ii) Conduct research as may be needed on the operation of certified health plans, conduct the operations and activities of the commission, as required by chapter . . ., Laws of 1993 (this act), or to conduct research on public health consistent with the principles set forth in chapter . . ., Laws of 1993 (this act); and

(iii) Finance the development, operation, and maintenance of the health data system according to chapter 70.170 RCW to support the purposes of chapter . . . , Laws of 1993 (this act). Expenditures from the account may be used only for the following purposes:

(3) From the personal health services subsidiary account, operation of the basic health plan, as provided in chapter 70.47 RCW;

(4) From the public health subsidiary account, public health services to maintain and improve the health of Washington residents. For the biennium ending June 30, 1995, public health expenditures from the account shall include but are not limited to:

(a) Measures to increase rates of childhood immunization;

(b) Development and implementation of a counter-message media campaign that has a goal of reducing teen risk behaviors related to tobacco, alcohol and drug use, and sexuality;

(c) Development and implementation of a comprehensive teen pregnancy prevention strategy that includes a media campaign, grants to local communities, and increased access to family planning services;

(d) Reducing the use of tobacco by minors and adults;

(e) Containing and eradicating tuberculosis;

(f) Reducing the incidence of sexually transmitted diseases; and

(g) Slowing the spread of HIV infection.

(5) From the health professions, data systems, health services regulation and research account for the biennium ending June 30, 1995:

(a) Operations of the health services commission established pursuant to section 403 of this act;

(b) Measures to increase the supply and geographic distribution of primary care health services providers, including but not limited to physicians, advanced registered nurse practitioners, and physician assistants, as provided in sections 268, 271, 275, and 276 of this act, and RCW 28B.125.010, 28B.115.080, 70.185.030, 43.70.460, and 43.70.470; and

(c) Development and maintenance of a health services data system, as provided in chapter 70.170 RCW.

K. EXCLUSIONS AND STUDIES

NEW SECTION. Sec. 460. CODE REVISIONS AND WAIVERS. (1) The commission shall consider the analysis of state and federal laws that would need to be repealed, amended, or waived to implement chapter . . . , Laws of 1993 (this act), and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor, and appropriate committees of the legislature by January 1, 1994.

(2) The governor, in consultation with the commission, shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement chapter . . . , Laws of 1993 (this act) to include, but not be limited to:

(a) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicaid statute, Title XIX of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for low-income residents of Washington state. Such waivers shall include any waiver needed to implement managed care programs. Waived provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; administrative requirements regarding single state agencies, choice of providers, and fee for service reimbursement programs; and other limitations on health services provider payment methods.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute, Title XVIII of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for elderly and disabled residents of Washington state. Such waivers shall include any waivers needed to implement managed care programs. Waived provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services; and limitations on health services provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to

ensure integration of federally funded community and migrant health clinics and other health services funded through the public health services act into the health services system established pursuant to chapter . . . , Laws of 1993 (this act). The commission shall request in the waiver that funds from these sources continue to be allocated to federally funded community and migrant health clinics to the extent that such clinics' patients are not yet enrolled in certified health plans.

(d) Negotiate with the United States Congress to obtain a statutory exemption from provisions of the Employee Retirement Income Security Act that limit the state's ability to enact legislation relating to employee health benefits plans administered by employers, including health benefits plans offered by self-insured employers.

(3) On or before December 1, 1995, the commission shall report the following to the governor and appropriate committees of the legislature:

(a) The status of its efforts to obtain the waivers provided in subsection (2) of this section;

(b) The extent to which chapter . . . , Laws of 1993 (this act) can be implemented, given the status of waivers requested or granted; and

(c) If a waiver of the Employee Retirement Income Security Act has not been granted and likely will not be granted in the foreseeable future, changes in chapter . . . , Laws of 1993 (this act) necessary to implement a single-sponsor system, or to implement an alternative system that will assure access to care and control health services costs.

NEW SECTION. Sec. 461. REPORTS OF HEALTH CARE COST CONTROL AND ACCESS

COMMISSION. In carrying out its powers and duties under chapter . . . , Laws of 1993 (this act), the design of the uniform benefits package, and the development of guidelines and standards, the commission shall consider the reports of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990. Nothing in chapter . . . , Laws of 1993 (this act) requires the commission to follow any specific recommendation contained in those reports except as it may also be included in chapter . . . , Laws of 1993 (this act) or other law.

NEW SECTION. Sec. 462. EVALUATIONS, PLANS, AND STUDIES. (1) By July 1, 1997, the legislative

budget committee either directly or by contract shall conduct the following studies:

(a) A study to determine whether the administrative structure of the Washington health services commission as set forth in section 403 of this act should be continued. The study shall analyze the structure as set forth in chapter . . . , Laws of 1993 (this act), a single administering-agency model, and at least one other salient organizational model, and recommend a structure that would be most efficient and effective;

(b) A study to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into the delivery and financing of uniform benefits package services through certified health plans:

(i) State and federal veterans' health services;

(ii) Civilian health and medical program of the uniformed services (CHAMPUS) of the federal department of defense and other federal agencies; and

(iii) Federal employee health benefits.

(2) The legislative budget committee shall evaluate the implementation of the provisions of chapter . . . , Laws of 1993 (this act). The study shall determine to what extent chapter . . . , Laws of 1993 (this act) has been implemented consistent with the principles and elements set forth in chapter . . . , Laws of 1993 (this act) and shall report its findings to the governor and appropriate committees of the legislature by July 1, 2003.

NEW SECTION. Sec. 463. The commission, the office of financial management, and the legislative

evaluation and accountability program committee shall jointly review the financial and accounting structure of all current state-purchased health care programs and any new programs established in chapter . . . , Laws of 1993 (this act). They shall report to the legislature on or before December 1, 1994, with recommendations on how to structure a state-purchased health services budget that: (1) Meets federal and state audit requirements; (2) exercises adequate fiscal and programmatic control; (3) provides management and organizational accountability and control; and (4) provides continuity with historical health services expenditure data.

NEW SECTION. Sec. 464. (1) On or before December 1, 1994, the legislative budget committee, whether

directly or by contract, shall conduct a study related to coordination of certified health plans and other property and

casualty insurance products. The goal of the study shall be to determine methods for containing costs of health services paid for through coverage underwritten by property and casualty insurers.

(2) The study shall address methods to integrate coverage sold by property and casualty insurance companies that covers medical and hospital expenses with coverage provided through certified health plans. In conducting the study, the legislative budget committee shall evaluate at least the following options:

(a) Requiring all property and casualty insurance coverage of health services to be provided through managed care systems rather than through fee for service or indemnification plans;

(b) Prohibiting certified health plans from recovering from property and casualty insurance companies amounts that the plan has expended for health services even if coverage for such services is available under property and casualty insurance policies;

(c) Requiring persons injured as a result of an accident, however caused, to obtain health services through a certified health plan, even if coverage for health services is available under a property and casualty insurance policy;

(d) Requiring property and casualty insurance companies to reduce premium rates for all coverage duplicated by a certified health plan to the extent that a certified health plan is denied subrogation rights against the property and casualty insurer;

(e) Prohibiting litigation by any person to recover amounts paid for health services available under a certified health plan, except in limited circumstances such as product liability or other areas of negligence where the negligent party would benefit from such a system without contributing to the costs of providing coverage under certified health plans; and

(f) Limiting property and casualty insurance companies' sale of coverage that would duplicate coverage provided by certified health plans.

NEW SECTION. Sec. 465. A new section is added to chapter 70.170 RCW to read as follows:

HOSPITAL REGULATION STUDY. The department, through a competitive bidding process restricted to those with suitable expertise to conduct such a study, shall contract for an examination of local, state, and federal regulations that apply to hospitals and shall report to the health care policy committees of the legislature by July 1, 1994, on the following:

(1) An inventory of health and safety regulations that apply to hospitals;

(2) A description of the costs to local, state, and federal agencies for operating the regulatory programs;

(3) An estimate of the costs to hospitals to comply with the regulations;

(4) A description of whether regulatory functions are duplicated among different regulatory programs;

(5) An analysis of the effectiveness of regulatory programs in meeting their safety and health objectives;

(6) An analysis of hospital charity care requirements under RCW 70.170.060 and their relevance under the health care reforms created under chapter . . . , Laws of 1993 (this act);

(7) Recommendations on elimination or consolidation of unnecessary or duplicative regulatory activities that would not result in a reduction in the health and safety objectives.

NEW SECTION. Sec. 466. The department of social and health services aging and adult services administration shall, to the extent that resources are available, review all federal and state laws, and departmental rules that require health care providers in nursing homes to submit documentation. The departmental review shall be conducted to determine what documentation or protocols are redundant and can be modified or eliminated without jeopardizing the health and safety of residents or violating federal regulations. The review shall result in an itemized evaluation of the number of forms requiring physician's review and signature together with a citation of their origin. In addition, the department shall review and suggest efficiencies that could be realized through the development of standardized physicians' protocols for repetitive but nonlifethreatening conditions, such as but not limited to, skin tears, early stage decubiti, bowel and bladder care, and other common and predictable nursing home patient conditions. Whenever possible, source documentation should be enabled to allow multiple attestations to be consolidated into a single document. The department shall conduct this review in coordination with different nursing home care constituent groups and professions, including but not limited to, a gerontologist to be selected by the Washington state medical association and the Washington osteopathic medical association, a nurse to be selected by the Washington state nurses association, one representative from each of the two largest nursing home associations, and a representative of a nursing home residency advocacy group to be selected by the department. The department shall make appropriate regulatory changes, or recommend appropriate regulatory changes to the appropriate regulatory agency, resulting from this review and report its actions and any statutory changes needed to

further the goal of regulatory simplification to the chair of the house of representatives health care committee and the chair of the senate health and human services committee by December 12, 1994.

NEW SECTION. Sec. 467. CERTIFIED HEALTH PLAN COMPETITION. The insurance commissioner shall undertake a study of the feasibility and benefits of developing a single licensing category for certified health plans that would replace current statutes licensing disability insurers, health care service contractors, and health maintenance organizations. The commissioner shall report his or her findings and recommendations to the legislature by January 1, 1994. In conducting such study, the commissioner shall:

- (1) Consider standards for the regulation and inclusion of preferred provider organizations, independent practice associations, and independent physician organizations under such new certified health plan statute;
- (2) Review existing capital and reserve statutes governing insurers, contractors, and health maintenance organizations to determine the appropriate level of capital and reserve for licensing of certified health plans to protect consumers while encouraging competition in the certified health plan market from new entrants into the market;
- (3) Review existing rate regulation of disability insurance policies, health care service contracts, and health maintenance agreements and propose a uniform approach for regulation of rates that balances the need of certified health plans to freely compete and the need to protect consumers from inadequate, excessive, or unfairly discriminatory rates;
- (4) Consider regulatory methods to ensure the adequate provision of and contracting with health care facilities and providers by certified health plans to meet the health care needs of enrollees of certified health plans;
- (5) Consider the need to modify existing insurance statutes and regulations to govern the integration, development, and marketing of health care coverage that would supplement the uniform benefits package; and
- (6) Consult with health care service contractors, health maintenance organizations, disability insurance companies, and other health care service providers who would be affected by such changes.

NEW SECTION. Sec. 468. CRIME VICTIMS' COMPENSATION MEDICAL BENEFITS. (1) On or before January 1, 1995, the department of labor and industries in coordination with the commission, shall complete a study related to the medical services component of the crime victims' compensation program of the department of labor and industries. The goal of the study shall be to determine whether and how the medical services component of the crime victims' compensation program can be modified to provide appropriate medical services to crime victims in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Required benefit design, necessary statutory changes, and the use of managed care to provide services to crime victims. The study shall evaluate at least the following options:

- (a) Whether the medical services component of the crime victims' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to injured workers;
 - (b) Whether the medical services component of the crime victims' compensation program should be administered by the health care authority as the state health care purchasing agent;
 - (c) Whether the medical services component of the crime victims' compensation program should be included in the services offered by certified health plans.
- (2) The department of labor and industries shall present the recommendations to the governor and the appropriate committees of the legislature by January 1, 1995.

L. WORKERS' COMPENSATION

NEW SECTION. Sec. 469. WORKERS' COMPENSATION MEDICAL BENEFITS. (1) An employer who self-insures for employee medical benefits or workers' compensation benefits and who meets the requirements for a certified health plan under section 428 of this act, may apply to the department of labor and industries for an exemption from the requirements of Title 51 RCW regarding the medical portion of the workers' compensation program.

- (2) The director of the department of labor and industries shall grant such an exemption if he or she finds that (a) the applicant employer has a record of no less than two years of compliance with the requirements to be a certified health plan, (b) the uniform benefit package provided by the certified health plan that would assume workers' compensation responsibilities include medically necessary services available under the workers' compensation program in 1992, including payments for disability determinations, (c) the state has achieved access by no less than

ninety-seven percent of all state residents to coverage for the uniform benefit package, (d) there is no reasonable expectation that granting such an exemption will result in a reduction in needed time loss awards or rehabilitative services, (e) the employees' share of workers' compensation medical aid fund contributions are returned to the employee as increased wages, and (f) a majority of employees in the employer's company do not object to the exemption.

(3) If, after periodic review of exemptions granted under this section, the director of labor and industries finds that the conditions in subsection (2) of this section are not present, he or she may withdraw the exemption and immediately require the employer to reestablish a separate workers' compensation medical aid fund program.

(4) In consultation with representatives of organized labor and the large and small business communities of the state, and consistent with chapter . . . , Laws of 1993 (this act), the statutory workers' compensation advisory committee and the department of labor and industries shall propose a plan and timeline for including the medical services of the workers' compensation program of the department of labor and industries in the services offered by certified health plans. No plan or timeline may take effect until at least ninety-seven percent of state residents have access to the uniform benefit package as required in chapter . . . , Laws of 1993 (this act). No plan or timeline may be proposed that does not assure that (a) the uniform benefit package provides benefits which are medically necessary under the workers' compensation program in 1993, including payment for medical determinations of disability under chapter RCW, (b) statutory assurances are provided that time loss benefits and rehabilitative services will not be reduced as a result of the transfer, (c) employers who self-fund for health insurance or workers' compensation and who do not choose to become certified health plans under chapter . . . , Laws of 1993 (this act), will continue to be required to provide workers' compensation benefits as required under 1993 law, (d) the employees' share of the workers' compensation medical aid fund contribution is returned to employees as increased wages, and (e) a majority of employees in the employer's company do not object to the change.

The medical aid fund portion of the workers' compensation program affected by this section shall not be less than the percentage of the medical aid portion of the workers' compensation program in 1992.

To help in developing this plan the department of labor and industries may immediately implement pilot projects to assess the effects of this consolidation on the cost, quality comparability, and employer/employee satisfaction with various consolidation proposals.

The plan and timeline required under this subsection shall be presented to the governor and the appropriate committees of the legislature by January 1, 1995. The timeline shall include full implementation of needed rules by July 1, 1998.

NEW SECTION. Sec. 470. MANAGED CARE PILOT PROJECTS. (1) The department of labor and industries, in consultation with the workers' compensation advisory committee, may implement pilot projects to purchase medical services for injured workers through managed care arrangements. The projects shall assess the effects of managed care on the cost and quality of, and employer and employee satisfaction with, medical services provided to injured workers.

(2) The pilot projects may be limited to specific employers. The implementation of a pilot project shall be conditioned upon a participating employer's and a majority of its employees, or the employees' representative, if a collective bargaining agreement exists, voluntarily agreeing to the terms of the pilot. Both the employer and employees are bound by the project agreements for the duration of the project.

(3) For participating employers and for the purpose of completing these pilot projects, the projects shall be exempt from the requirements of Title 51 RCW that would prohibit implementation of the pilot projects. Such exemption relates solely to the purpose and duration of the study. Managed care arrangements for the pilot projects may include the designation of doctors responsible for the care delivered to injured workers participating in the projects.

(4) The projects shall conclude no later than January 1, 1996. The department shall present the results of the pilot projects and any recommendations related to the projects to the governor and appropriate committees of the legislature on or before October 1, 1996.

M. MISCELLANEOUS

NEW SECTION. Sec. 471. SHORT TITLE. This act may be known and cited as the Washington health services act of 1993.

Sec. 472. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges ~~((education))~~, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage ~~((commissioners))~~ commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, ~~((state))~~ public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 473. RCW 43.20.050 and 1992 c 34 s 4 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the ~~((health))~~ forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by ~~((June))~~ January 1 of each even-numbered year for adoption by the governor. The governor, no later than ~~((September))~~ March 1 of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board ~~((shall))~~ may create ad hoc committees or other such committees of limited duration as necessary. ~~((Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.))~~

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health.

Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 474. RCW 18.32.675 and 1935 c 112 s 19 are each repealed.

NEW SECTION. Sec. 475. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 476. SAVINGS CLAUSE. The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

NEW SECTION. Sec. 477. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 478. CODIFICATION. (1) Sections 401 through 409, 425, 427 through 429, and 446 through 457 of this act shall constitute a new chapter in Title 43 RCW.

(2) Sections 426 and 430 through 445 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 479. RESERVATION OF LEGISLATIVE AUTHORITY. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 480. EFFECTIVE DATE CLAUSE. (1) This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately except for sections 201 through 207, 301 through 306, and 311 through 314 of this act which shall take effect July 1, 1993;

(2) Sections 307 through 310 of this act shall take effect January 1, 1995. Sections 307 through 310 of this act shall be effective in respect to taxes due March 1, 1996, and thereafter; and

(3) Sections 231 through 254 of this act shall take effect July 1, 1994."

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Appelwick; Campbell; Conway; Flemming; R. Johnson; Morris; Thibaudeau; and Veloria.

MINORITY Recommendation: Do not pass. Signed by Representatives Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Cooke; Lisk; Mastin; and Mielke.

Referred to Committee on Revenue.

March 30, 1993

SSB 5316 Prime Sponsor, Committee on Labor & Commerce: Regulating private moorage facilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 23, after "by" insert "two separate letters, one sent by first class mail and one sent by"

On page 4, line 29, after "deficiency" insert ", however, the deficiency judgment shall not exceed the moorage fees owed for the previous six month period"

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5349 Prime Sponsor, Pelz: Renaming educational clinics. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 5, beginning on line 11, after "proposal" strike everything through "(2)" on line 12 and insert "((as judged by the criteria established in RCW 28A.97.100(1) and (2)))"

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Pruitt; Roland; Stevens; and Vance.

MINORITY recommendation: Do not pass. Signed by Representative Brough, Ranking Minority Member;

Excused: Representative Patterson.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5363 Prime Sponsor, Newhouse: Modifying water rights claims provision. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

March 30, 1993

ESB 5367 Prime Sponsor, Hargrove: Regulating veterinary medication clerks. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 21, after "18.64," strike "69.04" and insert "69.40"

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Appelwick; Campbell; Conway; Flemming; R. Johnson; Morris; Thibaudeau and Veloria

MINORITY Recommendation: Do not pass. Signed by Representatives Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Cooke; Lisk; Mastin; and Mielke.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5402 Prime Sponsor, Committee on Higher Education: Authorizing a study of the feasibility of expanding literacy in mathematics, science, and technology. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds:

(a) Mathematics, science, and technology subtly but profoundly impact the lives of Washington state residents. In the coming years mathematics, science, and technology will become increasingly important in addressing societal concerns about health, environmental protection, conservation, energy supply, and industrial growth;

(b) There is consensus that the most likely leading industries in the twenty-first century will be in microelectronics, biotechnology, new materials industries, civilian aviation, telecommunications, robotics, and computer-related technologies. This means that literacy in mathematics, science, and technology will become increasingly important to the economic future of Washington state; and

(c) National education goal number four establishes that by the year 2000, United States students will be first in the world in science and mathematics achievement.

(2) The legislature recognizes that change is not optional and believes that only if literacy in mathematics, science, and technology is expanded to include all segments of the population can Washington state build upon existing public and private sector resources to take full advantage of the projected leading industries for the twenty-first century and achieve national education goal number four.

(3) It is the intent of the legislature to develop a long-range, comprehensive mathematics, science, and technology literacy program that reaches into all segments of society and supports a vision in which Washington state is a place where all citizens demonstrate, value, and support literacy in mathematics, science, and technology.

NEW SECTION. Sec. 2. Before July 1, 1994, the higher education coordinating board may solicit, receive, and expend any private gifts or grants to conduct the study in section 3 of this act. Funds shall be expended in accordance with the conditions contingent in the gift or grant of those funds.

NEW SECTION. Sec. 3. If sufficient funding from public or private sources is made available specifically for the purposes of this act by July 1, 1994, the higher education coordinating board shall contract with an appropriate person or entity to conduct a study on the feasibility and desirability of creating a Washington state institute for science, technology, and society. The study shall be completed by July 1, 1995.

NEW SECTION. Sec. 4. The study in section 3 of this act shall include but not be limited to:

- (1) Identification of an appropriate role and mission for the institute;
- (2) Options for a governmental structure and location of an institute; and
- (3) Options for funding.

NEW SECTION. Sec. 5. For the purpose of the study in section 3 of this act, the purpose of a Washington state institute for science, technology, and society is as follows:

- (1) Implementation of a long-range comprehensive mathematics, science, and technology literacy program;
- (2) Development, identification, and dissemination of math, science, and technology curriculum options, textbooks, and course materials;
- (3) Provide institutes, workshops, and in-service training to teachers, college and university professors, and school administrators;
- (4) Coordinate the dissemination of information to groups and agencies, including a clearinghouse of speakers on mathematics, science, and technology literacy; and
- (5) Provide technical expertise to common schools and institutions of higher education.

NEW SECTION. Sec. 6. Based on the study conducted under section 3 of this act, the higher education coordinating board shall report findings, conclusions, and recommendations to the legislature and the governor no later than January 1, 1996."

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Kessler; J. Kohl; Mielke; Ogden; Rayburn; Shin; and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Casada.

Excused: Representatives Basich, Finkbeiner, Flemming and Orr.

Passed to Committee on Rules for second reading.

March 30, 1993

ESB 5423 Prime Sponsor, Skratek: Developing a public transportation policy plan. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brumsickle; Cothorn; Eide; Finkbeiner; Fuhrman; Hansen; Horn; J. Kohl; Miller; H. Myers; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Brown, Vice Chair, Brough, Forner, Heavey, Johanson, R. Meyers, Orr and Patterson.

Passed to Committee on Rules for second reading.

March 30, 1993

ESSB 5452 Prime Sponsor, Committee on Law & Justice: Requiring misdemeanor to pay jail costs. Reported by Committee on Corrections

MAJORITY Recommendation: Do pass with the following amendment:

On page 1, line 14, after "county" strike all material down to and including "county" on line 15 and insert "or city jail shall be remitted to the county or city for criminal justice purposes"

Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Padden; and Riley.

Passed to Committee on Rules for second reading.

March 29, 1993

ESSB 5454 Prime Sponsor, Committee on Trade, Technology & Economic Development: Creating jobs to restore and enhance Washington's estuaries, waterways, and watersheds. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) The legislature finds that the long-term health of the economy of Washington state depends on the sustainable management of its natural resources. Washington's forests, estuaries, waterways, and watersheds provide a livelihood for thousands of citizens of Washington state and millions of dollars of income and tax revenues every year from forests, fisheries, shellfisheries, recreation, tourism, and other water-dependent industries. The legislature further finds that the livelihoods and revenues produced by the state's forests, estuaries, waterways, and watersheds are threatened by continuing degradation of habitats and water quality.

(2) The legislature finds that existing programs to protect and enhance the state's forests, estuaries, waterways, and watersheds need to be better coordinated in order to conserve our natural and financial resources.

(3) The legislature finds that unemployed workers and Washington's economically distressed communities can benefit from opportunities for employment through labor intensive restoration projects.

(4) The legislature recognizes that stewardship activities on state-owned lands is a responsible investment consistent with the provisions of this chapter. It is the intent of the legislature that stewardship activities funded under this chapter provide labor intensive employment.

(5) Employment under this chapter is not intended to displace or partially displace currently employed workers, including but not limited to, state employees and service employees under existing contracts.

(6) Wages paid under this chapter shall be based on market rates in accordance with the required skills and complexity of the jobs created.

(7) The legislature therefore declares that investments in labor-intensive restoration projects, based on sound principles of environmental and forest restoration are necessary to prevent the burdening of future generations with clean-up costs, poorly functioning ecosystems, and the collapse of industries that rely on a healthy environment.

NEW SECTION. Sec. 2. INTERAGENCY COORDINATING COUNCIL. (1) There is created an interagency council on environmental and forest restoration within the office of the governor. The purpose of the council is to promote a coordinated and comprehensive approach to the state's environmental and forest restoration needs. The council shall consist of the director or commissioner from each of the following agencies: The department of ecology, the department of natural resources, the department of fisheries, the department of wildlife, the state parks and recreation commission, the interagency committee for outdoor recreation, the department of

community development, the employment security department, the conservation commission, and the Puget Sound water quality authority. In addition, the governor shall appoint one member each from the following: The Washington state association of counties, the association of Washington cities, labor organizations, environmental organizations, and the tribes. Nonagency members of the council may advise on but shall not participate in decisions to fund projects. The council shall be chaired by the governor or the governor's designee.

(2) The department of community development shall provide staff support services to the council.

NEW SECTION. Sec. 3. DUTIES OF THE COUNCIL. (1) Beginning July 1, 1993, the council shall have the following responsibilities:

(a) To coordinate a process to assist state agencies and local governments to implement effective environmental restoration projects;

(b) To evaluate unemployment profile data provided by the employment security department; and

(c) To review projects funded through the fiscal year 1994 omnibus operating and capital appropriations acts for consistency with provisions of this chapter.

(2) No later than December 31, 1993, the council shall provide recommendations to the appropriate committees of the legislature to streamline the administration of grants for programs that provide financial assistance to local governments for the purposes of preventing habitat and environmental degradation. These programs include but are not limited to grants for watershed planning, water quality management, ecosystem management, waste management, and local comprehensive planning.

(3) Beginning July 1, 1994, the council shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for forest and environmental restoration projects;

(b) To rank the proposals based on criteria developed by the council in accordance with section 5 of this act;

(c) To determine funding allocations for projects to be funded from the account created in section 4 of this act, and for projects or programs as designated in the omnibus operating and capital appropriations acts; and

(d) To submit to the appropriate standing committees of the legislature, a biennial report summarizing the jobs and the environmental benefits created by the projects funded under this chapter.

NEW SECTION. Sec. 4. ENVIRONMENTAL AND FOREST RESTORATION ACCOUNT. (1) The environmental and forest restoration account is established in the state treasury. Money in the account may only be spent after appropriation by the legislature and in a manner consistent with this chapter. Private nonprofit organizations and state, local, and tribal entities are eligible for funds under this chapter. Money in the account may be used to make grants, loans, or interagency contracts as needed to implement environmental and forest restoration projects.

(2) The department of community development shall administer the account. To the extent possible, the department shall use existing mechanisms of grant and program administration.

(3) The environmental and forest restoration account shall consist of funds appropriated by law, principal and interest from the repayment of loans granted under this chapter, and federal and other money received by the state for deposit in the account.

(4) At least ten percent of the annual revenues to the environmental restoration account shall be expended by the Washington conservation corps to employ high-risk youth on projects consistent with this chapter and to fund administrative support services required by the senior environmental corps.

(5) No more than three percent of the annual revenues to the environmental and forest restoration account shall be expended for administrative purposes.

(6) Except for essential administrative and supervisory purposes, money in the account may not be used for hiring permanent state employees.

NEW SECTION. Sec. 5. ENVIRONMENTAL AND FOREST RESTORATION PROJECTS--CRITERIA. (1) The council shall make recommendations for projects to be funded by the environmental and forest restoration account that:

(a) Produce measurable improvements in water and habitat quality;

(b) Create jobs that are labor intensive;

(c) Give priority to projects that achieve cost efficiencies by designing the project to meet multiple policy objectives;

(d) Implement a state or federally mandated plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, stormwater management plan, capital facility plan, growth management plan, or a flood control plan;

(e) Coordinate projects from the community in which the project is located;

(f) Are supported financially or through in-kind resources at the local level;

(g) Utilize unemployed workers and high-risk youth, especially in areas that are economically distressed.

For the purposes of this subsection, "high-risk youth" shall mean youth eligible for Washington conservation corps programs under chapter 43.220 RCW or Washington service corps programs under chapter 50.65 RCW; and

(h) Implement policies developed through comprehensive watershed management analysis.

(2) To the greatest extent possible, the council shall not award funds to projects that include the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

NEW SECTION. Sec. 6. FIRST YEAR PROJECT FUNDING. It is the intent of the legislature to promote a comprehensive approach for evaluating projects that address natural resource conservation needs. At the same time, the legislature recognizes the necessity for immediate job creation and environmental restoration. The legislature therefore declares that, for fiscal year 1994, funding to implement the purposes of this chapter shall be provided through individual agency appropriations as specified in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 7. UNANTICIPATED FEDERAL FUNDS. When an agency represented on the council submits an unanticipated federal receipt under RCW 43.79.270, the governor shall consider placing these funds into the environmental and forest restoration account or requiring that the funds be used in a manner consistent with the criteria established in section 5 of this act.

NEW SECTION. Sec. 8. RECRUITMENT AND EMPLOYMENT. (1) The council shall submit a list to the employment security department of projects receiving funds under the provisions of this chapter or from any legislative appropriations. The list shall include the number and types of jobs expected to be needed in each project. The employment security department shall recruit workers for hiring by employers funded under provisions of this chapter by:

(a) Notifying dislocated forest products workers who meet the definitions in chapter 50.70 RCW who are receiving unemployment benefits or who have exhausted unemployment benefits, of their eligibility for the programs;

(b) Notifying other unemployed workers;

(c) Developing a pool of unemployed workers including high-risk youth eligible to enroll in the programs; and

(d) Establishing procedures for workers to apply to the programs.

(2) Employers receiving funds from the account shall consider the list of eligible workers developed by the employment security department.

(3) To the extent possible, workers hired under this chapter shall receive training in environmental enhancement and forest restoration skills.

(4) Program enrollees hired by a state agency, except for Washington conservation and service corps enrollees, shall receive medical and dental benefits as provided under chapter 41.05 RCW, industrial insurance coverage under Title 51 RCW, but are exempt from the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 9. COMPREHENSIVE WATERSHED TEAMS. The department of ecology, the department of natural resources, and the Puget Sound water quality authority, shall jointly create two comprehensive watershed analysis teams. The analysis performed by each team shall include but not limited to, an assessment of:

(1) Pollution from point and nonpoint sources;

(2) Forest practice effects;

(3) Storm, surface, and ground water interactions; and

(4) Water quality and water use interactions.

The comprehensive watershed teams shall incorporate, and revise as necessary, existing methodologies of watershed analysis. One team shall operate in Western Washington and one team shall operate in Eastern

Washington. Each team shall coordinate its work efforts with the water resource data management program within the department of ecology.

NEW SECTION. **Sec. 10.** SHORT TITLE. This act shall be known as the environmental restoration jobs act of 1993.

NEW SECTION. **Sec. 11.** CAPTIONS AND PART HEADINGS. Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. **Sec. 12.** CODIFICATION DIRECTIONS. Sections 1 through 10 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 13.** If specific funding for section 9 of this act, specifically referencing this act by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 9 of this act is null and void."

Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Bray; Foreman; Holm; J. Kohl; Linville; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Assistant Ranking Minority Member; Edmondson; Hansen; and Sheahan.

Excused: Representative L. Johnson.

Referred to Committee on Appropriations.

March 30, 1993

SB 5470 Prime Sponsor, Pelz: Eliminating certain limitations on credit hours that may be used to determine compensation allocations for basic education certificated instructional staff. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Pruitt; Roland; Stevens; and Vance.

Excused: Representative Patterson.

Referred to Committee on Appropriations.

March 31, 1993

ESSB 5482 Prime Sponsor, Committee on Trade, Technology & Economic Development: Defining rights of tenants in mobile home parks. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Quall; Schoesler; Sheldon; Springer; and Valle.

Excused: Representatives Morris and Wood.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5483 Prime Sponsor, Committee on Labor & Commerce: Providing for arbitration in public transportation labor negotiations. Reported by Committee on Commerce & Labor

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(7), the provisions of RCW 41.56.430 through 41.56.452, 41.56.470, 41.56.480, and 41.56.490 shall also be applicable to the employees of a public passenger transportation system of a metropolitan municipal corporation, county transportation authority, public transportation benefit area, or city public passenger transportation system, subject to the following:

(1) Negotiations between the public employer and the bargaining representative may commence at any time agreed to by the parties. If no agreement has been reached ninety days after commencement of negotiations, either party may demand that the issues in disagreement be submitted to a mediator. The services of the mediator shall be provided by the commission without cost to the parties, but nothing in this section or RCW 41.56.440 shall be construed to prohibit the public employer and the bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure; and

(2) If an agreement has not been reached following a reasonable period of negotiations and mediation, and the mediator finds that the parties remain at impasse, either party may demand that the issues in disagreement be submitted to an arbitration panel for a binding and final determination. In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decisions, shall take into consideration the following factors:

- (a) The constitutional and statutory authority of the employer;
- (b) Stipulations of the parties;
- (c) Compensation package comparisons, economic indices, fiscal constraints, and similar factors determined by the arbitration panel to be pertinent to the case; and
- (d) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY Recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

March 30, 1993

ESSB 5491 Prime Sponsor, Committee on Law & Justice: Creating a task force on sentencing disparities. Reported by Committee on Corrections

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 36, strike "judiciary" and insert "corrections".

Signed by Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Referred to Committee on Appropriations.

March 30, 1993

SB 5578 Prime Sponsor, Fraser: Clarifying the areas where a personal use fishing license is not required. Reported by Committee on Fisheries & Wildlife

MAJORITY recommendation: Do pass. Signed by Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlín, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Passed to Committee on Rules for second reading.

March 31, 1993

ESB 5580 Prime Sponsor, Moore: Modifying the regulation of manufactured housing. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Quall; Schoesler; Sheldon; Springer; and Valle.

Excused: Representatives Morris and Wood.

Passed to Committee on Rules for second reading.

March 30, 1993

ESSB 5615 Prime Sponsor, Committee on Education: Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Pruitt; Roland; and Stevens.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; and Vance.

Excused: Representative Patterson.

Referred to Committee on Appropriations.

March 30, 1993

SB 5645 Prime Sponsor, Spanel: Restricting property divisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Horn; and Van Luven.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5799 Prime Sponsor, Nelson: Providing address designations on subdivision approvals for improved utility placements. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 58.17.280 and 1969 ex.s. c 271 s 29 are each amended to read as follows:

Any city, town or county (~~may~~) shall, by ordinance, regulate the procedure whereby short subdivisions, subdivisions, streets, lots and blocks are named and numbered. A lot numbering system and a house address system, however, shall be provided by the municipality for short subdivisions and subdivisions and must be clearly shown on the short plat or final plat at the time of approval."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Horn; Rayburn; Romero; Springer; and Van Luvan.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee; R. Fisher; and Zellinsky.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5828 Prime Sponsor, Bauer: Changing provisions relating to vocational education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 7, line 20, strike all of section 4.

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Casada; Finkbeiner; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Basich and Flemming.

Passed to Committee on Rules for second reading.

March 30, 1993

2SSB 5836 Prime Sponsor, Committee on Ways & Means: Redefining the relationship between the state and its postsecondary institutions. As Reported by Committee Higher Education

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds a need to redefine the relationship between the state and its postsecondary education institutions through a compact based on trust, evidence, and a new alignment of responsibilities. As the proportion of the state budget dedicated to postsecondary education programs has continued to decrease and the opportunity for this state's citizens to participate in such programs also has declined, the state institutions of higher education have increasingly less flexibility to respond to emerging challenges through innovative management and programming. The legislature finds that this state has not provided its institutions of higher education with the ability to effectively achieve state-wide goals and objectives to increase access to, improve the quality of, and enhance the accountability for its postsecondary education system.

Therefore, the legislature declares that the policy of the state of Washington is to create an environment in which the state institutions of higher education have the authority and flexibility to enhance attainment of state-wide goals and objectives for the state's postsecondary education system through decisions and actions at the local level. The policy shall have the following attributes:

(1) The accomplishment of equitable and adequate enrollment by significantly raising enrollment lids, adequately funding those increases, and providing sufficient financial aid for needy students;

(2) The development and use of a new definition of quality measured by effective operations and clear results; the efficient use of funds to achieve well-educated students;

(3) The attainment of a new resource management relationship that removes the state from micromanagement, allows institutions greater management autonomy to focus resources on essential functions, and encourages innovation; and

(4) The development of a system of coordinated planning and sufficient feedback to assure policymakers and citizens that students are succeeding and resources are being prudently deployed.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

- (1) At the local level, the higher education institutional responsibilities include but are not limited to:
 - (a) Development and provision of strategic plans under the guidelines established by the higher education coordinating board. In developing their strategic plans, the research universities shall consider the feasibility of significantly increasing the number of evening graduate classes;
 - (b) For the four-year institutions of higher education, timely provision of information required by the higher education coordinating board to report to the governor, the legislature, and the citizens;
 - (c) Provision of local student financial aid delivery systems to achieve both state-wide goals and institutional objectives in concert with state-wide policy; and
 - (d) Operating as efficiently as feasible within institutional missions and goals.
- (2) At the state level, the higher education coordinating board shall be responsible for:
 - (a) Delineation and coordination of strategic plans to be prepared by the institutions;
 - (b) Preparation of reports to the governor, the legislature, and the citizens on program accomplishments and use of resources by the institutions;
 - (c) Administration and policy implementation for state-wide student financial aid programs; and
 - (d) Assistance to institutions in improving operational efficiency through measures that include periodic review of program efficiencies.
- (3) At the state level, on behalf of community colleges and technical colleges, the state board for community and technical colleges shall coordinate and report on the system's strategic plans and shall provide any information required of its colleges by the higher education coordinating board.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.80 RCW to read as follows:

In cooperation with institutions of higher education, the state board for community and technical colleges, and appropriate state and local agencies, the higher education coordinating board may identify methods to reduce administrative barriers to efficient institutional operations. These methods may include waivers of statutory requirements and administrative rules. The higher education coordinating board shall report to the governor and appropriate legislative committees its recommendations for any statutory changes necessary to enhance institutional efficiencies. In cooperation with affected institutions, the board shall work with appropriate agencies to reduce administrative barriers that do not require statutory changes.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the four-year institutions of higher education, shall conduct a study of higher education system operations to identify efficiencies to increase access to, improve the quality of, and reduce the cost of higher education. This study shall include but not be limited to:

- (1) Examining potential unnecessary duplicative and low-productivity programs for possible consolidation or termination;
- (2) Developing criteria for and conducting an evaluation of faculty productivity;
- (3) Reviewing and developing recommendations on appropriate institutional roles for providing remedial instruction;
- (4) Exploring the potential for greater use of the public higher education system physical plant and other resources through such means as expanded operations during summer terms, evenings, and weekends;
- (5) Initiating pilot projects to test the effectiveness of actions such as variable tuition rates and faculty salary incentives; and
- (6) Identifying ways for institutions to share resources, faculty, and curricula through collaboration with other public and private postsecondary institutions and common school districts in their service areas to increase student opportunities and reduce costs. Analyses shall include clear articulation of functions among institutions, means to reduce duplication, and policies to facilitate student movement among institutions.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the state board for community and technical colleges and the institutions of higher education, shall report regularly to the legislature and the citizens the accomplishments of, expenditures for, and requirements of the postsecondary educational system in the state of Washington. The state board for community and technical colleges and the state institutions of higher education shall report uniformly to the higher education coordinating board, on an annual basis, the information necessary to prepare the report. Independent colleges and universities are encouraged to cooperate with this effort and to provide to the

board information in a uniform format developed by the board, in cooperation with the institutions. Examples of performance measures that could be included are:

- (1) Retention and graduation rates;
- (2) Average time to a degree;
- (3) Credit hours per degree awarded;
- (4) Degrees awarded by discipline and by level;
- (5) Multiple degrees;
- (6) Measures taken to reduce duplicative courses, programs, and requirements;
- (7) Student-faculty contact hours;
- (8) Placement rates;
- (9) Success in recruiting and graduating underrepresented groups; and
- (10) Various fiscal and management measures.

Sec. 6. RCW 28B.80.330 and 1985 c 370 s 4 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions, the community and technical college system, and when appropriate the ~~((commission for vocational education))~~ work force training and education coordinating board, the superintendent of public instruction for the vocational-technical institutes, and the independent higher educational institutions:

- (1) Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;
- (2) Identify the state's higher education goals, objectives, and priorities;
- (3) Prepare a comprehensive master plan which includes but is not limited to:
 - (a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled workforce; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;
 - (b) Recommendations on enrollment and other policies and actions to meet those needs;
 - (c) Guidelines for continuing education, adult education, public service, and other higher education programs.

The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.

The plan shall be updated ~~((biennially))~~ every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the ~~((biennial))~~ updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;

- (4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before October 15 of each even-numbered year, and to the legislature by January 1 of each odd-numbered year;
- (5) Recommend legislation affecting higher education;
- (6) Recommend tuition and fees policies and levels based on comparisons with peer institutions;
- (7) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;
- (8) Prepare recommendations on merging or closing institutions; and
- (9) Develop criteria for identifying the need for new baccalaureate institutions.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Bray; Carlson; Casada; Finkbeiner; Kessler; J. Kohl; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representatives Basich and Flemming.

Referred to Committee on Appropriations.

March 30, 1993

SSB 5837 Prime Sponsor, Committee on Government Operation: Financing state and local government. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND DECLARATIONS. The legislature finds and declares that the issuance by state and local governments of bonds and other obligations, and the investment of moneys in connection with these obligations, involve exposure to changes in interest rates; that a number of financial instruments are available to lower the net cost of these borrowings, to increase the net return on these investments, or to reduce the exposure of state and local governments to changes in interest rates; that these reduced costs and increased returns for state and local governments will benefit taxpayers and ratepayers; and that the legislature desires to provide state and local governments with express statutory authority to take advantage of these instruments. In recognition of the complexity of these financial instruments, the legislature desires that this authority be subject to certain limitations, and be granted for an initial period of two years.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Financial advisor" means a financial services or financial advisory firm:
 - (a) With recognized knowledge and experience in connection with the negotiation and execution of payment agreements;
 - (b) That is acting solely as financial advisor to the governmental entity in connection with the execution of the payment agreement and the issuance or incurring of any related obligations, and not as a principal, placement agent, purchaser, underwriter, or other similar party, and that does not control, nor is it controlled by or under common control with, any such party;
 - (c) That is compensated for its services in connection with the execution of payment agreements, either directly or indirectly, solely by the governmental entity; and
 - (d) Whose compensation is not based on a percentage of the notional amount of the payment agreement or of the principal amount of any related obligations.
- (2) "Governmental entity" means state government or local government.
- (3) "Local government" means any city, county, port district, or public utility district, or any joint operating agency formed under RCW 43.52.360, that has or will have outstanding obligations in an aggregate principal amount of at least one hundred million dollars as of the date a payment agreement is executed or is scheduled by its terms to commence or had at least one hundred million dollars in gross revenues during the preceding calendar year.
- (4) "Obligations" means bonds, notes, bond anticipation notes, commercial paper, or other obligations for borrowed money, or lease, installment purchase, or other similar financing agreements or certificates of participation in such agreements.
- (5) "Payment agreement" means a written agreement which provides for an exchange of payments based on interest rates, or for ceilings or floors on these payments, or an option on these payments, or any combination, entered into on either a current or forward basis.
- (6) "State government" means (a) the state of Washington, acting by and through its state finance committee, (b) the Washington health care facilities authority, (c) the Washington higher education facilities authority,

(d) the Washington state housing finance commission, or (e) the state finance committee upon adoption of a resolution approving a payment agreement on behalf of any state institution of higher education as defined under RCW 28B.10.016: PROVIDED, That such approval shall not constitute the pledge of the full faith and credit of the state, but a pledge of only those funds specified in the approved agreement.

NEW SECTION. Sec. 3. AUTHORITY TO ENTER INTO PAYMENT AGREEMENTS. (1) Subject to subsections (2) and (3) of this section, any governmental entity may enter into a payment agreement in connection with, or incidental to, the issuance, incurring, or carrying of specific obligations, for the purpose of managing or reducing the governmental entity's exposure to fluctuations or levels of interest rates. No governmental entity may carry on a business of acting as a dealer in payment agreements.

(2) No governmental entity may enter into a payment agreement under this chapter unless it first:

(a) Finds and determines, by ordinance or resolution, that the payment agreement, if fully performed by all parties thereto, will (i) reduce the amount or duration of its exposure to changes in interest rates; or (ii) result in a lower net cost of borrowing with respect to the related obligations, or a higher net rate of return on investments made in connection with, or incidental to, the issuance, incurring, or carrying of those obligations;

(b) Obtains, on or prior to the date of execution of the payment agreement, a written certification from a financial advisor that (i) the terms and conditions of the payment agreement and any ancillary agreements, including without limitation, the interest rate or rates and any other amounts payable thereunder, are commercially reasonable in light of then existing market conditions; and (ii) the finding and determination contained in the ordinance or resolution required by (a) of this subsection is reasonable.

(3) Prior to selecting the other party to a payment agreement, a governmental entity shall solicit and give due consideration to proposals from at least two entities that meet the criteria set forth in section 4(2) of this act. Such solicitation and consideration shall be conducted in such manner as the governmental entity shall determine is reasonable.

NEW SECTION. Sec. 4. PAYMENT AGREEMENTS--TERMS. (1) Subject to subsections (2), (3), and (4) of this section, payment agreements entered into by any governmental entity may include those payment, term, security, default, remedy, termination, and other terms and conditions, and may be with those parties, as the governmental entity deems reasonably necessary or desirable.

(2) No governmental entity may enter into a payment agreement under this chapter unless:

(a) The other party to the agreement has a rating from at least two nationally recognized credit rating agencies, as of the date of execution of the agreement, that is within the two highest long-term investment grade rating categories, without regard to subcategories, or the payment obligations of the party under the agreement are unconditionally guaranteed by an entity that then has the required ratings; or

(b)(i) The other party to the agreement has a rating from at least two nationally recognized credit rating agencies, as of the date of execution of the agreement, that is within the three highest long-term investment grade rating categories, without regard to subcategories, or the payment obligations of the party under the agreement are unconditionally guaranteed by an entity that has the required ratings; and

(ii) The payment obligations of the other party under the agreement are collateralized by direct obligations of, or obligations the principal and interest on which are guaranteed by, the United States of America, that (A) are deposited with the governmental entity or an agent of the governmental entity; and (B) maintain a market value of not less than one hundred two percent of the net market value of the payment agreement to the governmental entity, as such net market value may be defined and determined from time to time under the terms of the payment agreement.

(3) No governmental entity may enter into a payment agreement with a party who qualifies under subsection (2)(a) of this section unless the payment agreement provides that, in the event the credit rating of the other party or its guarantor falls below the level required by subsection (2)(a) of this section, such party will comply with the collateralization requirements contained in subsection (2)(b) of this section.

(4) No governmental entity may enter into a payment agreement unless:

(a) The notional amount of the payment agreement does not exceed the principal amount of the obligations with respect to which the payment agreement is made; and

(b) The term of the payment agreement does not exceed the final term of the obligations with respect to which the payment agreement is made.

NEW SECTION. Sec. 5. PAYMENT AGREEMENTS--PAYMENTS--CREDIT ENHANCEMENTS. (1)

Subject to any covenants or agreements applicable to the obligations issued or incurred by the governmental entity, any payments required to be made by the governmental entity under a payment agreement entered into in connection with the issuance, incurring, or carrying of those obligations may be made from money set aside or pledged to pay or secure the payment of those obligations or from any other legally available source.

(2) Any governmental entity may enter into credit enhancement, liquidity, line of credit, or other similar agreements in connection with, or incidental to, the execution of a payment agreement. The credit enhancement, liquidity, line of credit, or other similar agreement may include those payment, term, security, default, remedy, termination, and other terms and conditions, and may be with those parties, as the governmental entity deems reasonably necessary or desirable.

NEW SECTION. Sec. 6. CALCULATIONS REGARDING PAYMENT OF OBLIGATIONS--STATUS OF PAYMENTS. (1) Subject to any covenants or agreements applicable to the obligations issued or incurred by the governmental entity, if the governmental entity enters into a payment agreement with respect to those obligations, then it may elect to treat the amounts payable from time to time with respect to those obligations as the amounts payable after giving effect to the payment agreement for the purposes of calculating:

(a) Rates and charges to be imposed by a revenue-producing enterprise if the revenues are pledged or used to pay those obligations;

(b) Any taxes to be levied and collected to pay those obligation; and

(c) Payments or debt service on those obligations for any other purpose.

(2) A payment agreement and any obligation of the governmental entity to make payments under the agreement in future fiscal years shall not constitute debt or indebtedness of the governmental entity for purposes of state constitutional and statutory debt limitation provisions if the obligation to make any payments is contingent upon the performance of the other party or parties to the agreement, and no moneys are paid to the governmental entity under the payment agreement that must be repaid in future fiscal years.

NEW SECTION. Sec. 7. EXPIRATION DATE--VALIDITY OF CONTRACTS. (1) Except as provided in subsection (3) of this section, no governmental entity may enter a payment agreement under section 3 of this act after June 30, 1995.

(2) The termination of authority to enter payment agreements after June 30, 1995, shall not affect the validity of any payment agreements or other contracts entered into under section 3 of this act on or before that date.

(3) A governmental entity may enter into a payment agreement under and in accordance with this chapter after June 30, 1995, to replace a payment agreement that relates to specified obligations issued on or before that date and that has terminated before the final term of those obligations.

NEW SECTION. Sec. 8. AUTHORITY CUMULATIVE. The powers conferred by this chapter are in addition to, and not in substitution for, the powers conferred by any existing law, and the limitations imposed by this chapter do not directly or indirectly modify, limit, or affect the powers conferred by any existing law.

NEW SECTION. Sec. 9. LIBERAL CONSTRUCTION. This chapter shall be liberally construed to effect its purposes.

NEW SECTION. Sec. 10. CAPTIONS. Captions used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 11. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. LEGISLATIVE DIRECTIVE. Sections 1 through 11 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Edmondson, Ranking Minority Member;

Referred to Committee on Capital Budget.

March 30, 1993

2SSB 5850 Prime Sponsor, Committee on Ways & Means: Clarifying definitions relating to farmers. As Reported by Committee on Agriculture & Rural Development

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.

(2) "Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber. "Farmer" does not include any association of persons whatever, whether mutual, cooperative, or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of:

(1) Feed, seed, seedlings, fertilizer, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program, or to farmers for the purpose of producing for sale any agricultural product.

(2) Chemical sprays or washes to persons for the purpose of post harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Feed, seed, seedlings, fertilizer, and spray materials by persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program, or by farmers for the purpose of producing for sale any agricultural product.

(2) Chemical sprays or washes by persons for the purpose of post harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

Sec. 4. RCW 82.04.050 and 1988 c 253 s 1 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs,

repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon, or (e) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner; (d) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (e) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (f) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (g) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind. ~~((The term shall also not include sales of feed, seed, seedlings, fertilizer, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture, or to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.))~~

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 5. RCW 82.04.330 and 1988 c 253 s 2 are each amended to read as follows:

This chapter shall not apply to any ~~((person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products))~~ farmer that sells any agricultural product at wholesale ~~((by such grower, producer, or raiser thereof))~~. This exemption shall not apply to any person selling such products at retail ~~((or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession))~~.

This chapter shall also not apply to any persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Referred to Committee on Revenue.

March 30, 1993

SSB 5858 Prime Sponsor, Committee on Government Operations: Forbidding requiring financial security devices for permits for local government units' construction projects. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 12, after "A" strike "board of county commissioners" and insert "county legislative authority".

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; R. Fisher; Horn; Rayburn; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee and Romero.

Passed to Committee on Rules for second reading.

March 30, 1993

SB 5903 Prime Sponsor, Bauer: Allocating basic education funding to community and technical colleges for students enrolled in community or technical colleges. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15, after "districts." insert "This section does not apply to students enrolled in the running start program established in RCW 28A.600.310."

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Pruitt; Roland; Stevens; and Vance.

Excused: Representative Patterson.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5913 Prime Sponsor, Committee on Government Operations: Modifying annexation procedures for public hospital districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 32, beginning with "RCW 70.44.200" strike all the matter through "filed" on line 37, and insert "~~((RCW 70.44.200))~~ this section shall be an alternative method of annexation applicable only ~~((when))~~ if at the time ~~((a))~~ the annexation petition is filed ~~((pursuant to RCW 70.44.200))~~ either there are no ~~((qualified electors))~~ registered voters residing in the territory proposed to be annexed or the petition is also signed by all of the registered voters residing in the territory proposed to be annexed"

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

March 30, 1993

ESSJM 8016 Prime Sponsor, Committee on Agriculture: Requesting investigation and reporting on the E. Coli outbreak. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 1, strike everything through "Washington." on page 3, line 2, and insert the following:

"TO THE HONORABLE BILL CLINTON, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE

SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND TO THE FEDERAL FOOD SAFETY AND INSPECTION SERVICE, AND TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION, AND TO THE FOOD AND DRUG ADMINISTRATION:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, A great public health alarm has been caused in Washington state with over four hundred fifty people confirmed as having contracted Escherichia coli 0157:H7 since early December of 1992; and

WHEREAS, E. coli 0157:H7 has caused the death of three children, over one hundred fifty people have been hospitalized as of February 20, 1993, and thirty children have suffered hemolytic uremic syndrome, a serious side effect that causes kidney dysfunction and affects the blood clotting system; and

WHEREAS, People have contracted the infection by eating insufficiently cooked hamburger that had this particular strain of E. coli bacteria which contaminated the meat during or after the time of slaughter; and

WHEREAS, The extent that this newly detected strain of highly toxic bacteria is causing infections elsewhere in the United States is not accurately known because most other states have not designated E. coli 0157:H7 as a reportable disease; and

WHEREAS, Though citizens of the United States have enjoyed the safest food supply in the world, this outbreak has eroded confidence in food safety in general and meat inspection in particular, and unless the problem is fully addressed, additional outbreaks are likely to occur;

NOW, THEREFORE, Your memorialists respectfully pray that the appropriate federal agencies, including, but not limited to, the Food Safety and Inspection Service of the United States Department of Agriculture, the Centers for Disease Control and Prevention, and the Food and Drug Administration form a task force to: (1) Promptly and fully investigate and monitor outbreaks of E. coli 0157:H7 throughout the United States in cooperation with state and local governments; (2) examine the full food chain process from farm to table to determine how improvements may be made to better guarantee the safety of our food supply; (3) examine whether meat and meat products imported into this country comply with comparable inspection and health standards as does domestically processed meat; (4) designate E. coli 0157:H7 as a reportable disease throughout the nation; and (5) start the process needed to update the Food and Drug Administration Model Food Code to reflect the new knowledge and technology that impact food safety.

BE IT RESOLVED, That the federal Food Safety and Inspection Service is requested to provide a written report to the Washington state legislature in January 1994 of the changes and improvements that have been accomplished to address this public health issue; and

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, Mike Espy, Secretary of the United States Department of Agriculture, the federal Food Safety and Inspection Service, the Centers for Disease Control and Prevention, the Food and Drug Administration, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Foreman; Grant; Karahalios; Lisk; and Roland.

Passed to Committee on Rules for second reading.

On motion of Representative Peery, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

MESSAGES FROM THE SENATE

March 31, 1993

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL 4013,

and the same is herewith transmitted.

Marty Brown, Secretary

March 31, 1993

Mr. Speaker:

The Senate has passed:

HOUSE JOINT MEMORIAL 4010,

and the same is herewith transmitted.

Marty Brown, Secretary

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

MOTION

On motion of Representative Peery, the House adjourned until 3:30 p.m., Friday, April 2, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-FIRST DAY, APRIL 1, 1993

JOURNAL OF THE HOUSE

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

EIGHTY-SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, April 2, 1993

The House was called to order at 3:30 p.m. by the Speaker (Representative R. Johnson presiding).

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

MESSAGES FROM THE SENATE

April 1, 1993

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1216,
HOUSE BILL NO. 1217,
SUBSTITUTE HOUSE BILL NO. 1253,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1400,
SUBSTITUTE HOUSE BILL NO. 1480,
ENGROSSED HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1527,
HOUSE BILL NO. 1643,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 1, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 1, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5968,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2114 by Representative G. Fisher; by request of Office of Financial Management

AN ACT Relating to earnings on the balances of certain treasury accounts; amending RCW 43.84.092 and 43.79A.040; and providing an effective date.

Referred to Committee on Revenue.

HB 2115 by Representative G. Fisher; by request of Office of Financial Management

AN ACT Relating to charitable solicitations; amending RCW 19.09.020, 19.09.100, 19.09.190, 19.09.275, 19.09.340, 9.91.30, 42.17.095, and 42.17.243; adding new sections to chapter 19.09 RCW; repealing RCW 19.09.010, 19.09.065, 19.09.075, 19.09.076, 19.09.78, 19.09.79, 19.09.085, 19.09.095, 19.09.097, 19.09.2271, 19.09.315, and 19.09.355; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2116 by Representative G. Fisher; by request of Office of Financial Management

AN ACT Relating to voter registration tapes for political parties; amending RCW 29.04.150 and 29.04.160; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 2117 by Representatives Leonard and Anderson; by request of Governor Lowry

AN ACT Relating to child nutrition programs; adding new sections to chapter 28A.235 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 2118 by Representatives Wolfe, Kessler and Karahalios; by request of Office of Financial Management

AN ACT Relating to the budgeting, accounting, and reporting system; amending RCW 43.79.280, 43.88.020, 43.88.120, 43.88.122, 43.88.160, and 43.88.265; and reenacting and amending RCW 43.88.030 and 43.88.110.

Referred to Committee on Appropriations.

HB 2119 by Representatives Dunshee, Lemmon and Wolfe; by request of Office of Financial Management

AN ACT Relating to abolition of the state professional athletic commission; amending RCW 67.08.002, 67.08.007, 67.08.010, 67.08.015, 67.08.030, 67.08.040, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.130, 67.08.140, and 67.08.170; adding a new section to chapter 67.08 RCW; creating new sections; repealing RCW 67.08.001, 67.08.003, 67.08.005, and 67.08.009; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2120 by Representative R. Fisher; by request of Office of Financial Management

AN ACT Relating to disposition of motor vehicle excise tax revenue; amending RCW 82.44.110; reenacting and amending RCW 82.44.150; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2121 by Representative R. Fisher; by request of Office of Financial Management

AN ACT Relating to funding for state patrol criminal justice activities; amending RCW 43.08.250; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2122 by Representatives Linville, Locke, Peery, Lemmon, Dellwo and Anderson; by request of Office of Financial Management

AN ACT Relating to early retirement under the public employees' and teachers' retirement systems; amending RCW 43.01.170 and 28A.400.212; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2123 by Representatives Jacobsen, Quall and Brumsickle; by request of Office of Financial Management

AN ACT Relating to graduate service appointments; and amending RCW 28B.10.660.

Referred to Committee on Appropriations.

On motion of Representative Eide, the bills listed on today's introduction sheet under the fourth order of businesses were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

March 31, 1993

SSB 5025 Prime Sponsor, Committee on Natural Resources: Clarifying forest fire fighting duties. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:

On page 3, strike lines 4 through 18 and insert:

(c) Investigate the origin and cause of all forest fires to determine whether either a criminal act or negligence by any person, firm, or corporation caused the starting, spreading, or existence of the fire. In conducting investigations, the department shall work cooperatively, to the extent possible, with utilities, property owners, and other interested parties to identify and preserve evidence. Except as provided otherwise in this subsection, the department in conducting investigations is authorized, without court order, to take possession or control of relevant evidence found in plain view and belonging to any person, firm, or corporation. To the extent possible, the department shall notify the person, firm, or corporation of its intent to take possession or control of the evidence. The person, firm, or corporation shall be afforded reasonable opportunity to view the evidence and, before the department takes possession or control of the evidence, also shall be afforded reasonable opportunity to examine, document, and photograph it. If the person, firm, or corporation objects in writing to the department's taking possession or control of the evidence, the department must either return the evidence within seven days after the day on which the department is provided with the written objections or obtain a court order authorizing the continued possession or control.

Absent a court order authorizing otherwise, the department may not take possession or control of evidence over the objection of the owner of the evidence if: (i) The evidence is used by the owner in conducting a business or in providing an electric utility service; and (ii) the department's taking possession or control of the evidence would substantially and materially interfere with the operation of the business or provision of electric utility service. Absent a court order authorizing otherwise, the department may not take possession or control of evidence over the objection

of an electric utility when the evidence is not owned by the utility but has caused damage to property owned by the utility. However, this paragraph does not apply if the department has notified the utility of its intent to take possession or control of the evidence and provided the utility with reasonable time to examine, document, and photograph the evidence.

Only personnel qualified to work on electrical equipment may take possession or control of evidence owned or controlled by an electric utility."

On page 3, strike line 25 through 34.

Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; and Thomas.

Passed to Committee on Rules for second reading.

March 30, 1993

ESB 5101 Prime Sponsor, Vognild: Adjusting certain motorcycle-related fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; J. Kohl; Miller; H. Myers; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Johanson, R. Meyers, Orr and Patterson.

Passed to Committee on Rules for second reading.

March 31, 1993

ESSB 5226 Prime Sponsor, Committee on Ways & Means: Providing for additional evaluation of state programs. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many of the systems currently in place for assuring accountability in state government programs are not operated comprehensively, do not take advantage of modern management techniques, and do not contribute adequately to the optimum use of scarce resources. Critical variables that are not always taken into account include whether stated goals and objectives are being achieved, and whether desired results are being accomplished.

Agency executives need more accurate information for setting policy, determining whether new or existing programs are effective, and improving internal controls for agency management. These needs must be met at all levels of operation, and must be clearly communicated to the legislature and all interested parties.

Ensuring accountability in government involves a long-term commitment to policy planning, quality management, and results-oriented evaluation. It is the intent of this act to facilitate program evaluations and performance audits of selected state agencies and programs through the coordinated resources of the executive and legislative branches of state government.

PART I - STATE GOVERNMENT PERFORMANCE PLAN

Sec. 2. RCW 43.88.020 and 1991 c 358 s 6 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties

as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(27) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(28) "Performance audit" means an audit which determines the following: (a) Whether a government entity is acquiring, protecting, and using its resources economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; (c) whether the entity has complied with laws and regulations applicable to the program; (d) the extent to which the desired results or benefits established by the legislature are being achieved; and (e) the effectiveness of organizations, programs, activities, or functions.

(29) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.

NEW SECTION. Sec. 3. By July 1, 1994, each state agency shall define its mission or missions and establish measurable goals for achieving desirable results or outcomes for its customers. Agency customers shall include, but not be limited to, service recipients, regulated entities, and the public at large. This section shall not be construed to require an agency to develop a new mission or goals in place of existing identifiable missions or goals which meet the intent of this provision. Each state agency should involve affected stakeholders in planning its missions and goals. By January 1, 1995, each state agency shall submit its missions and goals to the appropriate standing committees of the legislature for review.

Sec. 4. RCW 43.88.090 and 1989 c 273 s 26 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

~~(2) ((Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results.))~~ For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives shall be consistent with the missions and goals developed under section 3 of this act. These objectives shall be established for the biennium and for a six-year planning cycle. Each agency shall express the objectives in an outcome based, objective, quantifiable, and measurable form unless permitted by the office of financial management to adopt a different standard.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

(3) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 5. RCW 43.88.160 and 1992 c 118 s 8 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency which will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

~~((b))~~ (c) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

~~((c))~~ (d) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

~~((d))~~ (e) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

~~((e))~~ (f) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

~~((f) Promulgate regulations))~~ (g) Adopt rules to effectuate provisions contained in (a) through ~~((g))~~ (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include ~~((at least the following:))~~ determinations as to whether agencies, in making expenditures, complied with the laws of this state ~~((: PROVIDED, That nothing in this section may be construed to grant))~~. The state auditor ((the right)) is authorized to perform or participate in performance audits only as expressly authorized by the legislature in the omnibus biennial appropriations acts. A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. ~~((The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.))~~ The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW, may report to the legislative budget committee or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit: PROVIDED, That the auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

- (i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and
- (ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 6. A new section is added to chapter 44.28 RCW to read as follows:

(1) In conducting program evaluations as defined in RCW 43.88.020, the legislative budget committee shall establish a biennial work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plan are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree.

(2) The project description for each program evaluation shall include start and completion dates, the proposed research approach, and cost estimates.

(3) The overall plan may include proposals to employ contract evaluators. As conditions warrant, the program evaluation work plan may be amended from time to time. All biennial work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

Sec. 7. RCW 44.28.085 and 1975 1st ex.s. c 293 s 15 are each amended to read as follows:

The legislative budget committee shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any public agency, officer, administrator, or employee has discharged the responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by ~~((subsection (3) of))~~ RCW 43.88.160 ~~((as now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor)).~~

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate.

PART II - GOVERNMENT ACCOUNTABILITY TASK FORCE

NEW SECTION. Sec. 8. There is created a government accountability task force to advise the legislature on establishing a comprehensive, integrated program accountability system for state government. The composition of the task force shall be as follows:

(1) Four members to be appointed by the governor, with at least one representative each from private sector business and industry, state employee labor unions, and public interest organizations;

(2) One representative from each of the four legislative caucuses, to be appointed by the president of the senate and the speaker of the house of representatives;

(3) The state auditor;

(4) The chair of the legislative budget committee;

(5) The director of the office of financial management;

(6) The superintendent of public instruction; and

(7) The chair of the higher education coordinating board.

The chair of the task force shall be selected by its members. Staffing for the task force shall be provided by the legislative budget committee.

This section shall expire December 31, 1995.

NEW SECTION. Sec. 9. The government accountability task force shall develop recommendations to improve the accountability of state government including recommendations that address compliance with the law in the use of resources, efficiency in the use of resources, effectiveness in meeting program goals and objectives, and

appropriateness of program activity in fulfilling the identified public need. The task force shall address the following issues:

(1) The development of a plan for performance audits of state agencies in the executive branch of state government. This plan shall include identification of the proper roles for state agencies, the state auditor, the legislative budget committee, and the commission for efficiency and accountability in government in conducting these performance audits. The plan shall designate the scope and type of audits to be performed.

(2) The development of a plan for a state-wide performance-based evaluations system that addresses:

(a) The development of standard program evaluation definitions and suggested guidelines for conducting program evaluations;

(b) The provision of technical assistance and training programs to agencies in conducting evaluations and using the results of evaluations to improve programs;

(c) The establishment of automated data systems for streamlining the program evaluation process and for tracking results;

(d) The establishment of a clearinghouse for program evaluation results and information from other states and the federal government; and

(e) How to develop indicators of performance for the measurable goals established under section 3 of this act.

(3) Recommendations regarding a plan for a state reporting process on program accountability that addresses to what extent agencies are meeting the goals established in section 3 of this act.

The task force shall present these recommendations to the legislature by December 31, 1995.

PART IV - MISCELLANEOUS

NEW SECTION. **Sec. 10.** This act may be known and cited as the performance-based government act of 1993.

NEW SECTION. **Sec. 11.** CAPTIONS. Captions and part headings as used in this act constitute no part of the law."

Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Referred to Committee on Appropriations.

April 1, 1993

E2SSB 5306 Prime Sponsor, Committee on Ways & Means: Reforming education. As Reported by Committee on Education

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the educational needs of our students have increased dramatically in the past several decades. If our young people, families, communities, and nation are to prosper, it is imperative that the achievement of our students in public K-12 schools be significantly increased.

To increase student achievement, the legislature finds that the state of Washington needs to develop a public school education system that focuses more on the educational performance of our students, and less on complying with state laws that dictate how instruction must be offered.

The legislature further finds that improving the state's public schools will require:

(1) Greater involvement of parents in the education of their children, and allowing parents to play a significantly greater role in local school decision making;

(2) Students being held more accountable for their performance and for meeting higher expectations;

(3) Additional time and resources for educators to collaboratively develop and implement strategies for improved student learning;

(4) Making instructional programs more relevant to students' future plans;

(5) All parties responsible for education focus more on what is best for students; and

(6) An educational environment that fosters mutually respectful interactions in an atmosphere of collaboration and cooperation, and in which students develop awareness, understanding, and sensitivity to differences among people, including but not limited to race, gender, color, national origin, and religion.

The legislature further finds that students will learn more when parents take more responsibility for their child's education, when businesses assume greater responsibility for supporting schools, when educators take

responsibility for meeting the diverse educational needs of all students, and when students take more responsibility for their own learning.

It is the intent of the legislature that any student who is having difficulty meeting the essential academic learning requirements in RCW 28A.630.885 be provided alternative or additional instructional opportunities to help him or her meet the requirements. It is also the intent of the legislature that highly capable students who have met or exceeded the essential academic learning requirements be provided with alternative or additional instructional opportunities to help advance their educational experience.

The provisions of this act shall not be construed to change current state requirements for students who receive home-based instruction pursuant to chapter 28A.200 RCW.

PART I STUDENT LEARNING GOALS

Sec. 101. RCW 28A.150.210 and 1992 c 141 s 501 are each amended to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to ~~((provide students with the opportunity to master the essential academic learning requirements necessary for their roles as citizens and potential participants in the economic marketplace and in the marketplace of ideas identified by the commission established in RCW 28A.630.885))~~ enable people to be responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, each school district, with the involvement of parents and community members, shall provide opportunities for all students to develop the knowledge and skills essential to:

(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; history; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and integrate experience and knowledge to form reasoned judgments and solve problems;

(4) Understand the importance of work and how performance and decisions directly affect future career and educational opportunities; and

(5) Function as responsible individuals and contributing members of families, work groups, and communities.

NEW SECTION. Sec. 102. Section 101 of this act shall take effect September 1, 1998. However, section 101 of this act shall not take effect if, by September 1, 1998, a law is enacted stating that a school accountability and academic assessment system is not in place.

PART II COMMISSION ON STUDENT LEARNING

NEW SECTION. Sec. 201. A new section is added to chapter 28A.630 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.885.

(1) "Commission" means the commission on student learning created in RCW 28A.630.885.

(2) "Student learning goals" mean the goals established in RCW 28A.150.210.

(3) "Essential academic learning requirements" means more specific academic and technical skills and knowledge that must be learned by students. The essential academic learning requirements shall be determined in accordance with RCW 28A.630.885.

(4) "Performance standards" or "standards" means the criteria used to determine if a student has successfully learned the specific knowledge or skill being assessed. The performance standards shall be determined in accordance with RCW 28A.630.885.

(5) "Assessment system" or "student assessment system" means a series of assessments used to determine if students have successfully learned the essential academic learning requirements. The assessment system shall be developed in accordance with RCW 28A.630.885.

(6) "Performance-based education system" means an education system in which a significantly greater emphasis is placed on how well students are learning, and significantly less emphasis on the compliance by schools of state-level accountability laws and rules that dictate how instruction is to be provided. The performance-based education system does not require that schools use an outcome-based instructional model. Decisions regarding how instruction is provided are to be made, to the greatest extent possible, by schools and school districts, not by the state.

Sec. 202. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify ~~((what))~~ the knowledge and skills all public school students need to know and be able to do based on the student learning goals ((of the governor's council on education reform and funding)) in RCW 28A.150.210, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed no later than ((February)) July 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies in state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of ~~((educational restructuring))~~ improving education for all children, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ The commission shall begin its substantive work subject to subsection (1) of this section.

~~((4))~~ (2) The commission shall establish ~~((technical))~~ advisory committees. Membership of the ((technical)) advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (3) The commission, with the assistance of the ~~((technical))~~ advisory committees, shall:

(a) ~~((Identify what all elementary and secondary students need to know and be able to do. At a minimum, these))~~ Develop essential academic learning requirements ((shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate)) based on the student learning goals ((identified by the council on education reform and funding)) in RCW 28A.150.210. The essential academic learning requirements are more specific skills and knowledge that students are expected to have learned at designated stages of their education. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Proposed essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than September 1, 1994. Proposed essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than September 1, 1995. Essential academic learning requirements for RCW 28A.150.210(5), goal five, shall be completed no later than September 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other four goals in the development of the essential academic learning requirements;

(b) ~~((By December 1, 1995,))~~ Present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary ((grades)), middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of ((methodologies)) assessment methods, including performance-based measures that are criterion-referenced, and shall include assessments developed, administered, or evaluated by both the commission and local school districts. Performance standards for determining if a student has successfully completed an assessment shall be determined by the commission in consultation with the advisory committees required in subsection (2) of this section. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. ((Mastery of each component of the essential academic learning requirements)) After a determination by the state board of education that the assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the assessment by students shall be ((required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements)) reviewed by school districts for purposes of assessing the adequacy of its curriculum and teaching methods in educating students in the essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Prior to beginning the development of assessments for RCW 28A.150.210(5), goal five, the

commission shall submit a report to the legislature on the feasibility of developing assessments for this goal. The report shall be submitted by December 1, 1996. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments. The state board of education and superintendent of public instruction may modify the academic assessment system, as needed, in subsequent school years;

(c) ~~((By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and))~~ The high school assessments shall be administered to students by about the age of sixteen. After a determination is made by the state board of education that the assessment has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be required for graduation. ~~((The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements.))~~ The commission shall ~~((recommend))~~ make recommendations to the state board of education ~~((whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years))~~ regarding the relationship between the certificate of mastery and high school graduation requirements. However, the certificate of mastery is not intended to be the sole criterion for graduation. Upon achieving the certificate of mastery, all students shall continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, and/or university education;

(d) Prepare and distribute information designed to inform teachers, other educators, and parents of the essential academic learning requirements;

(e) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

~~((e) Develop strategies that will assist educators in helping students master the essential academic learning requirements;~~

~~(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;~~

~~(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;~~

~~((h)) (f) Develop ~~((recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include))~~ an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary academic assessment systems during the 1995-97 biennium and beyond;~~

~~((i)) (g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that ~~((would assist schools in adopting strategies designed to help students achieve the essential learning requirements))~~ are consistent with the essential academic learning requirements and the certificate of mastery;~~

~~((j)) (h) By December 1, 1996, recommend to the legislature, governor, state board of education, and superintendent of public instruction: (i) A state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts. ~~((The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section.))~~ The accountability system shall be designed so that it can monitor the performance of students and school districts based on the gender and racial, ethnic, economic, and special need status of students, and shall include new school-site, school district, and state-level accountability reporting systems. The commission is authorized to collect baseline and other data from school districts for the purposes of the school-site and school district reports; (ii) a school assistance program to help schools and districts that are having difficulty helping students meet the essential~~

academic learning requirements; (iii) a system to intervene in districts or schools in which significant numbers of students dramatically and persistently fail to learn the essential academic learning requirements; and (iv) an awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements, and school staff shall determine how the awards will be spent.

It is the intent of the legislature to begin implementation of these programs on September 1, 1998;

~~((4))~~ (i) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

~~((4)) Complete other tasks, as appropriate~~ (j) Make recommendations to the legislature and take other actions necessary or desirable to help meet the student learning goals.

~~((6))~~ (4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

~~((7))~~ (5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

~~((8))~~ (6) The commission shall select an entity to provide staff support and the office of ~~((financial management))~~ the superintendent of public instruction shall ~~((contract with that entity))~~ provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of ~~((financial management))~~ the superintendent of public instruction to enter into subcontracts with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

~~((9))~~ (7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

PART III EDUCATION RESTRUCTURING GRANTS

NEW SECTION. Sec. 301. A new section is added to chapter 28A.300 RCW to read as follows:

(1) From appropriated funds, the office of the superintendent of public instruction shall provide education restructuring grants to eligible school districts for the final months of the 1993-94 school year and the 1994-95 school year. The purpose of the grants is to develop and implement strategic restructuring plans that include school-based strategies and programs designed to improve student learning for all students, including students with unique and diverse needs, consistent with the student learning goals in RCW 28A.150.210. Funds from the program shall be used for nonstudent days for staff, for participation in the advisory committees of the commission on student learning established in RCW 28A.630.885, and for other actions and activities intended to achieve the purposes of the grant program.

(2) To be eligible for education restructuring grants, districts shall submit an application to the superintendent of public instruction by January 15, 1994. The application shall include the following:

(a) Either a completed district-wide restructuring plan, or the process to be used to develop or complete a district-wide restructuring plan. Restructuring plans shall include actions the district has taken, or will take, to implement a process to ensure continuous improvement in the quality of instruction, and a process for sharing instructional decisions with building staff, parents, and community members;

(b) Proposed activities and actions to be funded by the grant;

(c) How parents, business leaders, and other community members will be involved; and

(d) A proposed budget.

(3) If the requirements of subsection (2) of this section are met, the superintendent of public instruction shall approve the district's application by March 1, 1994.

(4) The amount of district grants shall be determined by the average number of full-time equivalent certificated and classified staff employed by the district during the 1992-93 school year. The allocations shall be figured on two hundred dollars per day multiplied by up to five days for each certificated staff person, and one hundred twenty-five dollars per day multiplied by five days for each classified staff person.

(5) Schools receiving schools for the twenty-first century grants pursuant to RCW 28A.630.100 for the 1994-95 school year shall not be eligible to receive restructuring grants.

(6) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the program. A copy of the proposed rules shall be submitted to the joint select committee on education restructuring established in section 1001 of this act at least forty-five days prior to adoption of the rules.

(7) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(8) If specific funding for education restructuring grants, referencing this act by bill number and specifying that the funding is for education restructuring grants, is not provided by June 30, 1993, in the omnibus appropriation act, this section is null and void.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.300 RCW to read as follows:

(1) From appropriated funds, the office of the superintendent of public instruction shall provide education restructuring grants to eligible local districts for the 1995-96 and 1996-97 school years. The purpose of the grants is to implement strategic restructuring plans that include school-based strategies and programs designed to improve student learning for all students, including students with unique and diverse needs, consistent with the student learning goals in RCW 28A.150.210. Funds from the program shall be used for nonstudent days for staff, for participation in the advisory committees of the commission on student learning established in RCW 28A.630.885, and for other actions and activities intended to achieve the purposes of the grant program.

(2) To be eligible for education restructuring grants, school districts shall submit an application to the superintendent of public instruction by March 15, 1995. The application shall include the following:

(a) A district-wide strategic restructuring plan that includes, but is not limited to, actions the district has taken to implement a process to ensure continuous improvement in the quality of instruction, and a process for sharing instructional decisions with building staff, parents, and community members;

(b) Proposed activities and actions to be funded by the grant;

(c) How parents, business leaders, and other community members will be involved; and

(d) A proposed budget.

(3) If the requirements of subsection (2) of this section are met, the superintendent of public instruction shall approve the district's application by May 15, 1995, for the 1995-96 and 1996-97 school years.

(4) The amount of district grants shall be determined by the average number of full-time equivalent certificated and classified staff employed by the district during the 1993-94 school year. The annual allocations shall be figured on two hundred dollars per day multiplied by up to ten days for each certificated staff person, and one hundred twenty-five dollars per day multiplied by ten days for each classified staff person.

(5) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the grant program. A copy of the proposed rules shall be submitted to the joint select committee on education restructuring established in section 1001 of this act at least forty-five days prior to adoption of the rules.

(6) By December 15, 1996, the superintendent of public instruction shall submit a report to the appropriate committees of the legislature that summarizes the effectiveness of the grant program, and includes a recommendation as to whether or not the program should be continued in the 1997-98 school year and beyond.

(7) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(8) If specific funding for education restructuring grants, referencing this act by bill number and specifying that the funding is for education restructuring grants, is not provided by June 30, 1995, in the omnibus appropriation act for the 1995-97 biennium, this section is null and void.

PART IV EDUCATOR TRAINING AND ASSISTANCE PROGRAMS

Sec. 401. RCW 28A.415.250 and 1991 c 116 s 19 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a teacher assistance program. For the purposes of this section, the terms "mentor teachers," "beginning teachers," and "experienced teachers" may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW 28A.410.010. The program shall provide for:

(1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers, or both, both in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW 28A.405.100 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers and beginning teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title;

(3) Workshops for the training of mentor and beginning teachers;

(4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom;

(5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.405.010 through 28A.405.240, and who hold valid continuing certificates;

(6) Mentor teachers for experienced teachers who are having difficulties;

(7) Mentor teachers shall be selected by the district and may serve as mentors full time. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process; and

~~((7))~~ (8) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public

and private institutions of higher education, for the purposes of improving communication and cooperation and program review.

Sec. 402. RCW 28A.405.140 and 1990 c 33 s 387 are each amended to read as follows:

After an evaluation conducted pursuant to RCW 28A.405.100, the ~~((school district))~~ principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such improvement.

NEW SECTION. Sec. 403. The superintendent of public instruction shall, by December 1, 1995, develop recommendations for an expanded teacher assistance program that would use, to the extent feasible, full-time, year-round mentors.

NEW SECTION. Sec. 404. A new section is added to chapter 28A.405 RCW to read as follows:

(1) The Washington state principal internship support program is hereby created. The purpose of the program is to provide funds to school districts to hire substitutes for district employees who are in a principal preparation program to complete an internship with a mentor principal.

(2) The process for selecting participants in the principal internship support program shall be as follows:

(a) The candidate shall be enrolled in a state board-approved school principal preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor principal for each principal intern applicant, and shall agree to provide the internship applicant at least forty-five student days of release time for the internship; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) Beginning in the 1994-95 school year, a maximum of one hundred seventy-five principal internships shall be funded annually.

(b) The maximum amount of state funding for each internship shall be four thousand five hundred dollars.

(c) Funds appropriated for the principal internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. To the extent practicable, participants should be selected to reflect the racial and ethnic diversity of the student population in the educational service district region and represent an equal number of women and men.

(d) Once principal internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the principal internship.

(e) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

NEW SECTION. Sec. 405. A new section is added to chapter 28A.405 RCW to read as follows:

(1) The Washington state superintendent and program administrator internship support program is hereby created. The purpose of the program is to provide funds to school districts to hire substitutes for district employees who are in a superintendent or program administrator preparation program to complete an internship with a mentor administrator.

(2) The process for selecting participants in the superintendent and program administrator internship support program shall be as follows:

(a) The candidate shall be enrolled in a state board-approved school district superintendent or program administrator preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the internship support program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor administrator for each intern applicant and shall agree to provide the internship applicant at least forty-five student days of release time for the internship; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) Beginning in the 1994-95 school year, a maximum of twenty-five internships shall be funded annually.

(b) The maximum amount of state funding for each internship shall be four thousand five hundred dollars.

(c) Funds appropriated for the internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. To the extent practicable, participants should be

selected to reflect the racial and ethnic diversity of the student population in the educational service district region, and represent an equal number of women and men.

(d) Once internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the internship.

(e) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

NEW SECTION. Sec. 406. (1) The state board of education shall appoint an administrator internship advisory task force to develop and recommend to the board standards for the principal and superintendent and program administrator support programs created in sections 404 and 405 of this act. Interns shall be required to complete the state board standards in order to successfully complete the internship program. These standards shall be adopted by the state board of education before the allocation of funds by the superintendent of public instruction pursuant to sections 404(3)(c) and 405(3)(c) of this act. Colleges, universities, and school districts may establish additional standards.

(2) Task force membership shall include, but not be limited to, representatives of the office of the superintendent of public instruction, principals, superintendents, program administrators, teachers, school directors, parents, higher education administrative preparation programs, and educational service districts. The task force membership shall, to the extent possible, be culturally diverse.

NEW SECTION. Sec. 407. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the principal and superintendent and program administrator internship support programs.

NEW SECTION. Sec. 408. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The paraprofessional training program is created. The primary purpose of the program is to provide training for classroom assistants to assist them in helping students achieve the essential academic learning requirements pursuant to RCW 28A.630.885. Another purpose of the program is to provide training to certificated personnel who work with classroom assistants.

(2) The superintendent of public instruction may allocate funds, from moneys appropriated for this program, to educational service districts, school districts, and other organizations for providing the training in subsection (1) of this section.

PART V CENTER FOR THE IMPROVEMENT OF STUDENT LEARNING

NEW SECTION. Sec. 501. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The Washington center for the improvement of student learning is created in the office of the superintendent of public instruction. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students to learn the essential academic learning requirements as in RCW 28A.630.885. The center shall work in conjunction with the commission on student learning, educational service districts, and institutions of higher education.

(2) The center shall:

(a) Serve as a clearinghouse for information regarding successful educational restructuring and parental involvement programs in schools and districts;

(b) Provide best practices research and advice that can be used to help schools and districts develop and implement:

(i) Strategic restructuring plans;

(ii) Building-based shared decision-making models;

(iii) Academic and technical integration programs;

(iv) Programs to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; and

(v) Other programs that will assist educators in helping students learn the essential academic learning;

(c) Develop and distribute, in conjunction with the commission on student learning, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall provide actions parents may take to assist their children in meeting the requirements;

(d) Take other actions to increase public awareness of the importance of parental involvement in education;

(e) By December 1994, develop alternatives for grade designations in elementary schools;

(f) Provide training and consultation services;

(g) Coordinate with the commission on student learning established in RCW 28A.630.885; and

(h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The center shall have an eleven-member advisory committee composed of educators, including teachers, principals, classified staff, higher education faculty or deans or directors of educator preparation programs, and educational service district representatives; school board members; parents; students; and labor and business leaders. Advisory committee members shall be selected jointly by the superintendent of public instruction and the commission on student learning from recommendations submitted by individuals and appropriate state-wide organizations. The advisory council shall provide recommendations to the superintendent regarding staffing, allocation of expenditures, and other policy matters of the center.

(4) The superintendent may enter into contracts with school districts, teachers, higher education faculty, institutions of higher education, state agencies, business organizations, and other individuals and organizations to accomplish the duties and responsibilities of the center.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The center for the improvement of student learning fund is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the fund all moneys received from gifts, grants, or endowments for the center. Moneys in the fund may be spent only for activities of the center. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the superintendent of public instruction and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

PART VI SCHOOL-TO-WORK TRANSITIONS

NEW SECTION. Sec. 601. (1) The legislature finds that demonstrated relevancy and practical application of school work is essential to improving student learning and to increasing the ability of students to transition successfully to the world of work. Employers have an increasing need for highly skilled people whether they are graduating from high school, a community college, a four-year university, or a technical college.

(2) The legislature further finds that the school experience must prepare students to make informed career direction decisions at appropriate intervals in their educational progress. The elimination of rigid tracking into educational programs will increase students' posthigh school options and will expose students to a broad range of interrelated career and educational opportunities.

(3) The legislature further finds that student motivation and performance can be greatly increased by the demonstration of practical application of course work content and its relevancy to potential career directions.

(4) The legislature further finds that secondary schools should provide students with multiple, flexible educational pathways. Each educational pathway should:

(a) Prepare students to demonstrate both core competencies common for all students and competencies in a career or interest area;

(b) Integrate academic and vocational education into a single curriculum; and

(c) Provide both classroom and workplace experience.

(5) The purpose of RCW 28A.630.862 through 28A.630.880 and section 611 of this act is to equip students with improved school-to-work transition opportunities through the establishment of school-to-work transition model projects throughout the state.

Sec. 602. RCW 28A.630.862 and 1992 c 137 s 2 are each amended to read as follows:

There is established in the office of the superintendent of public instruction (~~an academic and vocational integration development~~) a school-to-work transitions program which shall fund and coordinate (~~pilot~~) projects to develop model secondary school (~~projects~~) programs. The projects shall combine academic and vocational education into a single instructional system that is responsive to the educational needs of all students in secondary schools and shall provide multiple educational pathway options for all secondary students. Goals of the projects within the program shall include at a minimum:

(1) Integration of vocational and academic instructional curriculum into a single curriculum;

(2) Providing each student with a choice of multiple, flexible educational pathways based on the student's career or interest area;

(3) Emphasis on increased vocational(~~personal~~) and academic guidance and counseling for students as an essential component of the student's high school experience;

~~((3))~~ (4) Development of student essential academic learning requirements, methods of accurately measuring student performance, and goals for improved student learning;

(5) Partnership with local employers and employees to incorporate work sites as part of work-based learning experiences;

(6) Active participation of educators in the planning, implementation, and operation of the project, including increased opportunities for professional development and in-service training; and

~~((4))~~ (7) Active participation by employers, private and public community service providers, parents, and community members in the development and operation of the project.

Sec. 603. RCW 28A.630.864 and 1992 c 137 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop a process for schools or school districts to apply to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program. The office of the superintendent of public instruction shall review and select projects for grant awards, and monitor and evaluate the ~~((academic and vocational integration development))~~ program.

(2) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include collaboration with middle schools or junior high schools to develop school-to-work transition objectives. Middle school or junior high school programs may include career awareness and exploration, preparation for school-to-school transition, and preparation for educational pathway decisions.

(3) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include a tech prep site selected under P.L. 101-392 or other articulation agreements with a community or technical college.

(4) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include the following elements: Paid student employment in an occupational area with growing labor market demand, instruction on the job from a mentor, demonstration of competency standards for program completion, and a contract to be signed by the participating student, the student's parent or legal guardian, the participating employer, and an education representative.

(5) The superintendent of public instruction and the state board of education may develop a process for teacher preparation programs to apply to participate in the school-to-work transitions program. The office of the superintendent of public instruction and the state board of education may review and select projects for grant awards. Teacher preparation grants shall be used to improve teacher preparation in school-to-work transitions, including course work related to integrated curriculum, tech prep concepts, updating technical skills, improving school and private sector partnerships, and assessing students.

Sec. 604. RCW 28A.630.866 and 1992 c 137 s 4 are each amended to read as follows:

The superintendent of public instruction shall appoint a ten-member task force on ~~((academic and vocational integration))~~ school-to-work transitions. The task force shall include at least one representative from the work force training and education coordinating board and the state board for community and technical colleges. The task force shall advise the superintendent of public instruction in the development of the process for applying to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program, in the review and selection of projects under RCW 28A.630.864, and the monitoring and evaluation of the projects.

Sec. 605. RCW 28A.630.868 and 1992 c 137 s 6 are each amended to read as follows:

(1) The superintendent of public instruction shall administer RCW 28A.630.860 through RCW 28A.630.880.

(2) The ~~((academic and vocational integration development))~~ school-to-work transitions projects may be conducted for up to six years, if funds are provided.

Sec. 606. RCW 28A.630.870 and 1992 c 137 s 7 are each amended to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW 28A.630.860 through 28A.630.880 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW 28A.630.860 through 28A.630.880.

(2) The ~~((academic and vocational integration development))~~ school-to-work transitions program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of 28A.630.860 through 28A.630.880. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 607. RCW 28A.630.874 and 1992 c 137 s 9 are each amended to read as follows:

(1) The superintendent of public instruction, in coordination with the state board of education, the state board for community and technical colleges, the work force training and education coordinating board, and the higher

education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, secondary schools, junior high schools, middle schools, technical colleges, and colleges and universities.

(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW 28A.630.860 through RCW 28A.630.880.

Sec. 608. RCW 28A.630.876 and 1992 c 137 s 10 are each amended to read as follows:

(1) The superintendent of public instruction shall report to the education committees of the legislature on the progress of the schools for the ~~((academic and vocational integration development))~~ school-to-work transitions program by December 15 of each odd-numbered year.

(2) Each school district selected to participate in the academic and vocational integration development program shall submit an annual report to the superintendent of public instruction on the progress of the ~~((pilot))~~ project as a condition of receipt of continued funding.

Sec. 609. RCW 28A.630.878 and 1992 c 137 s 11 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the ~~((academic and vocational integration development pilot))~~ school-to-work transitions projects.

Sec. 610. RCW 28A.630.880 and 1992 c 137 s 12 are each amended to read as follows:

RCW 28A.630.860 through 28A.630.880 may be known and cited as the ~~((academic and vocational integration development))~~ school-to-work transitions program.

NEW SECTION. Sec. 611. A new section is added to chapter 28A.630 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.862 through 28A.630.880.

(1) "Integration of vocational and academic instruction" means an educational program that combines vocational and academic concepts into a single curriculum to increase the relevancy of course work, to strengthen and increase academic standards, and to enable students to apply knowledge and skills to career and educational objectives.

(2) "School-to-work transition" means a restructuring effort which provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests.

(3) "Work-based learning" means a competency-based educational experience that coordinates and integrates classroom instruction with structured, work site employment in which the student receives occupational training that advances student knowledge and skills in essential academic learning requirements.

NEW SECTION. Sec. 612. RCW 28A.630.860 and 1992 c 137 s 1 are each repealed.

PART VII TECHNOLOGY

NEW SECTION. Sec. 701. The legislature recognizes the ongoing necessity for public schools to use up-to-date tools for learning to meet goals for education. To participate successfully in the contemporary workplace, students must be knowledgeable in the use of state of the art technologies and be able to access information electronically and efficiently. Workplace technology requirements will continue to change and schools must mirror these changes.

Furthermore, the legislature finds that the Washington systemic initiative is a broad-based effort to promote widespread public literacy in mathematics, science, and technology. A critical component of the systemic initiative is the universal electronic access to information by students. It is the intent of the legislature that components of sections 702 through 706 of this act will support the state-wide systemic reform effort in mathematics, science, and technology as envisioned by the Washington systemic initiative.

NEW SECTION. Sec. 702. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and section 705 of this act.

(1) "Education technology" or "technology" means the effective use of electronic and optical tools, including telephones, and electronic and optical pathways in meeting the student learning goals established in RCW 28A.150.210.

(2) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.

NEW SECTION. Sec. 703. (1) The superintendent of public instruction shall develop and implement a Washington state K-12 education technology plan. The technology plan, which shall be completed by December 15, 1993, and updated on at least an annual basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

NEW SECTION. Sec. 704. In conjunction with the plan required in section 703 of this act, the superintendent of public instruction shall prepare recommendations to the legislature regarding the development of a grant program for school districts for the purchase and installation of computers, computer software, telephones, and other types of education technology. The recommendations shall address methods to ensure equitable access to technology by students throughout the state, and methods to ensure that school districts have prepared technology implementation plans before applying for grant funds. The recommendations, with proposed legislation, shall be submitted to the appropriate committees of the legislature by December 15, 1993.

NEW SECTION. Sec. 705. A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts shall establish, subject to available funding, regional educational technology support centers for the purpose of providing ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and other technical and programmatic support. Each educational service district shall establish a representative advisory council to advise the educational service district in the expenditure of funds provided to the technology support centers.

NEW SECTION. Sec. 706. The superintendent of public instruction shall distribute appropriated funds to educational service districts on a grant basis for the regional educational technology support centers established in section 705 of this act.

NEW SECTION. Sec. 707. The superintendent of public instruction shall distribute funds to the Washington school information processing cooperative and to school districts on a grant basis, from moneys appropriated for the purposes of this section, for equipment, networking, and software to expand the current K-12 education state-wide network.

NEW SECTION. Sec. 708. (1) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the superintendent of public instruction and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(2) The education technology fund is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the fund all moneys received from gifts, grants, or endowments for education technology. Moneys in the fund may be spent only for education technology. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 709. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW governing the operation and scope of this chapter.

NEW SECTION. Sec. 710. Sections 701 through 704 and 706 through 709 of this act shall constitute a new chapter in Title 28A RCW.

EDUCATOR PERFORMANCE ASSESSMENT

Sec. 801. RCW 28A.410.030 and 1991 c 116 s 21 are each amended to read as follows:

(1) ~~Effective August 31, 1995, the state board of education shall require ((a uniform state admission to practice examination for)) teacher certification candidates((-- Commencing August 31, 1993, teacher certification candidates completing a teacher preparation program shall be required)) to pass an ((admission to practice examination)) individual assessment before being granted an initial certificate. The ((examination)) assessment shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, ((and)) student behavior and development((-- The examination shall consist primarily of essay questions)), oral and written language skills, student performance-based assessment skills, and other knowledge, skills, and attributes needed to be successful in assisting all students, including students with diverse and unique needs, in achieving mastery of the essential academic learning requirements established pursuant to RCW 28A.630.885. In administering the assessment, the state board shall address the needs of certification candidates who have specific learning disabilities, such as dyslexia.~~

(2) ~~The state board of education shall adopt such rules as may be necessary to implement this section, including, but not limited to, rules establishing the fees assessed persons who apply to take the assessment and the circumstances, if any, under which such fees may be refunded in whole or part. Fee revenues received under this section shall be deposited in the teacher assessment revolving fund hereby established in the custody of the state treasurer. The fund is subject to the allotment procedures provided under chapter 43.88 RCW, but no appropriation is required for disbursement. The superintendent of public instruction shall be responsible for administering the assessment program consistent with state board of education rules, and may enter into contracts for six or fewer years with public and private contracts to establish, equip, maintain, and operate the program, in whole or part. The superintendent of public instruction shall expend moneys from the teacher assessment revolving fund exclusively for the direct and indirect costs of establishing, equipping, maintaining, and operating the assessment program.~~

NEW SECTION. **Sec. 802.** By August 31, 1997, the state board of education shall develop and implement a new system for approving educator preparation programs pursuant to RCW 28A.305.130(1). The new approval system shall be based primarily on how successful the graduates of each preparation program are in passing the individual performance-based assessment in RCW 28A.410.030.

PART IX COORDINATED SCHOOL AND HUMAN SERVICES

NEW SECTION. **Sec. 901.** A new section is added to chapter 28A.215 RCW to read as follows:

(1) The purpose of this section is to enhance the quantity, quality, efficiency, and effectiveness of services for children and families in order to enable all children to arrive at school ready to learn throughout their educational experience.

(2) From appropriated funds, the family policy council established in chapter 70.190 RCW shall provide grants for selected programs geographically distributed throughout the state to provide coordinated social, health, and educational services to children and families.

(3) Coordinated educational, health, and social services shall be delivered in a manner that recognizes the need for strong and self-sufficient families and has as the ultimate goal the empowerment of parents to become the self-sufficient providers of care to their children.

(4) In allocating funding under this section, the family policy council shall select and allocate funding to consortiums, as defined by RCW 70.190.010, for a service or services that are identified under a comprehensive plan that meets the requirements of chapter 70.190 RCW and that meets one or more of the following objectives:

(a) Support services that recognize that every parent is the first and most essential teacher and that provide parents of newborn children with assistance to prepare their children to achieve success in school;

(b) Strategies to ensure that children experience a safe and nurturing family environment;

(c) Delivery of services that are culturally relevant and sensitive to the diverse nature of the community's population;

(d) Strategies to ensure that all children have the skills, self-esteem, and support to make informed decisions about sex, drugs, alcohol, and other influences or activities that could obstruct their education and development.

(5) The council shall ensure each of the objectives in subsection (4) of this section is included in at least one of the funded projects.

Sec. 902. RCW 70.190.005 and 1992 c 198 s 1 are each amended to read as follows:

The legislature finds that a primary goal of public involvement in the lives of children has been to strengthen the family unit.

However, the legislature recognizes that traditional two-parent families with one parent routinely at home are now in the minority. In addition, extended family and natural community supports have eroded drastically. The legislature recognizes that public policy assumptions must be altered to account for this new social reality. Public effort must be redirected to expand, support, strengthen, and help refashion family and community associations to care for children.

The legislature finds that a broad variety of services for children and families has been independently designed over the years and that the coordination and cost-effectiveness of these services will be enhanced through the adoption of a common approach to their delivery. The legislature further finds that the most successful programs for reaching and working with at-risk families and children treat individuals' problems in the context of the family, offer a broad spectrum of services, are flexible in the use of program resources, and use staff who are trained in crossing traditional program categories in order to broker services necessary to fully meet a family's needs.

The legislature further finds that eligibility criteria, expenditure restrictions, and reporting requirements of state and federal categorical programs often create barriers toward the effective use of resources for addressing the multiple problems of at-risk families and children.

The purposes of this chapter are (1) to modify public policy and programs to empower communities to support and respond to the needs of individual families and children ~~((and))~~, (2) to improve the responsiveness of services for children and families at risk by facilitating greater coordination and flexibility in the use of funds by state and local service agencies, and (3) to improve support services for children and families to enable all students to arrive at school ready to learn.

Sec. 903. RCW 70.190.010 and 1992 c 198 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a school district, municipal, county, or multicounty area or areas, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported.

(2) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community development, and such other departments as may be specifically designated by the governor.

(3) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community development or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

(4) "~~((Outcome based))~~ Indicators" means defined and measurable ~~((outcomes and indicators that make it possible for communities to evaluate progress in meeting their goals and whether systems are fulfilling their responsibilities))~~ evaluative tools that assess the performance of the consortium in accomplishing the desired state and local outcomes.

(5) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a consortium's project. Up to half of the consortium's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, fair start funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match.

(6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortiums shall represent a county, multicounty, or municipal service area. In addition, consortiums may represent Indian tribes applying either individually or collectively.

Sec. 904. RCW 70.190.030 and 1992 c 198 s 5 are each amended to read as follows:

(1) The family policy council shall annually solicit from consortiums proposals to facilitate greater flexibility, coordination, and responsiveness of services at the community level. The council shall consider such proposals only if:

(a) A comprehensive plan has been prepared by the consortium; and

(b) The consortium has identified and agreed to contribute matching funds as specified in RCW 70.190.010;

and

(c) An interagency agreement has been prepared by the family policy council and the participating local service and support agencies that governs the use of funds, specifies the relationship of the project to the principles listed in RCW 74.14A.025, and identifies specific outcomes and indicators; and

(d) Funds are to be used to provide support or services needed to implement a family's or child's case plan that are not otherwise adequately available through existing categorical services or community programs; ~~((and))~~ and

(e) The consortium has provided written agreements that identify a lead agency that will assume fiscal and programmatic responsibility for the project, and ~~((identify))~~ has identified participants in a consortium council with broad participation and that shall have responsibility for ensuring effective coordination of resources; and

(f) The consortium has designed into its comprehensive plan standards for accountability. Accountability standards include, but are not limited to, the public hearing process eliciting public comment about the appropriateness of the proposed comprehensive plan. The consortium must submit reports to the family policy council outlining the public response regarding the appropriateness and effectiveness of the comprehensive plan.

(2) The family policy council may submit a prioritized list of projects recommended for funding in the governor's budget document.

(3) The participating state agencies shall identify funds to implement the proposed projects from budget requests or existing appropriations for services to children and their families.

(4) The family policy council shall propose broad state statutory goals for successful outcomes for children and families receiving services from consortiums. The family policy council shall report to the appropriate committees of the legislature on these recommendations before December 1, 1993. Upon adoption by the legislature of the broad state goals for successful children and family outcomes, the family policy council shall (a) develop methods to assist consortiums in establishing indicators of whether the desired outcomes are being accomplished, and (b) develop strategies to assist consortiums to achieve the state and community goals.

(5) To the extent not inconsistent with federal law the family policy council may waive regulatory provisions related to health, mental health, protective services, and other children and family services that present barriers to meeting consortiums' outcome goals, that limit entities' abilities to collaborate effectively, and that inhibit the delivery of services to children and families. The council shall recommend to the legislature statutory changes necessary to eliminate such barriers.

PART X DEREGULATION AND LEGISLATIVE OVERSIGHT

NEW SECTION. Sec. 1001. (1) There is hereby created a joint select committee on education restructuring composed of twelve members as follows:

(a) Six members of the senate, three from each of the major caucuses, to be appointed by the president of the senate; and

(b) Six members of the house of representatives, three from each of the major caucuses, to be appointed by the speaker of the house of representatives.

(2) The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochairs of the joint select committee. The cochairs shall be designated by the speaker of the house of representatives and the president of the senate.

(3) The expenses of the committee members shall be paid by the legislature.

(4) The committee shall seek input from educators, business and labor leaders, parents, and others during its deliberations.

NEW SECTION. Sec. 1002. The joint select committee on education restructuring shall monitor, review, and periodically report upon the enactment and implementation of education restructuring in Washington both at the state and local level, including the following:

(1) The progress of the commission on student learning in the completion of its tasks as designated in RCW 28A.630.885 and in any subsequent legislation relating to education restructuring;

(2) The success of the center for improvement of student learning established under section 501 of this act;

(3) The state board of education's implementation of new educator performance assessments required in RCW 28A.410.030, and whether such requirements as implemented are actually consistent with higher student achievement envisioned under a performance-based education system;

(4) The number of school districts seeking waivers from basic education act requirements under RCW 28A.305.140 or other legislation, and the success of alternative programs pursued by those school districts;

(5) The progress and success of the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges in carrying out RCW 28A.630.885(3)(g), and any subsequent legislation relating to education restructuring; and

(6) Such other areas as the committee may deem appropriate.

NEW SECTION. Sec. 1003. In addition to the duties in section 1002 of this act, the select committee on education restructuring shall:

(1) Review all laws pertaining to K-12 public education and to educator preparation and certification, except those that protect the health, safety, and civil rights of students and staff, with the intent of identifying laws that inhibit the achievement of the new system of performance-based education. As a result of the review, the select committee

shall, by November 15, 1994, present proposed legislation that repeals or modifies those laws that inhibit the new system of performance-based education to the appropriate committees of the legislature; and

(2) By October 31, 1995, develop recommendations and proposed legislation, as appropriate, to create a new student performance-based funding system to be implemented, if adopted by the legislature, beginning in the 1998-99 school year. The funding system shall be developed to enhance the performance-based education system as outlined in chapter . . . , Laws of 1993 (this act). It shall allow for local control and maximum flexibility, and it shall affirm the constitutional "paramount duty" of the state to provide an education for all of its children. It shall emphasize student mastery of the student learning goals rather than input formulas, and shall be ample, flexible, stable, equitable, simple, and accountable. The formula shall be structured to provide and encourage local flexibility, creativity, and decision making. The formula shall support every student with varying abilities and shall ensure that every student will have equitable opportunities to achieve the essential academic learning requirements. Special provisions shall be made for students who have more difficulty in mastering the essential academic learning requirements, and for highly capable students. The formula shall comply with the state Constitution and federal law and funding requirements. The formula shall reflect the state's responsibility to fully fund a basic education.

NEW SECTION. Sec. 1004. By September 1, 1994, and each September 1st thereafter, the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges shall each report to the joint select committee on education restructuring regarding their progress in completing tasks as designated in chapter . . . , Laws of 1993 (this act), and tasks in any subsequent legislation relating to education restructuring.

NEW SECTION. Sec. 1005. The joint select committee on education restructuring shall report its initial findings to the legislature by December 31, 1993, and shall annually report its findings thereafter until December 31, 1998, at which time the committee shall make its final report.

Sec. 1006. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) ~~Beginning with the 1993-94 school year, school districts may ((establish annual)) not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. ((Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.))~~ Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 1007. Sections 1001 through 1005 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 1008. Sections 1001 through 1005 of this act shall expire January 1, 1999.

PART XI
PRIVATE SCHOOL AND HOME SCHOOL STUDENT EXEMPTIONS

Sec. 1101. RCW 28A.195.010 and 1992 c 141 s 505 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to ensure the health and safety of all the students in the state and to ensure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings as prescribed in RCW 28A.150.220.

(2) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(3) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (4), (5), and (6) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (3) of this section.

(6) Private school curriculum shall include, but not be limited to, instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units (~~so that students are able to master the essential academic learning requirements under RCW 28A.630.885 and meet~~) for meeting state board of education graduation requirements. However, the state board shall not require private school students to obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery.

(7) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as provided in subsection (6) of this section, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 1102. RCW 28A.200.010 and 1990 c 33 s 178 are each amended to read as follows:

Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides;

(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be

administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The board shall not require these children to master the essential academic learning requirements, to take the assessments, or to obtain a certificate of mastery pursuant to RCW 28A.630.885. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

NEW SECTION. **Sec. 1103.** Section 1101 of this act shall take effect September 1, 1998. However, this section shall not take effect if, by September 1, 1998, a law is enacted stating that a school accountability and academic assessment system is not in place.

PART XII MISCELLANEOUS

NEW SECTION. **Sec. 1201.** RCW 28A.630.884 and 1992 c 141 s 201 are each repealed.

NEW SECTION. **Sec. 1202.** Sections 201 and 202 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. **Sec. 1203.** Part headings as used in this act constitute no part of the law.

NEW SECTION. **Sec. 1204.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; and Vance.

MINORITY Recommendation: Do not pass. Signed by Representative Stevens.

Excused: Representative G. Cole.

Referred to Committee on Appropriations.

April 1, 1993

SB 5324 Prime Sponsor, Pelz: Correcting a double amendment related to reimbursement of school transportation costs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Excused: Representative G. Cole.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5332 Prime Sponsor, Committee on Ecology & Parks: Permitting the establishment of an underwater parks system. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 21, after "appropriation." insert "Before implementing a fee program for underwater park uses, the commission shall submit to the appropriate committees of the legislature an estimate of what the fees would be and a plan for collecting these fees."

On page 2, strike lines 29 through 30 and insert the following:

"NEW SECTION. Sec. 5. The commission is not liable for unintentional injuries to users of underwater parks, whether the facilities are administered by the commission or by another entity or person. However, nothing in this section prevents the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.51 RCW."

Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Referred to Committee on Appropriations.

April 1, 1993

ESB 5355 Prime Sponsor, Vognild: Extending the prohibition on mandatory local measured service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 3, after line 17, insert:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

March 31, 1993

SB 5375 Prime Sponsor, Bauer: Regulating personal service contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5390 Prime Sponsor, Committee on Energy & Utilities: Relating to conservation tariffs allowing transfer of payment obligations to successive property owners. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The ability of utilities to acquire cost effective conservation measures is instrumental in assuring that Washington citizens have reasonable energy rates and that utilities have adequate energy resources to meet future energy demands;

(b) Customers may be more willing to accept investments in energy efficiency and conservation if real and perceived impediments to property transactions are avoided;

(c) Potential purchasers of real property should be notified of any utility conservation charges at the earliest point possible in the sale.

(2) It is the intent of the legislature to encourage utilities to develop innovative approaches designed to promote energy efficiency and conservation that have limited rate impacts on utility customers. It is not the intent of the legislature to restrict the authority of the utilities and transportation commission to approve tariff schedules.

(3) It is also the intent of the legislature that utilities which establish conservation tariffs should undertake measures to assure that potential purchasers of property are aware of the existence of any conservation tariffs. Measures that may be considered include, but are not limited to:

(a) Recording notification of conservation tariff obligations with a legal description with the county property records;

(b) Annually notifying customers who have entered agreements of the conservation tariff obligation;

(c) Working with the real estate industry to provide for disclosure of conservation tariff obligations in standardized listing agreements and earnest money agreements; and

(d) Working with title insurance companies to provide recorded conservation tariff obligations as an informational note to the preliminary commitment for a policy of title insurance.

NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW to read as follows:

(1) Upon request by an electrical or gas company, the commission may approve a tariff schedule that contains rates or charges for energy conservation measures, services, or payments provided to individual property owners or customers. The tariff schedule shall require the electrical or gas company to enter into an agreement with the property owner or customer receiving services at the time the conservation measures, services, or payments are initially provided. The tariff schedule may allow for the payment of the rates or charges over a period of time and for the application of the payment obligation to successive property owners or customers at the premises where the conservation measures or services were installed or performed or with respect to which the conservation payments were made.

(2) The electrical or gas company shall record a notice of a payment obligation with a legal description resulting from an agreement under this section with the county auditor or recording officer as provided in RCW 65.04.030.

(3) The commission may prescribe by rule other methods by which an electrical or gas company shall notify property owners or customers of any such payment obligation.

NEW SECTION. Sec. 3. A new section is added to chapter 64.04 RCW to read as follows:

Prior to closing, the seller of real property subject to a rate or charge for energy conservation measures, services, or payments provided under a tariff approved by the utilities and transportation commission pursuant to section 2 of this act shall disclose to the purchaser of the real property the existence of the obligation and the possibility that the purchaser may be responsible for the payment obligation.

NEW SECTION. Sec. 4. A new section is added to chapter 48.29 RCW to read as follows:

A title insurer may disclose as an informational note to a preliminary commitment for a policy of title insurance the existence of a notice of payment obligation provided for under section 2 of this act. Neither the inclusion nor the exclusion of such an informational note shall create any liability against the title insurer under a preliminary commitment for title insurance, policy or otherwise."

Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5405 Prime Sponsor, Committee on Education: Raising the minimum dollar amount requiring competitive bidding by school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Eide; G. Fisher; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; and Vance.

Excused: Representatives G. Cole, Carlson, Hansen and Stevens.

Referred to Committee on Appropriations.

March 31, 1993

ESB 5411 Prime Sponsor, Vognild: Modifying provisions regarding fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 31, 1993

ESSB 5515 Prime Sponsor, Committee on Labor & Commerce: Changing provisions relating to industrial insurance claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

March 31, 1993

SSB 5535 Prime Sponsor, Committee on Transportation: Taxing large trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 31, 1993

ESB 5545 Prime Sponsor, Williams: Modifying qualifications for registered architects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17, after "board" insert ", which may include designing buildings as a principal activity"

On page 1, beginning on line 18, after "must be" strike "under the direct supervision of" and insert "~~((under the direct supervision of))~~ supervised by"

On page 1, line 19, after "architect" insert "with detailed professional knowledge of the work of the applicant"

On page 2, beginning on line 1, after "(b)" strike all material through "(c)" on line 4

On page 2, at the beginning of line 9, strike "~~((c))~~ (d)" and insert "(c)"

On page 2, after line 21, insert the following:

"Sec. 2. RCW 18.08.350 and 1993 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess any of the following qualifications:

(a) Have an accredited architectural degree and three years' practical architectural work experience approved by the board, which may include designing buildings as a principal activity. At least two years' work experience must be supervised by an architect with detailed professional knowledge of the work of the applicant; or

(b) Have eight years' practical architectural work experience approved by the board. Each year spent in an accredited architectural program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect((; or

~~(c) Be a person who has been designing buildings as a principal activity for eight years, or has an equivalent combination of education and experience, but who was not registered under chapter 323, Laws of 1959, as amended, as it existed before July 28, 1992, provided that application is made within four years after July 28, 1992. Nothing in this chapter prevents such a person from designing buildings for four years after July 28, 1992, or the five-year period allowed for completion of the examination process, after that person has applied for registration. A person who has been designing buildings and is qualified under this subsection shall, upon application to the board of registration for architects, be allowed to take the examination for architect registration on an equal basis with other applicants).~~

NEW SECTION. Sec. 3. Section 2 of this act shall take effect July 29, 2001."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5556 Prime Sponsor, Committee on Education: Changing provisions relating to state schools for the blind, deaf, and sensory impaired. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 34, after "schools" strike "on a contractual basis with students, parents, or both"

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Excused: Representative G. Cole.

Passed to Committee on Rules for second reading.

March 31, 1993

SSB 5557 Prime Sponsor, Committee on Labor & Commerce: Regulating alcohol servers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Alcohol server" means any person serving or selling alcohol, spirits, wines, or beer for consumption at an on-premises retail licensed facility as a regular requirement of his or her employment, and shall include those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

~~((3))~~ (4) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

~~((4))~~ (5) "Board" means the liquor control board, constituted under this title.

~~((5))~~ (6) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

~~((6))~~ (7) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

~~((7))~~ (8) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

~~((8))~~ (9) "Distiller" means a person engaged in the business of distilling spirits.

~~((9))~~ (10) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

~~((10))~~ (11) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

~~((11))~~ (12) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

~~((12))~~ (13) "Fund" means 'liquor revolving fund.'

~~((13))~~ (14) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

~~((14))~~ (15) "Imprisonment" means confinement in the county jail.

~~((15))~~ (16) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

~~((16))~~ (17) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

~~((17))~~ (18) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

~~((18))~~ (19) "Package" means any container or receptacle used for holding liquor.

~~((19))~~ (20) "Permit" means a permit for the purchase of liquor under this title.

~~((20))~~ (21) "Person" means an individual, copartnership, association, or corporation.

~~((21))~~ (22) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

~~((22))~~ (23) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

~~((23))~~ (24) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

~~((24))~~ (25) "Regulations" means regulations made by the board under the powers conferred by this title.

~~((25))~~ (26) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(27) "Retail licensed premises" means any premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425, 66.24.490, and 66.24.495. Domestic wineries holding class C licenses shall not be classified as retail licensed premises for purposes of this act.

~~((26))~~ (28) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed

by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

~~((27))~~ (29) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

~~((28))~~ (30) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

~~((29))~~ (31) "Store" means a state liquor store established under this title.

~~((30))~~ (32) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

~~((31))~~ (33) "Vendor" means a person employed by the board as a store manager under this title.

~~((32))~~ (34) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

~~((33))~~ (35) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((34))~~ (36) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

~~((35))~~ (37) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

~~((36))~~ (38) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 2. RCW 66.44.270 and 1987 c 458 s 3 are each amended to read as follows:

(1) It is a gross misdemeanor for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control, with knowledge that the person receiving or consuming the liquor is under the age of twenty-one years. A minimum fine of two hundred fifty dollars shall be imposed on any person who is convicted of a violation of this subsection.

(2) It is ~~((unlawful))~~ a misdemeanor for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control, without knowledge of the fact that the person receiving or consuming the liquor is under the age of twenty-one years.

~~((2))~~ (3) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

~~((3))~~ (4) This section does not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

~~((4))~~ (5) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

~~((5))~~ (6) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

~~((6))~~ (7) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.

NEW SECTION. Sec. 3. A new section is added to chapter 66.44 RCW to read as follows:

It is a gross misdemeanor for a person to knowingly present the identification of another person or a forged, fraudulent, altered, counterfeit, or otherwise false identification card to acquire, possess, purchase, or obtain liquor. A minimum fine of two hundred fifty dollars shall be imposed on any person who is convicted of a violation of this section.

Sec. 4. RCW 66.44.310 and 1981 1st ex.s. c 5 s 24 are each amended to read as follows:

(1) Except as otherwise provided by RCW 66.44.270, 66.44.316, and 66.44.350(1) it shall be a misdemeanor(1);

(a) To serve or allow to remain on the premises of any tavern, or cocktail lounge portion of any class H licensed premises, any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain on the premises of any tavern, or cocktail lounge portion of any public class H licensed premises; or

(c) For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of securing admission to, or remaining on the premises of, any tavern or cocktail lounge portion of any class H licensed premises.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

NEW SECTION. Sec. 5. A new section is added to chapter 66.20 RCW to read as follows:

(1) There is an alcohol server permit to be known as a class 12 permit, authorizing the holder to provide the services of an alcohol server for a period of five years or more for the initial permit and renewable every five years thereafter. The permit shall be in a form prescribed by the board.

(a) Training requirements for persons seeking the class 12 permit will be established by the board.

(b) Training for a class 12 permit must be through a board-certified program provided by the licensee, labor organizations, independent contractors, private or public schools, or licensee associations, such as the nationally recognized training for intervention programs or techniques in alcohol management programs or by the board itself. The board shall offer the option of live classroom training or a videotaped training session produced and distributed by the board.

(c) Multiple copies of the videotape will be made available by the board at a nominal fee to cover the cost of reproduction and shipment with any fees so collected being deposited in the liquor revolving fund.

(d) Every class 12 permit issued shall be issued in the name of the applicant and no other person shall use the permit of another permit holder. The holder shall present the permit upon request to inspection by any representative of the liquor control board or peace officer.

(e) No licensee shall employ or accept the services of an alcohol server, as defined in RCW 66.04.010, without the alcohol server first having taken the training and examination for a class 12 permit. The board shall correct the examination and issue a permit for anyone successfully completing the examination within thirty days from the date the person commences work for the licensee. An individual may sell or serve liquor during the time which the board takes to process the permit. An individual may retake the examination any time after being notified by the board that he or she has failed the examination. However, an individual may not sell or serve liquor more than thirty days after completing the training requirements unless he or she has obtained a valid class 12 permit, or if the board has failed to correct the examination and issue a permit within thirty days after receiving the examination.

(2) Every permit issued under this section is valid for a period of at least five years unless earlier denied, suspended, or revoked. A person whose permit has been denied, suspended, or revoked shall immediately return the permit to the board.

(3) The board may suspend the permit of a permittee who has been convicted of two or more violations of RCW 66.44.270(2) or 66.44.200 or one or more violations of RCW 66.44.270(1). Subsequent convictions may result in revocation of the permit.

(4)(a) It is a violation of this title for a licensee or permittee to allow or require an employee to provide the services of an alcohol server if the employee has not taken the required training or completed the prescribed examination, or whose current class 12 permit is either revoked or suspended. An employee of a licensee shall be paid his or her usual wage and benefits for the time taken to fulfill the alcohol server training and examination requirements. If an employer does not pay for the training, then the employee may choose which training program to attend.

(b) It is a violation of this title for a person whose class 12 permit has been denied, suspended, or revoked to accept employment as an alcohol server.

NEW SECTION. Sec. 6. A new section is added to chapter 66.44 RCW to read as follows:

(1) The board shall administer the required alcohol server training program by:

(a) Reviewing and certifying training programs that fulfill the requirements under section 5 of this act;

(b) Producing and distributing for employers to administer to their employees an examination and examination procedure to be administered following completion of the certified training program or training provided by the board;

(c) Correcting examinations and issuing class 12 permits to those individuals who successfully complete the examination;

(d) Taking administrative actions against those class 12 permit holders who have violated the provisions of this title and taking appropriate actions against others who have been involved in violations of this title.

(2) The annual cost of a class A, B, C, D, H, I, and L retail liquor license, except a class C license held by a domestic winery, shall be increased in the amount of twenty dollars in order to provide funding for the alcohol server training program.

(3) The board shall review and update the curricula to maintain accuracy with existing statutes and rules adopted to administer the liquor laws of the state.

NEW SECTION. Sec. 7. This act shall take effect January 1, 1994, except for section 5 of this act which shall take effect July 1, 1995.

NEW SECTION. Sec. 8. The liquor control board may take such steps as are necessary to ensure that this act is implemented on its effective date, including issuing class 12 permits, beginning on January 1, 1994, which will be valid for five years or more, in order to facilitate a balanced and orderly transition. Any class 12 permit issued on July 1, 1995, or later, shall be valid for five years.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the liquor revolving fund for the purpose of funding the initial cost of implementing this act. The full amount of the appropriation shall be repaid by June 30, 1995, from the proceeds of the increased license fees provided in section 6 of this act."

Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler, Assistant Ranking Minority Member;

Referred to Committee on Appropriations.

March 30, 1993

SB 5572 Prime Sponsor, Prentice: Assessing environmental costs of transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; J. Kohl; Miller; H. Myers; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative Johanson, R. Meyers, Orr and Patterson.

Passed to Committee on Rules for second reading.

March 31, 1993

SSB 5596 Prime Sponsor, Committee on Government Operations: Destroying redeemed warrants. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 31, 1993

SSB 5606 Prime Sponsor, Committee on Ways & Means: Directing the state auditor to scrutinize funds and accounts under the control of state agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.09 RCW to read as follows:

As part of the routine audits of state agencies, the state auditor shall audit all revolving funds, local funds, and other state funds and state accounts that are not managed by or in the care of the state treasurer and that are under the control of state agencies, including but not limited to state departments, boards, and commissions. In conducting the audits of these funds and accounts, the auditor shall examine revenues and expenditures or assets and liabilities, accounting methods and procedures, and recordkeeping practices. In addition to including the results of these examinations as part of the routine audits of the agencies, the auditor shall report to the legislature on the status of all such funds and accounts that have been examined during the preceding biennium and any recommendations for their improved financial management. Such a report shall be filed with the legislature within five months of the end of each biennium regarding the funds and accounts audited during the biennium. The first such report shall be filed by December 1, 1993, regarding any such funds and accounts audited during the 1991-93 biennium."

Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5636 Prime Sponsor, Committee on Education: Promoting lifelong learning and community involvement in education. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 13, after "the" strike all material through "communities" on page 3, line 10, and insert "lifelong learning and positive community involvement of Washington's citizens. To promote lifelong learning and community involvement in education, the legislature intends:

- (1) For relevant state agencies to coordinate efforts in encouraging and providing technical assistance to local communities;
- (2) For agencies, groups, and interested persons within a community to coordinate efforts in providing lifelong learning and community involvement in education services; and
- (3) For local citizens to participate in coordinated planning of community efforts.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, as used in this chapter, "lifelong learning and community involvement in education" means coordinated efforts in communities to provide education to citizens of all ages in a variety of settings using, to the extent possible, shared funding, sites, and staffing.

NEW SECTION. Sec. 3. (1) In carrying out his or her duties under subsection (2) of this section, the superintendent of public instruction shall consult with the family policy council, the state board of education, the state board for community and technical colleges, the higher education coordinating board, the department of labor and industries, the state library, and other groups, including business and labor, that provide lifelong learning and community involvement in education services.

- (2) The superintendent of public instruction shall:
 - (a) Provide assistance to local communities wishing to coordinate services for lifelong learning and community involvement in education;
 - (b) Encourage local communities to coordinate program and facility resources;
 - (c) Identify statutory and regulatory provisions impeding local collaboration for lifelong learning and community involvement in education;
 - (d) Identify and promote effective models of lifelong learning and community involvement in education programs; and
 - (e) Assist communities in exchanging information concerning lifelong learning and community involvement in education services"

On page 3, line 14, after "of" strike "persons in the community" and insert "the community's citizens"

On page 3, after line 15, strike all of section 5

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brumsickle; Eide; Hansen; Holm; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Carlson; G. Fisher; Jones; Stevens; and Vance.

Excused: Representative G. Cole.

Referred to Committee on Appropriations.

March 30, 1993

SB 5667 Prime Sponsor, Talmadge: Creating a water trail recreation program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes the increase in water-oriented recreation by users of human and wind-powered, beachable vessels such as kayaks, canoes, or day sailors on Washington's waters. These recreationists frequently require overnight camping facilities along the shores of public or private beaches. The legislature now creates a water trail recreation program, to be administered by the Washington state parks and recreation commission.

NEW SECTION. Sec. 2. In addition to its other powers, duties, and functions, the commission may:

(1) Plan, construct, and maintain suitable facilities for water trail activities on lands administered or acquired by the commission or as authorized on lands administered by tribes or other public agencies or private landowners by agreement.

(2) Provide and issue, upon payment of the proper fee, with the assistance of those authorized agents as may be necessary for the convenience of the public, water trail permits to utilize designated water trail facilities. The commission may, after consultation with the water trail advisory committee, adopt rules authorizing reciprocity of water trail permits provided by another state or Canadian province, but only to the extent that a similar exemption or provision for water trail permits is issued by that state or province.

(3) Compile, publish, distribute, and charge a fee for maps or other forms of public information indicating areas and facilities suitable for water trail activities.

(4) Contract with a public agency, private entity, or person for the actual conduct of these duties.

(5) Work with individuals or organizations who wish to volunteer their time to support the water trail recreation program.

NEW SECTION. Sec. 3. The commission may make water trail program grants to public agencies or tribal governments and may contract with any public agency, tribal government, entity, or person to develop and implement water trail programs.

NEW SECTION. Sec. 4. The commission is not liable for unintentional injuries to users of facilities administered for water trail purposes under this chapter, whether the facilities are administered by the commission or by any other entity or person. However, nothing in this section prevents the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.

NEW SECTION. Sec. 5. A person may not participate as a user of the water trail recreation program without first obtaining a water trail permit. A person must renew this permit on an annual basis in order to continue to participate as a user of the program. The fee for the issuance of the state-wide water trail permit for each year shall be determined by the commission after consultation with the water trail advisory committee. All state-wide water trail permits shall expire on the last day of December of the year for which the permit is issued.

NEW SECTION. Sec. 6. The water trail program account is created in the state treasury. All receipts from sales of materials pursuant to section 2 of this act and from state-wide water trail permit fees collected pursuant to section 5 of this act shall be deposited in the water trail program account. Any gifts, grants, donations, or moneys from any source received by the commission for the water trail program shall also be deposited in the water trail program account. Moneys in the account may be spent only after appropriation to the commission, and may be used

solely for water trail program purposes, including: (1) Administration, acquisition, development, operation, planning, and maintenance of water trail lands and facilities, and grants or contracts therefor; and (2) the development and implementation of water trail informational, safety, enforcement, and education programs, and grants or contracts therefor.

NEW SECTION. Sec. 7. The commission may, after consultation with the water trail advisory committee, adopt rules to administer the water trail program and facilities on areas owned or administered by the commission. Where water trail facilities administered by other public or private entities are incorporated into the water trail system, the rules adopted by those entities shall prevail. The commission is not responsible or liable for enforcement of these alternative rules.

NEW SECTION. Sec. 8. (1) There is created a water trail advisory committee to advise the parks and recreation commission in the administration of sections 1 through 7 of this act and to assist and advise the commission in the development of water trail facilities and programs.

(2) The advisory committee shall consist of twelve members, who shall be appointed as follows:

(a) Five public members representing recreational water trail users, to be appointed by the commission;

(b) Two public members representing commercial sectors with an interest in the water trail system, to be appointed by the commission;

(c) One representative each from the department of natural resources, the department of wildlife, the Washington state association of counties, and the association of Washington cities, to be appointed by the director of the agency or association. The director of the Washington state parks and recreation commission or the director's designee shall serve as secretary to the committee and shall be a nonvoting member.

(3) Except as provided in this section, the terms of the public members appointed by the commission shall begin on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies for the remainder of an unexpired term. In making the initial appointments to the advisory committee, the commission shall appoint two public members to serve for one year, two public members to serve for two years, and three public members to serve for three years. Public members of the advisory committee may be reimbursed from the water trail program account for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The committee shall select a chair and adopt rules necessary to govern its proceedings. The committee shall meet at the times and places it determines, not less than twice a year, and additionally as required by the committee chair or by majority vote of the committee.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act are each added to chapter 43.51 RCW."

Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Sheldon; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; and Thomas.

Referred to Committee on Appropriations.

March 30, 1993

SSB 5688 Prime Sponsor, Committee on Natural Resources: Modifying enforcement of forest practices guidelines.
Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 20, strike "and"

On page 3, line 21, after "violation" insert "; and

(f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and has not received substantial economic benefits from the violation"

On page 4, after line 33, insert the following:

"**NEW SECTION. Sec. 3.** The following portions of this act shall take effect on January 1, 1994: subsections (1) and (3) through (7) of section 2."

Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Dunshee; Linville; Schoesler; Sheldon; Valle; and Wolfe.

Excused: Representative Thomas.

Passed to Committee on Rules for second reading.

March 31, 1993

SB 5693 Prime Sponsor, Vognild: Authorizing exemptions from county vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

March 31, 1993

SB 5696 Prime Sponsor, Haugen: Authorizing the department of retirement systems to be divided into three divisions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5744 Prime Sponsor, Committee on Transportation: Changing provisions concerning streets that are part of the state highway system. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass with the following amendment:

On page 2, line 17, after "~~((fifteen))~~" strike "twenty-two thousand five hundred" and insert "twenty thousand"

On page 2, line 23, after "exceeds" strike "twenty-two" and insert "twenty"

On page 2, line 28, after "~~first~~)" strike "five hundred"

On page 3, line 39, after "~~((fifteen))~~" strike "twenty-two thousand five hundred" and insert "twenty thousand"

On page 4, line 9, after "~~((fifteen))~~" strike "twenty-two thousand five hundred" and insert "twenty thousand"

On page 4, line 14, after "exceeds" strike "twenty-two" and insert "twenty"

On page 4, line 19, after "~~first~~)" strike "five hundred"

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; J. Kohl; Miller; H. Myers; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY Recommendation: Do not pass. Signed by Representatives Brough and Horn.

Excused: Representatives Heavey, Johanson, R. Meyers, Orr and Patterson.

Passed to Committee on Rules for second reading.

March 30, 1993

SSB 5751 Prime Sponsor, Committee on Government Operations: Authorizing rural partial-county library districts.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 27.12 RCW to read as follows:

A rural partial-county library district may be created in a portion of the unincorporated area of a county as provided in this section if a rural county library district, intercounty rural library district, or island library district has not been created in the county and the area proposed to be included in a rural partial-county library district has an assessed valuation of at least fifty million dollars.

The procedure to create a rural partial-county library district is initiated by the filing of petitions with the county auditor proposing the creation of the district that have been signed by at least ten percent of the registered voters residing in the area proposed to be included in the rural partial-county library district. The county auditor shall review the petitions and certify the sufficiency or insufficiency of the signatures to the county legislative authority.

If the petitions are certified as having sufficient valid signatures, the county legislative authority shall hold a public hearing on the proposed rural partial-county library district, may adjust the boundaries of the proposed district, and may cause a ballot proposition to be submitted to the voters of the proposed rural partial-county library district authorizing its creation if the county legislative authority finds that the creation of the rural partial-county library district is in the public interest. A subsequent public hearing shall be held if additional territory is added to the proposed rural partial-county library district by action of the county legislative authority.

The rural partial-county library district shall be created if the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters voting on the proposition. Immediately after creation of the rural partial-county library district the county legislative authority shall appoint a board of library trustees for the district as provided under RCW 27.12.190.

Except as provided in this section, a rural partial-county library district is subject to all the provisions of law applicable to a rural county library district and shall have all the powers, duties, and authorities of a rural county library district, including, but not limited to, the authority to impose property taxes, incur debt, and annex a city or town with a population of less than one hundred thousand at the time of the annexation that is located in the same county as the rural partial-county library district.

Adjacent unincorporated territory in the county may be annexed to a rural partial-county library district in the same manner as territory is annexed to a sewer district, except that an annexation is not subject to potential review by a boundary review board.

If a ballot proposition is approved creating a rural county library district in the county, every rural partial-county library district in that county shall be dissolved and its assets and liabilities transferred to the rural county library district. Where a rural partial-county library district has annexed a city or town, the voters of the city or town shall be allowed to vote on the proposed creation of a rural county library district and, if created, the rural county library district shall include each city and town that was annexed to the rural partial-county library district.

Nothing in this section authorizes the consolidation of a rural partial-county library district with any rural county library district; island library district; city, county, or regional library; intercounty library district; or other rural partial-county library district, unless, in addition to any other requirements imposed by statute, the boards of all library districts involved approve the consolidation.

Sec. 2. RCW 27.12.010 and 1982 c 123 s 1 are each amended to read as follows:

As used in this chapter (~~and chapter 27.08 RCW~~), unless the context requires a different meaning:

(1) "Governmental unit" means any county, city, town, rural county library district, intercounty rural library district, rural partial-county library district, or island library district;

(2) "Legislative body" means the body authorized to determine the amount of taxes to be levied in a governmental unit; in rural county library districts, in intercounty rural library districts, and in island library districts, the legislative body shall be the board of library trustees of the district;

(3) "Library" means a free public library supported in whole or in part with money derived from taxation;
~~((and))~~

(4) "Regional library" means a free public library maintained by two or more counties or other governmental units as provided in RCW 27.12.080; ~~((and))~~

(5) "Rural county library district" means a library serving all the area of a county not included within the area of incorporated cities and towns: PROVIDED, That any city or town with a population of one hundred thousand or less at the time of annexation may be included therein as provided in RCW 27.12.360 through 27.12.390; ~~((and))~~

(6) "Intercounty rural library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns within two or more counties: PROVIDED, That any city or town with a population of one hundred thousand or less at the time of annexation may be included therein as provided in RCW 27.12.360 through 27.12.390; ~~((and))~~

(7) "Island library district" means a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns on a single island only, and not all of the area of the county, in counties composed entirely of islands and having a population of less than twenty-five thousand at the time the island library district was created: PROVIDED, That any city or town with a population of one hundred thousand or less at the time of annexation may be included therein as provided in RCW 27.12.360 through 27.12.390; and

(8) "Rural partial-county library district" means a municipal corporation organized to provide library service for a portion of the unincorporated area of a county that has an assessed valuation of at least fifty million dollars. Any city or town located in the same county as a rural partial-county library district may annex to the district if the city or town has a population of one hundred thousand or less at the time of annexation.

Sec. 3. RCW 27.12.070 and 1984 c 186 s 7 are each amended to read as follows:

The county treasurer of the county in which any rural county library district or rural partial-county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter.

Sec. 4. RCW 84.52.052 and 1991 c 138 s 1 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, fire protection district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, or cultural arts, stadium, and convention district.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

March 31, 1993

2SSB 5781 Prime Sponsor, Committee on Ways & Means: Improving access to public institutions of higher education. As Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is increasing need for postsecondary educational opportunities for citizens of the state of Washington. The legislature also finds that in the past twelve years postsecondary educational opportunities have been severely restricted by state budget policy. The proportion of the state budget dedicated to postsecondary educational programs has continued to decrease and, subsequently, the opportunity for this state's citizens to participate in such programs has also declined. At the same time, major technological, economic, and demographic changes have exacerbated the need for improved training and education to maintain a high-quality, competitive work force, and a well-educated populace to meet the challenges of the twenty-first century. The legislature finds that this state has not fulfilled its responsibility to provide sufficient opportunity, commensurate with the dramatic growth in this state's population, for its citizens to engage in the postsecondary educational programs that are necessary for their personal and professional improvement and this state's economic vitality.

Therefore, the legislature declares that the policy of the state of Washington shall be to improve the access to, and quality of, this state's postsecondary educational system. The budgetary policy of the state of Washington

shall be to provide a level of protection and commitment to the state's postsecondary educational system commensurate with the responsibility of this state to the educational and professional improvement of its citizens and work force.

NEW SECTION. Sec. 2. It is the policy of the state of Washington that funding for the state institutions of higher education, provided in the governor's budget request, shall ensure adequate resources to maintain a state-funded full-time equivalent participation rate at a minimum of the participation rate funded in the last fiscal year of the previous biennium beginning with the 1993 fiscal year. The participation rate shall be based on the state's estimated population ages seventeen and above by appropriate age groups.

The governor's budget request shall include a funding level per full-time equivalent enrollment established for this minimum number of full-time equivalent students that shall, each biennium, be equal to the rate assumed in the omnibus appropriations act for the last fiscal year of the previous biennium plus an inflation factor for, at a minimum, the instructional program, primary support program, and library program that is equivalent to the inflation factor used to calculate basic education in the common school system budget request submitted by the governor.

NEW SECTION. Sec. 3. In addition to the minimum participation rate contained in section 2 of this act, it is the policy of the state of Washington that the governor's budget request provide for an enrollment increase to achieve the goal of reaching the ninetieth percentile in national participation rates system-wide, excepting work force training, by the year 2010. This shall be accomplished by increasing enrollments, in addition to any increases required by section 2 of this act, in regular increments each biennium in order to remain on target to achieve this goal by the end of the 2009-11 biennium.

NEW SECTION. Sec. 4. The participation rate used to calculate enrollment levels pursuant to sections 2 and 3 of this act shall be based on fall enrollment reported in the higher education enrollment report as maintained by the office of financial management, fall enrollment as reported in the management information system of the state board for community and technical colleges, and the corresponding fall population forecast by the office of financial management. Formal estimates of the state participation rates and enrollment levels necessary to fulfill the requirements of sections 2 and 3 of this act shall be determined by the office of financial management as part of its responsibility to develop and maintain student enrollment forecasts for colleges and universities under RCW 43.62.050. Formal estimates of the state participation rates and enrollment levels required by this section shall be based on procedures and standards established by a technical work group consisting of staff from the higher education coordinating board, the state board for community and technical colleges, the fiscal and higher education committees of the house of representatives and the senate, and the office of financial management. Formal estimates of the state participation rates and enrollment levels required by this section shall be submitted to the fiscal committees of the house of representatives and senate on or before the fifteenth day of November of each even-numbered year. The higher education coordinating board shall periodically review the enrollment goals set forth in sections 2 and 3 of this act and submit recommendations concerning modification of these goals to the governor and to the higher education committees of the house of representatives and the senate.

NEW SECTION. Sec. 5. It is the policy of the state of Washington that financial need not be a barrier to participation in the state higher education system. Funding for student financial aid in each governor's budget request shall, at a minimum, be equal to the amount provided in the previous biennium adjusted for increases in the state-funded full-time equivalent enrollment level pursuant to sections 2 and 3 of this act and increases in the cost of attendance as calculated by the higher education coordinating board. The higher education coordinating board shall provide these calculations to the office of financial management and the legislature by April 1st of each even-numbered year.

Sec. 6. RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2) ~~((a))~~ The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary ~~((by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act))~~. If the variance is

above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

~~((b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.~~

~~(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.~~

~~(d) Except as permitted by (c) of this subsection, should the number of student supported, full time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.)~~

(3) The state board for community and technical colleges ~~((education))~~ shall ensure compliance with this section.

NEW SECTION. Sec. 7. To address the increasing need for postsecondary educational opportunities for citizens of Washington state, institutions of higher education may cosponsor educational programs with a nonprofit organization, as defined by the internal revenue code Sec. 501(c)(3).

Sec. 8. RCW 82.04.170 and 1992 c 206 s 1 are each amended to read as follows:

"Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution. "Educational institution," as used in this section, means only those institutions created or generally accredited as such by the state and includes educational programs that such educational institution cosponsors with a nonprofit organization, as defined by the internal revenue code Sec. 501(c)(3), if such educational institution grants college credit for some or any coursework successfully completed through the educational program, or defined as a degree granting institution under RCW 28B.85.010(3) and accredited by an accrediting association recognized by the United States secretary of education, and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture, but not including specialty schools, business colleges, other trade schools, or similar institutions.

NEW SECTION. Sec. 9. Sections 2 through 5 and 7 of this act are each added to chapter 28B.10 RCW.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Signed by Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Bray; Carlson; Casada; Finkbeiner; Flemming; Kessler; J. Kohl; Ogden; Orr; Rayburn; Shin; and Wood.

Excused: Representative Mielke.

Referred to Committee on Appropriations.

March 31, 1993

SB 5787 Prime Sponsor, Gaspard: Regulating professional athletics. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Passed to Committee on Rules for second reading.

April 1, 1993

ESB 5831 Prime Sponsor, Barr: Limiting certain payments by electrical utilities to owners of residences in which the primary heat source is electric resistance space heat. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Miller, Assistant Ranking Minority Member; Johanson; Kessler; Kremen; Long; and Ludwig.

Passed to Committee on Rules for second reading.

April 1, 1993

SB 5883 Prime Sponsor, Bauer: Changing funding procedures for high school students enrolled in the running start program in community or technical colleges. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 2, after "technical college" strike "a sum" and insert "~~((a sum))~~ an amount"

On page 2, at the beginning of line 7, strike all material down to and including "act." on line 10 and insert "each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW."

On page 2, line 12, after "on" insert "the calculation and"

On page 2, after line 20, insert the following:

NEW SECTION. Sec. 2. This act shall take effect September 1, 1993."

Signed by Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland; Stevens; and Vance.

Excused: Representative G. Cole.

Referred to Committee on Appropriations.

March 31, 1993

SB 5906 Prime Sponsor, Moore: Modifying electrical inspection standards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Referred to Committee on Appropriations.

March 31, 1993

SSB 5909 Prime Sponsor, Committee on Trade, Technology & Economic Development: Enhancing the community diversification program. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 32, after "**Sec. 2.**" strike all material through "section" on page 3, line 2, and insert "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void"

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Quall; Schoesler; Sheldon; Springer; and Valle.

Excused: Representatives Morris and Wood.

Referred to Committee on Appropriations.

March 30, 1993

ESB 5917 Prime Sponsor, Drew: Restructuring statutes on state participation in rail freight service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 10, after line 35, insert:

"NEW SECTION. Sec. 14. A new section is added to chapter 47.30 RCW to read as follows:

For purposes of 43 U.S.C. 912 and related provisions of federal law involving federally granted railroad rights of way, a bicycle, equestrian or pedestrian path shall be deemed to be a public highway under the laws of the state of Washington."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Horn; J. Kohl; Miller; H. Myers; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representatives Heavey, Johanson, R. Meyers, Orr and Patterson.

Passed to Committee on Rules for second reading.

On motion of Representative Eide, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative R. Johnson presiding) declared the House to be at ease.

The Speaker (Representative Wolf presiding) called the House to order.

MESSAGE FROM THE SENATE

April 2, 1993

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1036,
HOUSE BILL NO. 1037,
HOUSE BILL NO. 1790,
HOUSE BILL NO. 1956,
HOUSE JOINT MEMORIAL NO. 4010,

and the same are herewith transmitted.

Marty Brown, Secretary

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

REPORTS OF STANDING COMMITTEES (FIRST SUPPLEMENTAL)

April 1, 1993

SSB 5176 Prime Sponsor, Committee on Labor & Commerce: Concerning the cashing of government issued checks or warrants. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The supervisor of banking and the supervisor of savings and loan in conjunction with the state treasurer's office and the department of social and health services shall study methods by which the

state of Washington can facilitate the movement of funds to individuals who receive public assistance including but not limited to: Methods to limit the fees charged by financial institutions and other entities for the cashing of government checks and warrants; methods to ensure that presenters of government checks and warrants are properly identified; methods to encourage the offering by financial institutions of low cost checking accounts; and methods to encourage the development and use of debit cards and similar automated systems for the transfer of government funds to persons receiving public assistance. The supervisor of banking and supervisor of savings and loan shall report their findings and recommendations to the legislature by January 1, 1994."

Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5195 Prime Sponsor, Committee on Labor & Commerce: Regulating excessive securities transactions.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 21.20 RCW to read as follows:

It is unlawful for a broker-dealer, salesperson, investment adviser, or investment adviser salesperson knowingly to effect or cause to be effected, with or for a customer's account, transactions of purchase or sale (1) that are excessive in size or frequency in view of the financial resources and character of the account and (2) that are effected because the broker-dealer, salesperson, investment adviser, or investment adviser salesperson is vested with discretionary power or is able by reason of the customer's trust and confidence to influence the volume and frequency of the trades.

NEW SECTION. Sec. 2. A new section is added to chapter 21.20 RCW to read as follows:

(1) In recommending to a customer the purchase, sale, or exchange of a security, a broker-dealer, salesperson, investment adviser, or investment adviser salesperson must have reasonable grounds for believing that the recommendation is suitable for the customer upon the basis of the facts, if any, disclosed by the customer as to his or her other security holdings and as to his or her financial situation and needs.

(2) Before the execution of a transaction recommended to a noninstitutional customer, other than transactions with customers where investments are limited to money market mutual funds, a broker-dealer, salesperson, investment adviser, or investment adviser salesperson shall make reasonable efforts to obtain information concerning:

- (a) The customer's financial status;
- (b) The customer's tax status;
- (c) The customer's investment objectives; and
- (d) Such other information used or considered to be reasonable by the broker-dealer, salesperson,

investment adviser, or investment adviser salesperson or registered representative in making recommendations to the customer.

Sec. 3. RCW 21.20.110 and 1986 c 14 s 45 are each amended to read as follows:

The director may by order deny, suspend, or revoke registration of any broker-dealer, salesperson, investment adviser salesperson, or investment adviser; censure or fine the registrant or an officer, director, partner, or person occupying similar functions for a registrant; or restrict or limit a registrant's function or activity of business for which registration is required in this state; if the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(1) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities or investment commodities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities or investment commodities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser salesperson;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or a commodity broker-dealer or sales representative, or the substantial equivalent of those terms as defined in this chapter or by the commodity futures trading commission denying or revoking registration as a commodity merchant as defined in RCW 21.30.010, or is the subject of an order of suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the federal commodity exchange act, or is the subject of a United States post office fraud order; but (a) the director may not institute a revocation or suspension proceeding under this clause more than one year from the date of the order relied on, and (b) the director may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(7) Has engaged in dishonest or unethical practices in the securities or investment commodities business;

(8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this clause without a finding of insolvency as to the broker-dealer or investment adviser;

(9) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(10)(a) Has failed to supervise reasonably ~~((his or her))~~ a salesperson~~((s if he or she is a broker-dealer))~~ or ~~((his or her))~~ an investment adviser salesperson ~~((if he or she is an investment adviser.~~

~~The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section)). For the purposes of this subsection, no person fails to supervise reasonably another person, if:~~

~~(i) There are established procedures, and a system for applying those procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation by another person of this chapter, or a rule or order under this chapter; and~~

~~(ii) The supervising person has reasonably discharged the duties and obligations required by these procedures and system without reasonable cause to believe that another person was violating this chapter or rules or orders under this chapter.~~

~~(b) The director may issue a summary order pending final determination of a proceeding under this section upon a finding that it is in the public interest and necessary or appropriate for the protection of investors. The director may not impose a fine under this section except after notice and opportunity for hearing. The fine imposed under this section may not exceed five thousand dollars for each act or omission that constitutes the basis for issuing the order.~~

Sec. 4. RCW 21.20.005 and 1989 c 391 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of licensing of this state.

(2) "Salesperson" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesperson" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310 (1), (2), (3), (4), (9), (10), (11), (12), or (13), as now or hereafter amended, (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for that person's own account. "Broker-dealer" does not include (a) a salesperson, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if the person effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months that person does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or

promulgates analyses or reports concerning securities. "Investment adviser" also includes financial planners and other persons who, as an integral component of other financially related services, (a) provide the foregoing investment advisory services to others for compensation as part of a business or (b) hold themselves out as providing the foregoing investment advisory services to others for compensation. Investment adviser shall also include any person who holds himself out as a financial planner.

"Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, certified public accountant licensed under chapter 18.04 RCW, engineer, or teacher whose performance of these services is solely incidental to the practice of his or her profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a radio or television station, (f) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (g) a person who has no place of business in this state if (i) that person's only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months that person does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (h) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; investment of money or other consideration in the risk capital of a venture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; charitable gift annuity; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesperson" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives", as used in RCW 21.20.310(11) as now or hereafter amended, shall include:

(a) A member's spouse;

(b) Parents of the member or the member's spouse;

(c) Grandparents of the member or the member's spouse;

(d) Natural or adopted children of the member or the member's spouse;

- (e) Aunts and uncles of the member or the member's spouse; and
 - (f) First cousins of the member or the member's spouse.
- (16) "Customer" means a person other than a broker-dealer or investment adviser."

Signed by Representatives Zellinsky, Chair; Scott, Vice Chair; Mielke, Ranking Minority Member; Dyer, Assistant Ranking Minority Member; Anderson; Dellwo; Dorn; Grant; R. Johnson; Kessler; Kremen; Lemmon; R. Meyers; Reams; Schmidt; and Tate.

Referred to Committee on Appropriations.

April 2, 1993

SSB 5221 Prime Sponsor, Committee on Trade, Technology & Economic Development: Establishing the Washington rural development council. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 4, strike lines 26 through 29 and insert:

"NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the omnibus appropriations act by June 30, 1993, this act is null and void."

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Campbell; Conway; Schoesler; Sheldon; Springer; Valle; and Wood.

MINORITY Recommendation: Do no pass. Signed by Representative Morris.

Excused: Representatives Forner, Ranking Minority Member, Chandler, Assistant Ranking Minority Member, Casada and Quall.

Referred to Committee on Appropriations.

April 1, 1993

SSB 5261 Prime Sponsor, Committee on Health & Human Services: Modifying the background check requirement on persons providing services for physically disabled or mentally impaired persons. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.20A.710 and 1989 c 334 s 13 are each amended to read as follows:

The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of: (1) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children(~~, mentally ill persons~~) or individuals with mental illness or (~~developmentally disabled persons~~) developmental disabilities; and (2) individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment who hired them and to their legal guardians, if any. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants except that in the case of individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment who employ individual providers, the determination of character, suitability, and competence of applicants shall be made by the individual with a physical disability, developmental disability, mental illness, or mental impairment. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation.

NEW SECTION. Sec. 2. This act applies prospectively except individuals who currently employ individual providers paid by the state may be given the option to request a state background check during reassessment for services."

Signed by Representatives Leonard, Chair; Cooke, Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Excused: Representatives Riley, Vice Chair and Talcott, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 2, 1993

ESB 5280 Prime Sponsor, Hargrove: Creating a certification program for contractors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The director of the department of labor and industries shall conduct a study to determine whether there is a need for increased regulation, such as a voluntary certificate of competency program, of general and specialty contractors registered under chapter 18.27 RCW. In conducting the study, the director shall consult with representatives of the following construction classifications: Commercial/retail construction; highway/industrial construction; municipal/utility construction; marine construction; residential single-family construction; and residential multifamily construction. The director shall also consult with representatives of state and local governmental agencies and members of the general public who are familiar with the business and trade of construction.

No later than February 1, 1994, the director shall present findings and recommendations to the appropriate legislative committees concerning whether contractors should be subject to increased regulation by the state, such as a voluntary certificate of competency program.

The study and recommendations of the director shall be guided by the principle that increased regulation by the state is appropriate only when: Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential harm is easily recognizable and not remote or dependent upon tenuous argument; the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional responsibility; and the public cannot be effectively protected by other means in a more cost-beneficial manner."

Signed by Representatives Heavey, Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Excused: Representative G. Cole, Vice Chair.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5330 Prime Sponsor, Haugen: Exempting auction sold property from a statutory holding period. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Excused: Representative G. Cole, Vice Chair.

Passed to Committee on Rules for second reading.

March 31, 1993

SSB 5337 Prime Sponsor, Committee on Transportation: Regulating aeronautics. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Without recommendation. Signed by Representative Hansen.

Passed to Committee on Rules for second reading.

April 1, 1993

SB 5358 Prime Sponsor, Pelz: Creating an appropriated real estate education account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5360 Prime Sponsor, Committee on Law & Justice: Creating new procedures for reporting domestic violence. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Judiciary as further amended by Committee on Appropriations:

On page 3, after line 16, insert the following:

"(4) The administrator for the courts shall arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into Spanish, Vietnamese, Laotian, Cambodian, and Chinese, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1995."

On page 5, after line 37 insert:

"New Section. Sec. 4 If specific funding for section 2 subsection (4) of this act, referencing this act by bill, section and subsection number, is not provided by June 30, 1993, in the omnibus appropriations act, section 2 subsection (4) is null and void."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Dorn, G. Fisher and Peery.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5386 Prime Sponsor, Committee on Health & Human Services: Modifying licensure of home health, hospice, and home care agencies. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5391 Prime Sponsor, Committee on Health & Human Services: Providing a program to assess and monitor infants exposed to drugs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature finds that chemical drug exposure during pregnancy jeopardizes the long-term health and well-being of infants. The legislature declares that adequate medical care during and after pregnancy, chemical abuse treatment for pregnant women, and other support services for the child and mother are needed to minimize the adverse effects of chemical abuse. The legislature has demonstrated its commitment to providing these services through a significant expansion of maternity care and child health services. It has also expanded chemical abuse treatment and support services for pregnant women through the enhancement of inpatient and outpatient services, transitional housing, case management, and child care. The legislature further finds that early identification through medical assessment of chemically exposed infants can reduce long-term adverse medical, social, and economic consequences only when such identification results in the provision of needed medical and support services. It further declares that well integrated and coordinated delivery of services to mothers and infants is essential to promote the long-term health and well-being of chemically exposed infants.

NEW SECTION. Sec. 2. DEFINITIONS. As used in this chapter, the terms in this section have the meanings indicated unless the context clearly requires otherwise.

- (1) "Drug" means a controlled substance under chapter 69.50 RCW used for nonmedical purposes.
- (2) "Fetal alcohol syndrome assessment" means a procedure established by section 3 of this act and conducted by a health care facility for screening and assessing infants to identify those who have a cluster of congenital features associated with the syndrome.
- (3) "Health care facility" means a hospital as licensed in chapter 70.41 RCW.
- (4) "Infant drug exposure assessment" means a procedure established by section 3 of this act and conducted by a health care facility for screening and assessing newborn infants and mothers to identify those who have been exposed to drugs prior to birth.
- (5) "Nonmedical purpose" means use of a controlled substance as defined in chapter 69.50 RCW for purposes other than prescribed by an authorized health care practitioner as defined in RCW 69.50.101.

NEW SECTION. Sec. 3. ASSESSMENTS--UNIVERSITY OF WASHINGTON ACTIVITIES. The University of Washington shall, within existing resources, in consultation with the department of health, develop standards for conducting infant drug exposure assessments to determine possible drug exposure of infants prior to birth. The University of Washington shall also develop, within existing resources, in consultation with the department of health, standards for conducting fetal alcohol syndrome assessments to identify infants who may have the fetal alcohol syndrome. The standards may be updated from time to time. To the extent possible, the standards shall assure accurate, fair, and consistent medical assessments of newborn infants. The University of Washington shall, within existing resources, make the assessment standards available to every health care facility for the purposes of conducting the assessments.

NEW SECTION. Sec. 4. ASSESSMENTS--USE--CONFIDENTIALITY OF ASSESSMENTS. (1) Health care facilities may conduct infant drug exposure assessments of newborn infants delivered at the facility to determine the presence of drugs acquired through exposure from the mother. The health care facilities may also conduct fetal alcohol syndrome assessments on infants in their facility to determine the possible presence of the syndrome. The assessments should be initiated prior to the discharge of the infant. The purpose of the assessments shall be to determine the need for immediate and postdischarge medical care, drug treatment, and support services for the mother and child.

(2) The results of the infant drug exposure assessments and the fetal alcohol syndrome assessments shall not be used in any criminal proceeding as evidence of either guilt or innocence.

NEW SECTION. Sec. 5. INTERAGENCY COORDINATION OF SERVICE DELIVERY. The department of social and health services and the department of health shall, within existing resources, assure that the delivery of available services to chemically dependent pregnant women and chemically dependent mothers and infants are coordinated so that (1) all available medical and support services offered through or paid by the agencies are provided to the extent of available resources, (2) existing community-based services are identified and utilized, (3) to the extent feasible, services be offered jointly to the mother and infant in a manner that promotes and preserves positive bonding of the mother and infant, and (4) possible long-term developmental disabilities are identified early to minimize adverse health consequences.

NEW SECTION. Sec. 6. EDUCATION FOR HEALTH CARE PROFESSIONALS. The department of health may provide prenatal, obstetrical, and pediatric health care services providers with appropriate educational materials on the effects of substance abuse by pregnant women. The educational materials may include information on identifying signs of alcohol and drug usage, the effects of alcohol and drug exposure, conducting medical assessments as provided for by this chapter, and referring patients to appropriate treatment and services.

NEW SECTION. Sec. 7. CAPTIONS NOT LAW. Section captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; and Thibaudeau.

Excused: Representative Wolfe.

Referred to Committee on Appropriations.

April 1, 1993

SSB 5392 Prime Sponsor, Committee on Health & Human Services: Revising provisions relating to abuse of children and incompetent persons. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 13.34 RCW to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate plan of treatment. The plan of treatment must be signed by treatment provider and the affected person. The initial written report based on the treatment plan and response to treatment shall be sent to appropriate persons six weeks after initiation of treatment, and after three months, after six months, after twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

The report with the treatment plan shall be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding: (a) The person's cooperation with the treatment plan proposed; and (b) the person's progress in treatment.

(4) In addition, if the party fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) The court or the department, upon receiving a report under section 1(4) of this act, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given

notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 3. RCW 13.34.110 and 1991 c 340 s 3 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if ~~((a#))~~ the parties, their attorneys, the guardian ad litem, and court-appointed special advocates are all in agreement~~((; but))~~. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 4. RCW 13.34.120 and 1987 c 524 s 5 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file ~~((and))~~, social study, guardian ad litem report, the court-appointed special advocates report and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 5. RCW 13.34.145 and 1989 1st ex.s. c 17 s 18 are each amended to read as follows:

(1) In all cases where a child has been placed in substitute care for at least fifteen months, a permanency planning hearing shall be held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW ~~((13.34.130(4)))~~ 13.34.130(5). In addition the court shall: (a) Approve a permanent plan of care which can include one of the following: Adoption, guardianship, or placement of the child in the home of the child's parent; (b) require filing of a petition for termination of parental rights; or (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond eighteen months, based on a permanent plan of care. Extensions may only be granted in increments of twelve months or less.

Sec. 6. RCW 13.34.150 and 1990 c 246 s 6 are each amended to read as follows:

Any order made by the court in the case of a dependent child may be changed, modified, or set aside, only upon a showing of a change in circumstance or as provided in section 2 of this act.

Sec. 7. RCW 13.34.162 and 1988 c 275 s 15 are each amended to read as follows:

A determination of child support shall be based upon the child support schedule and standards ~~((adopted))~~ provided under chapter 26.19 RCW ((26.19.040)).

NEW SECTION. Sec. 8. A new section is added to chapter 26.44 RCW to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(4) A person reporting injury, abuse, or neglect to an adult dependent person shall not suffer negative consequences if the person reporting believes in good faith that the adult dependent person has been found legally incompetent or disabled.

Sec. 9. RCW 26.44.020 and 1988 c 142 s 1 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ~~((pediatry))~~ podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) ~~((Child))~~ Abuse or neglect shall mean the injury, sexual abuse, sexual exploitation, ~~((or))~~ negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under

circumstances which indicate that the child's or adult's health, welfare, and safety is harmed (~~(thereby)~~). An abused child is a child who has been subjected to child abuse or neglect as defined herein(~~(- PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap)~~).

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons (~~(not able to provide for their own protection through the criminal justice system)~~)" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW (~~(or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW)~~).

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child (~~(for commercial purposes as these acts are defined by state law)~~) by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW (~~(71.20.016)~~) 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

Sec. 10. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The reporting requirement shall also apply to any adult who has previously reported or been the subject of a child abuse and neglect investigation involving a child or adult dependent or developmentally disabled person residing with them and has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered abuse or neglect. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the

department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department ~~((of social and health services))~~ shall ~~((, within funds appropriated for this purpose,))~~ use a risk assessment ~~((tool))~~ process when investigating child abuse and neglect referrals. ~~((The tool shall be used, on a pilot basis, in three local office service areas.))~~ The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the ~~((ways and means))~~ appropriate committees of the senate and house of representatives on the ~~((use))~~ effectiveness of the ~~((tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool))~~ risk assessment process.

(14) Upon receipt of ~~((such))~~ a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

Sec. 11. RCW 26.44.040 and 1987 c 206 s 4 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child or adult dependent or developmentally disabled person;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult dependent or developmentally disabled person;
- (3) The nature and extent of the injury or injuries;
- (4) The nature and extent of the neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's or adult dependent or developmentally disabled person's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

Sec. 12. RCW 26.44.063 and 1988 c 190 s 3 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

- (a) Molesting or disturbing the peace of the alleged victim;
- (b) Entering the family home of the alleged victim except as specifically authorized by the court; or
- (c) Having any contact with the alleged victim, except as specifically authorized by the court.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

Sec. 13. RCW 26.44.067 and 1989 c 373 s 23 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order (~~when requested by any peace officer of the state~~) shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section shall bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 14. RCW 26.44.100 and 1985 c 183 s 1 are each amended to read as follows:

The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this ~~((aet))~~ chapter, provided that nothing contained in this ~~((aet))~~ chapter shall cause any delay in protective custody action.

NEW SECTION. Sec. 15. A new section is added to chapter 26.44 RCW to read as follows:

(1) If a person who has unsupervised visitation rights with a minor child pursuant to a court order is accused of sexually or physically abusing a child and the alleged abuse has been reported to the proper authorities for investigation, the law enforcement officer conducting the investigation may file an application for a preliminary injunction with the court to enjoin the alleged abuser from exercising visitation rights during the investigation. The investigating law enforcement officer shall submit an affidavit stating that the person is currently under investigation for sexual or physical abuse of a child, that there is a risk of harm to the child if a preliminary injunction is not entered, and that the prosecuting attorney has informed the officer that the attorney does not have enough information at the time to determine whether prosecution is warranted. The court shall schedule an emergency hearing on the application for a preliminary injunction, providing a minimum one-day notice requirement to the alleged abuser. The preliminary injunction shall be issued for up to ninety days or until the investigation has been concluded in favor of the alleged abuser, whichever is shorter.

(2) Willful violation of a court order entered under this section is a misdemeanor. The court order shall state: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject the violator to arrest."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Brown; Karahalios; Patterson; Thibaudeau; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Lisk; and Padden.

Passed to Committee on Rules for second reading.

April 1, 1993

SB 5441 Prime Sponsor, McAuliffe: Updating statutes for rehabilitation services for handicapped persons. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5471 Prime Sponsor, Committee on Law & Justice: Changing provisions relating to nonprofit corporations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Dellwo and Peery.

Passed to Committee on Rules for second reading.

April 1, 1993

2SSB 5511 Prime Sponsor, Committee on Ways & Means: Enabling voter registration by mail. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; and Pruitt.

Excused: Representative King.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5512 Prime Sponsor, Committee on Trade, Technology & Economic Development: Studying the impact on state businesses of international trade agreements. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. The legislature finds that the most recent round of negotiations on the general agreement on tariffs and trade and the North American free trade agreement of 1992 have the potential for significant impact on the state's economy, environment, and businesses.

It is the purpose of this act to provide information to the state's increased opportunities as well as increased risks posed by recent international trade agreements.

NEW SECTION. Sec. 2. (1) The department of trade and economic development shall undertake a study of the impact of the Uruguay round of the general agreement on tariffs and trade and the North American free trade agreement on the state's economy, environment, and businesses. The study shall:

(a) Focus on the competitive threats and opportunities presented by the trade agreements to the state's economy and environment; and

(b) Focus on the competitive threats and opportunities presented by the trade agreements to the state's six most significant traded sectors as measured by the number of employees in the sector and the aggregate dollar volume of goods and services traded in the sector, including:

(i) Identify the competitive advantages and weaknesses of the state's firms in each of the six sectors;

(ii) Identify the competitive advantages and weaknesses of the most competitive firms in each of the six sectors;

(iii) Project the number of jobs which may be created or lost within each of the six sectors as a result of the agreements;

(iv) Project the potential gain or loss of state revenue from each of the six sectors as a result of the agreements;

(v) Discuss the effect of the agreements on the trade surplus or deficit, whichever is appropriate, for each of the six sectors, as well as the state's overall balance of trade;

(vi) Identify those sectors, or firms within sectors, which exhibit the greatest potential to move their operations out-of-state as a result of the agreements;

(vii) Identify what measures, if any, can be undertaken domestically to improve the competitiveness of each of these sectors under the agreements; and

(viii) Identify traded sectors other than those comprising the six most significant that are presented with competitive advantages and exhibit significant potential for growth as a result of the agreements.

(2) The department shall:

(a) Consult with the department of agriculture, the department of community development, the employment security department, the department of social and health services, the department of labor and industries, the department of ecology, the private sector, and other appropriate organizations or individuals to assist the department compete this study; and

(b) Identify and utilize in the study existing analyses, studies, and data from the federal government, national and state business and labor organizations, and educational and policy institutes.

(3) The department of trade and economic development shall report the findings of the study conducted under this section before July 1, 1994, to the senate committee on trade, technology and economic development and the house of representatives committee on trade, economic development and housing.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the omnibus appropriations act by June 30, 1993, this act is null and void."

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Campbell; Conway; Morris; Quall; Springer; and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Casada; Schoesler; and Wood.

Excused: Representative Sheldon.

Referred to Committee on Appropriations.

April 1, 1993

2SSB 5514 Prime Sponsor, Committee on Ways & Means: Creating the economic development grants program. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 4, strike "office of financial management" and insert "department of community development"

On page 2, line 7, after "in the" strike "office of financial management" and insert "department of community development"

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Referred to Committee on Appropriations.

April 1, 1993

SSB 5520 Prime Sponsor, Committee on Health & Human Services: Modifying controlled substances definitions, standards, and schedule. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Conway; Cooke; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representatives Campbell and Flemming.

Passed to Committee on Rules for second reading.

April 1, 1993

ESB 5522 Prime Sponsor, Wojahn: Providing a program to reduce alcohol and drug use during pregnancy. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the use of alcohol and other drugs during pregnancy can cause medical, psychological, and social problems for women and infants. The legislature further recognizes that communities are increasingly concerned about this problem and the associated costs to the mothers, infants, and society as a whole. The legislature recognizes that the department of health and other agencies are focusing on primary prevention activities to reduce the use of alcohol or drugs during pregnancy but few efforts have focused on secondary prevention efforts aimed at intervening in the lives of women already involved in the use of alcohol or other drugs during pregnancy. The legislature recognizes that the best way to prevent problems for chemically dependent pregnant women and their resulting children is to engage the women in alcohol or drug treatment. The legislature acknowledges that treatment professionals find pretreatment services to clients to be important in engaging women in alcohol or drug treatment. The legislature further recognizes that pretreatment services should be provided at locations where chemically dependent women are likely to be found, including correctional facilities, public health clinics, and domestic violence or homeless shelters. Therefore the legislature

intends to prevent the detrimental effects of alcohol or other drug use to women and their resulting infants by promoting the establishment of local programs to help facilitate a woman's entry into alcohol or other drug treatment. These programs shall provide secondary prevention services and provision of opportunities for immediate treatment so that women who seek help are welcomed rather than ostracized.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of alcohol use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued and impairment of health or disruption of social or economic functioning.

(2) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(3) "Assessment" means an interview with an individual to determine if he or she is chemically dependent and in need of referral to an approved treatment program.

(4) "Chemically dependent individual" means someone suffering from alcoholism or drug addiction, or dependence on alcohol or one or more other psychoactive chemicals.

(5) "Department" means the department of social and health services.

(6) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one family or household member against another.

(7) "Domestic violence program" means a shelter or other program which provides services to victims of domestic violence.

(8) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruptions of social or economic functioning.

(9) "Family or household members" means a family or household member as defined in RCW 10.99.020.

(10) "Pretreatment" means the period of time prior to an individual's enrollment in alcohol or drug treatment.

(11) "Pretreatment services" means activities taking place prior to treatment that include identification of individuals using alcohol or drugs, education, assessment of their use, evaluation of need for treatment, referral to an approved treatment program, and advocacy on a client's behalf with social service agencies or others to ensure and coordinate a client's entry into treatment.

(12) "Primary prevention" means providing information about the effects of alcohol or drug use to individuals so they will avoid using these substances.

(13) "Secondary prevention" means identifying and obtaining an assessment on individuals using alcohol or other drugs for referral to treatment when indicated.

(14) "Secretary" means the secretary of the department of social and health services.

(15) "Treatment" means the broad range of emergency detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, that may be extended to chemically dependent individuals and their families.

(16) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of chemically dependent individuals.

NEW SECTION. Sec. 3. The secretary shall develop and promote state-wide secondary prevention strategies designed to increase the use of alcohol and drug treatment services by women of child-bearing age, before, during, and immediately after pregnancy. These efforts are conducted through the division of alcohol and substance abuse. The secretary shall:

(1) Promote development of four pilot demonstration projects in the state to be called pretreatment projects for women of child bearing age. Two of the pilot projects are in urban areas and two are in rural areas.

(2) Ensure that two of the projects are located in public health department clinics that provide maternity services, and one is located with a domestic violence program.

(3) Hire four certified chemical dependency counselors to work as substance abuse educators in each of the four demonstration projects. The counselors may rotate between more than one clinic or domestic violence program. The counselor for the domestic violence program shall also be trained in domestic violence issues.

(4) Ensure that the duties and activities of the certified chemical dependency counselors include, at a minimum, the following:

(a) Identifying substance-using pregnant women in the health clinics and domestic violence programs;

(b) Educating the women and agency staff on the effects of alcohol or drugs on health, pregnancy, and unborn children;

(c) Determining the extent of the women's substance use;

(d) Evaluating the women's need for treatment;

(e) Making referrals for chemical dependency treatment if indicated;

- (f) Facilitating the women's entry into treatment; and
 - (g) Advocating on the client's behalf with other social service agencies or others to ensure and coordinate clients into treatment.
- (5) Ensure that administrative costs of the department are limited to ten percent of the funds appropriated for the project.

NEW SECTION. Sec. 4. The department of social and health services shall operate the pilot demonstration projects established in this act within existing federal funding levels. No additional general fund-state expenditures shall be made for the purposes of this act.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each added to Title 70 RCW."

Signed by Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Referred to Committee on Appropriations.

April 1, 1993

SB 5584 Prime Sponsor, Franklin: Creating the Washington housing policy act. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

- (a) Housing is of vital state-wide importance to the health, safety, and welfare of the residents of the state;
 - (b) Safe, affordable housing is an essential factor in stabilizing communities;
 - (c) Residents must have a choice of housing opportunities within the community where they choose to live;
 - (d) Housing markets are linked to a healthy economy and can contribute to the state's economy;
 - (e) Land supply is a major contributor to the cost of housing;
 - (f) Housing must be an integral component of any comprehensive community and economic development strategy;
 - (g) State and local government must continue working cooperatively toward the enhancement of increased housing units by reviewing, updating, and removing conflicting regulatory language;
 - (h) State and local government should work together in developing creative ways to reduce the shortage of housing;
 - (i) The lack of a coordinated state housing policy inhibits the effective delivery of housing for some of the state's most vulnerable citizens and those with limited incomes; and
 - (j) It is in the public interest to adopt a statement of housing policy objectives.
- (2) The legislature declares that the purposes of the Washington housing policy act are to:
- (a) Provide policy direction to the public and private sectors in their attempt to meet the shelter needs of Washington residents;
 - (b) Reevaluate housing and housing-related programs and policies in order to ensure proper coordination of those programs and policies to meet the housing needs of Washington residents;
 - (c) Improve the delivery of state services and assistance to very low-income and low-income households and special needs populations;
 - (d) Strengthen partnerships among all levels of government, and the public and private sectors, including for-profit and nonprofit organizations, in the production and operation of housing to targeted populations including low-income and moderate-income households;
 - (e) Increase the supply of housing for persons with special needs;
 - (f) Encourage collaborative planning with social service providers;
 - (g) Encourage financial institutions to increase residential mortgage lending; and
 - (h) Coordinate housing into comprehensive community and economic development strategies at the state and local level.

NEW SECTION. Sec. 2. It is the goal of the state of Washington to coordinate, encourage, and direct, when necessary, the efforts of the public and private sectors of the state and to cooperate and participate, when necessary, in the attainment of a decent home in a healthy, safe environment for every resident of the state. The legislature declares that attainment of that goal is a state priority.

NEW SECTION. Sec. 3. The objectives of the Washington housing policy act shall be to attain the state's goal of a decent home in a healthy, safe environment for every resident of the state by strengthening public and private institutions that are able to:

- (1) Develop an adequate and affordable supply of housing for all economic segments of the population;
- (2) Assist very low-income and special needs households who cannot obtain affordable, safe, and adequate housing in the private market;
- (3) Encourage and maintain home ownership opportunities;
- (4) Reduce life cycle housing costs while preserving public health and safety;
- (5) Preserve the supply of existing affordable housing;
- (6) Provide housing for special needs populations;
- (7) Ensure fair and equal access to the housing market;
- (8) Increase the availability of mortgage credit at low interest rates; and
- (9) Coordinate and be consistent with the goals, objectives, and required housing element of the comprehensive plan in the state's growth management act in RCW 36.70A.070.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Department" means the department of community development.

(3) "Director" means the director of community development.

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate-income households and special needs populations.

(5) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

NEW SECTION. Sec. 5. (1) The department shall establish the affordable housing advisory board to consist of twenty-one members.

(a) The following eighteen members shall be appointed by the governor:

(i) Two representatives of the residential construction industry;

(ii) Two representatives of the home mortgage lending profession;

(iii) One representative of the real estate sales profession;

(iv) One representative of the apartment management and operation industry;

(v) One representative of the for-profit housing development industry;

(vi) One representative of the nonprofit housing development industry;

(vii) One representative of homeless shelter operators;

(viii) One representative of lower-income persons;

(ix) One representative of special needs populations;

(x) One representative of public housing authorities as created under chapter 35.82 RCW;

(xi) Two representatives of the Washington association of counties, one representative shall be from a county that is located east of the crest of the Cascade mountains;

(xii) Two representatives of the association of Washington cities, one representative shall be from a city that is located east of the crest of the Cascade mountains;

(xiii) One representative to serve as chair of the affordable housing advisory board;

(xiv) One representative at large.

(b) The following three members shall serve as ex officio, nonvoting members:

(i) The director or the director's designee;

(ii) The executive director of the Washington state housing finance commission or the executive director's designee; and

(iii) The secretary of social and health services or the secretary's designee.

(2)(a) The members of the affordable housing advisory board appointed by the governor shall be appointed for four-year terms, except that the chair shall be appointed to serve a two-year term. The terms of five of the initial appointees shall be for two years from the date of appointment and the terms of six of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(b) The governor, when making appointments to the affordable housing advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(3) The affordable housing advisory board shall serve as the department's principal advisory body on housing and housing-related issues, and replaces the department's existing boards and task forces on housing and housing-related issues.

(4) The affordable housing advisory board shall meet regularly and may appoint technical advisory committees, which may include members of the affordable housing advisory board, as needed to address specific issues and concerns.

(5) The department, in conjunction with the Washington state housing finance commission and the department of social and health services, shall supply such information and assistance as are deemed necessary for the advisory board to carry out its duties under this section.

(6) The department shall provide administrative and clerical assistance to the affordable housing advisory board.

NEW SECTION. Sec. 6. The affordable housing advisory board shall:

(1) Analyze those solutions and programs that could begin to address the state's need for housing that is affordable for all economic segments of the state, and special needs populations, including but not limited to programs or proposals which provide for:

(a) Financing for the acquisition, rehabilitation, preservation, or construction of housing;

(b) Use of publicly owned land and buildings as sites for affordable housing;

(c) Coordination of state initiatives with federal initiatives and financing programs that are referenced in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended, and development of an approved housing strategy as required in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended;

(d) Streamlining, where appropriate and not detrimental to the public health, safety, and welfare, of the various state and local regulations, and building codes governing the housing industry;

(e) Stimulating public and private sector cooperation in the development of affordable housing; and

(f) Development of solutions and programs affecting housing, including the equitable geographic distribution of housing for all economic segments, as the advisory board deems necessary;

(2) Consider both homeownership and rental housing as viable options for the provision of housing. The advisory board shall give consideration to various types of residential construction and innovative housing options, including but not limited to manufactured housing;

(3) Review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives including but not limited to tax policies, land use policies, and financing programs. The advisory board shall provide recommendations to the director, along with the department's response in the annual housing report to the legislature required in section 12 of this act; and

(4) Prepare and submit to the director, by each December 1st, beginning December 1, 1993, a report detailing its findings and make specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall, in consultation with the affordable housing advisory board created in section 5 of this act, report to the legislature on the development and placement of accessory apartments. The department shall produce a written report by December 15, 1993, which:

(a) Identifies local governments that allow the siting of accessory apartments in areas zoned for single-family residential use; and

(b) Makes recommendations to the legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

(2) The recommendations made under subsection (1) of this section shall not take effect before ninety days following adjournment of the 1994 regular legislative session.

(3) Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority.

(4) As used in this section, "local government" means:

(a) A city or code city with a population that exceeds twenty thousand;

(b) A county that is required to or has elected to plan under the state growth management act; and

(c) A county with a population that exceeds one hundred twenty-five thousand.

NEW SECTION. Sec. 8. A new section is added to chapter 35.63 RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 35A.63 RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 36.70 RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 36.70A RCW to read as follows:

Any local government, as defined in section 7 of this act, that is planning under this chapter shall comply with section 7(3) of this act.

NEW SECTION. Sec. 12. (1) The department shall, in consultation with the affordable housing advisory board created in section 5 of this act, prepare and from time to time amend a five-year housing advisory plan. The purpose of the plan is to document the need for affordable housing in the state and the extent to which that need is being met through public and private sector programs, to facilitate planning to meet the affordable housing needs of the state, and to enable the development of sound strategies and programs for affordable housing. The information in the five-year housing advisory plan must include:

- (a) An assessment of the state's housing market trends;
- (b) An assessment of the housing needs for all economic segments of the state and special needs populations;
- (c) An inventory of the supply and geographic distribution of affordable housing units made available through public and private sector programs;
- (d) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state;
- (e) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and
- (f) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state.

(2)(a) The five-year housing advisory plan required under subsection (1) of this section must be submitted to the legislature on or before February 1, 1994, and subsequent plans must be submitted every five years thereafter.

(b) Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs.

NEW SECTION. Sec. 13. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

Sec. 14. RCW 43.185.110 and 1991 c 204 s 4 are each amended to read as follows:

~~((The director shall prepare an annual report and shall send copies to the chair of the house of representatives committee on housing, the chair of the senate committee on commerce and labor, and one copy to the staff of each committee that summarizes the housing trust fund's income, grants and operating expenses, implementation of its program, and any problems arising in the administration thereof. The director shall promptly appoint a low-income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private nonprofit housing assistance programs, tenant associations, and public housing assistance programs.))~~ The affordable housing advisory (group) board established in section 5 of this act shall advise the director on housing needs in this state, including housing needs for persons who are mentally ill or developmentally disabled or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by regional support networks according to chapter 71.24 RCW for the mentally ill and the developmental disabilities planning council for the developmentally disabled.

Sec. 15. RCW 43.185A.020 and 1991 c 356 s 11 are each amended to read as follows:

The affordable housing program is created in the department of community development for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-

income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the ~~((low-income [housing] assistance advisory committee established in RCW 43.185.140))~~ affordable housing advisory board established in section 5 of this act.

Sec. 16. RCW 35.82.070 and 1991 c 167 s 1 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter: PROVIDED, That notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy ~~((at least thirty percent of the interior space of any individual building other than a detached single-family or duplex residential building or mobile or manufactured home and))~~ at least fifty percent of the interior space in the total development owned by the authority or at least fifty percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least twenty years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(7) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or

any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(8) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(9) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50 or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

(10) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(11) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(12) Upon the request of a county or city, to exercise any powers of an urban renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW. However, in the exercise of any such powers the housing authority shall be subject to any express limitations contained in this chapter.

(13) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

~~((13))~~ (14) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

~~((14))~~ (15) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

~~((15))~~ (16) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

~~((16))~~ (17) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

~~((17))~~ (18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least twenty years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least ~~((thirty percent of the interior space of any individual building other than a detached single family or duplex residential building or mobile or manufactured home and shall occupy at least))~~ fifty percent of the interior space in the total development or at least fifty percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The twenty-year requirement under this subsection (18)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed fifty percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed fifteen percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection ~~((17))~~(18)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit

entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed sixty percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than twenty percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

~~((18))~~ (19) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects.

NEW SECTION. Sec. 17. This chapter may be known and cited as the "Washington housing policy act."

NEW SECTION. Sec. 18. Sections 1 through 6, 12, and 17 of this act shall constitute a new chapter in Title 43 RCW."

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5612 Prime Sponsor, Committee on Transportation: Reorganizing the transportation improvement board.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 16, after "board" strike "~~((, except the executive director of the county road administration board,))~~" and insert ", except the executive director of the county road administration board,"

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

April 1, 1993

SB 5635 Prime Sponsor, Niemi: Modifying procedures regarding disclosure of address of a health professional subject to a disciplinary complaint. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.130 RCW to read as follows:

If the department communicates in writing to a complainant, or his or her representative, regarding his or her complaint, such communication shall not include the residential address or residential telephone number of the health care provider against whom he or she has complained, if the provider has furnished the department with an alternative or business address and business telephone number. The department shall inform all applicants for a health care provider license of the provisions of this section and RCW 42.17.310 regarding the release of address and telephone information.

Sec. 2. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

- (1) The following are exempt from public inspection and copying:
- (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
 - (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
 - (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
 - (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
 - (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
 - (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
 - (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
 - (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
 - (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
 - (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
 - (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
 - (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.
 - (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.
 - (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.
 - (p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.
 - (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
 - (r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.
 - (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.
 - (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
 - (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
 - (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.
 - (w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential

telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

~~(x)~~ Information obtained by the board of pharmacy as provided in RCW 69.45.090.

~~((x))~~ ~~(y)~~ Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

~~((y))~~ ~~(z)~~ Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

~~((z))~~ ~~(aa)~~ Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

~~((aa))~~ ~~(bb)~~ Financial and valuable trade information under RCW 51.36.120.

~~((bb))~~ ~~(cc)~~ Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

~~((cc))~~ ~~(dd)~~ Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

~~((dd))~~ ~~(ee)~~ Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Conway; Cooke; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representatives Campbell and Flemming.

Passed to Committee on Rules for second reading.

April 1, 1993

SB 5660 Prime Sponsor, M. Rasmussen: Developing the Washington state citizens' exchange program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Cooke.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5689 Prime Sponsor, Moore: Establishing a license to sell liquor in motels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Excused: Representative G. Cole, Vice Chair.

Referred to Committee on Appropriations.

April 1, 1993

SSB 5698 Prime Sponsor, Committee on Trade, Technology & Economic Development: Assisting companies to adopt ISO-9000 quality standards. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 2, strike lines 30 through 33 and insert:

"**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the omnibus appropriations act by June 30, 1993, this act is null and void."

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Referred to Committee on Appropriations.

April 1, 1993

SSB 5699 Prime Sponsor, Committee on Trade, Technology & Economic Development: Changing the organizational structure of the Pacific Northwest Economic Region. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5703 Prime Sponsor, Prentice: Codifying the labor market information and economic analysis responsibilities of the employment security department. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Excused: Representative G. Cole, Vice Chair.

Passed to Committee on Rules for second reading.

April 2, 1993

2SSB 5715 Prime Sponsor, Committee on Ways & Means: Assisting businesses to form flexible networks. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 24, after "(5)" insert "The department shall promote and assist outreach services to minority and women-owned businesses in Washington state to inform them of and include them in flexible networks.

(6)"

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Campbell; Conway; Morris; Schoesler; Sheldon; Springer; Valle; and Wood.

Excused: Representatives Forner, Ranking Minority Member, Chandler, Assistant Ranking Minority Member, Casada and Quall.

Referred to Committee on Appropriations.

April 1, 1993

ESB 5729 Prime Sponsor, Rinehart: Changing the family emergency assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Wang; Wineberry; and Wolfe.

Excused: Representatives Dellwo and Talcott.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5739 Prime Sponsor, Committee on Labor & Commerce: Concerning the regulation of small businesses. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" has the meaning given in RCW 43.31.025(4).

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one (~~three-digit~~) four-digit standard industrial classification as published by the United States department of commerce.

Sec. 2. RCW 19.85.010 and 1982 c 6 s 1 are each amended to read as follows:

The legislature finds that small businesses in (~~the state of~~) Washington (~~have in the past been subjected~~) are subject to rules adopted by agencies, departments, and instrumentalities of the state government which (~~have placed~~) place a proportionately higher burden on (~~the small business community in Washington state~~) them. The legislature also finds that such proportionately higher burdens placed on small businesses have reduced competition, reduced employment, reduced new employment opportunities, reduced innovation, and threatened the very existence of some small businesses. Therefore, it is the intent of the legislature that rules affecting the business community shall not place proportionately higher burdens on small businesses. The legislature therefore enacts this Regulatory Fairness Act to minimize such proportionately higher impacts of rules on small businesses in the future.

Sec. 3. RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are each reenacted and amended to read as follows:

~~((In the adoption of any rule pursuant to RCW 34.05.320 that will have an economic impact on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:~~

~~(1) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:~~

~~(a) Establish differing compliance or reporting requirements or timetables for small businesses;~~

~~(b) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;~~

~~(c) Establish performance rather than design standards;~~

~~(d) Exempt small businesses from any or all requirements of the rule;~~

~~(2) Shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file such statement with the code reviser along with the notice required under RCW 34.05.320;~~

~~(3)) (1) In the adoption of a rule pursuant to RCW 34.05.320, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on small business; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within fifteen days after notice of the proposed rule is published in the state register.~~

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. However, an agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion prior to the adoption of the rule. An agency shall notify each person who has requested a copy of the small business economic impact statement upon completion of the statement.

The agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.

(2) A proposed rule will impose more than minor costs on small business if:

(a) In order to comply with the rule, a small business will be required to:

(i) Submit a new report or form to an agency;

(ii) Keep a new record, cease or change an industrial process or business practice, or prepare a plan;

(iii) Acquire additional equipment, supplies, or personnel; or

(iv) Obtain legal, consulting, or accounting services; or

(b) The proposed rule will be more stringent or substantially different than applicable federal statutes or regulations.

(3) Upon a finding by the agency that a proposed rule imposes a disproportionate negative impact on small businesses identified in the statement prepared under RCW 19.85.040, the agency shall, unless reasonable justification exists to do otherwise, reduce the costs on small businesses. Methods to reduce the costs on small businesses may include, but are not limited to:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Establishing performance rather than design standards;

(c) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(d) Reducing the frequency of inspections;

(e) Delaying compliance time tables; or

(f) Reducing or modifying fine schedules for noncompliance.

Sec. 4. RCW 19.85.040 and 1989 c 374 s 3 and 1989 c 175 s 73 are each reenacted and amended to read as follows:

(1) A small business economic impact statement ((must include a brief description of the reporting, recordkeeping, and other compliance requirements of the rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. A small business economic impact statement shall analyze, based on existing data, the costs of compliance for businesses required to comply with the provisions of a rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, and increased administrative costs, and compare to the greatest extent possible the cost of compliance for small business with the cost of compliance for the ten percent of firms which are the largest businesses required to comply with the proposed new or amendatory rules. The small business economic impact statement shall use one or more of the following as a basis for comparing costs:

(1) Cost per employee;

(2) Cost per hour of labor;

(3) Cost per one hundred dollars of sales;

(4) Any combination of (1), (2), or (3)) shall clearly state the following with regard to a proposed rule:

(a) A description of reports or recordkeeping that will be required to comply with the proposed rule, and an estimate of how much each will cost small businesses to prepare;

(b) A description and estimate of the direct and indirect costs of compliance for small businesses affected by the proposed rule, including, but not limited to, lost sales or revenue and costs of equipment, supplies, labor, training, and increased administrative costs;

(c) The nature and estimated cost of legal, consulting, and accounting services that small businesses would incur in complying with the proposed rule;

(d) The general ability of small businesses to absorb the costs estimated under (a) through (c) of this subsection without adversely affecting competition in the marketplace;

(e) The manner in which the agency reduced the costs of the rule on small businesses as required under RCW 19.85.030, or reasonable justification for not doing so;

(f) Whether and how the agency has involved small businesses in the development of the rule;

(g) A list of industries that would be required to comply with the proposed rule; and

(h) The probable benefits of the proposed rule.

(2) In order to obtain cost information for purposes of subsection (1) of this section, an agency may survey a representative sample of affected small businesses or trade associations. An agency may also use other reasonable means to collect information to accurately assess the costs and impact of a proposed rule on small businesses.

(3) An agency may amend a small business economic impact statement based on information provided during the public participation process provided for in RCW 34.05.325. An amended small business economic impact statement shall be filed with the office of the code reviser along with the rule as adopted.

Sec. 5. RCW 19.85.070 and 1992 c 197 s 1 are each amended to read as follows:

When any rule is proposed for which a small business economic impact statement is ~~((required))~~ prepared, the adopting agency shall provide notice to small businesses of the proposed rule through any of the following:

(1) Direct notification of known interested small businesses or trade organizations affected by the proposed rule, and notification of a representative sample of affected small businesses based on standard industrial classification codes; or

(2) Providing information of the proposed rule making to publications likely to be obtained by small businesses of the types affected by the proposed rule.

Sec. 6. RCW 34.05.310 and 1989 c 175 s 5 are each amended to read as follows:

(1) In addition to seeking information by other methods, an agency, before publication of a notice of a proposed rule adoption under RCW 34.05.320, is encouraged to solicit comments from the public on a subject of possible rule making under active consideration within the agency, by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) Each agency may appoint committees to comment, before publication of a notice of proposed rule adoption under RCW 34.05.320, on the subject of a possible rule-making action under active consideration within the agency.

~~((3) Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.))~~

NEW SECTION. Sec. 7. A new section is added to chapter 34.05 RCW to read as follows:

(1) Each agency shall designate a rules coordinator who shall:

(a) Have experience with either the implementation of agency rules or administrative law;

(b) Have knowledge of the subjects of rules, policies, or interpretive statements being proposed or developed within the agency;

(c) Maintain the records of such action pursuant to this title and the index of agency records listed under RCW 42.17.260(5);

(d) Maintain contact with other agency rules coordinators in order to coordinate rule-making hearings on similar subjects or for similar industries;

(e) Develop and file the annual rule-making plan as required in section 8 of this act; and

(f) Respond to public inquiries about possible or proposed rules, policies, or interpretive statements and the identity of agency personnel working, reviewing, or commenting on them.

(2) The office, mailing address, and telephone number of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.

(3) Within six months of designation, the agency rules coordinator shall complete the administrative procedures training courses recommended by the business assistance center.

NEW SECTION. Sec. 8. A new section is added to chapter 34.05 RCW to read as follows:

(1) To encourage greater public participation in administrative rule making, each agency shall adopt an annual rule-making plan. The rule-making plan shall be prepared by the agency rules coordinator and shall list rules currently under development and rules that the agency may propose for adoption within the year. The rule-making plan may also include agency interpretive or policy statements to be issued or adopted within the year.

(2) Activities in the rule-making plan shall be listed in order of priority. For each activity in the rule-making plan, the agency shall list:

(a) A descriptive title for the activity;

(b) A Washington Administrative Code citation for reference;

(c) An intended adoption date; and

(d) Agency personnel, with their telephone number, who are responsible for drafting or implementing the rule, policy, or interpretive statement.

(3) Agency rule-making plans shall be published annually in the state register after January 1st, but prior to January 31st. Supplemental agency rule-making plans shall be published in the state register no later than sixty days after a regular session of the legislature. Upon filing the annual rule-making plan with the code reviser, the agency rules coordinator shall forward a copy of the plan to the appropriate standing committees of the legislature. Agencies are encouraged to publish rule-making plans in state newspapers or business publications to facilitate public review.

NEW SECTION. Sec. 9. A new section is added to chapter 43.31 RCW to read as follows:

To assist state agencies in reducing regulatory costs to small business and to promote greater public participation in the rule-making process, the business assistance center shall:

(1) Develop agency guidelines for the preparation of a small business economic impact statement and compliance with chapter 19.85 RCW;

(2) Review and provide comments to agencies on draft or final small business economic impact statements;

(3) Provide information on the toll-free telephone line regarding how to participate in the rule-making process to small businesses requesting the information;

(4) Advise the joint administrative rules review committee on whether an agency reasonably assessed the costs and impact of a proposed rule and reduced the costs for small business as required by chapter 19.85 RCW; and

(5) Organize and chair a state rules coordinating committee, comprised of agency rules coordinators and interested members of the public, to develop an education and training program for agency personnel responsible for rule development and implementation. The business assistance center shall submit recommendations to the department of personnel for an administrative procedures training program that is based on the sharing of interagency resources.

NEW SECTION. Sec. 10. RCW 19.85.060 and 1989 c 374 s 5 are each repealed."

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Referred to Committee on Appropriations.

April 1, 1993

ESB 5768 Prime Sponsor, Haugen: Providing for inspection services at an emergency scene upon the request of a public official. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.52.010 and 1986 c 266 s 23 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department of community development and holds an identification card issued by the local emergency management director or the department of community development for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6) "Emergency or disaster" as used in this chapter shall mean an event or set of circumstances which: (a) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of community development.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the department of community development.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

For purposes of the liability of an architect or engineer serving as a volunteer emergency worker, the exemption from liability provided under RCW 38.52.195 extends to all damages, so long as the conditions specified in RCW 38.52.195 (1) through (5) occur."

Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; and Pruitt.

Excused: Representative King.

Passed to Committee on Rules for second reading.

March 31, 1993

ESSB 5773 Prime Sponsor, Committee on Energy & Utilities: Allowing counties to establish coordinated water resources programs. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. RCW 19.27.097 and 1991 sp.s. c 32 s 28 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city ~~((may))~~ shall, after August 1, 1994, impose conditions on building permits requiring connection to an existing public water system where the existing system is ~~((willing and))~~ able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. The department of community development shall, in consultation with the department of health, with water purveyors and local governments, before August 1, 1994, develop criteria for determining what constitutes reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of community development to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

Sec. 2. RCW 43.20.050 and 1992 c 34 s 4 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the health forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the administrator of the basic health plan, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by June 1 of each even-numbered year for adoption by the governor. The governor, no later than September 1 of that year, shall approve, modify, or disapprove the state health report.

(c) In fulfilling its responsibilities under this subsection, the state board shall create ad hoc committees or other such committees of limited duration as necessary. Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health.

Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements including a requirement that no public community water system established after January 1, 1994, within the boundaries of an urban growth area established under RCW 36.70A.110, be approved unless it is owned or operated by a satellite system management agency in accordance with the provisions set forth in RCW 70.116.134, and a requirement that no public community water system established after January 1, 1994, outside of the boundaries of an urban growth area be approved unless it is owned or operated by a satellite system management agency in accordance with the provisions set forth in RCW 70.116.134, where a satellite system is available;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

Sec. 3. RCW 90.44.050 and 1987 c 109 s 108 are each amended to read as follows:

(1) After June 6, 1945, no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided(~~(: EXCEPT, HOWEVER, That any withdrawal of public ground waters for stock watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of ground waters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day))~~.

(2) Notwithstanding the requirement set forth in subsection (1) of this section, and subject to the provisions of subsection (3) of this section, a withdrawal of public ground waters in an amount not exceeding five thousand gallons per day for:

(a) Stockwatering purposes;

(b) The watering of a lawn or a noncommercial garden not exceeding one-half acre in area;

(c) A single or group domestic use;

(d) An industrial purpose;

is and shall be exempt from the provisions of this section, but, to the extent it is regularly used beneficially and in conformance with all other applicable laws, is entitled to a right equal to that established under the provisions of this chapter.

(3) Upon consultation with the appropriate general and special purpose local governments, the department shall, by rule, designate those areas where the exemption set forth in subsection (2) of this section shall not be available. The department shall, in making its determination and adopting its rules, use as guidance and be consistent with, where applicable, the ground water management plans created under RCW 90.44.400, regional plans as developed under RCW 90.54.045, coordinated water system plans developed under chapter 70.116 RCW, land use and growth management plans developed under chapter 36.70A RCW, aquifer protection areas created under chapter 36.36 RCW and critical water supply areas designated under chapter 70.116 RCW. In selecting areas for designation under this subsection, the department and the local government shall consider the following: water availability; potential effects on existing water rights and environmental resources; public health; coordinated development and use of water resources; and population densities and availability of alternate water sources. The department shall consult with any federally recognized Indian tribes within the affected area.

(4) The department may require the person or entity making a withdrawal under this section to furnish information as to the means for and the quantity of that withdrawal.

(5) At the option of the person or entity making a withdrawal under this section, applications may be filed under RCW 90.44.090.

Signed by Representatives Pruitt, Chair; R. Johnson, Vice Chair; Dunshee; Linville; Valle; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; Sheldon; and Thomas.

Passed to Committee on Rules for second reading.

April 1, 1993

ESSB 5794 Prime Sponsor, Committee on Labor & Commerce: Revising administrative law. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that overlapping, conflicting, and duplicating provisions of federal, state, and local laws, ordinances, and rules create tremendous burdens for the citizens and businesses of the state of Washington. The legislature therefore encourages agencies to address overlapping, conflicting, and duplicative provisions in the rule-making process, and to attempt to mitigate the adverse impact of overlapping, conflicting, and duplicating provisions whenever it is within the agency's authority to do so. However, agency use of the procedures in section 5 of this act is discretionary, and agencies are not required to use these procedures in any particular instance of rule making.

Sec. 2. RCW 34.05.620 and 1988 c 288 s 602 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, or that an agency may not be adopting a proposed rule in accordance with all applicable provisions of law, including chapter 19.85 RCW, the committee shall give the affected agency and the governor written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to RCW 34.05.320. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

Sec. 3. RCW 34.05.630 and 1988 c 288 s 603 are each amended to read as follows:

(1) All rules required to be filed pursuant to RCW 34.05.380, and emergency rules adopted pursuant to RCW 34.05.350, are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule.

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, ~~((or))~~ including chapter 19.85 RCW, (c) that the statute that the rule purports to implement has been repealed or ruled invalid by the courts, or (d) that an agency is using a policy statement, guideline, or issuance in place of a rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.05.320. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, including chapter 19.85 RCW, or (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule.

Sec. 4. RCW 34.05.640 and 1988 c 288 s 604 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.05.620 or 34.05.630, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a committee finding of the agency's failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that an existing rule was not adopted in accordance with all applicable provisions of law, including chapter 19.85 RCW, or (c) that the agency is using a policy statement, guideline, or issuance in place of a rule, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a ~~((two-thirds))~~ majority vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the appropriate standing committees of the legislature, the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session.

(4) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (1), (2), or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

(5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

NEW SECTION. Sec. 5. A new section is added to chapter 34.05 RCW under the subchapter heading "rule-making procedures" to read as follows:

Prior to or during the rule-making process, agencies are encouraged to survey other federal, state, and local entities that have jurisdiction over the subject matter of a proposed rule to determine whether conflict, overlap, or duplication exists. Agencies are encouraged to address these issues during the rule-making process and to mitigate the adverse impact of conflict, overlap, or duplication whenever it is within the agency's authority to do so. Agencies are encouraged to place information on conflict, overlap, or duplication in the rule-making file.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) RCW 34.05.670 and 1992 c 197 s 3; and
- (2) RCW 34.05.680 and 1992 c 197 s 4.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act shall take effect July 1, 1994."

Signed by Representatives Anderson, Chair; Voloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; and Pruitt.

Excused: Representative King.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5821 Prime Sponsor, Committee on Government Operations: Modifying public works board loan restrictions. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; Eide; R. Fisher; Heavey; Jacobsen; Jones; Romero; Sommers; and Thomas.

Excused: Representatives Ludwig and Silver.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5839 Prime Sponsor, Committee on Government Operations: Providing consolidated mail service for state agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to consolidate mail functions for state government in a manner that will provide timely, effective, efficient, and less-costly mail service for state government.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and section 3 of this act.

- (1) "Consolidated mail service" means incoming, outgoing, and internal mail processing.
- (2) "Department" means the department of general administration.
- (3) "Director" means the director of the department of general administration.
- (4) "Agency" means:
 - (a) The office of the governor; and
 - (b) Any office, department, board, commission, or other separate unit or division, however designated, of the state government, together with all personnel thereof: Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and that has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to: (i) No other public officer or (ii) the governor.

(5) "Incoming mail" means mail, packages, or similar items received by an agency, through the United States postal service, private carrier services, or other courier services.

(6) "Outgoing mail" means mail, packages, or similar items processed for agencies to be sent through the United States postal service, private carrier services, or other courier services.

(7) "Internal mail" means interagency mail, packages, or similar items that are delivered or to be delivered to a state agency, the legislature, the supreme court, or the court of appeals, and their officers and employees.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW to read as follows:

The director shall establish a consolidated mail service to handle all incoming, outgoing, and internal mail in the 98504 zip code area or successor zip code areas for agencies in the Olympia, Tumwater, and Lacey area. The director may include additional geographic areas within the consolidated mail service, based upon his or her determination. The department shall also provide mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area upon request.

The director may bill state agencies and other entities periodically for mail services rendered.

NEW SECTION. Sec. 4. All employees of any state agency who are employed exclusively or principally in performing the powers, duties, or functions assigned to the department pursuant to section 3 of this act, may be transferred to the department of general administration. The office of financial management shall determine the number of employees to be transferred for efficient operation of the mail service. Upon such transfer to the department of general administration, such employees shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, and shall retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto.

NEW SECTION. Sec. 5. The department, in cooperation with the office of financial management, shall review current and prospective needs of state agencies for any equipment to process mail throughout state government. If after such consultation, the department should find that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition, then the property shall be transferred or otherwise disposed.

After making such finding, the department shall direct the transfer of existing state property, facilities, and equipment pertaining to the consolidated mail service or United States postal service. Any dispute concerning the benefits in state governmental economy, efficiency, and effectiveness shall be resolved by the office of financial management.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; and Pruitt.

Excused: Representative King.

Passed to Committee on Rules for second reading.

March 31, 1993

SB 5856 Prime Sponsor, Vognild: Authorizing certain real property transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 1, following line 5 of the enacting clause, strike the remainder of the bill and insert:

"NEW SECTION. Sec. 1. A new chapter is added to chapter 43.43 RCW to read as follows:

Whenever real property owned by the state of Washington and under the jurisdiction of the Washington state patrol is no longer required, it may be sold at fair market value. All proceeds received from the sale of real property, less any real estate broker commissions, shall be deposited into the state patrol highway account."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

April 1, 1993

ESSB 5868 Prime Sponsor, Committee on Trade, Technology & Economic Development: Creating the department of economic and community development. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the long-term health of the state and its citizens depends upon the strength and vitality of its communities. It is essential to the state's future that communities have the ability to: Manage growth and achieve sustainable development; provide equitable access to economic opportunity; stimulate innovation and entrepreneurship; meet the diverse needs of families; provide affordable housing; construct public infrastructure; protect their cultural heritage; and promote the health and safety of their citizens.

The legislature further finds that as a result of the rapid pace of social and economic change, maintaining the quality of life and standard of living for the citizens of the state will require new and inventive responses by every segment of the community, including local governments, educational institutions, business firms and their employees, labor unions, nonprofit institutions, and individuals. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote partnerships among these diverse segments.

The legislature further finds that it is in the interest of the state to create one agency to coordinate and assist self-sufficiency programs in the state's communities. The consolidation of the department of trade and economic development and the department of community development into one department will: Improve the efficiency and effectiveness with which state services are delivered; give local communities the capacity to respond to economic and social change; and increase accountability to the public, the executive, and the legislature.

It is the intent of the legislature in this consolidation to maximize the use of local expertise and resources in the delivery of community and economic development services. It is the further intent of the legislature that, unless otherwise specifically provided in this act, the existing responsibilities and functions of the agencies will continue to be administered in accordance with their implementing legislation. It is the further intent of the legislature that the plan provided for in section 9 of this act include recommendations as to how those responsibilities and functions will be changed and integrated into a cohesive and coordinated community and economic development program.

NEW SECTION. Sec. 2. (1) The purpose of this chapter is to establish the broad outline of the structure of the department of community and economic resources, leaving specific details of its internal organization and management to those charged with its administration.

(2) It is also the purpose of this chapter to establish a department of the state to:

(a) Aid in providing financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of the communities and their residents;

(b) Assist firms and industries increase their competitiveness in the world economy, diversify the state's economy, and increase the environmental sustainability of the state's industries, so that they may provide stable family-wage employment for the state's citizens; and

(c) Support local government and nonprofit institution programs that help families and individuals reach economic self-sufficiency and stabilize the communities in which they live.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation.

(2) "Department" means the department of community and economic resources.

(3) "Director" means the director of the department of community and economic resources.

(4) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(5) "Distressed area" has the meaning in RCW 43.165.010.

(6) "Impact area" means (a) distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty areas in those counties which are not covered under (a) of this subsection which are timber impact areas as defined in RCW 43.31.601; (c) urban subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas not currently experiencing economic distress which the department anticipates as likely to experience distress in the near future, such as areas experiencing defense budget reductions or suffering dislocations from natural resource issues such as salmon recovery.

NEW SECTION. Sec. 4. A state department of community and economic resources is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law.

NEW SECTION. Sec. 5. The executive head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 6. (1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to economic and community development matters affecting the state.

- (a) The director may:
 - (i) Enter into contracts on behalf of the state to carry out the purposes of this chapter;
 - (ii) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter; and
 - (iii) Accept gifts and grants, whether such grants be of federal or other funds;
 - (b) The director shall:
 - (i) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;
 - (ii) Prepare and submit for executive and legislative action on the budget for the department;
 - (iii) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter; and
 - (iv) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter.
- (2) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.
- (3) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.
- (4) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information to carry out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.
- (5) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 7. The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW.

NEW SECTION. Sec. 8. The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to accommodate growth while maintaining a healthy environment; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; technology development, transfer, and diffusion; community services; and public safety efforts. The department shall have the following functions and responsibilities:

- (1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;
- (2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;
- (3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Cooperate with and provide technical and financial assistance to local governments, businesses and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources;

(5) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(6) Administer community services programs directed to the poor and infirm through private, nonprofit organizations and units of general purpose local government and coordinate these programs using, to the extent possible, integrated case management methods, with other community and economic development and self-sufficiency efforts of the department;

(7) Undertake business development and retention efforts in coordination with other state agencies, local governments, tribal governments, and public and private local development groups seeking new business investment and the expansion and retention of existing businesses, including providing assistance to local organizations to resolve environmental and natural resource issues related to economic development;

(8) Identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports and that are capable of increasing production of goods and services;

(9) Market the state's products and services internationally in close cooperation with other private and public international trade efforts and act as a centralized location for the assimilation and distribution of trade information;

(10) Assist in the production, development, rehabilitation, preservation, and operation of owner-occupied or rental housing for low and moderate-income persons; operate programs to assist home ownership, offer housing services, and provide special needs housing services and units; and qualify as a participating state agency for all programs of the federal department of housing and urban development or its successor;

(11) Coordinate and administer energy assistance and residential energy rehabilitation programs of the federal and state government through nonprofit organizations, local governments, and housing authorities;

(12) Administer state and federal categorical or block grants in a timely and cost-effective manner;

(13) Administer and coordinate targeted education programs assigned to the department in an integrated manner in order to maximize the case management value of such programs;

(14) Develop, or assist local governments in developing housing plans required by the state or federal government;

(15) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(16) Hold public hearings and meetings to carry out the purposes of this chapter;

(17) Market and coordinate the attraction of visitors and conventions to the state and the expansion of the tourism industry throughout the state in cooperation with the visitor industry, as well as public and private tourism development organizations;

(18) Promote, market, and encourage growth in the production of films and videos, as well as television commercials, within the state;

(19) Administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(20) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic problems in the state;

(21) Provide support to strengthen local capacity for controlling risk to life and property that may result from fires and emergencies, and provide a comprehensive state-level focus for fire protection services, funding, and policy;

(22) Provide for the identification and preservation of the state's historical and cultural resources;

(23) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters;

(24) Promote volunteerism and citizen service as a means for accomplishing local community and economic development goals and objectives; and

(25) Assist local governments to plan for new growth while preserving environmental quality and open space.

NEW SECTION. Sec. 9. (1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of trade and economic development and the department of community development into the department of community and economic resources so that the department will operate as a single entity on July 1, 1994.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for combining the existing functions and responsibilities of both agencies into a coordinated and unified department;

(b) Recommendations for any changes in existing programs and functions of both agencies, including new initiatives and possible transfer of programs and functions from other departments;

- (c) Implementation steps necessary to bring about operation of the combined department as a single entity;
- (d) Benchmarks by which to measure progress and to evaluate the performance and effectiveness of the department's efforts; and
- (e) Strategies for coordinating and maximizing federal, state, and local community and economic development efforts and resources within the state.

(3) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, businesses, labor unions, associate development organizations, low-income housing interests, Indian tribes, community action programs, public safety groups, community-based nonprofit development organizations, and any other organizations the directors determine should have input to the plan.

NEW SECTION. Sec. 10. In the next four years after the effective date of this section, the department shall pursue the following policy objectives:

(1) Develop, promote, and support partnerships at the local and regional level between local development organizations including local governments, associate development organizations, community action agencies, port districts, private industry councils, labor unions, community-based nonprofit development organizations, chambers of commerce, community colleges, technical colleges, and other institutions of higher education;

(2) Diversify the state economy in economic sectors that offer the prospect of family-wage employment through (a) the establishment of flexible networks of firms and (b) identification of problems and opportunities in industrial competitiveness;

(3) Encourage development that maintains the health of the state's environment while providing employment.

NEW SECTION. Sec. 11. (1) The local economic development service program is established in the department. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state. The program shall promote local economic development by assisting businesses to start up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(2) The department's local economic development service program shall, among other things, (a) contract with associate development organizations for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of agriculture and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, technical colleges, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(3) The department shall coordinate economic development efforts to minimize program redundancy and maximize accessibility. The department shall work to develop links between the state and service users as well as among the service users themselves.

(4) It is the intent of the legislature that the associate development organizations contracted with under this program shall promote and coordinate, through local service agreements or other methods, the delivery of economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

(6) In each service delivery region the department shall contract with one associate development organization or a consortium of such organizations, or another appropriate locally based organization to coordinate the delivery of economic development services within the region. The contracting organization shall work with local governments, associate development organizations, local chambers of commerce, private industry councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups within the region and shall involve them in the planning for and delivery of economic development services required by this section.

The contracting organization shall designate five traded sectors of the region's economy that represent the five most significant sectors within the region. The contracting organization shall survey businesses and employees in these sectors on an annual basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information

about economic trends and specific employer and employee needs in the region. The results of these surveys shall be compiled by the department. The contracting organization shall coordinate methodology for surveying training needs with the work force training and education coordinating board.

The contracting organization shall participate with the work force training and education coordinating board, and any regional entities designated by that board, in providing for the coordination of job skills training within its region. The contracting organization shall inform businesses of training providers within its region, and shall inform training providers as to business training needs within its region.

The contracting organization shall be responsible for coordinating the delivery of those public or private technical assistance services required by the businesses and employees in the targeted sectors within its region, as indicated by survey responses. Such services shall include entrepreneurial training, production process analysis, product development assistance, marketing, and financial and other management services. The contracting organization shall develop a list of individuals, organizations, and firms qualified to meet specialized training or business development needs.

The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to carry out the survey of targeted sectors within its region and coordinate the delivery of technical assistance as required by this section.

NEW SECTION. Sec. 12. The department shall work with private sector organizations, local governments, local economic development organizations, and higher education and training institutions to assist in the development of a targeted sectors program. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sectors approach to economic development and including additional sectors in its efforts. The department shall use the sectorial surveys conducted in each service delivery region in formulating its sectorial strategies and in designating new targeted sectors.

In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

- (1) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;
- (2) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;
- (3) Assisting in the formation of flexible networks by providing (a) agency employees or private sector consultants trained to act as flexible network brokers and (b) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;
- (4) Helping establish research consortia;
- (5) Facilitating joint training and education programs;
- (6) Promoting cooperative market development activities;
- (7) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and
- (8) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

By January 10th of each year, the department shall report in writing on its targeted sector programs to the appropriate legislative committees. The department's report shall include an appraisal of the sector, activities the department has undertaken to assist in the development of each sector, and recommendations to the legislature regarding activities that the state should implement but are currently beyond the scope of the department's program or resources.

NEW SECTION. Sec. 13. (1) The department shall establish a technical assistance and training program. The program shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens and businesses. Services shall be provided in impact areas and shall be targeted to those communities most in need of state assistance.

(2) The department shall provide direct technical assistance to local communities to strengthen their role in building their local economies. This assistance shall include, but not be limited to:

- (a) Identifying emerging problems in impact areas for businesses, workers, and communities and providing timely assistance;
- (b) Evaluating the economic health of a community including its economic base and its strengths, weaknesses, and opportunities;
- (c) Assisting communities and nonprofit development entities in developing local economic development strategies, including the technical analysis necessary to carry out the strategies;
- (d) Providing assistance to communities in broadening their local economic base, including providing management and financial assistance, entrepreneurial training, and assistance to firms in identifying new markets and introducing new processes;

- (e) Assisting communities in responding to economic change, including supporting organizational and leadership development;
 - (f) Assisting local governments to facilitate the siting of businesses;
 - (g) Facilitating the formation of flexible networks among groups of businesses; and
 - (h) Providing technical and managerial assistance to small businesses including assistance in securing available financing and industrial modernization.
- (3) The department shall administer a technical assistance funding pool for the delivery to impact areas of technical assistance.

NEW SECTION. Sec. 14. (1) To provide local communities with flexible sources of funding, the department may establish and operate a local development grant program. If established, the program shall coordinate funding for eligible projects with other federal, state, local, private, and nonprofit funding sources.

(2) To be eligible to receive funds under this program an organization must be a local government, community-based organization, nonprofit development organization, port district, or Indian tribe. Any local government, associate development organization, or port district requesting funds shall demonstrate the participation of a cultural, economic, and ethnic cross-section of the local community in the project, including business, labor, nonprofit community-based organizations, and educational institutions.

(3) In awarding grants under this program, preference shall be given to efforts that have the prospect of resulting in long-term, family-wage employment, to development that is environmentally sustainable, and to projects that are developed and supported jointly with nonstate partners. Funds shall not be used for entertainment or hosting. Funds granted for economic development projects require a contribution of local funds or resources to the project.

Sec. 15. RCW 28C.18.060 and 1991 c 238 s 7 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.

(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.

(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and

matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.

(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Work with the director of the department of community and economic resources to ensure coordination between work force training priorities and that department's economic development efforts.

(27) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

Sec. 16. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of ~~((trade))~~ community and economic ((development)) resources, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) ~~((the department of community development, and (16)))~~ the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 17. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9)

the director of general administration, (10) the director of (~~trade~~) community and economic (~~development~~) resources, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) (~~the director of community development, and (16)~~) the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

NEW SECTION. Sec. 18. The department of community development is hereby abolished and its powers, duties, and functions are hereby transferred to the department of community and economic resources.

NEW SECTION. Sec. 19. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community development shall be delivered to the custody of the department of community and economic resources. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community development shall be made available to the department of community and economic resources. All funds, credits, or other assets held by the department of community development shall be assigned to the department of community and economic resources.

Any appropriations made to the department of community development shall, on the effective date of this section, be transferred and credited to the department of community and economic resources.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 20. All employees of the department of community development are transferred to the jurisdiction of the department of community and economic resources. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community and economic resources to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 21. All rules and all pending business before the department of community development shall be continued and acted upon by the department of community and economic resources. All existing contracts and obligations shall remain in full force and shall be performed by the department of community and economic resources.

NEW SECTION. Sec. 22. The transfer of the powers, duties, functions, and personnel of the department of community development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 23. If apportionments of budgeted funds are required because of the transfers directed by sections 19 through 22 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 24. Nothing contained in sections 18 through 23 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 25. The department of trade and economic development is hereby abolished and its powers, duties, and functions are hereby transferred to the department of community and economic resources.

NEW SECTION. Sec. 26. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of trade and economic development shall be delivered to the custody of the department of community and economic resources. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of trade and economic development shall be made available to the department of community and economic resources. All funds, credits, or other assets held by the department of trade and economic development shall be assigned to the department of community and economic resources.

Any appropriations made to the department of trade and economic development shall, on the effective date of this section, be transferred and credited to the department of community and economic resources.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 27. All employees of the department of trade and economic development are transferred to the jurisdiction of the department of community and economic resources. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community and economic resources to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 28. All rules and all pending business before the department of trade and economic development shall be continued and acted upon by the department of community and economic resources. All existing contracts and obligations shall remain in full force and shall be performed by the department of community and economic resources.

NEW SECTION. Sec. 29. The transfer of the powers, duties, functions, and personnel of the department of trade and economic development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 30. If apportionments of budgeted funds are required because of the transfers directed by sections 26 through 29 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 31. Nothing contained in sections 25 through 30 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 32. RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" has the meaning given in (~~RCW 43.31.025(4)~~) section 3 of this act.

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one three-digit standard industrial classification as published by the United States department of commerce.

Sec. 33. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters ~~43.163 ((RCW and chapters 43.31, 43.63A)), 43.-- (sections 1 through 8, 10 through 14, and 76 of this act), and 43.168 RCW.~~

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(dd) Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 34. RCW 42.17.319 and 1989 c 312 s 7 are each amended to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by investors or entrepreneurs under chapter ~~((43.34))~~ 43.-- RCW (sections 1 through 8, 10 through 14, and 76 of this act) shall be made available to the public.

Sec. 35. RCW 43.17.065 and 1991 c 314 s 28 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of ~~((trade))~~ community and economic ~~((development))~~ resources, and any other state officials, when such officials request timely action on the part of the issuing department.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in timber impact areas, as defined in RCW 43.31.601, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application approved; and

(b) The assistance that will be made available to the applicant by the agency to expedite the application process.

(3) The agency timber task force established in RCW 43.31.621 shall oversee implementation of this section.

(4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

Sec. 36. RCW 43.20A.750 and 1992 c 21 s 4 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, and, where appropriate, under an interagency agreement with the department of community ~~((development))~~ and economic resources, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred

thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 37. RCW 43.31.057 and 1986 c 183 s 2 are each amended to read as follows:

The department of ~~((trade))~~ community and economic ~~((development))~~ resources is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

Sec. 38. RCW 43.31.085 and 1989 c 430 s 2 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) ~~((the department of community development, (d)))~~ the employment security department, ~~((e))~~ (d) the department of ~~((trade))~~ community and economic ~~((development))~~ resources, ~~((f))~~ (e) the small business development center, and ~~((g))~~ (f) the department of social and health services.

(9) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

(10) Actively seek public and private money to support the child care facility fund described in RCW 43.31.502, staff and assist the child care facility fund committee as described in RCW 43.31.504, and work to promote applications to the committee for loan guarantees, loans, and grants.

Sec. 39. RCW 43.31.205 and 1992 c 228 s 2 are each amended to read as follows:

In an effort to enhance the economy of the Tri-Cities area, the department of ~~((trade))~~ community and economic ~~((development))~~ resources is directed to promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease. When promoting the existence of the lease, the department shall work in cooperation with any associate development organization~~((s))~~ located in or near the Tri-Cities area.

Sec. 40. RCW 43.31.409 and 1989 c 312 s 3 are each amended to read as follows:

There is created in the business assistance center of the department of ~~((trade))~~ community and economic ~~((development))~~ resources the Washington investment opportunities office.

Sec. 41. RCW 43.31.411 and 1989 c 312 s 4 are each amended to read as follows:

The Washington investment opportunities office shall:

- (1) Maintain a list of all entrepreneurs engaged in manufacturing, wholesaling, transportation services, development of destination tourism resorts, or traded services throughout the state seeking capital resources and interested in the services of the investment opportunities office.
- (2) Maintain a file on each entrepreneur which may include the entrepreneur's business plan and any other information which the entrepreneur offers for review by potential investors.
- (3) Assist entrepreneurs in procuring the managerial and technical assistance necessary to attract potential investors. Such assistance shall include the automatic referral to the small business innovators opportunity program of any entrepreneur with a new product meriting the services of the program.
- (4) Provide entrepreneurs with information about potential investors and provide investors with information about those entrepreneurs which meet the investment criteria of the investor.
- (5) Promote small business securities financing.
- (6) Remain informed about investment trends in capital markets and preferences of individual investors or investment firms throughout the nation through literature surveys, conferences, and private meetings.
- (7) Publicize the services of the investment opportunities office through public meetings throughout the state, appropriately targeted media, and private meetings. Whenever practical, the office shall use the existing services of local associate development organizations in outreach and identification of entrepreneurs and investors.
- (8) Report to the ways and means committees and ~~((commerce and labor))~~ appropriate economic development committees of the senate and the house of representatives by December 1, 1989, and each year thereafter, on the accomplishments of the office. Such reports shall include:
 - (a) The number of entrepreneurs on the list referred to in subsection (1) of this section, segregated by standard industrial classification codes;
 - (b) The number of investments made in entrepreneurs, segregated as required by (a) of this subsection, as a result of contact with the investment opportunities office, the dollar amount of each such investment, the source, by state or nation, of each investment, and the number of jobs created as a result of each investment;
 - (c) The number of entrepreneurs on the list referred to in subsection (1) of this section segregated by counties, the number of investments, the dollar amount of investments, and the number of jobs created through investments in each county as a result of contact with the investment opportunities office;
 - (d) A categorization of jobs created through investments made as a result of contact with the investment opportunities office, the number of jobs created in each such category, and the average pay scale for jobs created in each such category;
 - (e) The results of client satisfaction surveys distributed to entrepreneurs and investors using the services of the investment opportunities office; and
 - (f) Such other information as the managing director finds appropriate.

Sec. 42. RCW 43.31.422 and 1991 c 272 s 19 are each amended to read as follows:

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used pursuant to the recommendations of the committee created in RCW 43.31.425 and the approval of the director of the department of ~~((trade))~~ community and economic ~~((development))~~ resources for Hanford area revolving loan funds, Hanford area infrastructure projects, or other Hanford area economic development and diversification projects, but may not be used for government or nonprofit organization operating expenses. Up to five percent of moneys in the fund may be used for program administration. For the purpose of this chapter "Hanford area" means Benton and Franklin counties. Disbursements from the fund shall be on the authorization of the director of ~~((trade))~~ community and economic ~~((development))~~ resources or the director's designee after an affirmative vote of at least six members of the committee created in RCW 43.31.425 on any recommendations by the committee created in RCW 43.31.425. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

Sec. 43. RCW 43.31.504 and 1989 c 430 s 4 are each amended to read as follows:

The child care facility fund committee is established within the business assistance center of the department of ~~((trade))~~ community and economic ~~((development))~~ resources. The committee shall administer the child care facility fund, with review by the director of the department of ~~((trade))~~ community and economic ~~((development))~~ resources.

- (1) The committee shall have five members. The director of the department of ~~((trade))~~ community and economic ~~((development))~~ resources shall appoint the members, who shall include:
 - (a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;
 - (b) One person representing a philanthropic organization with experience in evaluating funding requests;
 - (c) One child care services expert; and
 - (d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The department of ~~((trade))~~ community and economic ~~((development))~~ resources may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 44. RCW 43.31.522 and 1990 c 57 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524 and 43.31.526:

(1) "Department" means the department of ~~((trade))~~ community and economic ~~((development))~~ resources.

(2) "Center" means the business assistance center established under RCW 43.31.083.

(3) "Director" means the director of ~~((trade))~~ community and economic ~~((development))~~ resources.

(4) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

Sec. 45. RCW 43.31.524 and 1990 c 57 s 3 are each amended to read as follows:

There is established a Washington marketplace program within the business assistance center established under RCW 43.31.083. The program shall assist businesses to competitively meet their needs for goods and services within Washington state by providing information relating to the replacement of imports or the fulfillment of new requirements with Washington products produced in Washington state. The program shall place special emphasis on strengthening rural economies in economically distressed areas of the state meeting the criteria of an "eligible area" as defined in RCW 82.60.020(3). ~~((The Washington marketplace program shall consult with the community revitalization team established pursuant to chapter 43.165 RCW.))~~

Sec. 46. RCW 43.31.526 and 1990 c 57 s 4 are each amended to read as follows:

(1) The department shall contract with local nonprofit organizations in at least three economically distressed areas of the state that meet the criteria of an "eligible area" as defined in RCW 82.60.020(3) to implement the Washington marketplace program in these areas. The department, in order to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas, may enter into joint contracts with multiple nonprofit organizations. Contracts with economic development organizations to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas shall be structured by the department and the distressed area marketplace programs. Contracts with economic development organizations shall:

(a) Award contracts based on a competitive bidding process, pursuant to chapter 43.19 RCW;

(b) Give preference to nonprofit organizations representing a broad spectrum of community support; and

(c) Ensure that each location contain sufficient business activity to permit effective program operation.

The department may require that contractors contribute at least twenty percent local funding.

(2) The contracts with local nonprofit organizations shall be for, but not limited to, the performance of the following services for the Washington marketplace program:

(a) Contacting Washington state businesses to identify goods and services they are currently buying or are planning in the future to buy out-of-state and determine which of these goods and services could be purchased on competitive terms within the state;

(b) Identifying locally sold goods and services which are currently provided by out-of-state businesses;

(c) Determining, in consultation with local business, goods and services for which the business is willing to make contract agreements;

(d) Advertising market opportunities described in (c) of this subsection; and

(e) Receiving bid responses from potential suppliers and sending them to that business for final selection.

(3) Contracts may include provisions for charging service fees of businesses that profit as a result of participation in the program.

(4) The center shall also perform the following activities in order to promote the goals of the program:

(a) Prepare promotional materials or conduct seminars to inform communities and organizations about the Washington marketplace program;

(b) Provide technical assistance to communities and organizations interested in developing an import replacement program;

- (c) Develop standardized procedures for operating the local component of the Washington marketplace program;
- (d) Provide continuing management and technical assistance to local contractors; and
- (e) Report by December 31 of each year to the ~~((senate))~~ appropriate economic development ~~((and labor committee and to))~~ committees of the senate and the house of representatives ~~((trade and economic development committee))~~ describing the activities of the Washington marketplace program.

Sec. 47. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

(1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of ~~((trade))~~ community and economic ~~((development, department of community development))~~ resources, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, 1993.

Sec. 48. RCW 43.31.641 and 1991 c 314 s 7 are each amended to read as follows:

The department of ~~((trade))~~ community and economic ~~((development))~~ resources, as a member of the agency timber task force and in consultation with the board, shall:

(1) Implement an expanded value-added forest products development industrial extension program. The department shall provide technical assistance to small and medium-sized forest products companies to include:

- (a) Secondary manufacturing product development;
- (b) Plant and equipment maintenance;
- (c) Identification and development of domestic market opportunities;
- (d) Building products export development assistance;
- (e) At-risk business development assistance;
- (f) Business network development; and
- (g) Timber impact area industrial diversification.

(2) Provide local contracts for small and medium-sized forest product companies, start-ups, and business organizations for business feasibility, market development, and business network contracts that will benefit value-added production efforts in the industry.

(3) Contract with local business organizations in timber impact areas for development of programs to promote industrial diversification. ~~((In addition, the department shall develop an interagency agreement with the department of community development for local capacity-building grants to local governments and community-based organizations in timber impact areas, which may include long-range planning and needs assessments.))~~

(4) Implement a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The program shall provide resources and technical assistance to timber impact areas.

(5) Develop and administer a program for local capacity-building grants for local governments and community-based organizations in timber impact areas that may include assistance for long-range planning and needs assessments.

For the 1991-93 biennium, the department of ~~((trade))~~ community and economic ~~((development))~~ resources shall use funds appropriated for this section for contracts and for no more than two additional staff positions.

Sec. 49. RCW 43.31.830 and 1987 c 195 s 7 are each amended to read as follows:

(1) It shall be the duty of the director of community and economic resources to certify, from the applications received, the state international trade fair or fairs qualified and entitled to receive funds under RCW ~~((43.31.790 through 43.31.850 and))~~ 67.16.100, ~~((as now or hereafter amended))~~ and under rules established by the director. (2) To be eligible for state financed aid an organization shall:

(a) Have had at least two or more years of experience in the presentation of or participation in state international trade fairs; and

(b) Be able to provide, from its own resources derived from general admission or otherwise, funds sufficient to match at least one-half of the amount of state financial aid allotted.

(3) The director shall make annual allotments to state international trade fairs determined qualified to be entitled to participate in the state trade fair fund and shall fix times for the division of and payment from the state trade fair fund: PROVIDED, That total payment to any one state international trade fair shall not exceed sixty thousand

dollars in any one year, where participation or presentation occurs within the United States, and eighty thousand dollars in any one year, where participation or presentation occurs outside the United States: PROVIDED FURTHER, That a state international trade fair may qualify for the full allotment of funds under either category. Upon certification of the allotment and division of fair funds by the director (~~(of trade and economic development)~~) the treasurer shall proceed to pay the same to carry out the purposes of RCW (~~43.31.790 through 43.31.850 and~~) 67.16.100(~~(, as now or hereafter amended)~~).

Sec. 50. RCW 43.31.840 and 1975 1st ex.s. c 292 s 6 are each amended to read as follows:

The director of community and economic resources shall at the end of each year for which an annual allotment has been made, (~~cause to be conducted,~~) conduct a post audit of all of the books and records of each state international trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state international trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state international trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations.

Sec. 51. RCW 43.31.850 and 1987 c 195 s 9 are each amended to read as follows:

State international trade fair as used in RCW (~~43.31.790 through 43.31.840 and~~) 67.16.100(~~(, as now or hereafter amended)~~) shall mean a fair supported by public agencies basically for the purpose of introducing and promoting the sale of manufactured or cultural products and services of a given area, whether presented in this state, the United States or its territories, or in a foreign country.

Sec. 52. RCW 43.160.020 and 1992 c 21 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of (~~trade~~) community and economic (~~development or its successor with respect to the powers granted by this chapter~~) resources.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 53. RCW 43.168.020 and 1991 c 314 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community (~~development~~) and economic resources.

(3) "Director" means the director of the department of community ((development)) and economic resources.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under RCW 43.31.601 if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

Sec. 54. RCW 43.210.110 and 1991 c 314 s 12 are each amended to read as follows:

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under RCW 43.210.100(3):

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in RCW 43.31.601. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of ~~((trade))~~ community and economic ~~((development))~~ resources and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in RCW 43.210.070 and 43.210.100 through 43.210.120; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

Sec. 55. RCW 43.63A.066 and 1990 c 33 s 579 are each amended to read as follows:

The department of community ~~((development))~~ and economic resources shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.200 and 28A.215.900 through 28A.215.908.

Sec. 56. RCW 43.63A.075 and 1985 c 466 s 53 are each amended to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) Develop expertise in federal, state, and local community and economic development programs;

~~and (2) assist communities and businesses to secure available financing(;~~ and ~~(3) work closely with the department of trade and economic development on financial and technical assistance programs available to small and medium sized businesses).~~ To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

Sec. 57. RCW 43.63A.115 and 1990 c 156 s 1 are each amended to read as follows:

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall be a delivery system for federal and state anti-poverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network. The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the department of community ~~((development))~~ and economic resources.

(3) Funds for anti-poverty programs may be distributed to the community action agencies by the department of community ~~((development))~~ and economic resources and other state agencies in consultation with the authorized representatives of community action agency networks.

Sec. 58. RCW 43.63A.155 and 1989 c 225 s 5 are each amended to read as follows:

The department of community ~~((development))~~ and economic resources shall retain the bond information it receives under RCW 39.44.210 and 39.44.230 and shall publish summaries of local government bond issues at least once a year.

The department of community ~~((development))~~ and economic resources shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210 and 39.44.230.

Sec. 59. RCW 43.63A.220 and 1987 c 505 s 34 are each amended to read as follows:

(1) The department of community ~~((development))~~ and economic resources is directed to undertake a study as to the best means of providing encouragement and assistance to the formulation of employee stock ownership plans providing for the partial or total acquisition, through purchase, distribution in lieu of compensation, or a combination of these means or any other lawful means, of shares of stock or other instruments of equity in facilities by persons employed at these facilities in cases in which operations at these facilities would, absent employee equity ownership, be terminated, relocated outside of the state, or so reduced in volume as to entail the permanent layoff of a substantial number of the employees.

(2) In conducting its study, the department shall:

(a) Consider federal and state law relating directly or indirectly to plans proposed under subsection (1) of this section, and to the organization and operation of any trusts established pursuant to the plans, including but not limited to, the federal internal revenue code and any regulations promulgated under the internal revenue code, the federal securities act of 1933 as amended and other federal statutes providing for regulation of the issuance of securities, the federal employee retirement income and security act of 1974 as amended, the Chrysler loan guarantee legislation enacted by the United States congress in 1979, and other federal and state laws relating to employment, compensation, taxation, and retirement;

(b) Consult with relevant persons in the public sector, relevant persons in the private sector, including trustees of any existing employee stock ownership trust, and employees of any firm operating under an employee stock ownership trust, and with members of the academic community and of relevant branches of the legal profession;

(c) Examine the experience of trusts organized pursuant to an employee stock ownership plan in this state or in any other state; and

(d) Make other investigations as it may deem necessary in carrying out the purposes of this section.

(3) Pursuant to the findings and conclusions of the study conducted under subsection (2) of this section, the department of community ~~((development))~~ and economic resources shall develop a plan to encourage and assist the formulation of employee stock ownership plans providing for the acquisition of stock by employees of facilities in this state which are subject to closure or drastically curtailed operation. The department shall determine the amount of any costs of implementing the plan.

(4) The director of community ~~((development))~~ and economic resources shall, within one year of July 28, 1985, report the findings and conclusion of the study, together with details of the plan developed pursuant to the study, to the legislature, and shall include in the report any recommendations for legislation which the director deems appropriate.

(5) The department of community ~~((development))~~ and economic resources shall carry out its duties under this section using available resources.

Sec. 60. RCW 43.63A.230 and 1988 c 186 s 17 are each amended to read as follows:

(1) The department of community ~~((development))~~ and economic resources shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of ~~((the department of trade and economic development,))~~ the employment security department~~((;))~~ and state institutions of higher education to promote employee ownership.

(3) The department shall report to the governor, the ~~((trade and))~~ appropriate economic development ~~((committee of))~~ committees of the senate and the house of representatives, ~~((the commerce and labor committee of the senate,))~~ and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(4) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

Sec. 61. RCW 43.63A.245 and 1992 c 63 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.63A.240 through 43.63A.270.

"Agency" means one of the agencies or organizations participating in the activities of the senior environmental corps.

"Coordinator" means the person designated by the director of the department of community ~~((development))~~ and economic resources with the advice of the council to administer the activities of the senior environmental corps.

"Corps" means the senior environmental corps.

"Council" means the senior environmental corps coordinating council.

"Department" means the department of community ~~((development))~~ and economic resources.

"Director" means the director of the department of community ~~((development))~~ and economic resources or the director's authorized representative.

"Representative" means the person who represents an agency on the council and is responsible for the activities of the senior environmental corps in his or her agency.

"Senior" means any person who is fifty-five years of age or over.

"Volunteer" means a person who is willing to work without expectation of salary or financial reward, and who chooses where he or she provides services and the type of services he or she provides.

Sec. 62. RCW 43.63A.247 and 1992 c 63 s 3 are each amended to read as follows:

The senior environmental corps is created within the department of community ~~((development))~~ and economic resources. The departments of agriculture, community ~~((development))~~ and economic resources, employment security, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority shall participate in the administration and implementation of the corps and shall appoint representatives to the council.

Sec. 63. RCW 43.63A.260 and 1992 c 63 s 5 are each amended to read as follows:

The department shall convene a senior environmental corps coordinating council to meet as needed to establish and assess policies, define standards for projects, evaluate and select projects, develop recruitment, training, and placement procedures, receive and review project status and completion reports, and provide for recognition of volunteer activity. The council shall include representatives appointed by the departments of agriculture, community ~~((development))~~ and economic resources, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority. The council shall develop bylaws, policies and procedures to govern its activities.

The council shall advise the director on distribution of available funding for corps activities.

Sec. 64. RCW 43.63A.275 and 1992 c 65 s 2 are each amended to read as follows:

(1) Each biennium the department of community ~~((development))~~ and economic resources shall distribute such funds as are appropriated for retired senior volunteer programs (RSVP) as follows:

(a) At least sixty-five percent of the moneys may be distributed according to formulae and criteria to be determined by the department of community ((development)) and economic resources in consultation with the RSVP directors association.

(b) Up to twenty percent of the moneys may be distributed by competitive grant process to develop RSVP projects in counties not presently being served, or to expand existing RSVP services into counties not presently served.

(c) Ten percent of the moneys may be used by the department of community ((development)) and economic resources for administration, monitoring of the grants, and providing technical assistance to the RSVP projects.

(d) Up to five percent of the moneys may be used to support projects that will benefit RSVPs state-wide.

(2) Grants under subsection (1) of this section shall give priority to programs in the areas of education, tutoring, English as a second language, combating of and education on drug abuse, housing and homeless, and respite care, and shall be distributed in accordance with the following:

(a) None of the grant moneys may be used to displace any paid employee in the area being served.

(b) Grants shall be made for programs that focus on:

(i) Developing new roles for senior volunteers in nonprofit and public organizations with special emphasis on areas targeted in section 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of the local senior population and shall respect their life experiences;

(ii) Increasing the expertise of volunteer managers and RSVP managers in the areas of communication, recruitment, motivation, and retention of today's over-sixty population;

(iii) Increasing the number of senior citizens recruited, referred, and placed with nonprofit and public organizations; and

(iv) Providing volunteer support such as: Mileage to and from the volunteer assignment, recognition, and volunteer insurance.

Sec. 65. RCW 43.63A.300 and 1986 c 266 s 54 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community ((development)) and economic resources and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy.

Sec. 66. RCW 43.63A.320 and 1986 c 266 s 56 are each amended to read as follows:

Except for matters relating to the statutory duties of the director of community ((development)) and economic resources which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

(1) Adopt a state fire protection master plan;

(2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;

(3) Establish and promote state arson control programs and ensure development of local arson control programs;

(4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;

(5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(6) Promote mutual aid and disaster planning for fire services in this state;

(7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;

(8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;

(9) Adopt a state fire training and education master plan;

(10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;

(11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;

(12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;

(13) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;

(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule.

Sec. 67. RCW 43.63A.330 and 1986 c 266 s 57 are each amended to read as follows:

In regards to the statutory duties of the director of community ~~((development))~~ and economic resources which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the director of community ~~((development))~~ and economic resources and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the director of community ~~((development))~~ and economic resources and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

Sec. 68. RCW 43.63A.340 and 1986 c 266 s 58 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The director of community ~~((development))~~ and economic resources shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of community ~~((development))~~ and economic resources, through the director of fire protection, shall, after consultation with the board, prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.

(5) The director of community ~~((development))~~ and economic resources, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community ~~((development))~~ and economic resources which are to be carried out through the director of fire protection.

(6) The director of community ~~((development))~~ and economic resources, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

Sec. 69. RCW 43.63A.400 and 1987 c 308 s 2 are each amended to read as follows:

The department of community ~~((development))~~ and economic resources shall distribute grants to eligible public radio and television broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with programming, operations, and capital needs.

Sec. 70. RCW 43.63A.410 and 1987 c 308 s 3 are each amended to read as follows:

(1) Eligibility for grants under this section shall be limited to broadcast stations which are:

(a) Licensed to Washington state organizations, nonprofit corporations, or other entities under section 73.621 of the regulations of the federal communications commission; and

(b) Qualified to receive community service grants from the federally chartered corporation for public broadcasting. Eligibility shall be established as of February 28th of each year.

(2) The formula in this subsection shall be used to compute the amount of each eligible station's grant under this section.

(a) Appropriations under this section shall be divided into a radio fund, which shall be twenty-five percent of the total appropriation under this section, and a television fund, which shall be seventy-five percent of the total appropriation under this section. Each of the two funds shall be divided into a base grant pool, which shall be fifty percent of the fund, and an incentive grant pool, which shall be the remaining fifty percent of the fund.

(b) Each eligible participating public radio station shall receive an equal share of the radio base grant pool, plus a share of the radio incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating radio stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(c) Each eligible participating public television station shall receive an equal share of the television base grant pool, plus a share of the television incentive grant pool equal to the proportion its nonfederal financial support

bears to the sum of all participating television stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(3) Annual financial reports to the corporation for public broadcasting by eligible stations shall also be submitted by the stations to the department of community (~~((development))~~) and economic resources.

Sec. 71. RCW 43.63A.440 and 1989 c 424 s 7 are each amended to read as follows:

(1) The department of community (~~((development))~~) and economic resources shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The department of community (~~((development))~~) and economic resources shall utilize existing state technical and financial assistance programs, and shall aid communities in seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community (~~((development))~~) and economic resources for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

Sec. 72. RCW 43.63A.450 and 1990 c 278 s 2 are each amended to read as follows:

The community diversification program is created in the department of community (~~((development))~~) and economic resources. The program shall include:

(1) The monitoring and forecasting of shifts in the economic prospects of major defense employers in the state. This shall include but not be limited to the monitoring of defense contract expenditures, other federal contracts, defense employment shifts, the aircraft and aerospace industry, computer products, and electronics;

(2) The identification of cities, counties, or regions within the state that are primarily dependent on defense or other federal contracting and the identification of firms dependent on federal defense contracts;

(3) Assistance to communities in broadening the local economic base through the provision of management assistance, assistance in financing, entrepreneurial training, and assistance to businesses in using off-the-shelf technology to start new production processes or introduce new products;

(4) Formulating a state plan for diversification in defense dependent communities in collaboration with the employment security department (~~((, the department of trade and economic development,))~~) and the office of financial management. The plan shall use the information made available through carrying out subsections (1) and (2) of this section; and

(5) The identification of diversification efforts conducted by other states, the federal government, and other nations, and the provision of information on these efforts, as well as information gained through carrying out subsections (1) and (2) of this section, to firms, communities, and (~~((workforces))~~) work forces that are defense dependent.

The department shall, beginning January 1, 1992, report annually to the governor and the legislature on the activities of the community diversification program.

Sec. 73. RCW 43.63A.460 and 1990 c 176 s 2 are each amended to read as follows:

Beginning on July 1, 1991, the department of community (~~((development))~~) and economic resources shall be responsible for performing all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of community (~~((development))~~) and economic resources may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the department of community (~~((development))~~) and economic resources to assume these new functions.

The directors of the department of community (~~((development))~~) and economic resources and the department of labor and industries shall immediately take such steps as are necessary to ensure that this act is implemented on June 7, 1990.

Sec. 74. RCW 43.63A.600 and 1991 c 315 s 23 are each amended to read as follows:

(1) The department of community (~~((development))~~) and economic resources, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery

coordinator to develop the program in timber impact areas. Organizations eligible to receive funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage or rental assistance loans on behalf of dislocated forest products workers in timber impact areas who are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

Sec. 75. RCW 43.105.020 and 1990 c 208 s 3 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community ~~((development))~~ and economic resources under chapter ~~((43.63A))~~ 43.-- RCW (sections 1 through 8, 10 through 14, and 76 of this act).

NEW SECTION. Sec. 76. (1) All references to the director or department of community development in the Revised Code of Washington shall be construed to mean the director or department of community and economic resources.

(2) All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director or department of community and economic resources.

Sec. 77. RCW 43.31.091 and 1990 c 297 s 9 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, ~~((1993))~~ 1995, as provided in RCW 43.31.092.

Sec. 78. RCW 43.31.092 and 1990 c 297 s 10 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1994))~~ 1996:

(1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;

(3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and

(4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

NEW SECTION. Sec. 79. The following acts or parts of acts are each repealed:

- (1) RCW 43.31.005 and 1990 1st ex.s. c 17 s 68 & 1985 c 466 s 1;
- (2) RCW 43.31.015 and 1985 c 466 s 2;
- (3) RCW 43.31.025 and 1987 c 348 s 8 & 1985 c 466 s 3;
- (4) RCW 43.31.035 and 1990 1st ex.s. c 17 s 69 & 1985 c 466 s 4;
- (5) RCW 43.31.045 and 1985 c 466 s 5;
- (6) RCW 43.31.055 and 1985 c 466 s 6;
- (7) RCW 43.31.065 and 1985 c 466 s 9;
- (8) RCW 43.31.075 and 1985 c 466 s 10;
- (9) RCW 43.31.095 and 1985 c 466 s 12;
- (10) RCW 43.31.097 and 1990 1st ex.s. c 17 s 71;
- (11) RCW 43.31.105 and 1985 c 466 s 13;
- (12) RCW 43.31.115 and 1985 c 466 s 14;
- (13) RCW 43.31.130 and 1975-'76 2nd ex.s. c 34 s 110 & 1965 c 8 s 43.31.130;
- (14) RCW 43.31.135 and 1987 c 505 s 30 & 1985 c 466 s 17;
- (15) RCW 43.31.373 and 1988 c 35 s 1, 1985 c 466 s 24, & 1984 c 175 s 1;
- (16) RCW 43.31.375 and 1985 c 466 s 25 & 1984 c 175 s 2;
- (17) RCW 43.31.377 and 1988 c 35 s 2, 1985 c 466 s 26, & 1984 c 175 s 3;
- (18) RCW 43.31.379 and 1988 c 35 s 3, 1985 c 466 s 27, & 1984 c 175 s 4;
- (19) RCW 43.31.381 and 1988 c 35 s 4, 1985 c 466 s 28, & 1984 c 175 s 5;
- (20) RCW 43.31.383 and 1985 c 466 s 29 & 1984 c 175 s 6;
- (21) RCW 43.31.387 and 1985 c 466 s 31 & 1984 c 175 s 8;
- (22) RCW 43.31.430 and 1989 c 423 s 2;
- (23) RCW 43.31.432 and 1989 c 423 s 3;
- (24) RCW 43.31.434 and 1989 c 423 s 6;
- (25) RCW 43.31.436 and 1989 c 423 s 7;
- (26) RCW 43.31.438 and 1989 c 423 s 8;
- (27) RCW 43.31.440 and 1989 c 423 s 9;
- (28) RCW 43.31.442 and 1989 c 423 s 10;
- (29) RCW 43.31.651 and 1991 c 314 s 9;
- (30) RCW 43.31.790 and 1975 1st ex.s. c 292 s 2 & 1965 c 148 s 1;
- (31) RCW 43.31.800 and 1987 c 195 s 4 & 1965 c 148 s 2;
- (32) RCW 43.31.810 and 1987 c 195 s 5, 1975 1st ex.s. c 292 s 3, & 1965 c 148 s 3;
- (33) RCW 43.31.820 and 1987 c 195 s 6, 1975 1st ex.s. c 292 s 4, & 1965 c 148 s 4;
- (34) RCW 43.63A.020 and 1986 c 266 s 136, 1984 c 125 s 2, & 1967 c 74 s 2;
- (35) RCW 43.63A.030 and 1984 c 125 s 1 & 1967 c 74 s 3;
- (36) RCW 43.63A.040 and 1984 c 125 s 3, 1975 c 40 s 10, & 1967 c 74 s 4;
- (37) RCW 43.63A.050 and 1967 c 74 s 5;
- (38) RCW 43.63A.060 and 1987 c 505 s 32, 1984 c 125 s 4, & 1967 c 74 s 6;
- (39) RCW 43.63A.065 and 1992 c 198 s 7, 1990 1st ex.s. c 17 s 70, 1986 c 266 s 137, & 1984 c 125 s 5;
- (40) RCW 43.63A.078 and 1987 c 505 s 33 & 1984 c 125 s 7;
- (41) RCW 43.63A.095 and 1984 c 125 s 8;
- (42) RCW 43.63A.100 and 1984 c 125 s 9 & 1967 c 74 s 10;
- (43) RCW 43.63A.130 and 1983 c 52 s 6, 1981 c 157 s 6, & 1967 c 74 s 13;
- (44) RCW 43.63A.140 and 1967 c 74 s 14;
- (45) RCW 43.63A.210 and 1985 c 85 s 1;
- (46) RCW 43.63A.560 and 1990 1st ex.s. c 17 s 67;
- (47) RCW 43.165.020 and 1985 c 229 s 2;
- (48) RCW 43.165.030 and 1987 c 195 s 13 & 1985 c 229 s 3;
- (49) RCW 43.165.040 and 1985 c 229 s 4;
- (50) RCW 43.165.050 and 1985 c 229 s 5;
- (51) RCW 43.165.060 and 1985 c 229 s 6;
- (52) RCW 43.165.070 and 1985 c 229 s 7;
- (53) RCW 43.165.080 and 1987 c 195 s 14 & 1985 c 229 s 8;
- (54) RCW 43.165.090 and 1985 c 229 s 9;
- (55) RCW 43.165.100 and 1985 c 229 s 10;
- (56) RCW 43.165.900 and 1985 c 229 s 14; and
- (57) RCW 43.165.901 and 1985 c 229 s 15.

NEW SECTION. Sec. 80. Sections 1 through 8, 10 through 14, and 76 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 81.** Sections 77 and 78 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. **Sec. 82.** Sections 1 through 8, 10 through 76, and 79 of this act shall take effect July 1, 1994.

NEW SECTION. **Sec. 83.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Anderson, Chair; Veloria, Vice Chair; Campbell; Conway; and Pruitt.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; and Dyer.

Excused: Representative King.

Passed to Committee on Rules for second reading.

April 1, 1993

SSB 5876 Prime Sponsor, Committee on Transportation: Extending incentives for ride sharing and vanpools.
Reported by Committee on Transportation

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that ride sharing and vanpools are the fastest growing transportation choice because of their flexibility and cost-effectiveness. Ride sharing and vanpools represent an effective means for local jurisdictions, transit agencies, and the private sector to assist in addressing the requirements of the Commute Trip Reduction Act, the Growth Management Act, the Americans with Disabilities Act, and the Clean Air Act.

Sec. 2. RCW 82.08.0287 and 1980 c 166 s 1 are each amended to read as follows:

The tax imposed by this chapter shall not apply to sales of ~~((vans))~~ passenger motor vehicles which are to be used ~~((regularly))~~ as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not less than ~~((seven))~~ five persons, including ~~((passengers and))~~ the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010(1), or passenger motor vehicles where the primary usage is for ride-sharing for the elderly and the handicapped, as defined in RCW 46.74.010(2), if the ride-sharing vehicles are exempt under RCW 82.44.015 for thirty-six consecutive months beginning within thirty days of application for exemption under this section. If used as a ride-sharing vehicle for less than thirty-six consecutive months, the registered owner of one of these vehicles shall notify the department of revenue upon termination of primary use of the vehicle as a ride-sharing vehicle and is liable for the tax imposed by this chapter.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 3. RCW 82.44.015 and 1982 c 142 s 1 are each amended to read as follows:

For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include: (1) ~~((Vans))~~ Passenger motor vehicles used ~~((regularly))~~ primarily as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not fewer than ~~((seven))~~ five persons, including ~~((passengers and))~~ the driver, or not fewer than ((five)) four persons including the driver, when at least ~~((three))~~ two of those persons are confined to wheelchairs when riding; or (2) vehicles with a seating capacity greater than fifteen persons which otherwise qualify as ride-sharing vehicles under RCW 46.74.010(3) used exclusively for ride sharing for the elderly or the handicapped by not

fewer than seven persons, including the driver. This exemption is restricted to passenger motor vehicles with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing as defined in RCW 46.74.010(1). The registered owner of one of these vehicles shall notify the department of licensing upon termination of ~~((regular))~~ primary use of the vehicle as a ride-sharing vehicle and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 4. RCW 82.12.0282 and 1980 c 166 s 2 are each amended to read as follows:

The tax imposed by this chapter shall not apply with respect to the use of ~~((vans))~~ passenger motor vehicles used ~~((regularly))~~ as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not less than ~~((seven))~~ five persons, including ~~((passengers and))~~ the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010(1), or passenger motor vehicles where the primary usage is for ride-sharing for the elderly and the handicapped, as defined in RCW 46.74.010(2), if the ~~((vans))~~ vehicles are exempt under RCW 82.44.015 for thirty-six consecutive months beginning within thirty days of application for exemption under this section. If used as a ride-sharing vehicle for less than thirty-six consecutive months, the registered owner of one of these vehicles shall notify the department of revenue upon termination of primary use of the vehicle as a ride-sharing vehicle and is liable for the tax imposed by this chapter.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 5. RCW 46.16.023 and 1987 c 175 s 2 are each amended to read as follows:

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of five dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 6. 1987 c 175 s 1 (uncodified) is repealed."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Schmidt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 31, 1993

ESB 5879 Prime Sponsor, A. Smith: Conforming state law on child passenger restraint systems to the Uniform Vehicle Code. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.687 and 1987 c 330 s 745 are each amended to read as follows:

(1) ~~((After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, in which the child is a passenger, shall have the child properly secured in a manner approved by the state patrol. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age))~~ Whenever a child who is less than six years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, with the exception of (a) for hire vehicles as defined in RCW 46.72.010(1); (b) motor vehicles designed to transport sixteen or more passengers, including the driver; (c) rental car businesses with fleets of fewer than fifteen motor vehicles; and (d) auto transportation companies, the driver of the vehicle shall keep the child properly restrained as follows:

(i) If the child weighs less than forty pounds or is less than four years of age, the child shall be properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(ii) If the child is less than six but weighs at least forty pounds or is at least four years of age, the child shall be restrained either as specified in (ii) of this subsection or with a safety belt properly adjusted and fastened around the child's body.

~~(2) ((During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984,))~~ A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative R. Meyers.

Excused: Representative Cothorn.

Passed to Committee on Rules for second reading.

April 1, 1993

SB 5905 Prime Sponsor, Vognild: Changing provisions regarding the county road administration board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Passed to Committee on Rules for second reading.

April 1, 1993

ESSB 5910 Prime Sponsor, Committee on Energy & Utilities: Assisting public drinking water systems. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. The legislature finds that a state-wide assessment of water systems has shown that public drinking water systems have a critical need for financial assistance to assure safe, reliable, and viable water supplies, meet the requirements of the federal safe drinking water act, provide for comprehensive planning and regional planning of public water systems, assess the status of the state's drinking water quality, develop least-cost solutions to public water systems through consolidation of small systems into larger and financially viable utilities, and implement demand management strategies to more effectively use the state's financial resources and water resources.

The federal government has indicated an intention to provide new funding for water system needs on a national basis within a program of federal investment in infrastructure intended to provide a significant number of jobs nation-wide this year. The state of Washington does not have the broad-based authority and ability to promptly receive and disburse federal assistance to eligible water systems.

It is the intent of the legislature to provide for a system of grants and/or loans, in addition to existing state financial assistance programs, that will: (1) Receive and utilize federal funding to provide assistance for planning, design, acquisition, construction, consolidation, and improvement of public water systems facilities and activities; (2) meet the short-term and long-term needs identified and prioritized in the state-wide assessment; and (3) encourage responsible and efficient water system management throughout the state.

It is the further intent of the legislature to use existing state funding programs for the administrative and financial mechanisms necessary to ensure prompt and coordinated delivery of the financial assistance to public water systems authorized under this chapter.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the public works board.
- (2) "Department" means the department of health.
- (3) "Private water purveyor" means a public water system not owned by a governmental body.
- (4) "Public water purveyor" means a governmental body, including a public or quasi-public organization, that owns and operates a public water system, or the authorized agent of such an entity.
- (5) "Public water system" means a water system with fifteen or more service connections, regardless of the number of people, or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

NEW SECTION. Sec. 3. The drinking water assistance account is established in the state treasury. Money may be placed in the account from the proceeds of bonds when authorized by the legislature, transfers from other state funds or accounts, federal financial assistance, or any other lawful source. Moneys from the account may be spent only by the secretary of health or the public works board after appropriation. Expenditures from the account may be used only to meet the purposes of this chapter and to reimburse the department and the board for their reasonable administrative expenses in developing and implementing the programs authorized under this chapter.

NEW SECTION. Sec. 4. The department shall, by January 1, 1994, in consultation with the board, purveyors, local health departments, and other interested parties, establish guidelines and requirements for the provision of grants and/or loans to public water systems that are consistent with the findings and intent contained in section 1 of this act. The department shall ensure that guidelines and requirements:

- (1) Utilize, to the maximum extent, all available federal financial assistance;
- (2) Are consistent with existing water resource planning and management, including coordinated water supply plans, regional water resource plans, and comprehensive plans under the growth management act, chapter 36.70A RCW;

- (3) Prioritize least-cost solutions, including consolidation and restructuring of small systems into more economical units and the provision of regional facilities;
- (4) Assure implementation of water conservation and other demand management measures consistent with state guidelines for water utilities;
- (5) Provide assistance for the necessary planning and engineering to assure that consistency, coordination, and proper professional review are incorporated into projects or activities proposed for funding;
- (6) Include minimum standards for financial viability and water system planning;
- (7) Provide for testing and evaluation of the water quality of the state's public water systems to assure that priority for financial assistance is provided to systems and areas with threats to public health from contaminated supplies and reduce in appropriate cases the substantial increases in costs and rates that customers of small systems would otherwise incur under the monitoring and testing requirements of the federal safe drinking water act; and
- (8) Are coordinated, to the maximum extent possible, with other state programs that provide financial assistance to public water systems and state programs that address existing or potential water quality or drinking water contamination problems.

NEW SECTION. Sec. 5. The board shall develop a financial assistance program using appropriated funds from the drinking water assistance account to meet the purposes and implement the guidelines authorized in this chapter. The board shall consult with the department and water purveyors in developing the financial assistance program.

The board shall develop criteria for grants and/or loans to be made to public water systems. The criteria shall emphasize public water systems with the most critical public health needs; the capacity of the water system to effectively manage its resources; the ability to promptly commence the project; and the relative benefit to the community served. Priority shall be given to those systems that are ready to proceed, that will provide water system improvements to the greatest number of people, and any other criteria that the board shall develop in consultation with the department and water system purveyors.

NEW SECTION. Sec. 6. If the department, board, or any other agency of state government provides financial assistance, testing, planning, or consolidation or restructuring assistance under this chapter, the administering agency shall endeavor to provide these services in a cost-effective manner. The methods agencies may consider to provide cost-effective services include, but are not limited to:

- (1) The use of policy statements or guidelines instead of administrative rules when appropriate under chapter 34.05 RCW;
- (2) The use of existing management mechanisms rather than creating new administrative structures;
- (3) The use of service contracts, either with other governmental entities or with nongovernmental service providers;
- (4) The use of joint or combined financial assistance applications; and
- (5) Other methods or practices designed to streamline the delivery of services.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW."

Signed by Representatives Rust, Chair; Flemming, Vice Chair; Horn, Ranking Minority Member; Van Luven, Assistant Ranking Minority Member; Bray; Edmondson; Foreman; Hansen; Holm; L. Johnson; J. Kohl; Linville; and Roland.

MINORITY recommendation: Without recommendation. Signed by Representative Sheahan.

Referred to Committee on Capital Budget.

April 1, 1993

ESSB 5911 Prime Sponsor, Committee on Trade, Technology & Economic Development: Promoting economic development. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

April 1, 1993

SSJM 8009 Prime Sponsor Bluechel: Supporting Guam in its quest for commonwealth status. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

April 1, 1993

SSCR 8400 Prime Sponsor, Committee on Trade, Technology & Economic Development: Declaring a sister state relationship with Taiwan. Reported by Committee on Trade, Economic Development & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Campbell; Casada; Conway; Morris; Quall; Schoesler; Springer; Valle; and Wood.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

On motion of Representative Patterson , the bills, memorial and resolution listed on today's first supplemental committee reports under the fifth order of business were referred to the committees so designated.

REPORT OF STANDING COMMITTEES (SECOND SUPPLEMENTAL)

April 2, 1993

SSB 5044 Prime Sponsor, Haugen: Revising incorporation procedures for cities and towns. As Reported by Committee on Local Government

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.02.010 and 1986 c 234 s 2 are each amended to read as follows:

Any contiguous area containing not less than ~~((three hundred))~~ one thousand inhabitants lying outside the limits of an incorporated city or town may become incorporated as a city or town operating under Title 35 or 35A RCW as provided in this chapter: PROVIDED, That no area which lies within five air miles of the boundary of any city having a population of fifteen thousand or more shall be incorporated which contains less than three thousand inhabitants.

Sec. 2. RCW 35.02.020 and 1986 c 234 s 3 are each amended to read as follows:

A petition for incorporation must be signed by ~~((qualified))~~ registered voters resident within the limits of the proposed city or town equal in number to ten percent of the ~~((votes cast))~~ voters voting at the last state general election and presented to the auditor of the county in which all, or the largest portion of, the proposed city or town is located.

Sec. 3. RCW 35.02.090 and 1986 c 234 s 12 are each amended to read as follows:

The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote ~~((thereat))~~ unless he or she is a ~~((qualified elector))~~ registered voter of the county, or any of the counties in which the proposed city or town is located, and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election.

NEW SECTION. **Sec. 4.** A new section is added to chapter 35.02 RCW to read as follows:

At the first municipal general election that occurs one year or more after the official date of incorporating a new city or town, an election shall be held to elect city or town elected officials. Candidates for council or commission positions shall run for specific positions.

The staggering of terms of office for councilmembers shall occur at this election, where a simple majority of the persons who are elected receiving the greatest numbers of votes shall be elected to four-year terms of office and the remaining persons who are elected shall be elected to two-year terms of office. Their successors shall be elected to four-year terms of office.

All city or town elected officials shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

NEW SECTION. Sec. 5. A new section is added to chapter 35.02 RCW to read as follows:

City or town councilmembers in a newly incorporated town or city incorporated under this title shall receive compensation based upon the population of the newly incorporated city or town, as provided in RCW 35A.12.070 and 35A.13.040 for the councilmembers of newly incorporated code cities.

Whenever a commission form of government has been selected for a newly incorporated noncode city with a population of from two thousand to less than thirty thousand, each commissioner shall receive compensation at the same rate that a councilmember would receive compensation under RCW 35A.12.070 based upon the population of the newly incorporated city, but the commissioner who is designated the mayor shall not receive the compensation under RCW 35A.12.070 that is provided for the mayor.

NEW SECTION. Sec. 6. A new section is added to chapter 35.02 RCW to read as follows:

No city or town in a county in which urban growth areas have been designated under RCW 36.70A.110 may incorporate if the proposed incorporation includes territory located beyond an urban growth area.

Sec. 7. RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended to read as follows:

~~((The salaries of))~~ Compensation for the mayor and the ((councilmen)) councilmembers shall be fixed by ordinance and may be revised from time to time by ordinance ~~((, but any increase in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent if such incumbent is a member of the city legislative body fixing his own compensation or as mayor in a mayor council code city casts a tie-breaking vote relating to such ordinance: PROVIDED, That))~~. Compensation for the mayor may be increased during the mayor's current term of office if the mayor of such a city does not cast ((such)) a tie-breaking vote ~~((his salary may be increased during his term of office))~~ to adopt the ordinance revising the compensation for the mayor.

Until the first elective officers of a newly organized code city under this mayor-council plan of government may lawfully be paid the compensation provided by ~~((such salary))~~ an ordinance establishing different levels of compensation, such officers shall be entitled to be compensated in the same manner and in the same amount as the compensation paid to officers of such city performing comparable services immediately prior to adoption of this mayor-council plan.

Until ~~((a salary ordinance can be passed and become effective as to))~~ elective officers of a newly incorporated code city may lawfully be paid the compensation provided by an ordinance establishing different levels of compensation, such first elective officers shall be entitled to compensation as follows: (1) In cities having less than five thousand inhabitants, the mayor shall be entitled to a salary of one hundred ((and)) fifty dollars per calendar month and a ((councilman)) councilmember shall be entitled to twenty dollars per meeting for not more than two meetings per month; (2) in cities having more than five thousand but less than fifteen thousand inhabitants, the mayor shall be entitled to a salary of three hundred ((and)) fifty dollars per calendar month and a ((councilman)) councilmember shall be entitled to one hundred ((and)) fifty dollars per calendar month; and (3) in cities having more than fifteen thousand inhabitants, the mayor shall be entitled to a salary of twelve hundred ((and)) fifty dollars per calendar month and a ((councilman)) councilmember shall be entitled to four hundred dollars per calendar month ~~((PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the amounts herein provided shall not be construed as fixing the usual salary of such officers))~~.

The mayor and ~~((councilmen))~~ councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 8. RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended to read as follows:

~~((The salaries of the councilmen))~~ Compensation for councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance ~~((, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmen may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council))~~.

Until ~~((councilmen))~~ councilmembers of a newly~~(-)~~organized council-manager code city may lawfully be paid as provided by ~~((salary))~~ an ordinance establishing different levels of compensation, such ~~((councilmen))~~ councilmembers shall be entitled to compensation in the same manner and in the same amount as ~~((councilmen))~~ councilmembers of such city prior to the adoption of this council-manager plan.

Until ~~((a salary ordinance can be passed and become effective as to))~~ elective officers of a newly incorporated code city may lawfully be paid the compensation provided by an ordinance establishing different levels of compensation, the first ~~((councilmen))~~ councilmembers shall be entitled to compensation as follows: (1) In cities having less than five thousand inhabitants~~((--))~~ the councilmembers shall be entitled to compensation at a rate of twenty dollars per meeting for not more than two meetings per month; (2) in cities having more than five thousand but less than fifteen thousand inhabitants~~((--))~~ the councilmembers shall be entitled to compensation at a salary of one hundred ~~((and))~~ fifty dollars per calendar month; and (3) in cities having more than fifteen thousand inhabitants~~((--))~~ the councilmembers shall be entitled to compensation at a salary of four hundred dollars per calendar month. ~~((A councilman))~~ The councilmember who is occupying the position of mayor, in addition to ~~((his))~~ per day compensation or salary as a ~~((councilman))~~ councilmember, shall be entitled, while serving as mayor, to an additional amount per meeting or per calendar month, or portion thereof, equal to twenty-five percent of the per meeting compensation rate or councilmanic salary~~((: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers))~~.

~~((Councilmen))~~ Councilmembers, including the mayor, shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 9. RCW 35.13.175 and 1973 1st ex.s. c 164 s 18 are each amended to read as follows:

After the filing of any petition or resolution for annexation with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, or city or town council, and pending its final disposition as provided for in this chapter, or after the filing of a petition for the incorporation of a city or town, and pending its final disposition, no other petition or resolution for annexation or petition for incorporation which embraces any of the territory included therein shall be acted upon by the county auditor or the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition.

Sec. 10. RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230 are each amended to read as follows:

After the filing of any petition or resolution for annexation or for an annexation election with the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, the boundary review board or the county annexation review board for the county or the legislative body of a code city and pending its final disposition as provided in this chapter, or after the filing of a petition for the incorporation of a code city and pending its final disposition, no other petition or resolution for annexation, or petition for incorporation, which embraces any of the territory included therein shall be acted upon by any public official or body that might otherwise be empowered to receive or act upon such a petition or resolution."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

April 2, 1993

SSB 5048 Prime Sponsor, Committee on Government Operations: Revising bidding practices of municipalities.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.04.155 and 1991 c 363 s 109 are each amended to read as follows:

(1) This section provides a uniform process to award contracts for public works projects by those ~~((counties))~~ municipalities that are authorized to use a small works roster in lieu of the requirements for formal sealed bidding. The state statutes governing ~~((counties))~~ a specific type of municipality shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the small works roster process, for the ~~((county))~~ municipality.

(2) ~~((Counties))~~ Such municipalities may create a single general small works roster, or may create a small works roster for different categories of anticipated work. The small works roster or rosters shall consist of all

responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. At least ~~((once))~~ twice a year, the ~~((county))~~ municipality shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters.

The governing body of the ~~((county))~~ municipality shall establish a procedure for securing telephone or written quotations from the contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Such invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible at least five contractors shall be invited to submit bids. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract. Proposals may be invited from all appropriate contractors on the small works roster.

A contract awarded from a small works roster under this section need not be advertised.

Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

Sec. 2. RCW 39.04.190 and 1991 c 363 s 110 are each amended to read as follows:

(1) This section provides a uniform process to award contracts for the purchase of any materials, equipment, supplies, or services by those ~~((counties))~~ municipalities that are authorized to use this process in lieu of the requirements for formal sealed bidding. The state statutes governing ~~((counties))~~ a specific type of municipality shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the awarding of contracts for purchases, for the ~~((county))~~ municipality.

(2) At least ~~((once))~~ twice per year, the ~~((county))~~ municipality shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of vendor lists and solicit the names of vendors for the lists. ~~((Counties))~~ Municipalities shall by resolution establish a procedure for securing telephone or written quotations, or both, from at least three different vendors whenever possible to assure that a competitive price is established and for awarding the contracts for the purchase of any materials, equipment, supplies, or services to the lowest responsible bidder as defined in RCW 43.19.1911. Immediately after the award is made, the bid quotations obtained shall be recorded, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised.

Sec. 3. RCW 39.04.200 and 1991 c 363 s 111 are each amended to read as follows:

Any ~~((county))~~ municipality that utilizes the small works roster process established in RCW 39.04.155 to award contracts for public works projects, or the uniform process established in RCW 39.04.190 to award contracts for purchases, must post a list of the contracts awarded under RCW 39.04.155 and 39.04.190 at least once every two months. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

Sec. 4. RCW 39.30.045 and 1991 c 363 s 112 are each amended to read as follows:

Any ~~((county))~~ municipality, as defined in RCW 39.04.010, may purchase any supplies, equipment, or materials at auctions conducted by the government of the United States or any agency thereof, any agency of the state of Washington, any municipality or other government agency, or any private party without being subject to public bidding requirements if the items can be obtained at a competitive price.

Sec. 5. RCW 36.32.240 and 1991 c 363 s 57 are each amended to read as follows:

In any county the county legislative authority may by resolution establish a county purchasing department. In each county which exercises this option, the purchasing department shall contract on a competitive basis for all public works, enter into leases of personal property on a competitive basis, and purchase all supplies, materials, and equipment, on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund.

Sec. 6. RCW 36.32.253 and 1991 c 363 s 63 are each amended to read as follows:

No lease of personal property may be entered into by the county legislative authority or by any elected or appointed officer of the county ~~((until after bids have been submitted to the county. The county shall use the same))~~ except upon use of the procedures specified in ((RCW 36.32.245 and 39.04.190)) this chapter and chapter 39.04 RCW for awarding contracts for purchases when it leases personal property from the lowest responsible bidder.

Sec. 7. RCW 36.32.245 and 1991 c 363 s 62 are each amended to read as follows:

(1) No contract for the purchase of materials, equipment, or supplies~~((or services))~~ may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least ~~((ten))~~ thirteen days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Contracts requiring competitive bidding under this section may be awarded only to the lowest responsible bidder. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between two thousand five hundred and twenty-five thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190. Advertisement and formal sealed bidding may be dispensed with as to purchases of less than two thousand five hundred dollars upon the order of the county legislative authority.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 8. RCW 36.32.250 and 1991 c 363 s 58 are each amended to read as follows:

No contract for public works may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper shall be sufficient. Such advertisements shall be published at least once at least ~~((ten))~~ thirteen days prior to the last date upon which bids will be received. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract for public works involving less than ten thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

For advertisement and competitive bidding to be dispensed with as to public works projects with an estimated value of ten thousand dollars up to one hundred thousand dollars ~~((or less))~~, a county must use a small works roster process as provided in RCW 39.04.155.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Sec. 9. RCW 35.22.620 and 1989 c 431 s 59 are each amended to read as follows:

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the

budget period. The amount of public works that a first class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population in excess of one hundred fifty thousand shall not have public employees perform a public works project in excess of fifty thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population of one hundred fifty thousand or less shall not have public employees perform a public works project in excess of thirty-five thousand dollars if more than one craft or trade is involved with the public works project, or a public works project in excess of twenty thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and record-keeping requirements contained in RCW 39.04.070, every first class city annually shall prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report shall indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

After September 1, 1987, each first class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the city council shall adopt a resolution certifying the existence of this emergency situation.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first class city may use a small works roster process and award contracts ~~((under this subsection for contracts))~~ for public works projects with an estimated value of one hundred thousand dollars or less as provided in RCW 39.04.155.

~~((a) The city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.~~

~~(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors, if available, shall be invited to submit bids on any one contract: PROVIDED FURTHER, That)) Whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. ((Once a bidder on the small works roster has been offered an opportunity to bid, that bidder shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a bid. Invitations shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.~~

~~(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city shall award the contract to the contractor submitting the lowest responsible bid.)~~

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 10. RCW 35.23.352 and 1989 c 431 s 56 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon ~~((posting))~~ publication of notice calling for sealed bids upon the work. The notice ~~((thereof shall be posted in a public place in the city or town and by publication))~~ shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, ~~((once each week for two consecutive weeks before))~~ at least thirteen days prior to the ~~((date fixed for opening the bids))~~ last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in ~~((the full amount of the contract price))~~ accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster process and award public works contracts ~~((under this subsection for contracts))~~ with an estimated value of one hundred thousand dollars or less as provided in RCW 39.04.155.

~~((a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.~~

~~((b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That) Whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. ((The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.~~

~~((c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.))~~

(4) After September 1, 1987, each second class city, third class city, and town shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids~~((: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof)).~~

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper (~~published or~~) of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and (~~competitive~~) formal sealed bidding to be dispensed with as to purchases between seven thousand five hundred and fifteen thousand dollars, the city legislative authority must authorize by resolution ((a)), use of the uniform procedure (~~for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry~~) provided in RCW 39.04.190.

(9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second or third class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

Sec. 11. RCW 52.14.110 and 1984 c 238 s 3 are each amended to read as follows:

Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) Emergency purchases if the sealed bidding procedure would prevent or hinder the emergency from being addressed appropriately. The term emergency means an occurrence that creates an immediate threat to life or property;

(2) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of (~~ten~~) four thousand five hundred dollars (~~(- PROVIDED, That)~~). However, whenever the estimated cost is from ((forty-five hundred)) four thousand five hundred dollars up to ten thousand dollars, the commissioners ((shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal to assure establishment of a competitive price for such purchase)) may by resolution use the process provided in RCW 39.04.190 to award contracts;

(3) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of two thousand five hundred dollars, which includes the costs of labor, material, and equipment. However, whenever the estimated cost is from two thousand five hundred dollars up to ten thousand dollars, the commissioner may by resolution use the small works roster process provided in RCW 39.04.155;

(4) Purchases which are clearly and legitimately limited to a single source of supply, or services, in which instances the purchase price may be best established by direct negotiation: PROVIDED, That this subsection shall not apply to purchases or contracts relating to public works as defined in chapter 39.04 RCW; and

(5) Purchases of insurance and bonds.

Sec. 12. RCW 52.14.120 and 1984 c 238 s 4 are each amended to read as follows:

(1) Notice of the call for bids shall be given by (~~posting notice in three public places in the district and by publication once each week for two consecutive weeks. The posting and first publication shall be at least two weeks before the date fixed for opening of the bids, and the publication shall be~~) publishing the notice in a newspaper of general circulation within the district at least thirteen days before the last date upon which bids will be received. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without a further call.

(2) A public work involving three or more specialty contractors requires that the district retain the services of a general contractor as defined in RCW 18.27.010.

Sec. 13. RCW 53.08.120 and 1988 c 235 s 1 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such contracts for work, the estimated cost of which exceeds one hundred thousand dollars, shall be let at public bidding upon notice published in a newspaper of general circulation in the district at least (~~ten~~) thirteen days before the (~~letting~~) last date upon which bids will be received, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

Each port district shall maintain a small works roster (~~which shall be comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in the state of Washington.~~), as provided in RCW 39.04.155, and may use the small works roster process to award

contracts in lieu of calling for sealed bids whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less~~((the managing official of the port district may invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors shall be invited to submit proposals on any individual contract: PROVIDED FURTHER, That)).~~ Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. ~~((Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.))~~

When awarding such a contract for work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

Sec. 14. RCW 54.04.070 and 1990 c 251 s 1 are each amended to read as follows:

Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of five thousand dollars, exclusive of sales tax shall be by contract: PROVIDED, That a district may make purchases of the same kind of items of materials, equipment and supplies not exceeding five thousand dollars in any calendar month without a contract, purchasing any excess thereof over five thousand dollars by contract. Any work ordered by a district commission, the estimated cost of which is in excess of ten thousand dollars exclusive of sales tax, shall be by contract, except that a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. Prudent utility management means performing work with regularly employed personnel utilizing material of a worth not exceeding fifty thousand dollars in value without a contract: PROVIDED, That such limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project. Before awarding such a contract, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least ~~((twenty))~~ thirteen days before the ~~((letting of the contract))~~ last date upon which bids will be received, inviting sealed proposals for the work or materials; plans and specifications of which shall at the time of the publication be on file at the office of the district subject to public inspection~~((: PROVIDED, That any)).~~ Any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

Notwithstanding any other provisions herein, all contract projects, the estimated cost of which is less than one hundred thousand dollars, may be awarded to a contractor ~~((an))~~ using the small works roster~~((The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The commission shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year))~~ process provided in RCW 39.04.155. All contract projects equal to or in excess of one hundred thousand dollars shall be let by competitive bidding.

Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission and may consider such price as a bid without a deposit or bond. In the event of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the commission, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract, after having taken precautions to secure the lowest price practicable under the circumstances.

After determination by the commission during a public meeting that a particular purchase is available clearly and legitimately only from a single source of supply, the bidding requirements of this section may be waived by the commission.

Sec. 15. RCW 54.04.082 and 1977 ex.s. c 116 s 1 are each amended to read as follows:

For the awarding of a contract to purchase any item, or items of the same kind of materials, equipment, or supplies in an amount exceeding five thousand dollars, but less than fifteen thousand dollars, exclusive of sales tax, the commission may, in lieu of the procedure described in RCW 54.04.070 and 54.04.080 requiring public notice to invite sealed proposals for such materials, equipment, or supplies, ~~((authorize by))~~ pursuant to commission resolution ~~((a staff procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or supplies to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and shall be~~

~~posted or otherwise made available at the office of the commission or any other officially designated location)) use the process provided in RCW 39.04.190. Waiver of the deposit or bid bond required under RCW 54.04.080 may be authorized by the commission in securing such bid quotations.~~

Sec. 16. RCW 56.08.070 and 1989 c 105 s 1 are each amended to read as follows:

(1) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than fifty thousand dollars, may be awarded to a contractor ~~((en))~~ using the small works roster ~~((The small works roster shall be comprised of all responsible contractors who have requested to be on the list))~~ process provided in RCW 39.04.155 or the process provided in RCW 39.04.190 for purchases. The board of sewer commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. ~~((The board of sewer commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year.))~~ All contract projects equal to or in excess of fifty thousand dollars shall be let by competitive bidding. Before awarding any competitive contract the board of sewer commissioners shall ~~((cause))~~ publish a notice ~~((to be published))~~ in a newspaper ~~((in))~~ of general circulation where the district is located at least once, ~~((ten))~~ thirteen days before the ~~((letting of such contract))~~ last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein.

(2) Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of ~~((said))~~ the materials or work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If ~~((said))~~ the bidder fails to enter into ~~((said))~~ the contract in accordance with ~~((said))~~ the bid and furnish such bond within ten days from the date at which ~~((he))~~ the bidder is notified that he or she is the successful bidder, the ~~((said))~~ check, cash, or bid bonds and the amount thereof shall be forfeited to the sewer district.

(3) In the event of an emergency when the public interest or property of the sewer district would suffer material injury or damage by delay, upon resolution of the board of sewer commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract. In addition, these requirements may be waived for purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

Sec. 17. RCW 56.08.080 and 1989 c 308 s 5 are each amended to read as follows:

The board of commissioners of a sewer district may sell, at public or private sale, property belonging to the district if the board determines that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no notice of intention is required to sell personal property of less than two thousand five hundred dollars in value.

The notice of intention to sell shall be published once a week for ~~((three))~~ two consecutive weeks in a newspaper of general circulation in the district. ~~((The last publication shall be at least twenty days but not more than thirty days before the date of sale.))~~ The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 18. RCW 56.08.090 and 1989 c 308 s 6 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at two thousand five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers

licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of two thousand five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred (~~eighty~~) twenty days of offering the property for sale, the board of commissioners of the sewer district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The sewer district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for (~~three~~) two consecutive weeks in a newspaper of general circulation in the sewer district. (~~The last publication shall be at least twenty days but not more than thirty days before the date of sale.~~) The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 19. RCW 57.08.015 and 1989 c 308 s 7 are each amended to read as follows:

The board of commissioners of a water district may sell, at public or private sale, property belonging to the district if the board determines that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided: PROVIDED, That no such notice of intention shall be required to sell personal property of less than two thousand five hundred dollars in value.

The notice of intention to sell shall be published once a week for (~~three~~) two consecutive weeks in a newspaper of general circulation in the district. (~~The last publication shall be at least twenty days but not more than thirty days before the date of sale.~~) The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Sec. 20. RCW 57.08.016 and 1989 c 308 s 8 are each amended to read as follows:

(1) Subject to the provisions of subsection (2) of this section, no real property valued at two thousand five hundred dollars or more of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: PROVIDED, That there shall be no private sale of real property where the appraised value exceeds the sum of two thousand five hundred dollars.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred (~~eighty~~) twenty days of offering the property for sale, the board of commissioners of the water district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The water district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for (~~three~~) two consecutive weeks in a newspaper of general circulation in the water district. (~~The last publication shall be at least twenty days but not more than thirty days before the date of sale.~~) The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids.

Sec. 21. RCW 57.08.050 and 1989 c 105 s 2 are each amended to read as follows:

(1) The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide.

(2) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than fifty thousand dollars, may be awarded to a contractor (~~on the~~) using a small works roster (~~The small works roster shall be comprised of all responsible contractors who have requested to be on the list~~) process provided in RCW 39.04.155 or the process provided in RCW 39.04.190 for purchases. The board of water commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. (~~The board of water commissioners shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year.~~) All contract projects equal to or in excess of fifty thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of water commissioners shall (~~cause~~) publish a notice (~~to be published~~) in a newspaper (~~in~~) of general circulation where the district is located at least once (~~ten~~) thirteen days before the (~~letting of such contract~~) last

date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein.

(3) Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless ~~((he))~~ the bidder enters into a contract in accordance with his or her bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his or her own plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of ~~((said))~~ the materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If ~~((said))~~ the bidder fails to enter into ~~((said))~~ the contract in accordance with ~~((said))~~ the bid and furnish such bond within ten days from the date at which ~~((he))~~ the bidder is notified that he or she is the successful bidder, the ~~((said))~~ check, cash or bid bonds and the amount thereof shall be forfeited to the water district: PROVIDED, That if the bidder fails to enter into a contract in accordance with his or her bid, and the board of water commissioners deems it necessary to take legal action to collect on any bid bond required herein, then the water district shall be entitled to collect from ~~((said))~~ the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby.

(4) In the event of an emergency when the public interest or property of the water district would suffer material injury or damage by delay, upon resolution of the board of water commissioners, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract. In addition, these requirements may be waived for purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

Sec. 22. RCW 70.44.140 and 1965 c 83 s 1 are each amended to read as follows:

(1) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars, shall be by contract. Before awarding any such contract, the commission shall ~~((cause to be published))~~ publish a notice at least ~~((thirty))~~ thirteen days before the ~~((letting of said contract))~~ last date upon which bids will be received, inviting sealed proposals for such work~~((,-))~~. The plans and specifications ~~((which))~~ must at the time of the publication of such notice be on file at the office of the public hospital district, subject to public inspection: PROVIDED, HOWEVER, That the commission may at the same time, and as part of the same notice, invite tenders for ~~((said))~~ the work or materials upon plans and specifications to be submitted by bidders. ~~((Such))~~ The notice shall state generally the work to be done, and shall call for proposals for doing the same, to be sealed and filed with the commission on or before the day and hour named therein. Each bid shall be accompanied by bid proposal security in the form of a certified check, cashier's check, postal money order, or surety bond made payable to the order of the commission, for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal security. At the time and place named, such bids shall be publicly opened and read, and the commission shall proceed to canvass the bids, and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his or her own plans and specifications: PROVIDED, HOWEVER, That no contract shall be let in excess of the estimated cost of ~~((said))~~ the materials or work, or if, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all bid proposal security shall be returned to the bidders; but if such contract be let, then and in such case all bid proposal security shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials for doing such work, and a bond to perform such work furnished, with sureties satisfactory to the commission, in an amount to be fixed by the commission, not less than twenty-five percent of contract price in any case, between the bidder and commission, in accordance with the bid. If such bidder fails to enter into ~~((said))~~ the contract in accordance with ~~((said))~~ the bid and furnish such bond within ten days from the date at which ~~((he))~~ the bidder is notified that he or she is the successful bidder, the ~~((said))~~ bid proposal security and the amount thereof shall be forfeited to the public hospital district.

(2) In lieu of the procedures of subsection (1) of this section, a public hospital district may use a small works roster process and award public works contracts for projects in excess of five thousand dollars up to fifty thousand dollars as provided in RCW 39.04.155.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between five thousand and fifteen thousand dollars, the commission must authorize by resolution a procedure as provided in RCW 39.04.190."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; Horn; Rayburn; Romero; Springer; and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives R. Fisher and Zellinsky.

Passed to Committee on Rules for second reading.

April 2, 1993

ESSB 5050 Prime Sponsor, Committee on Government Operations: Revising reimbursement provisions for local government officials. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to read as follows:

The board of airport district commissioners shall consist of three members, who ~~((shall each be a))~~ are registered voters and ~~((actually a))~~ residents of the district. The first commissioners shall be appointed by the county legislative authority. At the next general district election, held as provided in RCW 29.13.020, three airport district commissioners shall be elected. The term of office of airport district commissioners shall be two years, or until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170. Members of the board of airport district commissioners shall be elected at each regular general election on a nonpartisan basis. ~~((They shall be nominated by petition of ten registered voters of the district.))~~ Vacancies on the board of airport district commissioners shall be filled by appointment by the remaining commissioners. Members of the board of airport district commissioners shall receive no compensation for their services, but ~~((shall be reimbursed for actual necessary traveling and sustenance expenses incurred while engaged on official business))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 17.04 RCW to read as follows:

The directors of a weed district shall receive no compensation for their services, except that a director who is appointed to act as secretary may be compensated in accordance with RCW 17.04.070. The directors are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each director's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 17.06 RCW to read as follows:

The directors of an intercounty weed district shall receive no compensation for their services, except that a director who is appointed to act as secretary may be compensated in accordance with RCW 17.06.050. The directors are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each director's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 4. RCW 17.10.050 and 1987 c 438 s 4 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members ~~((who shall be))~~ appointed by the county legislative authority. In appointing such voting members, the county legislative authority shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of the voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or an extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of four years, except that the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of two years. The board members shall not receive a salary but ~~((shall be compensated for actual and necessary expenses incurred in the performance of their official duties))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

(2) The voting members of the board shall represent the same sections designated by the county legislative authority in appointing members to the board at its inception and shall serve until their replacements are appointed. New members of the board shall be appointed at least thirty days prior to the expiration of any board member's term of office.

Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in ~~((said))~~ the section with last publication occurring at least ten days prior to the nomination. All persons interested in appointment to the board and residing in the section with a pending nomination shall make a written application ~~((that includes the signatures of at least ten registered voters residing in the section supporting the nomination))~~ to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and shall post the names of those nominees in the county courthouse and in three places in the section. The county legislative authority, within ten days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that section during that term of office.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairperson and such other officers as may be necessary.

(4) In case of a vacancy occurring in any voting position on a county noxious weed control board, the county legislative authority of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Sec. 5. RCW 17.28.140 and 1957 c 153 s 14 are each amended to read as follows:

The members of the first district board shall meet on the first Monday subsequent to thirty days after the filing with the secretary of state of the certificate of incorporation of the district. They shall organize by the election of one of their members as president and one as secretary.

The members of the district board shall serve without compensation; but the ~~((necessary expenses of each member for actual traveling in connection with meetings or business of the board may be allowed and paid))~~ members are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

The secretary shall receive such compensation as shall be fixed by the district board.

Sec. 6. RCW 27.12.190 and 1982 c 123 s 8 are each amended to read as follows:

The management and control of a library shall be vested in a board of either five or seven trustees as hereinafter in this section provided. In cities and towns five trustees shall be appointed by the mayor with the consent of the legislative body. In counties, rural county library districts, and island library districts, five trustees shall be appointed by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. In a regional library district a board of either five or seven trustees shall be appointed by the joint action of the legislative bodies concerned. In intercounty rural library districts a board of either five or seven trustees shall be appointed by the joint action of the ~~((boards of))~~ county ~~((commissioners))~~ legislative authorities of each of the counties included in a district. The first appointments for boards comprised of but five trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. The first appointments for boards comprised of seven trustees shall be for terms of one, two, three, four, five, six, and seven years respectively, and thereafter a trustee shall be appointed annually to serve for seven years. No person shall be appointed to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen.

A library trustee shall not receive a salary or other compensation for services as trustee, but ~~((necessary expenses actually incurred shall be paid from the library funds))~~ trustees are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each trustee's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

A library trustee in the case of a city or town may be removed only by vote of the legislative body. A trustee of a county library, a rural county library district library, or an island library district library may be removed for just cause by the county ~~((commissioners))~~ legislative authority after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen days before the hearing. A trustee of an intercounty rural library district may be removed by the joint action of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the counties involved in the same manner as provided herein for the removal of a trustee of a county library.

Sec. 7. RCW 28A.315.540 and 1987 c 307 s 2 are each amended to read as follows:

Each member of the board of directors of a school district may receive compensation of ~~((fifty))~~ up to sixty-six dollars per day or portion thereof for attending board meetings and for performing other services on behalf of the

school district, not to exceed ~~((four thousand eight hundred dollars))~~ ninety-six days of compensation per year, if the district board of directors has authorized by board resolution, at a regularly scheduled meeting, the provision of such compensation. A board of directors of a school district may authorize such compensation only from locally collected excess levy funds available for that purpose, and compensation for board members shall not cause the state to incur any present or future funding obligation.

Any director may waive all or any portion of his or her compensation under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the director's election and before the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The compensation provided in this section shall be in addition to any reimbursement for expenses paid to such directors by the school district.

Sec. 8. RCW 28A.320.050 and 1977 c 73 s 1 are each amended to read as follows:

~~((The actual expenses of))~~ School directors ~~((in going to, returning from and attending upon directors' meetings or other meetings called or held pursuant to statute shall be paid))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each director's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest of the state superintendent of public instruction or the board of directors shall be paid~~((The board of directors may pay the actual and necessary expenses for travel, lodging and meals a superintendent candidate incurs when he or she attends an employment interview in the school district. The school directors, school superintendents, other school representatives or superintendent candidates may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210))~~ in accordance with chapter 42.24 RCW.

Sec. 9. RCW 28A.400.350 and 1990 1st ex.s. c 11 s 3 and 1990 c 74 s 1 are each reenacted and amended to read as follows:

(1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law.

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For ~~((school board members and))~~ students, the premiums due on such protection or insurance shall be ~~((borne))~~ paid by the assenting ~~((school board member or))~~ student: PROVIDED, That the school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) School board members shall pay the premiums due on such protection or insurance, except the school district shall pay the premiums for liability insurance. The amount and type of insurance made available to board members may not exceed the insurance made available to the school district employees except for liability insurance.

~~(5)~~ All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

NEW SECTION. **Sec. 10.** A new section is added to chapter 35.21 RCW to read as follows:

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated city or town, the first councilmembers shall be entitled to compensation as follows:

(1) In cities with a population of twenty thousand or more inhabitants, a councilmember shall receive a salary of four hundred dollars per calendar month;

(2) In cities with a population of at least ten thousand but less than twenty thousand inhabitants, a councilmember shall receive a salary of one hundred fifty dollars per calendar month;

(3) In cities with a population of at least one thousand five hundred but less than ten thousand inhabitants, a councilmember shall receive a salary of seventy-five dollars per calendar month;

(4) In cities with a population of less than one thousand five hundred inhabitants, a councilmember shall receive twenty dollars per meeting for not more than two meetings per month; and

(5) The mayor, in addition to the compensation he or she receives as a councilmember, is entitled to receive an additional amount per calendar month equal to twenty-five percent of the councilmember's salary.

Compensation provided under this section shall remain in effect only until a salary ordinance is passed and becomes effective as to the elective officers. The compensation provided in this section shall not be construed as fixing the usual compensation of such officers.

NEW SECTION. Sec. 11. A new section is added to chapter 35.21 RCW to read as follows:

The mayor and members of the city or town council are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from the councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 35.21 RCW to read as follows:

Any member of a city or town council may waive all or any portion of his or her compensation that is payable to the councilmember as to any month or months during his or her term of office, by filing a written waiver with the council. The waiver, to be effective, must be filed at any time after the member's selection and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

NEW SECTION. Sec. 13. A new section is added to chapter 35A.21 RCW to read as follows:

Any member of a city council may waive all or any portion of his or her compensation that is payable to the councilmember as to any month or months during his or her term of office, by filing a written waiver with the council. The waiver, to be effective, must be filed at any time after the member's selection and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Sec. 14. RCW 35.17.108 and 1967 c 100 s 1 are each amended to read as follows:

The annual salaries or compensation of the mayor and the commissioners of any city operating under a commission form of government shall be as fixed by ~~((charter or))~~ ordinance of ~~((said))~~ the city. Until a salary ordinance can be passed and become effective in a newly incorporated city, the first commissioners shall be compensated in accordance with section 10 of this act. Commissioners are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each commissioner's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The power and authority conferred by this section shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of any such city.

Sec. 15. RCW 35.18.220 and 1965 c 7 s 35.18.220 are each amended to read as follows:

Each member of the council shall receive such salary or compensation as may be provided by ~~((law to cities of the class to which it belongs))~~ city ordinance. Until a salary ordinance can be passed and become effective in a newly incorporated city, the first councilmembers shall be compensated in accordance with section 10 of this act. Councilmembers are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The city manager and other officers or assistants shall receive such salary or compensation as the council shall fix by ordinance and shall be payable at such times as the council may determine.

Sec. 16. RCW 35.22.200 and 1965 ex.s. c 47 s 13 are each amended to read as follows:

The legislative powers of a charter city shall be vested in a mayor and a city council, to consist of such number of members and to have such powers as may be provided for in its charter. The charter may provide for direct legislation by the people through the initiative and referendum upon any matter within the scope of the powers, functions, or duties of the city. The mayor and council and such other elective officers as may be provided for in such

charter shall be elected at such times and in such manner as provided in Title 29 RCW, and for such terms and shall perform such duties (~~and receive such compensation~~) as may be prescribed in the charter.

Sec. 17. RCW 35.22.205 and 1965 c 7 s 35.22.205 are each amended to read as follows:

The salary or compensation and the time to be devoted to the performance of the duties of the mayor and elected officials of all cities of the first class shall be as fixed by ordinance of ~~((said))~~ the city irrespective of any city charter provisions. Until a salary ordinance can be passed and become effective in a newly incorporated city, the first councilmembers shall be compensated in accordance with section 10 of this act. Councilmembers are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 18. RCW 35.23.220 and 1969 ex.s. c 270 s 7 are each amended to read as follows:

The city council shall fix the salary or compensation of all ~~((officials (except library trustees who shall serve without compensation and any other officer))~~ officers by ordinance except where provision is made by this title that such officer shall serve without compensation(~~(?)~~). Until a salary ordinance can be passed and become effective in a newly incorporated city, the first councilmembers shall be compensated in accordance with section 10 of this act. Councilmembers are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

No officer shall be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have authority to require of him or her by virtue of his or her office.

Library trustees shall serve without compensation, but library trustees are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each trustee's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

The salaries of all city officers shall be paid monthly.

Sec. 19. RCW 35.24.090 and 1990 c 212 s 1 are each amended to read as follows:

The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, ~~((upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city councilmember may be paid for attending council meetings an amount which shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent))~~ including subsistence and lodging while away from the councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

The city attorney, clerk and treasurer, if elective, shall severally receive at stated times a compensation to be fixed by ordinance by the city council.

The mayor and other officers shall receive such salary or compensation as may be fixed by the city council ~~((at the time the estimates are made as provided))~~ by ~~((law))~~ ordinance. Until a salary ordinance can be passed and become effective in a newly incorporated city, the first councilmembers shall be compensated in accordance with section 10 of this act.

Any city that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the city by the auditor. No city may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No city that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after June 7, 1990.

Sec. 20. RCW 35.27.130 and 1990 c 212 s 2 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties ~~((upon presentation of a claim therefor and its allowance and approval by resolution of the town council))~~, including subsistence and lodging while away from the councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The mayor and members of the council may also receive such salary or compensation as the council may fix by ordinance. Until a salary ordinance can be passed and become effective in a newly incorporated city, the first councilmembers shall be compensated in accordance with section 10 of this act.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after June 7, 1990.

Sec. 21. RCW 35.58.160 and 1985 c 330 s 1 are each amended to read as follows:

The chairman and committee chairmen of the metropolitan council except elected public officials serving on a full-time salaried basis may receive such compensation as the other members of the metropolitan council shall provide. Members of the council other than the chairman and committee chairmen shall receive compensation of fifty dollars per day or portion thereof for attendance at metropolitan council or committee meetings, or for performing other services on behalf of the metropolitan municipal corporation, but not exceeding a total of four thousand eight hundred dollars in any year, in addition to any compensation which they may receive as officers of component cities or counties: PROVIDED, That a metropolitan council may adopt a resolution increasing the per day rate of compensation up to sixty-six dollars with a maximum number of ninety-six days of compensation per year: PROVIDED FURTHER, That elected public officers serving in such capacities on a full-time basis shall not receive compensation for attendance at metropolitan, council, or committee meetings, or otherwise performing services on behalf of the metropolitan municipal corporation: PROVIDED FURTHER, That committee chairmen shall not receive compensation in any one year greater than one-third of the compensation authorized for the county commissioners or county councilmen of the central county.

Any member of the council may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the council as provided in this section. The waiver, to be effective, must be filed any time after the member's selection and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

~~((All members of the council shall be reimbursed for expenses actually incurred by them in the conduct of official business for the metropolitan municipal corporation.))~~ Councilmembers are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 22. RCW 35.61.150 and 1965 c 7 s 35.61.150 are each amended to read as follows:

Metropolitan park commissioners shall perform their duties without compensation. Park commissioners are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each commissioner's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

NEW SECTION. Sec. 23. A new section is added to chapter 35.63 RCW to read as follows:

Members of a city or county planning commission created under this chapter, or of a regional planning commission created under this chapter, are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 24. RCW 35.82.040 and 1965 c 7 s 35.82.040 are each amended to read as follows:

When the governing body of a city adopts a resolution as ~~((aforesaid))~~ provided in RCW 35.82.030, it shall promptly notify the mayor of such adoption. Upon receiving such notice, the mayor shall appoint five persons as commissioners of the authority created for ~~((said))~~ the city. When the governing body of a county adopts a resolution as ~~((aforesaid, said))~~ provided in RCW 35.82.030, the body shall appoint five persons as commissioners of the authority created for ~~((said))~~ the county. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed ~~((as aforesaid))~~ for a term of office of five years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. A commissioner shall hold office until his or her successor has been appointed and has qualified, unless sooner removed according to this chapter. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services for the authority, in any capacity, but ~~((he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties))~~ commissioners are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each commissioner's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The mayor (or in the case of an authority for a county, the governing body of the county) shall designate which of the commissioners appointed shall be the first chairman and he or she shall serve in the capacity of chairman until the expiration of his or her term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Sec. 25. RCW 35A.12.070 and 1971 ex.s. c 251 s 5 are each amended to read as follows:

The salaries of the mayor and the ~~((councilmen))~~ councilmembers shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent if such incumbent is a member of the city legislative body fixing his or her own compensation or as mayor in a mayor-council code city casts a tie-breaking vote relating to such ordinance: PROVIDED, That if the mayor of such a city does not cast such a vote, his or her salary may be increased during his or her term of office.

Until the first elective officers under this mayor-council plan of government may lawfully be paid the compensation provided by such salary ordinance, such officers shall be entitled to be compensated in the same manner and in the same amount as the compensation paid to officers of such city performing comparable services immediately prior to adoption of this mayor-council plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, such first officers ~~((shall be))~~ are entitled to compensation as follows: In cities having less than five thousand inhabitants, the mayor ~~((shall be))~~ is entitled to a salary of one hundred and fifty dollars per calendar month and a ~~((councilman shall be))~~ councilmember is entitled to twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants, the mayor ~~((shall be))~~ is entitled to a salary of three hundred and fifty dollars per calendar month and a ~~((councilman shall be))~~ councilmember is entitled to one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants, the mayor ~~((shall be))~~ is entitled to a salary of twelve hundred and fifty dollars per calendar month and a ~~((councilman shall be))~~ councilmember is entitled to four hundred dollars per calendar month: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the amounts herein provided shall not be construed as fixing the usual salary of such officers. The mayor and ~~((councilmen))~~ councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, ~~((or the council by ordinance may provide for a per diem allowance))~~ including subsistence and lodging while away from the councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 26. RCW 35A.13.040 and 1979 ex.s. c 18 s 25 are each amended to read as follows:

The salaries of the ~~((councilmen))~~ councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmen may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmen of a newly~~(-)~~organized council-manager code city may lawfully be paid as provided by salary ordinance, such ~~((councilmen shall be))~~ councilmembers are entitled to compensation in the same manner and in the same amount as ~~((councilmen))~~ councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first ~~((councilmen shall be))~~ councilmembers are entitled to compensation as follows: In cities having less than five thousand inhabitants--twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants--a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants--a salary of four hundred dollars per calendar month. A ~~((councilman))~~ councilmember who is occupying the position of mayor, in addition to his or her salary as a ~~((councilman))~~ councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmanic salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. ~~((Councilmen))~~ Councilmembers shall receive reimbursement for their actual and necessary expenses

incurred in the performance of the duties of their office, ~~((or the council by ordinance may provide for a per diem allowance))~~ including subsistence and lodging while away from the councilmember's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. Procedure for approval of claims for expenses shall be as provided by ordinance.

NEW SECTION. Sec. 27. A new section is added to chapter 36.17 RCW to read as follows:

Any county officer may waive all or any portion of his or her salary or compensation payable under this chapter, or otherwise, as to any month or months during his or her term of office, by filing a written waiver with the county as provided in this section. The waiver, to be effective, must be filed any time after the county officer's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Sec. 28. RCW 36.62.200 and 1984 c 26 s 17 are each amended to read as follows:

No trustee shall receive any compensation ~~((or emolument whatever))~~ for services as trustee; nor shall any trustee have or acquire any personal interest in any lease or contract whatsoever, made by the county or board of trustees with respect to such hospital or institution ~~((: PROVIDED, That))~~. Each member of a board of trustees of a county hospital may be reimbursed for ((travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended: PROVIDED FURTHER, That, in addition, trustees of a county hospital shall be reimbursed for travel expenses for traveling from their home to a trustee meeting at a rate provided for in RCW 43.03.060 as now existing or hereafter amended)) reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from the trustee's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 29. RCW 36.69.110 and 1963 c 4 s 36.69.110 are each amended to read as follows:

The park and recreation commissioners shall receive no compensation for their services but ~~((shall receive necessary expenses in attending meetings of the board or when otherwise engaged on district business))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each commissioner's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 30. RCW 36.70.310 and 1963 c 4 s 36.70.310 are each amended to read as follows:

Members of planning agencies shall inform themselves on matter affecting the functions and duties of planning agencies. For that purpose, and when authorized, such members may attend planning conferences, meetings of planning executives or of technical bodies; hearings on planning legislation or matters relating to the work of the planning agency. The reasonable travel expenses, registration fees and other costs incident to such attendance at such meetings and conferences shall be charges upon the funds allocated to the planning agency. In addition, members of a commission ~~((may also receive reasonable travel expenses to and from their usual place of business to the place of a regular meeting of the commission))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The planning agency may, when authorized, pay dues for membership in organizations specializing in the subject of planning. The planning agency may, when authorized, subscribe to technical publications pertaining to planning.

NEW SECTION. Sec. 31. A new section is added to chapter 36.100 RCW to read as follows:

The board of directors of the district shall adopt a resolution to establish methods and amounts of reimbursement payable to such district officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and requirements governing the use of credit cards issued in the name of the district. Such resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as provided by general law, cooperate with the district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

NEW SECTION. Sec. 32. A new section is added to chapter 36.100 RCW to read as follows:

The board of directors may authorize payment of actual and necessary expenses of officers and employees for lodging, meals, and travel-related costs incurred when attending meetings or conferences on behalf of the district and strictly in the public interest and for public purposes. Officers and employees may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

NEW SECTION. Sec. 33. A new section is added to chapter 36.100 RCW to read as follows:

Each member of the board of directors of the district may receive compensation of sixty-six dollars per day for attending meetings or conferences on behalf of the district, not to exceed three thousand dollars per year, if the district board of directors has authorized by board resolution, at a regularly scheduled meeting, the provision of such compensation. Any director may waive all or any portion of his or her compensation under this section as to any month or months during his or her term of office, by a written waiver filed with the district. The compensation provided in this section shall be in addition to any reimbursement for expenses paid to such directors by the district.

NEW SECTION. Sec. 34. A new section is added to chapter 36.100 RCW to read as follows:

The board of directors of the district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting and holding personally harmless district officers and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 35. A new section is added to chapter 36.100 RCW to read as follows:

Whenever any action, claim or proceeding is instituted against any person who is or was an officer or employee of the district arising out of the performance of duties for or employment with the district, the district may grant a request by such person that the attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payments arising from such action may be paid from the district's funds: PROVIDED, That costs of defense and/or judgment or settlement against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of employment with or duties for the district.

NEW SECTION. Sec. 36. A new section is added to chapter 36.100 RCW to read as follows:

The district shall have authority to create and fill positions, to fix wages, salaries and bonds therefor, to pay costs involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement benefits, medical, life, accident, or health disability insurance, as approved by the board. District board members, at their own expense, shall be entitled to medical, life, accident or health disability insurance: PROVIDED, That said insurance for employees and board members shall not be considered compensation. District coverage for the board is not to exceed that provided district employees.

Sec. 37. RCW 41.04.180 and 1991 sp.s. c 30 s 18 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter 48.62 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter 48.62 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents(~~(-PROVIDED FURTHER, That provision)~~). The amount and type of insurance made available to county elected officials may not exceed the insurance made available to county employees except for liability insurance. The provision of insurance for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.400.350.

Sec. 38. RCW 43.52.374 and 1983 1st ex.s. c 3 s 3 are each amended to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Five members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the five members of the executive board elected from among the members of the board of directors so as to reflect the member public utility districts' and cities' participation in the joint operating agency's projects. Members elected to the executive board from the board of directors are ineligible for continued membership on the executive board if they cease to be members of the board of directors. The board of directors may also provide by rule for the removal of a member of the executive board, except for the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board. Members elected to the executive board from the board of directors shall receive a salary of one thousand eighty-five dollars per month from the operating agency (~~at a rate set~~

~~by the board of directors)).~~ Members of the executive board are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. Due to the additional responsibilities of the chairperson of the executive board, the chairperson shall be entitled to twice the salary and compensation available to other board members.

(b) Six members of the executive board shall be outside directors. Three shall be selected and appointed by the board of directors, and three shall be selected and appointed by the governor and confirmed by the senate. All outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors and the governor shall each appoint one outside director to serve a two-year term, one outside director to serve a three-year term, and one outside director to serve a four-year term. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Receive travel expenses on the same basis as the five members elected from the board of directors. The outside directors shall also receive a salary from the operating agency (~~as fixed by the governor~~) of one thousand eighty-five dollars per month;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency as an underwriter or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science, or have expertise in the construction or management of such facilities as the operating agency is constructing or operating, or have expertise in the termination, disposition, or liquidation of corporate assets.

(c) The governor may remove outside directors from the executive board for incompetency, misconduct, or malfeasance in office in the same manner as state appointive officers under chapter 43.06 RCW. For purposes of this subsection, misconduct shall include, but not be limited to, nonfeasance and misfeasance.

(2) In addition to salary, the board of directors of the operating agency may provide by resolution for the payment of per diem compensation to each member of the executive board at a rate of sixty-six dollars for each day or major part thereof devoted to the business of the operating agency and days upon which he or she attends meetings on behalf of the operating agency, but such compensation paid during any one year to a member of the executive board shall not exceed nine thousand nine hundred dollars.

(3) Nothing in this chapter shall be construed to mean that an operating agency is in any manner an agency of the state. Nothing in this chapter alters or destroys the status of an operating agency as a separate municipal corporation or makes the state liable in any way or to any extent for any preexisting or future debt of the operating agency or any present or future claim against the agency.

~~((3))~~ (4) The eleven members of the executive board shall be selected with the objective of establishing an executive board which has the resources to effectively carry out its responsibilities. All members of the executive board shall conduct their business in a manner which in their judgment is in the interest of all ratepayers affected by the joint operating agency and its projects.

~~((4))~~ (5) The executive board shall elect from its members a chairman, vice chairman, and secretary, who shall serve at the pleasure of the executive board. The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business. All proceedings shall be by motion or resolution and shall be recorded in the minute book, which shall be a public record. A majority of the executive board shall constitute a quorum for the transaction of business.

~~((5))~~ (6) With respect to any operating agency existing on April 20, 1982, to which the provisions of this section are applicable:

(a) The board of directors shall elect five members to the executive board no later than sixty days after April 20, 1982; and

(b) The board of directors and the governor shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than sixty days after April 20, 1982, and the powers and duties prescribed in this chapter shall devolve upon the executive board at that time.

~~((6))~~ (7) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

~~((7))~~ (8) Members of the executive board shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion. This grant of immunity shall not be construed as modifying the liability of the operating agency.

The operating agency shall undertake the defense of and indemnify each executive board member made a party to any civil proceeding including any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact he or she is or was a member of the executive board, against judgments, penalties, fines, settlements, and reasonable expenses, actually incurred by him or her in

connection with such proceeding if he or she had conducted himself or herself in good faith and reasonably believed his or her conduct to be in the best interest of the operating agency.

In addition members of the executive board who are utility employees shall not be fired, forced to resign, or demoted from their utility jobs for decisions they make while carrying out their duties as members of the executive board involving the exercise of judgment and discretion.

Sec. 39. RCW 52.14.010 and 1985 c 330 s 2 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three resident ~~((electors))~~ registered voters of the district except as provided in RCW 52.14.015 and 52.14.020. Each member shall each receive fifty dollars per day or portion thereof, not to exceed four thousand eight hundred dollars per year, for attendance at board meetings and for performance of other services in behalf of the district. However, by resolution, a board of fire commissioners may increase the per day rate of compensation up to sixty-six dollars, with a maximum number of ninety-six days of compensation per year.

In addition, they ~~((shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. Fire commissioners are entitled to receive the same insurance available to all firemen of the district~~((: PROVIDED, That))~~. The premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. The amount and type of insurance made available to commissioners may not exceed the insurance made available to the fire fighters except for liability insurance.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which ~~((said))~~ the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall take office immediately when qualified in accordance with RCW 29.01.135 and shall serve until after the next general election for the selection of commissioners and until their successors have been elected and have qualified and have assumed office in accordance with RCW 29.04.170.

Sec. 40. RCW 53.08.170 and 1991 sp.s. c 30 s 22 are each amended to read as follows:

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide~~((: PROVIDED, That))~~. Any district providing insurance benefits for its employees ~~((in any manner whatsoever may provide health and accident insurance, life insurance with coverage not to exceed that provided district employees, and business related travel, liability, and errors and omissions insurance, for its commissioners, which insurance shall not be considered to be compensation))~~ may provide insurance to the port commissioners. The amount and type of insurance made available to port commissioners may not exceed the insurance coverage provided to port district employees except for liability insurance.

Subject to chapter 48.62 RCW, the port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: PROVIDED FURTHER, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965, if admission to such system would result in coverage under both a private pension system and the state employees' retirement system, it being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by warrant such

funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Sec. 41. RCW 53.08.175 and 1965 c 101 s 1 are each amended to read as follows:

Employees, officers, and commissioners of port districts (~~(shall, when engaged in official business of the port district, be entitled to receive their necessary and reasonable travel and other business expenses incurred on behalf of the port district))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each employee's, officer's, or commissioner's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. Reimbursement of such expenses may be granted, whether incurred within or without the port district, when submitted on a voucher with appropriate evidence of payment by such employee or official.

Sec. 42. RCW 53.08.176 and 1965 c 101 s 2 are each amended to read as follows:

Each port district shall adopt a resolution (~~((which may be amended from time to time) which shall establish))~~ establishing the basic rules and regulations governing methods and amount of reimbursement payable to such port officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; set forth the method of authorizing the direct purchase of transportation; the form of the voucher; and requirements governing the use of credit cards issued in the name of the port district. (~~(Such regulations may provide for payment of per diem in lieu of actual expenses when travel requires overnight lodging; PROVIDED, That in all cases any per diem payment shall not exceed twenty-five dollars per day.)~~) The state auditor shall, as provided by general law, cooperate with the port district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

Sec. 43. RCW 53.12.260 and 1992 c 146 s 12 are each amended to read as follows:

(1) Each commissioner of a port district shall receive fifty dollars per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other service in behalf of the district. The total per diem compensation of a port commissioner shall not exceed four thousand eight hundred dollars in a year, or six thousand dollars in any year for a port district with gross operating income of twenty-five million or more in the preceding calendar year. However, by resolution, a port commission may increase the per day rate of compensation up to sixty-six dollars, with a maximum number of ninety-six days of compensation per year, or one hundred twenty days of compensation per year in a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive a salary of five hundred dollars per month; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(9): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of RCW 53.12.260 and 53.12.265.

Sec. 44. RCW 54.12.080 and 1985 c 330 s 4 are each amended to read as follows:

(1) Each public utility district commissioner of a district operating utility properties shall receive a salary during a calendar year which shall depend upon the total gross revenue of the district from its distribution system and its generating system, if any, for the fiscal year ending June 30th prior to such calendar year, based upon the following schedule:

REVENUE	SALARY
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OVER \$15 million	\$500 per month
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\$2 to 15 million	\$350 per month
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However, by resolution, a board of commissioners of a district with over fifteen million dollars in total gross revenue from its distribution system and generating system for the fiscal year ending June 30th prior to such calendar year may provide for a maximum salary of seven hundred fifty dollars per month for each commissioner. However, by resolution, a board of commissioners of a district with from two million to fifteen million dollars in total gross revenue from its distribution system and generating system for the fiscal year ending June 30th prior to such calendar year may provide for a maximum salary of up to five hundred twenty-five dollars per month for each commissioner.

Commissioners of other districts shall serve without salary unless the district provides by resolution for the payment thereof, which however shall not exceed ~~((two))~~ three hundred dollars per month for each commissioner. In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding ~~((fifty))~~ sixty-six dollars for each day or major part thereof devoted to the business of the district, and days upon which he or she attends meetings of the commission of his or her district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but ~~((such compensation paid during any one year to))~~ a commissioner shall not ~~((exceed seven thousand dollars))~~ receive more than one hundred forty days worth of such compensation in any one year. Per diem compensation shall not be paid for services of a ministerial or professional nature.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

(4) Any district providing group insurance for its employees, covering them, their immediate family and dependents, may provide insurance for its commissioner with the same coverage. The amount and type of insurance made available to commissioners may not exceed the insurance made available to employees except for liability insurance.

Sec. 45. RCW 56.08.100 and 1991 sp.s. c 30 s 24 are each amended to read as follows:

Subject to chapter 48.62 RCW, a sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A sewer district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage(~~((: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees))~~). The amount and type of insurance made available to commissioners may not exceed the insurance made available to employees except for liability insurance.

Sec. 46. RCW 56.12.010 and 1985 c 330 s 5 are each amended to read as follows:

The governing body of a sewer district shall be a board of commissioners consisting of three members. The commissioners shall annually elect one of their number as president and another as secretary of the board.

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of fifty dollars for attending meetings and for each day or portion thereof devoted to the business of the district: PROVIDED, That the compensation for each commissioner shall not exceed four thousand eight hundred dollars per year. However, by resolution, a board of commissioners may increase the per day rate of compensation up to sixty-six dollars, with a maximum number of ninety-six days of compensation per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from his or her place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose, which shall be a public record.

Sec. 47. RCW 57.08.100 and 1991 sp.s. c 30 s 25 are each amended to read as follows:

Subject to chapter 48.62 RCW, a water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A water district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage(~~(: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees)~~). The amount and type of insurance made available to commissioners may not exceed the insurance made available to employees except for liability insurance.

Sec. 48. RCW 57.12.010 and 1985 c 330 s 6 are each amended to read as follows:

The governing body of a district shall be a board of water commissioners consisting of three members. The board shall annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of fifty dollars, or by resolution may increase the per day rate of compensation up to sixty-six dollars, for attending meetings and for each day or portion thereof devoted to the business of the district: PROVIDED, That ((the compensation for each)) a commissioner shall not ((exceed four thousand eight hundred dollars)) receive more than ninety-six days of compensation per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business, including his or her subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately(~~-~~)owned vehicle ((at the mileage rate authorized in RCW 43.03.060 as now existing or hereafter amended)), in accordance with chapter 42.24 RCW.

The date for holding elections and taking office as herein provided shall be subject to the provisions of any consolidated election laws that may be made applicable thereto although previously enacted.

Sec. 49. RCW 68.52.220 and 1990 c 259 s 33 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three qualified registered voters of the district. Members of the board shall receive no compensation for their services, but ((shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business)) are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The board shall fix the compensation to be paid the secretary and other employees of the district. The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the formation of the district, three members of the board of cemetery commissioners shall be chosen. They and all subsequently elected cemetery commissioners shall have the same qualifications as required of the first three cemetery commissioners and are exempt from the requirements of chapter 42.17 RCW. The candidate receiving the highest number of votes shall serve for a term of six years beginning on the first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from the date; and the candidate receiving the next higher number of votes shall serve for a term of two years from the date. Upon the expiration of their respective terms, all cemetery commissioners shall be elected for terms of six years to begin on the first day in January next succeeding the day of election and shall serve until their successors have been elected and qualified and assume office in accordance with RCW 29.04.170. Elections shall be called, noticed, conducted and canvassed and in the same manner and by the same officials as provided for general county elections. The polling places for a cemetery district election shall be those of the county voting precincts which include any of the territory within the cemetery district, and may be located outside the boundaries of the district, and no such election shall be held irregular or void on that account.

Sec. 50. RCW 70.44.050 and 1985 c 330 s 7 are each amended to read as follows:

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of fifty dollars for each day or portion thereof devoted to the business of the district, and days upon which he or she attends meetings of the commission of his or her own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed four thousand eight hundred dollars(~~(--PROVIDED, That))~~). However, by resolution, a board of commissioners may increase the per day rate of compensation up to sixty-six dollars, with a maximum number of ninety-six days of compensation per year. Commissioners may not be compensated for services performed of a ministerial or professional nature.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. The amount and type of insurance made available to commissioners may not exceed the insurance made available to the employees except for liability insurance. Each commissioner (~~(shall)~~) is entitled to be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including ((his)) subsistence and lodging ((and travel)) while away from his or her place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

Sec. 51. RCW 70.94.130 and 1991 c 199 s 705 are each amended to read as follows:

The board shall exercise all powers of the authority except as otherwise provided. The board shall conduct its first meeting within thirty days after all of its members have been appointed or designated as provided in RCW 70.94.100. The board shall meet at least ten times per year. All meetings shall be publicly announced prior to their occurrence. All meetings shall be open to the public. A majority of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chair and such other officers as may be necessary. Any member of the board may designate a regular alternate to serve on the board in his or her place with the same authority as the member when he or she is unable to attend. Each member of the board, or his or her representative, shall receive from the authority compensation ~~((consistent with such authority's rates (but not to exceed one thousand dollars per year)))~~ at a rate of fifty dollars per day for ((time)) attending meetings and for each day or portion of a day spent in the performance of duties under this chapter((, plus the actual and necessary expenses incurred by the member in such performance)). However, by resolution, a board may increase the per day rate of compensation up to sixty-six dollars. The total amount of compensation may not exceed one thousand three hundred fifty dollars per calendar year. Any board member may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the authority as provided in this section. The waiver, to be effective, must be filed any time after the board member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. In addition, board members are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each board member's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The board may appoint a control officer, and any other personnel, and shall determine their salaries, and pay same, together with any other proper indebtedness, from authority funds.

Sec. 52. RCW 70.94.240 and 1991 c 199 s 709 are each amended to read as follows:

The board of any authority may appoint an air pollution control advisory council to advise and consult with such board, and the control officer in effectuating the purposes of this chapter. The council shall consist of at least five appointed members who are residents of the authority and who are preferably skilled and experienced in the field of air pollution control, chemistry, meteorology, public health, or a related field, at least one of whom shall serve as a representative of industry and one of whom shall serve as a representative of the environmental community. The chair of the board of any such authority shall serve as ex officio member of the council and be its chair. Each member of the council shall receive from the authority per diem and travel expenses in an amount not to exceed that provided for the state board in this chapter (but not to exceed one thousand three hundred fifty dollars per year) for each full day spent in the performance of his or her duties under this chapter. Any councilmember may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the board as provided in this section. The waiver, to be effective, must be filed

any time after the councilmember's appointment to the advisory council and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Sec. 53. RCW 85.05.410 and 1991 c 349 s 20 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to fifty dollars for attendance at official meetings of the district and for each day or ~~((major))~~ part thereof ~~((for all necessary services actually performed in connection with))~~ spent performing their duties as commissioners~~((, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year, except when the commissioners declare an emergency)).~~ However, by resolution, a board of diking commissioners may increase the per day rate of compensation up to sixty-six dollars. A commissioner may not receive compensation for more than ninety-six days in any year. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district. Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging~~((;))~~ while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 54. RCW 85.06.380 and 1991 c 349 s 21 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners may receive as compensation up to fifty dollars for attendance at official meetings of the district and for each day or ~~((major))~~ part thereof ~~((for all necessary services actually performed in connection with))~~ spent performing their duties as commissioners~~((: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year: PROVIDED FURTHER, That such services and)).~~ However, by resolution, a board of drainage commissioners may increase the per day rate of compensation up to sixty-six dollars. A commissioner may not receive compensation for more than ninety-six days in any year. Compensation ~~((are allowed and))~~ shall only be allowed if it is approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging~~((;))~~ while away from the commissioner's place~~((;))~~ of residence, and mileage for use of a privately~~((;))~~ owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 55. RCW 85.08.320 and 1991 c 349 s 22 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to fifty dollars for attending each official meeting of the district and for each day or ~~((major))~~ part thereof ~~((for all necessary services actually performed in connection with))~~ spent performing their duties as supervisors~~((: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars)).~~ However, by resolution, a board of supervisors may increase the per day rate of compensation up to sixty-six dollars. A supervisor may not receive compensation for more than ninety-six days in one calendar year. Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the supervisor's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the ~~((said))~~ supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer

upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Sec. 56. RCW 85.24.080 and 1991 c 349 s 23 are each amended to read as follows:

The members of the board may receive as compensation up to fifty dollars for attendance at official meetings of the district and for each day or ((major)) part thereof ((for all necessary services actually performed in connection with)) spent performing their duties as commissioners((: ~~PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars~~)). However, by resolution, a board of commissioners may increase the per day rate of compensation up to sixty-six dollars. A commissioner may not receive compensation for more than ninety-six days in one calendar year((: ~~PROVIDED FURTHER, That~~)). Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. The board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Sec. 57. RCW 86.09.283 and 1991 c 349 s 24 are each amended to read as follows:

The board of directors may each receive up to fifty dollars for attendance at official meetings of the board and for each day or ((major)) part thereof ((for all necessary services actually performed in connection with)) spent performing their duties as director. However, by resolution, a board of directors may increase the per day rate of compensation up to sixty-six dollars. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. ((~~Compensation for the directors shall not exceed four thousand eight hundred dollars~~)) A director may not receive compensation for more than ninety-six days in one calendar year. Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. A director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging((;)) while away from the director's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 58. RCW 87.03.160 and 1975 c 14 s 1 are each amended to read as follows:

The board of directors of irrigation districts shall have the authority and power to contract for and to pay the premium upon group life, health and accident insurance upon its employees; and to make all such insurance available to its directors, subject to payment by the directors of all costs of insurance for directors. The amount and type of insurance available to the board of directors may not exceed the insurance available to the district employees except for liability insurance.

Sec. 59. RCW 87.03.460 and 1990 c 38 s 1 are each amended to read as follows:

((~~In addition to their reasonable expenses in accordance with chapter 42.24 RCW,~~)) The directors shall each receive an amount for attending meetings and while performing other services for the district. The amount shall be fixed by resolution and entered in the minutes of the proceedings of the board. It shall not exceed fifty dollars for each day or portion thereof spent by a director for such attendance or performance. ((The total amount of such additional compensation received by a director may not exceed four thousand eight hundred dollars)) However, by resolution, a board of directors may increase the per day rate of compensation up to sixty-six dollars. A director may not receive compensation for more than ninety-six days in a calendar year. Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. The board shall fix the compensation of the secretary and all other employees. In addition, directors are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each director's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW.

Sec. 60. RCW 89.08.200 and 1973 1st ex.s. c 184 s 21 are each amended to read as follows:

The term of office of each supervisor shall be three years and until his or her successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his or her successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state conservation commission. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation, but ~~((they shall be entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties))~~ are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each supervisor's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. A supervisor may be removed by the state conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The governing board shall designate a chairman from time to time.

Sec. 61. RCW 89.30.298 and 1927 c 254 s 100 are each amended to read as follows:

The members of the board of directors shall each receive an amount not to exceed ~~((five))~~ ten dollars per day ~~((in))~~ for attending the meetings ~~((, to be determined by said board, and such compensation, not exceeding five dollars per day,))~~ and for other services rendered the district as shall be fixed by resolution. The resolution shall be adopted by vote of the directors and entered in the minutes of their proceedings((, and)). Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. In addition ((hereto, said)), the directors ((shall receive necessary expenses in attending meetings or when otherwise engaged in district business)) are entitled to reimbursement for reasonable expenses actually incurred in connection with official business, including subsistence and lodging while away from each director's place of residence, and mileage for use of a privately owned vehicle, in accordance with chapter 42.24 RCW. The board shall fix the compensation to be paid to the secretary and all other officers, agents and employees of the district."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Horn and Van Luven.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5112 Prime Sponsor, Drew: Revising hiring procedures for cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

April 2, 1993

ESB 5155 Prime Sponsor, Skratek: Changing requirements for the establishment of community councils. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Dunshee; R. Fisher; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; and Horn.

Passed to Committee on Rules for second reading.

April 2, 1993

ESSB 5186 Prime Sponsor, Committee on Law & Justice: Prohibiting the luring of minors or incompetent persons into vehicles or structures. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.40 RCW to read as follows:

A person commits the crime of luring if the person:

- (1)(a) Orders, lures, or attempts to lure a minor or developmentally disabled person into a structure that is obscured from or inaccessible to the public or into a motor vehicle;
 - (b) Does not have the consent of the minor's parent or guardian or the developmentally disabled person's guardian; and
 - (c) Is unknown to the child or developmentally disabled person.
- (2) It is a defense to luring, which the defendant must prove by a preponderance of the evidence, that the defendant's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety, or welfare of the minor or developmentally disabled person.
- (3) For purposes of this section:
- (a) "Minor" means a person under the age of sixteen;
 - (b) "Developmentally disabled person" means a person with a developmental disability as defined in RCW 71A.10.020.
- (4) Luring is a class C felony."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representatives Forner and H. Myers.

Passed to Committee on Rules for second reading.

April 2, 1993

ESSB 5230 Prime Sponsor, Committee on Government Operations: Clarifying and extending dates established under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((adopt comprehensive land use plans and development regulations under))~~ conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with ~~((RCW 36.70A.040 through 36.70A.160))~~ all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet ~~((the requirements of))~~ either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall ~~((adopt a comprehensive land use plan in accordance with))~~ conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county ~~((cannot remove itself from))~~ and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to ~~((adopt a comprehensive land use plan))~~ conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) the county and each city located within the county shall adopt ~~((the))~~ a comprehensive plan under this chapter on or before ~~((July 1, 1993))~~ a date from January 1, 1994, through August 1, 1994, as specified by the department under RCW 36.70A.045; and (e) the county and each city located within the county shall adopt development regulations that are consistent with and implement its comprehensive plan by the same date it is required to adopt its comprehensive plan, but a county or city may obtain an extension for this deadline by the shorter of an additional six months or until December 31, 1994, by submitting a letter to the department of community development prior to the deadline for adopting both a comprehensive plan and development regulations stating its need for the extension, detailing reasons for the needed extension, and proposing a schedule of actions that will be taken leading to the adoption of the development regulations.

(4) Any county or city that is required to ~~((adopt a comprehensive land use plan))~~ conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt ~~((the))~~ a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than ~~((three))~~ four years one month from the date the county legislative ~~((body takes action as required by subsection (2) of this section))~~ authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter to the department of community development prior to the deadline for adopting both a comprehensive plan and development regulations stating its need for the extension, detailing reasons for the needed extension, and proposing a schedule of actions that will be taken leading to the adoption of the development regulations.

~~((4))~~ (5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the ~~((requirements of))~~ sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall ~~((adopt))~~ take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; ~~((b))~~ (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan ~~((under this chapter))~~ and development regulations that are consistent with and implement the comprehensive plan within ~~((three))~~ four years one month of the certification by the office of financial management ~~((; and (e) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan))~~, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter to the department of community development prior to the deadline for adopting both a comprehensive plan and development regulations stating its need for the extension, detailing reasons for the needed extension, and proposing a schedule of actions that will be taken leading to the adoption of the development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

Sec. 2. RCW 36.70A.045 and 1991 sp.s. c 32 s 15 are each amended to read as follows:

(1) By no later than June 1, 1993, the department ~~((may))~~ shall adopt a schedule ~~((to permit))~~ phasing ~~((of))~~ the dates, from January 1, 1994, through July 31, 1994, on or before which each county initially required to plan under all the requirements of this chapter by RCW 36.70A.040(1), and each city located within the county, must adopt a comprehensive plan ~~((submittal for counties and cities planning under RCW 36.70A.040. This schedule shall not permit a comprehensive plan to be submitted greater than one hundred eighty days past the date that the plan was required to be submitted and shall be used))~~ under this chapter.

To facilitate expeditious review and interjurisdictional coordination of comprehensive plans and development regulations, the date designated on or before which a county must adopt a comprehensive plan shall be the same date designated on or before which each city located in that county must adopt its comprehensive plan. Where a city

is located in more than one of such counties that have differing designated dates, the department shall designate which date applies to that city.

(2) The following criteria shall be used by the department in establishing this schedule: (a) How close the county and cities in the county are to adopting their comprehensive plans; (b) the extent of a consensus between the county and cities in the county over a date; (c) the relative financial burdens on the county and the cities in the county to prepare, consider, and adopt their comprehensive plans; and (d) the sufficiency of opportunities the public has had to provide input into the planning process in the county and the cities in the county. This schedule does not have to evenly spread the deadlines for counties over this period and may designate deadlines for all or most of these counties at the end of this period.

Sec. 3. RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended to read as follows:

(1) Each county that is required or chooses to ~~((adopt a comprehensive land use))~~ plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county ~~((required to designate urban growth areas))~~ that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, every other county that is required or chooses to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall designate interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, each other county that is required or chooses to plan under RCW 36.70A.040 shall designate interim urban growth areas under this chapter. A permit or other authorization allowing land use activities not already vested shall not be issued or approved by a county or city after the county designates its interim urban growth areas if the permit or other authorization is inconsistent with these designations. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 4. RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each amended to read as follows:

~~((Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under RCW 36.70A.040 shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities))~~ Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform ~~((their))~~ its activities and make capital budget decisions in conformity with ~~((their))~~ its comprehensive plan~~((s))~~.

Sec. 5. RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of ~~(the)~~ each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy~~(:)~~. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith~~(:)~~.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340~~(:)~~.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction~~(: and)~~.

(e) No later than July 1, 1992, the legislative authority of ~~(the)~~ each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

The governor may impose a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Prior to imposing a sanction or sanctions on a county or city, the governor shall make a written finding that the county or city has not proceeded in good faith or has unreasonably delayed taking required action by the date such action was required to have been taken. A delay caused by an initiative or referendum on subjects covered in this act is not an unreasonable delay.

Sec. 7. RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is required to adopt its comprehensive plan and development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5242 Prime Sponsor, Jesernig: Revising incest law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 3, strike "~~children~~) under eighteen years of age" and insert "~~children under eighteen years of age~~)"

On page 2, beginning on line 8, after "degree" strike all material through "degree" on line 11

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Forner.

Passed to Committee on Rules for second reading.

April 2, 1993

SSB 5256 Prime Sponsor, Committee on Government Operations: Restricting the use of city or town facilities to advocate for or against an annexation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after the enacting clause strike the remainder of the bill and insert:

"**Sec. 1.** RCW 35.13.350 and 1989 c 351 s 8 are each amended to read as follows:

A city (~~(or)~~), town (~~(can)~~), county, or special district may provide factual (~~(public)~~) information to the public on the effects of a pending annexation proposed for the city or town.

NEW SECTION. Sec. 2. A new section is added to chapter 35.13 RCW to read as follows:

A city, town, county, or special district may not use its public facilities to promote or oppose a proposed or pending annexation to a city or town under the direct property owner petition method of annexation provided under RCW 35.13.125 through 35.13.160. However, this restriction does not apply to the following:

(1) Members of a governing body may take action at an open public meeting to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to promote or oppose a proposed or pending annexation so long as members of the governing body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

(2) A public official may make statements promoting or opposing a proposed or pending annexation at an open press conference or in response to a specific inquiry.

(3) Public officials and employees may engage in activities that are part of the normal and regular conduct of their positions or employment.

(4) A local government may generate and provide factual information to the public on the effects of a proposed or pending annexation.

(5) The facilities of a local government may be used to conduct forums on a proposed or pending annexation where proponents and opponents express their opinions and distribute materials related to the proposed or pending annexation.

(6) Employees and public facilities may be used to prepare speeches for public officials promoting or opposing a proposed or pending annexation.

(7) City or town employees or officials may solicit signatures on annexation petitions outside of their normal working hours for the city or town if compensation, privileges, or other consideration is not provided for such activities and city or town facilities and resources, including the use of city or town vehicles or reimbursement for use of private vehicles, is not used or provided for such activities.

NEW SECTION. Sec. 3. A new section is added to chapter 35.13 RCW to read as follows:

A city or town may not grant reduced utility or other charges to individual property owners as a condition of signing an annexation petition, granting a power of attorney to sign an annexation petition, or otherwise agreeing to a proposed or pending annexation.

Sec. 4. RCW 35A.14.550 and 1989 c 351 s 9 are each amended to read as follows:

A (~~(code)~~) city (~~(can)~~), town, county, or special district may provide factual (~~(public)~~) information to the public on the effects of pending annexation proposed for the code city.

NEW SECTION. Sec. 5. A new section is added to chapter 35A.14 RCW to read as follows:

A city, town, county, or special district may not use its public facilities to promote or oppose a proposed or pending annexation to a code city under the direct property owner petition method of annexation provided under RCW 35A.14.120 through 35A.14.150. However, this restriction does not apply to the following:

(1) Members of a governing body may take action at an open public meeting to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to promote or oppose a proposed or pending annexation so long as members of the governing body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

(2) A public official may make statements promoting or opposing a proposed or pending annexation at an open press conference or in response to a specific inquiry.

(3) Public officials and employees may engage in activities that are part of their normal and regular conduct of their positions or employment.

(4) A local government may generate and provide factual information to the public on the effects of a proposed or pending annexation.

(5) The facilities of a local government may be used to conduct forums on a proposed or pending annexation where proponents and opponents express their opinions and distribute materials related to the proposed or pending annexation.

(6) Employees and public facilities may be used to prepare speeches for public officials promoting or opposing a proposed or pending annexation.

(7) Code city employees or officials may solicit signatures on annexation petitions outside of their normal working hours for the city if compensation, privileges, or other consideration is not provided for such activities and city facilities and resources, including the use of city vehicles or reimbursement for use of private vehicles, is not used or provided for such activities.

NEW SECTION. Sec. 6. A new section is added to chapter 35A.14 RCW to read as follows:

A code city may not grant reduced utility or other charges to individual property owners as a condition of signing an annexation petition, granting a power of attorney to sign an annexation petition, or otherwise agreeing to a proposed or pending annexation."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Passed to Committee on Rules for second reading.

April 2, 1993

ESSB 5307 Prime Sponsor, Committee on Education: Prohibiting firearms and dangerous weapons on school premises, with limited exceptions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 35 of the amendment, after "district and" strike "private school" and insert "each private school approved under chapter 28A.195 RCW

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.280 and 1989 c 219 s 1 are each amended to read as follows:

(1) It is unlawful for ~~((an elementary or secondary school student under the age of twenty-one knowingly))~~ a person to carry onto public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm; or
- (b) Any dangerous weapon as defined in RCW 9.41.250; or
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such ~~((student))~~ person violating subsection (1) of this section is guilty of a gross misdemeanor.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. However, any violation of subsection (1)(a) of this section by an elementary or secondary school student shall result in expulsion in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy when on the property of the academy; ~~((or))~~
- (b) Any ~~((student))~~ person engaged in military, law enforcement, or school district security activities ~~((, sponsored by the federal or state governments while engaged in official duties));~~ ~~((or))~~
- (c) Any ~~((student))~~ person who is ~~((attending))~~ involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed; ~~((or))~~
- (d) Any ~~((student))~~ person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises; ~~((or))~~

(e) Any ~~((student))~~ person while the ~~((student))~~ person is participating in a firearms or air gun competition approved by the school or school district;

(f) Any person who has been issued a license under RCW 9.41.070, while picking up or dropping off a student;

(g) Any person legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(h) Any person who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(i) Any law enforcement officer of the federal, state, or local government agency.

(4) Except as provided in subsection (3)(b), (c), (e), and (i) of this section, firearms are not permitted in a public or private school building.

(5) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

Each school district and private school shall report to the superintendent of public instruction by January 31st of each year all known incidents involving the possession of weapons on school premises, on transportation systems, or in athletic facilities in violation of RCW 9.41.280 in the year preceding the report. The superintendent shall compile the data and report it to the house of representatives, the senate, and the governor.

Sec. 3. RCW 28A.635.060 and 1989 c 269 s 6 are each amended to read as follows:

(1) Any pupil who shall deface or otherwise injure any school property, shall be liable to suspension and punishment. Any school district whose property has been lost or willfully cut, defaced, or injured, may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages, unless the student is transferring to another elementary or secondary educational institution, in which case the student's permanent record shall be released promptly to the receiving school. When the pupil and parent or guardian are unable to pay for the damages, the school district shall provide a program of voluntary work for the pupil in lieu of the payment of monetary damages. Upon completion of voluntary work the grades, diploma, and transcripts of the pupil shall be released. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law.

(2) Before any penalties are assessed under this section, a school district board of directors shall adopt procedures which insure that pupils' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

Sec. 4. RCW 10.31.100 and 1988 c 190 s 1 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((8))~~ (9) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall

make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.100 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

(10) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((40))~~ (11) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the police officer acts in good faith and without malice."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; and Tate.

MINORITY recommendation: Do not pass. Signed by Representative Wineberry.

Excused: Representative Forner.

Passed to Committee on Rules for second reading.

April 2, 1993

SSB 5329 Prime Sponsor, Committee on Government Operations: Changing provisions relating to port districts.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 53.12.010 and 1992 c 146 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three or, when permitted by this title, five members. Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into ~~((three))~~ the same number of commissioner districts as there are commissioner positions, each having approximately equal population. Where a port district with three commissioner positions is coextensive with the boundaries of a county that has a population of less than five hundred thousand and the county has three county legislative authority districts, the port ~~((district))~~ commissioner districts shall be the county legislative authority districts. In other instances where a port district is divided into commissioner districts, the ~~((petition proposing the formation of such a))~~ port commission shall divide the port district ((shall describe three)) into commissioner districts ((each having approximately the same population and)) unless the commissioner districts have

been described pursuant to section 4 of this act. The commissioner districts shall be altered as provided in chapter 53.16 RCW.

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only the voters of a commissioner district may vote at a primary (~~election~~) to nominate candidates for a commissioner of the commissioner district. Voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((In port districts having additional commissioners as authorized by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 53.12 RCW to read as follows:

A ballot proposition authorizing the use of commissioner districts in a port district with a population of five hundred thousand or more shall be submitted to the voters of the port district if either the port commission adopts a resolution proposing the use of commissioner districts or a petition proposing the use of commissioner districts is submitted to the port commission that is signed by registered voters in the port district equal in number to at least ten percent of the number of voters who voted in the port district at the last district general election. The port commission shall transfer the petition immediately to the county auditor who shall review the signatures and certify the sufficiency of the petition. A ballot proposition shall be submitted to the voters of the port district at the next district general election occurring sixty or more days after a petition with sufficient valid signatures was submitted.

If the ballot proposition authorizing the use of commissioner districts is approved by a simple majority vote, the port commission shall divide the port district into either three or five commissioner districts, depending on the number of commissioners on the board of commissioners, each with approximately the same population. The creation of commissioner districts shall be completed by the first day of July in the year after the election at which the use of commissioner districts was approved. A single commissioner shall reside in each of the commissioner districts. Each of the current commissioners shall remain in office until his or her term expires and a successor shall be elected from the commissioner district in which the port commissioner resides.

NEW SECTION. Sec. 3. A new section is added to chapter 53.12 RCW to read as follows:

The commissioners of a port district may adopt a resolution authorizing a ballot proposition to be submitted to the voters of the port district that would eliminate the commissioner districts in the port district. A copy of the resolution shall be transmitted to the county auditor. The ballot proposition shall be submitted at the next district general election occurring sixty or more days after the adoption of the resolution by the port commissioners. If the ballot proposition authorizing the port district to cease using commissioner districts is approved by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections.

A ballot proposition authorizing the elimination of commissioner districts shall be submitted to the voters of a port district that is divided into commissioner districts if a petition is submitted to the port commission proposing that the port district cease using commissioner districts, that is signed by registered voters of the port district equal in number to at least ten percent of the number of voters who voted at the last district general election. The port commission shall transfer the petition immediately to the county auditor who shall review the signatures and certify its sufficiency. A ballot proposition authorizing the elimination of commissioner districts shall be submitted at the next district general election occurring sixty or more days after a petition with sufficient signatures was submitted. If the ballot proposition authorizing the port district to cease using commissioner districts is approved by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections. The port commission may adopt a resolution eliminating the use of commissioner districts in lieu of having the ballot proposition submitted to district voters.

NEW SECTION. Sec. 4. A new section is added to chapter 53.04 RCW to read as follows:

Three commissioner districts, each with approximately the same population, shall be described in the petition proposing the creation of a port district under RCW 53.04.020, if the process to create the port district was initiated by voter petition, or shall be described by the county legislative authority, if the process to initiate the creation of the port district was by action of the county legislative authority. However, commissioner districts shall not be described if the commissioner districts of the proposed port district shall be the same as the county legislative authority districts.

The initial port commissioners shall be elected as provided in RCW 53.12.172.

Sec. 5. RCW 53.04.023 and 1992 c 147 s 2 are each amended to read as follows:

A less than county-wide port district with an assessed valuation of at least seventy-five million dollars may be created in a county bordering on saltwater that already has a less than county-wide port district located within its boundaries. Except as provided in this section, such a port district shall be created in accordance with the procedure to create a county-wide port district.

The effort to create such a port district is initiated by the filing of a petition with the county auditor calling for the creation of such a port district, describing the boundaries of the proposed port district, designating either three or five commissioner positions, describing commissioner districts if the petitioners propose that the commissioners represent districts, and providing a name for the proposed port district. The petition must be signed by voters residing within the proposed port district equal in number to at least ten percent of such voters who voted at the last county general election.

A public hearing on creation of the proposed port district shall be held by the county legislative authority if the county auditor certifies that the petition contained sufficient valid signatures. Notice of the public hearing must be published in the county's official newspaper at least ten days prior to the date of the public hearing. After taking testimony, the county legislative authority may make changes in the boundaries of the proposed port district if it finds that such changes are in the public interest and shall determine if the creation of the port district is in the public interest. No area may be added to the boundaries unless a subsequent public hearing is held on the proposed port district.

The county legislative authority shall submit a ballot proposition authorizing the creation of the proposed port district to the voters of the proposed port district, at any special election date provided in RCW 29.13.020, if it finds the creation of the port district to be in the public interest.

The port district shall be created if a majority of the voters voting on the ballot proposition favor the creation of the port district. The initial port commissioners shall be elected at the same election, from districts or at large, as provided in the petition initiating the creation of the port district. The election shall be otherwise conducted as provided in RCW ((53.12.050)) 53.12.172, but the election of commissioners shall be null and void if the port district is not created. ~~((Commissioner districts shall not be used in the initial election of the port commissioners.))~~

This section shall expire July 1, 1997.

Sec. 6. RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and amended to read as follows:

(1) In every port district the term of office of each port commissioner shall be four years in each port district that is county-wide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in RCW 53.12.175, and until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

(3) The terms of office of the initial port commissioners shall be staggered as follows in a port district that is county-wide with a population of one hundred thousand or more: ~~((+))~~ (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29.04.170; and ~~((2))~~ (b) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(4) The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(5) The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections.

Sec. 7. RCW 53.12.115 and 1992 c 146 s 7 are each amended to read as follows:

A ballot proposition shall be submitted to the voters of any port district authorizing an increase in the number of port commissioners to five whenever the port commission adopts a resolution proposing the increase in number of port commissioners or a petition ((requesting)) proposing such an increase has been submitted to the county auditor of the county in which the port district is located that has been signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election. The ballot

proposition shall be submitted at the next general or special election occurring sixty or more days after the petition was submitted or resolution was adopted.

At the next general or special election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 8. RCW 53.12.120 and 1992 c 146 s 8 are each amended to read as follows:

When the population of a port district that has three commissioners reaches five hundred thousand, in accordance with the latest United States regular or special census or with the official state population estimate, there shall be submitted to the voters of the district, at the next district general election or at a special port election called for that purpose, the proposition of increasing the number of commissioners to five. ~~((At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is approved by the voters, the commission in that port district shall consist of five commissioners.))~~

At the next district general election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 9. RCW 53.12.130 and 1992 c 146 s 9 are each amended to read as follows:

Two additional port commissioners shall be elected at the next district general election following the election at which voters authorized the increase in port commissioners to five members. ~~((The two additional positions shall be numbered positions four and five.))~~

The port commissioners shall divide the port district into five commissioner districts prior to the first day of June in the year in which the two additional commissioners shall be elected. The new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected from commissioner districts four and five at the general election. The persons ~~((receiving the highest number of votes for each position shall be elected to that position and))~~ elected as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29.01.135.

In a port district where commissioners are elected to four-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a four-year term of office and the other additional commissioner thus elected shall be elected to a term of office of two years, if the election ~~((were))~~ is held in an odd-numbered year, or the additional commissioner thus elected receiving the highest number of votes shall be elected to a term of office of three years and the other shall be elected to a term of office of one year, if the election ~~((were))~~ is held in an even-numbered year. In a port district where the commissioners are elected to six-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a six-year term of office and the other additional commissioner shall be elected to a four-year term of office, if the election is held in an odd-numbered year, or the additional commissioner receiving the highest number of votes shall be elected to a term of office of five-years and the other shall be elected to a three-year term of office, if the election is held in an even-numbered year. The length of terms of office shall be computed from the first day of January in the year following this election.

~~((A successor to a commissioner holding position four or five whose term is about to expire, shall be elected at the general election next preceding such expiration, for a))~~ Successor commissioners from districts four and five shall be elected to terms of either six or four years, depending on the length of terms of office to which commissioners of that port district are elected. ~~((Positions four and five shall not be associated with a commissioner district and the elections to both nominate candidates for those positions and elect commissioners for these positions shall be held on a port district-wide basis.))~~

Sec. 10. RCW 53.12.175 and 1992 c 146 s 3 are each amended to read as follows:

A ballot proposition to reduce the terms of office of port commissioners from six years to four years shall be submitted to the voters of any port district that otherwise would have commissioners with six-year terms of office upon either resolution of the port commissioners or petition of voters of the port district proposing the reduction in terms of office, which petition has been signed by voters of the port district equal in number to at least ten percent of the number of voters in the port district voting at the last ~~((district))~~ general election. The petition shall be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition shall be submitted at the next ~~((district))~~ general or special election that occurs sixty or more days after the adoption of the resolution or submission of the petition.

If the ballot proposition reducing the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner or commissioners who are elected at that election shall be elected to four-year terms of office. The terms of office of the other commissioners shall not be reduced, but each successor shall be elected to a four-year term of office.

Sec. 11. RCW 53.16.015 and 1992 c 146 s 10 are each amended to read as follows:

~~((In a port district that is not coterminous with a county that has three county legislative authority districts and that has port commissioner districts,))~~ The port commission of a port district that uses commissioner districts may redraw the commissioner district boundaries as provided in chapter 29.70 RCW at any time and submit the redrawn boundaries to the county auditor if the port district is not coterminous with a county that has the same number of county legislative authority districts as the port has port commissioners. The new commissioner districts shall be used at the next election at which a port commissioner is regularly elected that occurs at least one hundred eighty days after the redrawn boundaries have been submitted. Each commissioner district shall encompass as nearly as possible ~~((one-third of the population of the port district))~~ the same population."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Reams, Assistant Ranking Minority Member; Dunshee; Romero; Springer; and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Ranking Minority Member; R. Fisher; Rayburn; and Zellinsky.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5334 Prime Sponsor, West: Requiring bicycle helmets. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Lisk.

Excused: Representative R. Johnson.

Passed to Committee on Rules for second reading.

April 2, 1993

ESSB 5372 Prime Sponsor, Committee on Government Operations: Changing multiple tax provisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.46.110 and 1991 c 161 s 1 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized by this chapter within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout the unincorporated areas of such county: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a fifty cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a

public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in this chapter, which organization has no paid operating or management personnel and has gross income from bingo or amusement games, or a combination thereof, not exceeding five thousand dollars per year, less the amount paid for as prizes. No tax shall be imposed on the first ten thousand dollars of net proceeds from raffles conducted by any bona fide charitable or nonprofit organization as defined in this chapter. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games.

Taxes imposed under this chapter become a lien upon personal and real property in the same manner as provided for under RCW 84.60.010.

Sec. 2. RCW 28A.315.440 and 1975 1st ex.s. c 275 s 99 are each amended to read as follows:

Upon receipt of the aforesaid certificate, it shall be the duty of the ~~((board of county commissioners))~~ county legislative authority of each county to levy on all taxable property of that part of the joint school district which lies within the county a tax sufficient to raise the amount necessary to meet the county's proportionate share of the estimated expenditures of the joint district, as shown by the certificate of the educational service district superintendent of the district to which the joint school district belongs. Such taxes shall be levied and collected in the same manner as other taxes are levied and collected, and the proceeds thereof shall be forwarded ~~((quarterly))~~ monthly by the treasurer of each county, other than the county to which the joint district belongs, to the treasurer of the county to which such district belongs and shall be placed to the credit of said district. The treasurer of the county to which a joint school district belongs is hereby declared to be the treasurer of such district.

Sec. 3. RCW 35.49.130 and 1965 c 7 s 35.49.130 are each amended to read as follows:

~~((In county foreclosures for delinquency in the payment of general taxes, the county treasurer shall mail a copy of the published summons to the treasurer of every city and town within which any property involved in the foreclosure proceeding is situated. The copy of the summons shall be mailed within fifteen days after the first publication thereof, but the county treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed.))~~

If any property situated in a city or town, or if any property is situated in a city or town local improvement district that is located outside of a city's or town's borders, is offered for sale for general taxes by the county treasurer, the city or town shall have power to protect the lien or liens of any local improvement assessments outstanding against the whole or portion of such property by purchase thereof or otherwise.

Sec. 4. RCW 36.21.011 and 1973 1st ex.s. c 11 s 1 are each amended to read as follows:

Any assessor who deems it necessary to enable him or her to complete the listing and the valuation of the property of his or her county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as ~~((his))~~ assistants or deputies who shall not engage in the private practice of appraising within the county ~~((in which he is))~~ where employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall ~~((establish by July 1, 1967, and shall thereafter))~~ maintain~~((r))~~ a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

~~((#))~~ An assessor who intends to put such plan into effect ~~((in his county, he))~~ shall inform the department of revenue and the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of this intent in writing. The department of revenue and the ~~((board))~~ county legislative authority may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the ~~((board))~~ legislative authority, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of ~~((his))~~ the four next succeeding annual budget estimates, for as many positions as are established in such determination. Each ~~((board of))~~ county ~~((commissioners))~~ legislative authority to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

Sec. 5. RCW 46.44.175 and 1985 c 22 s 2 are each amended to read as follows:

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a penalty of not less than one hundred dollars or more than five hundred dollars shall be assessed. In addition to the above penalty, the department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person who shall alter, re-use, transfer, or forge the decal required by RCW 46.44.170, or who shall display a decal knowing it to have been forged, re-used, transferred, or altered, shall be guilty of a gross misdemeanor.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the department of transportation or the local authority having jurisdiction. The department or the local authority after such hearing may revise its previous action.

NEW SECTION. Sec. 6. A new section is added to chapter 82.03 RCW to read as follows:

In all appeals taken pursuant to RCW 84.08.130 the assessor and taxpayer shall submit evidence of comparable sales to be used in a hearing to the board and to all parties at least ten business days in advance of such hearing. Failure to comply with the requirements set forth in this section shall be grounds for the board, upon objection, to continue the hearing or refuse to consider evidence not timely submitted.

Sec. 7. RCW 84.08.130 and 1992 c 206 s 10 are each amended to read as follows:

(1) Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the ~~((county auditor))~~ board of tax appeals a notice of appeal ~~((in duplicate))~~ within thirty days after the mailing of the decision of such board of equalization, which notice shall specify the actions complained of ~~((, and said auditor shall forthwith transmit one of said notices to the board of tax appeals));~~ and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. There shall be no fee charged for the filing of an appeal. The petitioner shall ~~((provide))~~ serve a copy of the notice of appeal ~~((to))~~ on all named parties within the same thirty-day time period ~~((provided in the rules of practice and procedure of the board of tax appeals)).~~ Appeals which are not filed and served as provided in this section shall be ~~((continued or))~~ dismissed. The board of tax appeals shall require the board appealed from to file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper. An appeal of an action by a county board of equalization shall be deemed to have been filed and served within the thirty-day period if it is postmarked on or before the thirtieth day after the mailing of the decision of the board of equalization.

(2) The board of tax appeals may enter an order, pursuant to subsection (1) of this section, that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the assessed value during that time.

Sec. 8. RCW 84.08.140 and 1975 1st ex.s. c 278 s 157 are each amended to read as follows:

Any taxpayer feeling aggrieved by the levy or levies of any taxing district except levies authorized by a vote of the ~~((people))~~ voters of the district may appeal therefrom to the department of revenue as hereinafter provided. Such taxpayer, upon the execution of a bond, with two or more sufficient sureties to be approved by the county auditor, payable to the state of Washington, in the penal sum of two hundred dollars and conditioned that if the petitioner shall fail in his appeal for a reduction of said levy or levies ~~((he))~~ the taxpayer will pay the taxable costs of the hearings hereinafter provided, not exceeding the amount of such bond, may file a written complaint with the county auditor wherein such taxing district is located not later than ten days after the making and entering of such levy or levies, setting forth in such form and detail as the department of revenue shall by general rule prescribe, ~~((his))~~ the taxpayer's objections to such levy or levies. Upon the filing of such complaint, the county auditor shall immediately transmit a certified copy thereof, together with a copy of the budget or estimates of such taxing district as finally adopted, including estimated revenues and such other information as the department of revenue shall by rule require, to the department of revenue. The department of revenue shall fix a date for a hearing on said complaint at the earliest convenient time after receipt of said record, which hearing shall be held in the county in which said taxing district is located, and notice of such hearing shall be given to the officials of such taxing district, charged with determining the amount of its levies, and to the taxpayer on said complaint by registered mail at least five days prior to the date of said hearing. At such hearings all interested parties may be heard and the department of revenue shall

receive all competent evidence. After such hearing, the department of revenue shall either affirm or decrease the levy or levies complained of, in accordance with the evidence, and shall thereupon certify its action with respect thereto to the county auditor, who, in turn, shall certify it to the taxing district or districts affected, and the action of the department of revenue with respect to such levy or levies shall be final and conclusive.

Sec. 9. RCW 84.12.270 and 1975 1st ex.s. c 278 s 165 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true ~~((cash))~~ and fair value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true ~~((cash))~~ and fair value of such property the department of revenue may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating or nonoperating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and true ~~((cash))~~ and fair value of the operating property of such company.

Sec. 10. RCW 84.12.310 and 1975 1st ex.s. c 278 s 167 are each amended to read as follows:

For the purpose of determining the system value of the operating property of any such company, the department of revenue shall deduct from the actual cash value of the total assets of such company, the ~~((actual cash))~~ true and fair value of all nonoperating property owned by such company. For such purpose the department of revenue may require of the assessors of the various counties within this state a detailed list of such company's properties assessed by them, together with the assessable or assessed value thereof: PROVIDED, That such assessed or assessable value shall be advisory only and not conclusive on the department of revenue as to the value thereof.

Sec. 11. RCW 84.12.330 and 1975 1st ex.s. c 278 s 168 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision (17) of RCW 84.12.200, as applied to said company, following which shall be entered the ~~((actual cash))~~ true and fair value of the operating property as determined by the department of revenue. No assessment shall be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((actual cash))~~ true and fair value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll.

Sec. 12. RCW 84.12.350 and 1967 ex.s. c 26 s 17 are each amended to read as follows:

Upon determination by the department of revenue of the true and ~~((correct actual cash))~~ fair value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized assessed valuation of such property in each such county and in the several taxing districts therein, by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property in such county: PROVIDED, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than two hundred fifty dollars, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district.

Sec. 13. RCW 84.12.360 and 1987 c 153 s 3 are each amended to read as follows:

The ~~((actual cash))~~ true and fair value of the operating property assessed to a company, as fixed and determined by the ~~((state board))~~ department of ~~((equalization))~~ revenue, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of ~~((steam, suburban, and interurban))~~ all railroad companies other than street railway companies, telegraph companies and pipe line companies--upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies), and mileage of pipe line (in the case of pipe line

companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies--upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies--upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies--upon the basis set forth in ~~((subdivision))~~ subsection (2) (hereof) of this section.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Sec. 14. RCW 84.12.370 and 1975 1st ex.s. c 278 s 171 are each amended to read as follows:

When the ~~((state board))~~ department of ~~((equalization))~~ revenue shall have determined the equalized assessed value of the operating property of each company in each of the respective counties and in the taxing districts thereof, as hereinabove provided, the department of revenue shall certify such equalized assessed value to the county assessor of the proper county. The county assessor shall enter the company's real operating property upon the real property tax rolls and the company's personal operating property upon the personal property tax rolls of ~~((his))~~ the county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating property of the company in such county and the taxing districts therein for that year, upon which taxes shall be levied and collected in the same manner as on the general property of such county.

Sec. 15. RCW 84.16.040 and 1975 1st ex.s. c 278 s 179 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true ~~((cash))~~ and fair value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true ~~((cash))~~ and fair value of such property the department of revenue may take into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and true ~~((cash))~~ and fair value of the operating property of such company.

Sec. 16. RCW 84.16.050 and 1975 1st ex.s. c 278 s 180 are each amended to read as follows:

The department of revenue may, in determining the ~~((actual cash))~~ true and fair value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property partly within and partly without the state, the department of revenue may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the department of revenue may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the department of revenue may use any other reasonable and fair method to determine the value of the operating property of the company within this state.

Sec. 17. RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of ~~((subdivision))~~ subsection (3) of RCW 84.16.010 or otherwise, following which shall be entered the ~~((actual cash))~~ true and fair value of the operating property as determined by the department of revenue. No assessment shall be invalid by a mistake

in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((actual-cash))~~ true and fair value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll; and thereupon such valuation shall become the ~~((actual-cash))~~ true and fair value of the operating property of the company, subject to revision or correction by the ~~((state-board))~~ department of ((equalization)) revenue as hereinafter provided; and shall be the valuation upon which, after equalization by the ~~((state-board))~~ department of ((equalization)) revenue as hereinafter provided, the taxes of such company shall be based and computed.

Sec. 18. RCW 84.16.110 and 1967 ex.s. c 26 s 18 are each amended to read as follows:

Upon determination by the department of revenue of the true and ~~((correct-actual-cash))~~ fair value of the property appearing on such rolls the department shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property of the respective counties: PROVIDED, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county shall be less than two hundred fifty dollars, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county.

Sec. 19. RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended to read as follows:

The ~~((actual-cash))~~ true and fair value of the property of each company as fixed and determined by the ~~((state-board))~~ department of ((equalization)) revenue as herein provided shall be apportioned to the respective counties in the following manner:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is situate, located and operated.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

Sec. 20. RCW 84.16.130 and 1975 1st ex.s. c 278 s 183 are each amended to read as follows:

When the ~~((state-board))~~ department of ((equalization)) revenue shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, the department of revenue shall certify such equalized or assessed value to the county assessor of the proper county; and the county assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of ~~((his))~~ the county entitled to a proportionate value thereof in the manner prescribed in RCW 84.16.120 for apportionment of values between counties. The county assessor shall enter such assessment upon the personal property tax rolls of ~~((his))~~ the county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

Sec. 21. RCW 84.33.130 and 1986 c 100 s 57 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year ~~((commencing with 1972))~~ shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

(a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;

(b) The date or dates of acquisition of such land;

(c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for such land;

(e) If so, the nature and extent of implementation of such plan;

(f) Whether such land is used for grazing;

(g) Whether such land has been ~~((subdivided or a plat))~~ divided and a map filed with respect thereto;

(h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(i) Whether such land is subject to forest fire protection assessments pursuant to RCW 76.04.610;

(j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined ~~((in RCW 76.08.010, or any laws or regulations adopted to replace such minimum standards))~~ by rule adopted by the forest practices board, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, ~~((he))~~ the assessor shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his or her application has been denied may appeal such denial to the county board of equalization.

Sec. 22. RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW ~~((84.52.050 and))~~ 84.52.043.

Sec. 23. RCW 84.36.381 and 1992 c 187 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied ((or if));

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a

residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-six thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

NEW SECTION. Sec. 24. Section 23 of this act is effective for taxes levied for collection in 1993 and thereafter.

Sec. 25. RCW 84.38.040 and 1984 c 220 s 22 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter shall file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year shall be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW ~~((84.64.030 or))~~ 84.64.050, whichever is later: PROVIDED, That for good cause shown, the department may waive this requirement.

(2) The declaration shall designate the property to which the deferral applies, and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter ~~((9.72))~~ 9A.72 RCW for ~~((the))~~ false swearing. The first declaration to defer filed in a county shall include proof of the claimant's age acceptable to the assessor.

(3) The county assessor shall determine if each claimant shall be granted a deferral for each year but the claimant shall have the right to appeal this determination to the county board of equalization whose decision shall be final as to the deferral of that year.

Sec. 26. RCW 84.40.0301 and 1971 ex.s. c 288 s 2 are each amended to read as follows:

~~((4))~~ Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence.

~~((2) In any administrative or judicial proceeding pending upon May 21, 1971 or arising from the property revaluation under the provisions of section 4, chapter 282, Laws of 1969 ex. sess., and section 1, chapter 95, Laws of 1970 ex. sess., the provisions of this section will apply. This paragraph shall not be construed so as to limit in any way the provisions of subsection (1) of this section.))~~

Sec. 27. RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended to read as follows:

The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a maximum civil penalty of five (~~dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five~~) thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

Sec. 28. RCW 84.40.080 and 1973 2nd ex.s. c 8 s 1 are each amended to read as follows:

~~((The)) An assessor~~~~((, upon his own motion, or upon the application of any taxpayer,))~~ shall enter ~~((in the detail and assessment list of the current))~~ on the assessment roll in any year any property shown to have been omitted from the assessment ~~((list))~~ roll of any preceding year, at the ~~((valuation of that))~~ value for the preceding year, or if not then valued, at such ~~((valuation))~~ value as the assessor shall determine ~~((from))~~ for the preceding year, and such ~~((valuation))~~ value shall be stated ~~((in a separate line))~~ separately from the ~~((valuation))~~ value of ~~((the current))~~ any other year. ~~((Where improvements have not been valued and assessed as a part of the real estate upon which the same may be located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property under this section))~~ When any improvement has not been placed on an assessment roll as a part of the real estate upon which it is located, the improvement may, subject to RCW 84.40.085, be subsequently placed upon the assessment roll regardless of whether any other improvement on the real estate is listed on the assessment roll. For purposes of this section it is immaterial whether an assessment roll lists each improvement separately: PROVIDED, That no such assessment shall be made in any case where a bona fide purchaser~~((encumbrancer,))~~ or contract buyer has acquired any interest in said property prior to the time such improvements are assessed. When such an omitted assessment is made, the taxes levied thereon may be paid within one year of the due date of the taxes for the year in which the assessment is made without penalty or interest: AND PROVIDED FURTHER, That in the assessment of personal property, the assessor shall assess the omitted value not reported by the taxpayer as evidenced by an inspection of either the property or the books and records of said taxpayer by the assessor.

Sec. 29. RCW 84.40.090 and 1961 c 15 s 84.40.090 are each amended to read as follows:

It shall be the duty of assessors, when assessing real or personal property, to designate the name or number of each taxing ~~((and road))~~ district in which each person and each description of property assessed is liable for taxes~~((, which designation shall be made by writing the name or number of the districts opposite each assessment in the column provided for that purpose in the detail and assessment list))~~. When the real and personal property of any person is assessable in several taxing districts ~~((and/or road districts))~~, the amount in each shall be assessed ~~((on separate detail and assessment lists, and all property assessable in incorporated cities or towns shall be assessed in consecutive books, where more than one book is necessary, separate from outside property and separately, and the name of the owner, if known, together with his post office address, placed opposite each amount))~~ separately.

Sec. 30. RCW 84.40.170 and 1961 c 15 s 84.40.170 are each amended to read as follows:

(1) In all cases of ~~((irregular subdivided))~~ tracts or lots of land ~~((other than any regular government subdivision))~~ with irregular surveys that were created prior to 1937, the county assessor ~~((shall))~~ may outline a ~~((plat))~~ map of such tracts or lots and notify the owner or owners thereof with a request to have the same surveyed by the county engineer, and cause the same to be ~~((platted))~~ divided into numbered (or lettered) lots or tracts: PROVIDED, HOWEVER, That where any county has in its possession the correct field notes of any such tract or lot of land a new survey shall not be necessary, but such tracts or lots may be mapped from such field notes. In case the owner of such tracts or lots neglects or refuses to have the same surveyed ~~((or platted))~~ and mapped, the county assessor shall notify the ~~((board of))~~ county ~~((commissioners))~~ legislative authority in and for the county, who may order and direct the county engineer to make the proper survey and ~~((plat))~~ map of the tracts and lots. A ~~((plat))~~ map shall be made on which said tracts or lots of land shall be accurately described by lines, and numbered (or lettered), which numbers (or letters) together with number of the section, township and range shall be distinctly marked on ~~((such plat))~~ the map, and the field notes of all such tracts or lots of land shall describe each tract or lot according to the survey, and such tract or lot shall be numbered (or lettered) to correspond with its number (or letter) on the map. The ~~((plat))~~ division shall be given a designated name by the surveyor thereof. When the survey, ~~((plat))~~ map, field notes and name of ~~((plat))~~ the division, shall have been approved by the ~~((board of))~~ county ~~((commissioners))~~ legislative

authority, the ~~((plat))~~ map and field notes shall be filed and recorded in the office of the county auditor, and the description of any tract or lot of land described in ~~((said plats))~~ the map by number (or letter), section, township and range, shall be a sufficient and legal description for revenue and all other purposes other than a division of land under chapter 58.17 RCW.

(2) Upon the request of eighty percent of the owners of the property to be surveyed and the approval of the county legislative authority, the county assessor may charge for actual costs and file a lien against the subject property if the costs are not repaid within ninety days of notice of completion, which may be collected as if such charges had been levied as a property tax.

Sec. 31. RCW 84.41.070 and 1975 1st ex.s. c 278 s 198 are each amended to read as follows:

If the department of revenue finds upon its own investigation, or upon a showing by others, that the revaluation program for any county is not proceeding for any reason as herein directed, ~~((or is not proceeding for any reason with sufficient rapidity to be completed before June 1, 1958,))~~ the department of revenue shall advise both the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and the county assessor of such finding. Within thirty days after receiving such advice, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, at regular or special session, either (1) shall authorize such expenditures as will enable the assessor to complete the revaluation program as herein directed, or (2) shall direct the assessor to request special assistance from the department of revenue for aid in effectuating the county's revaluation program.

Sec. 32. RCW 84.44.010 and 1961 c 15 s 84.44.010 are each amended to read as follows:

Personal property, except such as is required in this title to be listed and assessed otherwise, shall be listed and assessed in the county where it is situated. ~~((The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or place where his business is carried on.))~~

Sec. 33. RCW 84.48.010 and 1988 c 222 s 20 are each amended to read as follows:

Prior to July 15th, the county legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board shall receive a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the members of the county legislative authority constitute the board they shall only receive their compensation as members of the county legislative authority. Members of the board of equalization shall take oaths to fairly and impartially perform their duties. The board of equalization shall meet in open session for this purpose annually on the 15th day of July and ~~((, having each taken an oath fairly and impartially to perform their duties as members of such board, they))~~ shall examine and ~~((compare the returns of))~~ consider the assessment of ~~((the))~~ each property ~~((of the county))~~ presented in an individual appeal and proceed to equalize the same, or on its own motion may equalize any property in the vicinity of property subject to an individual appeal if it appears that the values need adjustment, or with the approval of the county assessor may equalize any property in the county so that each tract or lot or item of real property and each article or class of personal property shall be entered on the assessment ~~((list))~~ roll at its true and fair value, according to the measure of value used by the county assessor in such assessment year, which is presumed to be correct pursuant to RCW 84.40.0301, and subject to the following rules:

First. ~~((They))~~ The board shall raise the valuation of each tract or lot or item of real property which is returned below its true and fair value to ~~((such price or sum as to be))~~ the property's true and fair value ~~((thereof))~~, after at least five days' notice shall have been given in writing to the owner or the owner's agent.

Second. ~~((They))~~ The board shall reduce the valuation of each tract or lot or item of real property which is returned above its true and fair value to ~~((such price or sum as to be))~~ the property's true and fair value ~~((thereof))~~.

Third. ~~((They))~~ The board shall raise the valuation of each class of personal property which is returned below its true and fair value to ~~((such price or sum as to be))~~ the property's true and fair value ~~((thereof))~~, and ~~((they))~~ the board shall raise the aggregate value of the personal property of each individual whenever the aggregate value is less than the true ~~((valuation))~~ and fair value of the taxable personal property possessed by such individual, to ~~((such sum or amount as to be))~~ the property's true and fair value ~~((thereof))~~, after at least five days' notice shall have been given in writing to the owner or the owner's agent ~~((thereof))~~.

Fourth. ~~((They))~~ The board shall reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which is returned above its true and fair value, to ~~((such price or sum as to be))~~ the property's true and fair value ~~((thereof))~~; and ~~((they))~~ the board shall reduce the aggregate valuation of the personal property of such individual who has been assessed at too large a sum to such sum or amount as was the true and fair value of the personal property.

Fifth. The board may review all claims for either real or personal property tax exemption as determined by the county assessor, and shall consider any taxpayer appeals from the decision of the assessor ~~((thereon))~~ on the exemption to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount ~~((thereof))~~ of the exemption.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of ~~((said))~~ the board showing the facts and evidence upon which ~~((their))~~ the board's action is based, and the ~~((said))~~ record shall be

published the same as other proceedings of county legislative authority, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor shall correct the real and personal assessment rolls in accordance with the changes made by the ~~((said))~~ county board of equalization, and the assessor shall make ~~((duplicate))~~ abstracts of ~~((such))~~ the corrected values~~((, one copy of))~~ which shall be retained in the office~~((;))~~ and ~~((one copy forwarded))~~ shall forward a copy to the department of revenue on or before the eighteenth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the 15th day of July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

No taxes~~((, except special taxes,))~~ shall be extended upon the tax rolls until the property valuations are equalized by the department of revenue for the purpose of raising the state revenue.

Unless a county legislative ~~((authorities as such))~~ authority sits as a board of equalization, a county legislative authority shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Sec. 34. RCW 84.48.050 and 1961 c 15 s 84.48.050 are each amended to read as follows:

The county assessor shall, on or before the fifteenth day of January in each year, make out and transmit to the state auditor, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres ~~((of land))~~ that have been assessed~~((, the))~~ and the total value of ~~((such land))~~ the real property, including the structures ~~((thereon; the value of town and city lots, including structures))~~ on the real property; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized and the total amount of taxes levied in the county for state, county, city and other taxing district purposes, for that year. Should the assessor of any county fail to transmit to the ~~((state board))~~ department of ~~((equalization))~~ revenue the abstract provided for in RCW 84.48.010 by the ~~((time the state board of equalization convenes))~~ eighteenth of August, and if, by reason of such failure to transmit such abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the ~~((state board))~~ department of ~~((equalization))~~ revenue shall, at its next annual session, ascertain what amount of state tax said county has failed to collect, and certify the same to the state auditor, who shall charge the amount to the proper county and notify the auditor of said county of the amount of said charge; said sum shall be due and payable immediately by warrant in favor of the state on the current expense fund of said county.

Sec. 35. RCW 84.48.080 and 1990 c 283 s 1 are each amended to read as follows:

Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax

rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 36. RCW 84.48.110 and 1987 c 168 s 1 are each amended to read as follows:

Within three days after the record of the proceedings of the ~~((state board))~~ department of ~~((equalization))~~ revenue is certified by the director of the department, the department shall transmit to each county assessor a copy of the record of the proceedings of the ~~((board))~~ department, specifying the amount to be levied and collected ~~((on said assessment books))~~ for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the fifth preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The department shall close the account of each county for the fifth preceding year and charge the amount of such delinquency to the tax levy of the current year. These delinquent taxes shall not be subject to chapter 84.55 RCW. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the fifth preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

Sec. 37. RCW 84.48.120 and 1987 c 168 s 2 are each amended to read as follows:

It shall be the duty of the county assessor of each county, when he shall have received from the state department of revenue the assessed valuation of the property of railroad and other companies assessed by the department of revenue and apportioned to the county, and placed the same on the tax rolls, and received the report of the department of revenue of the amount of taxes levied for state purposes, to compute the required percent on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: PROVIDED, That the rates so computed shall not be such as to raise a surplus of more than five percent over the total amount required by the ~~((state board))~~ department of ~~((equalization))~~ revenue: PROVIDED FURTHER, That any surplus raised shall be remitted to the state in accordance with RCW 84.56.280.

Sec. 38. RCW 84.48.150 and 1973 1st ex.s. c 30 s 1 are each amended to read as follows:

The assessor shall, upon the request of any taxpayer who petitions the board of equalization for review of a tax claim or valuation dispute, make available to said taxpayer a compilation of comparable sales utilized by the assessor in establishing such taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall furnish the taxpayer with such other factors and the addresses of such other property used in making the determination of value.

The assessor shall within ~~((thirty))~~ sixty days of such request but at least ~~((ten))~~ fifteen business days prior to such taxpayer's appearance before the board of equalization make available to the taxpayer the valuation criteria and/or comparable~~((s))~~ sales which shall not be subsequently changed ~~((or modified))~~ by the assessor ~~((during review or appeal proceedings))~~ unless the assessor has found new evidence supporting the assessor's valuation, in which situation the assessor shall provide such additional evidence to the taxpayer and the board of equalization at least ~~((ten))~~ fifteen business days prior to the hearing ~~((on appeal or review proceedings))~~ at the board of equalization. A taxpayer who lists comparable sales on ~~((his))~~ a notice of appeal ~~((shall not thereafter use other comparables during the review of appeal proceedings: PROVIDED, That the taxpayer may change the comparable sales he is using in proceedings subsequent to the county board of equalization only if he provides a listing of such different comparables to the assessor at least five business days prior to such subsequent proceedings: PROVIDED FURTHER, That the board of equalization may waive the requirements contained in the preceding proviso or allow the assessor a continuance of reasonable duration to check the comparables furnished by the taxpayer))~~ shall not subsequently change such sales unless the taxpayer has found new evidence supporting the taxpayer's proposed valuation in which case the taxpayer shall provide such additional evidence to the assessor and board of equalization at least ten business days prior to the hearing. If either the assessor or taxpayer does not meet the requirements of this section the board of equalization may continue the hearing to provide the parties an opportunity to review all evidence or, upon objection, refuse to consider sales not submitted in a timely manner.

NEW SECTION. Sec. 39. A new section is added to chapter 84.48 RCW to read as follows:

The board of equalization may enter an order that has effect up to the end of the assessment cycle used by the assessor, if there has been no intervening change in the assessed value during that time.

Sec. 40. RCW 84.52.043 and 1990 c 234 s 1 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) ~~((Except as provided in RCW 84.52.100,))~~ The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

NEW SECTION. Sec. 41. A new section is added to chapter 84.52 RCW to read as follows:

(1) Annually, at the time required by law for the levying of taxes for county purposes, the proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies as follows:

(a) A levy upon all of the taxable property within the county for the amount of all taxes levied by the county for county or state purposes that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(b) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes levied by the county for the purposes of such taxing district that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(2) For purposes of this section, "changes" means increases or decreases in assessed value of property resulting from an error or final adjustments made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction, including changes reflecting settlements of proceedings in such board or court. "Changes" does not include changes in assessed value of property resulting from actions brought to recover taxes under RCW 84.68.020.

Sec. 42. RCW 84.55.005 and 1983 1st ex.s. c 62 s 11 are each amended to read as follows:

As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes (~~under RCW 84.09.080~~).

Sec. 43. RCW 84.55.070 and 1982 1st ex.s. c 28 s 2 are each amended to read as follows:

The provisions of this chapter shall not apply to a levy, including the state levy, or that portion of a levy, ~~made by or for a taxing district for the purpose stated in section 41 of this act, or made by or for a taxing district for the purpose of funding a property tax refund paid or to be paid pursuant to the provisions of chapter 84.68 RCW or attributable to a property tax refund paid or to be paid pursuant to the provisions of chapter 84.69 RCW, attributable to amounts of state taxes withheld under RCW 84.56.290 or the provisions of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully owing by reason of adjustments made under RCW 84.48.080.~~

Sec. 44. RCW 84.56.340 and 1985 c 395 s 4 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use, or where a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise, no segregation of property for tax purposes shall be made unless all delinquent taxes and assessments on the entire tract have been paid in full(~~(= AND PROVIDED FURTHER, That where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several~~

~~owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from date of notice,)).~~ The county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county ~~((commissioners at their))~~ legislative authority at its next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by the county ~~((commissioners))~~ legislative authority. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Sec. 45. RCW 84.60.050 and 1971 ex.s. c 260 s 2 are each amended to read as follows:

(1) When real property is acquired by purchase or condemnation by the state of Washington, any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such property shall continue to be subject to the tax lien for the years prior to the year in which the property is so acquired or placed under such agreement or order, of any tax levied by the state, county, municipal corporation or other tax levying public body, except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real property being acquired or placed under immediate possession and use for the year in which such real property is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such property allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as provided in RCW ~~((84.56.400))~~ 84.48.065. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he or she shall be entitled to a pro rata refund of the amount paid on the property so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede February 15th of the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW ~~((84.56.400))~~ 84.48.065.

Sec. 46. RCW 84.69.020 and 1991 c 245 s 31 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
- (8) Paid ~~((or overpaid))~~ as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person ~~((paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same))~~ with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 ~~((Amendment 59))~~ of the state Constitution equal one percent of the assessed value established by the board; or
- (12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding; or
- (13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2).

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights ~~((that would preclude the assessment and collection of the refunded tax from))~~ in the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in January of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

Sec. 47. RCW 84.70.010 and 1987 c 319 s 6 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the true ~~((cash))~~ and fair value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true ~~((cash))~~ and fair value of such taxable property before destruction or reduction in value and deduct therefrom the true ~~((cash))~~ and fair value of the remaining property after destruction or reduction in value.

(b) Then divide any amount remaining by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property.

(2) No reduction in the true ~~((cash))~~ and fair value shall be made more than three years after the date of destruction or reduction in value.

(3) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(4) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July ~~((15th))~~ 1st of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal.

NEW SECTION. Sec. 48. A new section is added to chapter 35.21 RCW to read as follows:

The council of a city or town that has territory included in two counties may adopt an ordinance creating an urban emergency medical service district in all of the portion of the city or town that is located in one of the two counties if: (1) The county in which the urban emergency medical service district is located does not impose an emergency medical service levy authorized under RCW 84.52.069; and (2) the other county in which the city or town is located does impose an emergency medical service levy authorized under RCW 84.52.069. The ordinance creating the district may only be adopted after a public hearing has been held on the creation of the district and the council makes a finding that it is in the public interest to create the district. The members of the city or town council, acting in an ex officio capacity and independently, shall compose the governing body of the urban emergency medical service district. The voters of an urban emergency medical service district shall be all registered voters residing within the urban emergency medical service district.

An urban emergency medical service district shall be a quasi- municipal corporation and an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution. Urban emergency medical service districts shall also be "taxing authorities" within the meaning of Article VII, section 2 of the state Constitution.

An urban emergency medical service district shall have the authority to contract under chapter 39.34 RCW with a county, city, town, fire protection district, public hospital district, or emergency medical service district to have emergency medical services provided within its boundaries.

Territory located in the same county as an urban emergency medical service district that is annexed by the city or town shall automatically be annexed to the urban emergency medical service district.

Sec. 49. RCW 84.52.069 and 1991 c 175 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total ~~((votes cast))~~ number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total ~~((votes cast))~~ number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the

registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total (~~votes cast~~) number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(7) No taxing district may levy under this section more than twenty-five cents per thousand dollars of assessed value of property if reductions under RCW 84.52.010(2) are made for the year within the boundaries of the taxing district.

NEW SECTION. Sec. 50. The following acts or parts of acts are each repealed:

- (1) RCW 35.49.120 and 1965 c 7 s 35.49.120;
- (2) RCW 36.21.020 and 1963 c 4 s 36.21.020;
- (3) RCW 36.21.030 and 1963 c 4 s 36.21.030; and
- (4) RCW 84.56.023 and 1989 c 378 s 38.

NEW SECTION. Sec. 51. Sections 23 and 24 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Horn; and Van Luven.

Referred to Committee on Revenue.

April 2, 1993

SB 5474 Prime Sponsor, A. Smith: Revising laws relating to discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 34, after "institution" insert "nor shall anything contained in this definition apply to any newspaper or other advertising media when selling or publishing advertisements"

On page 3, after line 32, strike everything through "chapter 19.86 RCW." on page 4, line 6 and insert the following subsection:

"(3) (~~Notwithstanding any other provisions of this chapter, any act~~) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter (House Bill 1476 section 9) Laws of 1993, any unfair practice prohibited by this chapter (~~related to sex discrimination or~~

~~discriminatory boycotts or blacklists)) which is committed in the course of trade or commerce ((in the state of Washington)) as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce ((shall be deemed an unfair practice within the meaning of RCW 19.86.020 and 19.86.030 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended)).~~

On page 18, line 8, after "frivolous" strike "(;)" or unreasonable (~~(;groundless))~~" and insert ", unreasonable, or groundless"

On page 6, after line 15, insert the following new section:

"NEW SECTION. Sec. 5. A new section is added to chapter 49.60 RCW to read as follows:

(1) For purposes of the term "disability" as used in this chapter, homosexuality and bisexuality are not impairments and as such are not disabilities under this act. Under this chapter, the term "disability" shall not include:

(a) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(b) Compulsive gambling, kleptomania, or pyromania; or

(c) Psychoactive substance use disorders resulting from current illegal use of drugs.

(2)(a) For purposes of this chapter, a person who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use, shall not be considered to have a disability.

(b) Nothing in (a) of this subsection may be construed to exclude as an individual with a disability an individual who:

(i) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(ii) Is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(iii) Is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this chapter for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in (b) (i) or (ii) of this subsection is no longer engaging in the illegal use of drugs; however, nothing in this section may be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Forner.

Passed to Committee on Rules for second reading.

April 2, 1993

SSB 5503 Prime Sponsor, Committee on Labor & Commerce: Providing injured workers with an increased incentive to return to work. As Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment by Committee on Commerce & Labor:

On page 1, beginning on line 14, strike all of subsection (3) and insert the following:

"(3)~~(a)~~ As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall:

(i) For claims for injuries that occurred before the effective date of this act, continue in the proportion which the new earning power shall bear to the old; or

(ii) For claims for injuries occurring on or after the effective date of this act, equal eighty percent of the actual difference between the worker's present wages and earning power at the time of injury, but: (A) The total of these payments and the worker's present wages may not exceed one hundred fifty percent of the average monthly wage in the state as computed under RCW 51.08.018; (B) the payments may not exceed one hundred percent of the entitlement as computed under subsection (1) of this section; and (C) the payments may not be less than the worker would have received if (a)(i) of this subsection had been applicable to the worker's claim.

(b) No compensation shall be payable under this subsection (3) unless the loss of earning power shall exceed five percent."

Signed by Representatives Heavey, Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer and Veloria.

Excused: Representative G. Cole, Vice Chair.

Referred to Committee on Appropriations.

April 2, 1993

SSB 5528 Prime Sponsor, Committee on Law & Justice: Altering court fees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.18.020 and 1992 c 54 s 1 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of one hundred ten dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of one hundred ten dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect ~~((two))~~ twenty dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of ~~((five))~~ twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of ~~((two))~~ twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application ~~((there shall be a fee of four dollars))~~ the clerk may collect an execution fee as authorized by the federal government.

(16) For ~~((searching records for which a written report is issued there shall be a fee of eight dollars per hour))~~ clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

~~((47))~~ (18) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

~~((48))~~ (19) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

~~((49))~~ (20) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; and Wineberry.

MINORITY recommendation: Without recommendation Signed by Representative Tate.

Excused: Representative Forner.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5577 Prime Sponsor, A. Smith: Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.010 and 1988 c 146 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and
(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors; or

(b) A person who in the course of his or her employment supervises minors.

(9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

(10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW ~~((71.20.016))~~ 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Mentally disordered person" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020(2).

(13) "Chemically dependent person" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(4).

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered or certified under chapter 18.19 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

Sec. 2. RCW 9A.44.050 and 1990 c 3 s 901 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

(a) By forcible compulsion;

(b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;

~~((e))~~

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; or

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim.

(2) Rape in the second degree is a class A felony.

Sec. 3. RCW 9A.44.100 and 1988 c 146 s 2 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; ~~((e))~~

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; or

(e) When the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim.

(2) Indecent liberties is a class B felony."

Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Forner.

Passed to Committee on Rules for second reading.

April 2, 1993

SSB 5625 Prime Sponsor, Committee on Law & Justice: Prohibiting the death penalty for the mentally retarded.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Campbell; Chappell; Locke; Mastin; H. Myers; Riley; and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Johanson; Long; Schmidt; and Tate.

Excused: Representatives Forner and Wineberry.

Passed to Committee on Rules for second reading.

April 2, 1993

SSB 5665 Prime Sponsor, Committee on Law & Justice: Enacting the Washington state false claims act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Chappell; Johanson; Long; H. Myers; Riley; Scott; and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Assistant Ranking Minority Member; Campbell; and Mastin.

Excused: Representatives Padden, Ranking Minority Member, Forner, Locke, Schmidt and Tate.

Referred to Committee on Appropriations.

April 2, 1993

ESSB 5702 Prime Sponsor, Committee on Labor & Commerce: Regulating unemployment insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Conway; King; Springer; and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Excused: Representative G. Cole, Vice Chair.

Passed to Committee on Rules for second reading.

April 2, 1993

SSB 5736 Prime Sponsor, Committee on Labor & Commerce: Regulating chiropractic care for industrial insurance. As Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment by Committee on Commerce & Labor:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.04.030 and 1989 c 189 s 1 are each amended to read as follows:

The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment, including care provided by physicians' assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the

department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

The director shall appoint an associate medical director for chiropractic. The associate medical director must be eligible to be licensed under chapter 18.25 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 51.36 RCW to read as follows:

(1) The health services that are available to an injured worker under RCW 51.36.010 include chiropractic treatment in appropriate cases within the scope of practice under chapter 18.25 RCW. As appropriate, and subject to the requirements for examinations of workers specified in this title, a worker may be required by the department to undergo chiropractic examination by a chiropractor licensed under chapter 18.25 RCW for the purpose of assisting the department in making determinations for the closure of a claim, in assessing the necessity and appropriateness of chiropractic care, or in making other determinations within the scope of chiropractic practice related to the worker's industrial injury.

(2) The department may establish treatment and utilization standards for chiropractic treatment in consultation with representatives of the chiropractic profession. The standards, if any, may be developed in conjunction with the department of health. The standards should include some or all of the following:

- (a) Standards designed to assure quality treatment and to maximize recovery from the industrial injury;
- (b) Standards designed to contain costs, consistent with assured access to medically necessary treatment;
- (c) Standards that permit review of an injured worker's progress toward recovery after a stated number of chiropractic treatments. The standards may require review of chiropractic treatment based on a specified number of treatments, but the standards may not require termination of treatment based solely on the number of treatments;
- (d) Standards for requesting consultation with chiropractors by the department or other health services providers on the necessity or appropriateness of chiropractic care or other subjects within the chiropractic scope of practice.

Sec. 4. RCW 51.32.112 and 1988 c 114 s 2 are each amended to read as follows:

(1) The department shall develop standards for the conduct of special medical examinations to determine permanent disabilities, including, but not limited to:

- (a) The qualifications of persons conducting the examinations;
- (b) The criteria for conducting the examinations, including guidelines for the appropriate treatment of injured workers during the examination; and
- (c) The content of examination reports.

(2) Within the appropriate scope of practice, chiropractors licensed under chapter 18.25 RCW may conduct special medical examinations to determine permanent disabilities in consultation with physicians licensed under chapter 18.57 or 18.71 RCW. The department, in its discretion, may request that a special medical examination be conducted by a single chiropractor if the department determines that the sole issues involved in the examination are within the scope of practice under chapter 18.25 RCW. However, nothing in this section authorizes the use as evidence before the board of a chiropractor's determination of the extent of a worker's permanent disability if the determination is not requested by the department.

(3) The department shall investigate the amount of examination fees received by persons conducting special medical examinations to determine permanent disabilities, including total compensation received for examinations of department and self-insured claimants, and establish compensation guidelines and compensation reporting criteria.

~~((3))~~ (4) The department shall investigate the level of compliance of self-insurers with the requirement of full reporting of claims information to the department, particularly with respect to medical examinations, and develop effective enforcement procedures or recommendations for legislation if needed.

Sec. 5. RCW 51.36.100 and 1986 c 200 s 1 are each amended to read as follows:

The legislature finds and declares it to be in the public interest of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of medical, chiropractic, dental, vocational, and other health services to industrially injured workers pursuant to Title 51 RCW. In order to effectively accomplish such purpose and to assure that the industrially injured worker receives such services as are paid for by the state of Washington, the acceptance by the industrially injured worker of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the director of the department of labor and industries or the director's authorized representative to inspect and audit all records in connection with the provision of such services.

Sec. 6. RCW 51.36.110 and 1986 c 200 s 2 are each amended to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW."

Signed by Representatives Heavey, Chair; Chandler, Assistant Ranking Minority Member; Conway; King; Springer and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member and Horn.

Excused: Representative G. Cole, Vice Chair.

Referred to Committee on Appropriations.

April 2, 1993

SB 5791 Prime Sponsor, A. Smith: Changing child support provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Excused: Representative Forner.

Passed to Committee on Rules for second reading.

April 2, 1993

ESB 5843 Prime Sponsor, Moyer: Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after the enacting clause, strike the remainder of the bill and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Many very low-income residents of the state of Washington are unable to afford housing that is decent, safe, and appropriate to their living needs;

(2) Recent federal housing legislation conditions funding for affordable housing on the availability of local matching funds;

(3) Current statutory debt limitations may impair the ability of counties, cities, and towns to meet federal matching requirements and, as a consequence, may impair the ability of such counties, cities, and towns to develop appropriate and effective strategies to increase the availability of safe, decent, and appropriate housing that is affordable to very low-income households; and

(4) It is in the public interest to encourage counties, cities, and towns to develop locally based affordable housing financing plans designed to expand the availability of housing that is decent, safe, affordable, and appropriate to the living needs of very low-income households of the counties, cities, and towns.

NEW SECTION. Sec. 2. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levies. If both a county, and a city or town within the county, impose levies authorized under this section, the levies of the last jurisdiction to receive voter approval for the levies shall be reduced or eliminated so that the combined rates of these levies may not exceed fifty cents per thousand dollars of assessed valuation in any area within the county. A ballot proposition authorizing a levy under this section must conform with RCW 84.52.054.

(2) The additional property tax levies may not be imposed until:

(a) The governing body of the county, city, or town declares the existence of an emergency with respect to the availability of housing that is affordable to very low-income households in the taxing district; and

(b) The governing body of the county, city, or town adopts an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy authorized under this section, and the governing body determines that the affordable housing financing plan is consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy, required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended.

(3) For purposes of this section, the term "very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located.

Sec. 3. RCW 84.52.043 and 1990 c 234 s 1 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) ~~((Except as provided in RCW 84.52.100,))~~ The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; ~~((and))~~ (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies to finance affordable housing for very low-income housing imposed under section 2 of this act.

Sec. 4. RCW 84.52.010 and 1990 c 234 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the

limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law (~~(, subject to subsection (2)(e) of this section)~~); however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; however, if as a result of the levies imposed under RCW 84.52.069, 84.34.230, and section 2 of this act, the combined rates of regular property tax levies exceed one percent of the true and fair value of any property, then these levies shall be reduced on a pro rata basis or eliminated until the combined rates of regular property tax levies no longer exceed one percent of the true and fair value of any property; and

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

Sec. 5. RCW 84.52.069 and 1991 c 175 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency

medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

~~((7) No taxing district may levy under this section more than twenty-five cents per thousand dollars of assessed value of property if reductions under RCW 84.52.010(2) are made for the year within the boundaries of the taxing district.))~~

Signed by Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Dunshee; R. Fisher; Rayburn; Romero; Springer; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Reams, Assistant Ranking Minority Member; Horn; and Van Luven.

Passed to Committee on Rules for second reading.

April 2, 1993

ESSB 5948 Prime Sponsor, Committee on Health & Human Services: Modifying process and procedures for disciplining of health care professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.130.090 and 1986 c 259 s 6 are each amended to read as follows:

(1) If the disciplining authority determines, upon investigation, that there is reason to believe a violation of RCW 18.130.180 has occurred, a statement of charge or charges shall be prepared and served upon the license holder or applicant at the earliest practical time. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the disciplining authority within twenty days after being served the statement of charges. If the twenty-day limit results in a hardship upon the license holder or applicant, he or she may request for good cause an extension not to exceed sixty additional days. If the disciplining authority finds that there is good cause, it shall grant the extension. The failure to request a hearing constitutes a default, whereupon the disciplining authority may enter a decision on the basis of the facts available to it.

(2) If a hearing is requested, the time of the hearing shall be fixed by the disciplining authority as soon as convenient, but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. ~~((A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing. The notice shall also notify the license holder or applicant that a record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses, who will be subject to cross-examination, and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her, to examine such documentary evidence as may be produced against him or her, to conduct depositions, and to have subpoenas issued by the disciplining authority.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

REQUIRED UNIFORM PROCEDURES. (1) The secretary shall develop uniform procedural rules to respond to public inquiries concerning complaints and their disposition, active investigations, statement of charges, findings of fact, and final orders involving a licensee, applicant, or unlicensed person. The uniform procedural rules adopted under this subsection apply to all adjudicative proceedings conducted under this chapter and shall include provisions for the establishing time lines for discovery, settlement, and scheduling hearings.

(2) The uniform procedures for conducting investigations shall provide that prior to taking a written statement:

(a) For violation of this chapter, the investigator shall inform such person, in writing of: (i) The nature of the complaint; (ii) that the person may consult with legal counsel at his or her expense prior to making a statement; and (iii) that any statement that the person makes may be used in an adjudicative proceeding conducted under this chapter; and

(b) From a witness or potential witness in an investigation under this chapter, the investigator shall inform the person, in writing, that the statement may be released to the licensee, applicant, or unlicensed person under investigation if a statement of charges is issued.

(3) In order to assure the uniform application of the procedural rules developed by the secretary, the secretary or his or her designee shall serve as presiding officer for all proceedings under this chapter, including those conducted by disciplinary authorities identified in RCW 18.130.040(2)(b), other than the board of funeral directors and embalmers, and shall perform all functions of the presiding officer under chapter 34.05 RCW. In those areas where the disciplining authority is a board, the secretary or his or her designee, shall not vote on the final decision.

Sec. 3. RCW 18.130.175 and 1991 c 3 s 270 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of substance abuse, the disciplining authority may refer the license holder to a voluntary substance abuse monitoring program approved by the disciplining authority.

The cost of the treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Primary alcoholism or drug treatment shall be provided by approved treatment ~~((facilities))~~ programs under RCW ~~((70.96A.020(2)))~~ 70.96A.020: PROVIDED, That nothing shall prohibit the disciplining authority from approving additional services and programs as an adjunct to primary alcoholism or drug treatment. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the program shall be done only with the consent of the license holder. Referral to the program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160. The secretary shall adopt uniform rules for the evaluation by the disciplinary authority of a relapse or program violation on the part of a license holder in the substance abuse monitoring program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplinary authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving substance abuse monitoring programs that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority for substance abuse. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The substance abuse program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplining authority for cause as defined in subsection (3) of this section. Monitoring records relating to license holders referred to the program by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, shall be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

(5) "Substance abuse," as used in this section, means the impairment, as determined by the disciplining authority, of a license holder's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(6) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(7) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section and the persons entitled to immunity shall include:

- (i) An approved monitoring treatment program;
- (ii) The professional association operating the program;
- (iii) Members, employees, or agents of the program or association;
- (iv) Persons reporting a license holder as being impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the impaired license holder's treatment or rehabilitation.

(b) The immunity provided in this section is in addition to any other immunity provided by law.

~~((8) In addition to health care professionals governed by this chapter, this section also applies to pharmacists under chapter 18.64 RCW and pharmacy assistants under chapter 18.64A RCW. For that purpose, the board of pharmacy shall be deemed to be the disciplining authority and the substance abuse monitoring program shall be in lieu of disciplinary action under RCW 18.64.160 or 18.64A.050. The board of pharmacy shall adjust license fees to offset the costs of this program.))~~

Sec. 4. RCW 18.130.040 and 1992 c 128 s 6 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists certified under chapter 18.06 RCW;
- (viii) Radiologic technologists certified under chapter 18.84 RCW;
- (ix) Respiratory care practitioners certified under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;
- (xi) Persons registered as nursing pool operators;
- (xii) Nursing assistants registered or certified under chapter ~~((18.52B))~~ 18.88A RCW;
- (xiii) Health care assistants certified under chapter 18.135 RCW;
- (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- ~~((xiv))~~ (xv) Sex offender treatment providers certified under chapter 18.155 RCW; and
- ~~((xv))~~ (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205.

(b) The boards having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
- (iii) The dental disciplinary board as established in chapter 18.32 RCW;
- (iv) The council on hearing aids as established in chapter 18.35 RCW;
- (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
- (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (ix) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
- (x) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- ~~((xi))~~ (xi) The board of physical therapy as established in chapter 18.74 RCW;
- ~~((xii))~~ (xii) The board of occupational therapy practice as established in chapter 18.59 RCW;
- ~~((xiii))~~ (xiii) The board of practical nursing as established in chapter 18.78 RCW;
- ~~((xiv))~~ (xiv) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- ~~((xv))~~ (xv) The board of nursing as established in chapter 18.88 RCW; and
- ~~((xvi))~~ (xvi) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

Sec. 5. RCW 18.130.050 and 1987 c 150 s 2 are each amended to read as follows:

The disciplining authority has the following authority:

- (1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;
- (2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;
- (3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;
- (4) To take the office of administrative hearings to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (5) To compel attendance of witnesses at hearings;
- (6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;
- (7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the disciplining authority;
- (8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the disciplining authority shall make the final decision regarding disposition of the license;
- (9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;
- (10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;
- (11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;
- (12) To adopt standards of professional conduct or practice;
- (13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;
- (14) ~~((To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;~~
- ~~(15))~~ To designate individuals authorized to sign subpoenas and statements of charges.

Sec. 6. RCW 18.130.160 and 1986 c 259 s 8 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed ~~((one))~~ five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

NEW SECTION. Sec. 7. A new section is added to chapter 18.130 RCW to read as follows:

(1) Prior to serving a statement of charges under RCW 18.130.090 or 18.130.170, the disciplinary authority may furnish a statement of allegations to the licensee or applicant along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.

(2) The disciplinary authority and the applicant or licensee may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional conduct alleged to have been committed or the alleged basis for determining that the applicant or licensee is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgement that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; and an agreement on the part of the licensee or applicant that the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and (8), may be imposed as part of the stipulation, except that no fine may be imposed but the licensee or applicant may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation; and an agreement on the part of the disciplinary authority to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee or applicant declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the disciplinary authority may proceed to formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee or applicant and the disciplinary authority, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the disciplinary authority. Should the licensee or applicant fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the disciplinary authority may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under RCW 18.130.165.

Sec. 8. RCW 18.130.185 and 1987 c 150 s 8 are each amended to read as follows:

If a person or business regulated by this chapter violates RCW 18.130.170 or 18.130.180, the attorney general, any prosecuting attorney, the (~~director~~) secretary, the board, or any other person may maintain an action in the name of the state of Washington to enjoin the person from committing the violations. The injunction shall not relieve the offender from criminal prosecution, but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution and disciplinary action.

Sec. 9. RCW 18.130.186 and 1989 c 125 s 3 are each amended to read as follows:

(1) To implement a substance abuse monitoring program for license holders specified under RCW 18.130.040, who are impaired by substance abuse, the disciplinary authority may enter into a contract with a voluntary substance abuse program under RCW 18.130.175. The program may include any or all of the following:

- (a) Contracting with providers of treatment programs;
- (b) Receiving and evaluating reports of suspected impairment from any source;
- (c) Intervening in cases of verified impairment;
- (d) Referring impaired license holders to treatment programs;
- (e) Monitoring the treatment and rehabilitation of impaired license holders including those ordered by the disciplinary authority;
- (f) Providing education, prevention of impairment, posttreatment monitoring, and support of rehabilitated impaired license holders; and
- (g) Performing other activities as agreed upon by the disciplinary authority.

(2) A contract entered into under subsection (1) of this section may be financed by a surcharge on each license issuance or renewal to be collected by the department of (~~licensing~~) health from the license holders of the same regulated health profession. These moneys shall be placed in the health professions account to be used solely for the implementation of the program.

Sec. 10. RCW 18.130.300 and 1984 c 279 s 21 are each amended to read as follows:

The (~~director~~) secretary, members of the boards, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 11. RCW 18.135.070 and 1984 c 281 s 7 are each amended to read as follows:

The licensing authority of health care facilities or the (~~disciplinary board~~) disciplining authority of the delegating or supervising health care practitioner shall investigate all complaints or allegations of violations of proper

certification of a health care assistant or violations of delegation of authority or supervision. A substantiated violation shall constitute sufficient cause for disciplinary action by the licensing authority of a health care facility or the ~~((disciplinary board))~~ disciplining authority of the health care practitioner.

NEW SECTION. Sec. 12. A new section is added to chapter 18.135 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the discipline of certificate holders under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 13. RCW 18.64.160 and 1985 c 7 s 60 are each amended to read as follows:

In addition to the grounds under RCW 18.130.170 and 18.130.180, the board of pharmacy ~~((shall have the power to refuse, suspend, or revoke))~~ may take disciplinary action against the license of any pharmacist or intern upon proof that:

- (1) His or her license was procured through fraud, misrepresentation, or deceit;
 - (2) ~~((He or she has been convicted of a felony relating to his or her practice as a pharmacist;~~
 - ~~(3) He or she has committed any act involving moral turpitude, dishonesty, or corruption, if the act committed directly relates to the pharmacist's fitness to practice pharmacy. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent pharmacist of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;~~
 - ~~(4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, drugs, controlled substances, or any other substance which impairs the performance of professional duties;~~
 - ~~(5) He or she exhibits behavior which may be due to physical or mental impairment, which creates an undue risk of causing harm to him or herself or to other persons when acting as a licensed pharmacist or intern;~~
 - ~~(6) He or she has incompetently or negligently practiced pharmacy, creating an unreasonable risk of harm to any individual;~~
 - ~~(7) His or her legal authority to practice pharmacy, issued by any other properly constituted licensing authority of any other state, has been and is currently suspended or revoked;~~
 - ~~(8)) In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, the pharmacist shall automatically have his or her license suspended by the board upon the entry of the judgment, regardless of the pendency of an appeal;~~
 - ~~((9)) (3) He or she has knowingly violated or permitted the violation of any provision of any state or federal law, rule, or regulation governing the possession, use, distribution, or dispensing of drugs, including, but not limited to, the violation of any provision of this chapter, Title 69 RCW, or rule or regulation of the board;~~
 - ~~((10)) (4) He or she has knowingly allowed any unlicensed person to take charge of a pharmacy or engage in the practice of pharmacy, except a pharmacy intern or pharmacy assistant acting as authorized in this chapter or chapter 18.64A RCW in the presence of and under the immediate supervision of a licensed pharmacist;~~
 - ~~((11)) (5) He or she has compounded, dispensed, or caused the compounding or dispensing of any drug or device which contains more or less than the equivalent quantity of ingredient or ingredients specified by the person who prescribed such drug or device: PROVIDED, HOWEVER, That nothing herein shall be construed to prevent the pharmacist from exercising professional judgment in the preparation or providing of such drugs or devices.~~
- ~~((In any case of the refusal, suspension, or revocation of a license by said board of pharmacy under the provisions of this chapter, said board shall proceed in accordance with chapter 34.05 RCW.))~~

NEW SECTION. Sec. 14. A new section is added to chapter 18.64 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses of pharmacists and pharmacy interns, and the discipline of licensed pharmacists and pharmacy interns under this chapter.

Sec. 15. RCW 18.64A.050 and 1989 1st ex.s. c 9 s 424 are each amended to read as follows:

In addition to the grounds under RCW 18.130.170 and 18.130.180, the board of pharmacy ~~((shall have the power to refuse, suspend, or revoke))~~ may take disciplinary action against the certificate of any pharmacy assistant upon proof that:

- (1) His or her certificate was procured through fraud, misrepresentation or deceit;
- (2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics or drug sundries by any court of competent jurisdiction. Nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;
- (3) ~~((He or she is unfit to perform his or her duties because of habitual intoxication or abuse of controlled substances;~~
- (4)) He or she has exhibited gross incompetency in the performance of his or her duties;

~~((5))~~ (4) He or she has willfully or repeatedly violated any of the rules and regulations of the board of pharmacy or of the department;

~~((6))~~ (5) He or she has willfully or repeatedly performed duties beyond the scope of his or her certificate in violation of the provisions of this chapter; or

~~((7))~~ (6) He or she has impersonated a licensed pharmacist.

~~((In any case of the refusal, suspension or revocation of a certificate by the board, a hearing shall be conducted in accordance with RCW 18.64.160, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.05 RCW.))~~

NEW SECTION. Sec. 16. A new section is added to chapter 18.64A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certificates and the discipline of certificants under this chapter.

Sec. 17. RCW 18.72.340 and 1986 c 300 s 6 are each amended to read as follows:

(1) Every institution or organization providing professional liability insurance to physicians shall send a complete report to the medical disciplinary board of all malpractice settlements, awards, or payments in excess of ~~((twenty))~~ one hundred thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a ~~((year))~~ five-year time period as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

(2) Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

Sec. 18. RCW 18.72.380 and 1991 c 3 s 170 are each amended to read as follows:

There is hereby levied to be collected by the department of health from every physician and surgeon licensed pursuant to chapter 18.71 RCW and every physician assistant licensed pursuant to chapter 18.71A RCW an annual medical disciplinary assessment equal to the license renewal fee established under RCW 43.70.250. The assessment levied pursuant to this ~~((subsection))~~ section is in addition to any license renewal fee established under RCW 43.70.250.

Sec. 19. RCW 18.130.190 and 1991 c 3 s 271 are each amended to read as follows:

(1) The secretary shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the secretary shall have the same authority as provided the secretary under RCW 18.130.050. ~~((The secretary shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection.))~~

(2) The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed practice of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. The person to whom such notice is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intention to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(3) If the secretary makes a final determination that a person has engaged or is engaging in unlicensed practice, the secretary may issue a cease and desist order. In addition, the secretary may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed practice of a business or profession for which a license is required by one or more of the chapters specified in RCW 18.130.040. The proceeds of such fines shall be deposited to the health professions account.

(4) If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine.

(5) Neither the issuance of a cease and desist order nor payment of a civil fine shall ~~((not))~~ relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

~~((2))~~ (6) The attorney general, a county prosecuting attorney, the secretary, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

~~((3))~~ (7) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 20. RCW 18.130.165 and 1987 c 150 s 4 are each amended to read as follows:

Where an order for payment of a fine is made as a result of a hearing under RCW 18.130.100 or 18.130.190 and timely payment is not made as directed in the final order, the disciplining authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the disciplining authority may have as to any licensee ordered to pay a fine but shall not be construed to limit a licensee's ability to seek judicial review under RCW 18.130.140.

In any action for enforcement of an order of payment of a fine, the disciplining authority's order is conclusive proof of the validity of the order of payment of a fine and the terms of payment.

Sec. 21. RCW 18.130.050 and 1987 c 150 s 2 are each amended to read as follows:

The disciplining authority has the following authority:

- (1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;
- (2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;
- (3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;
- (4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (5) To compel attendance of witnesses at hearings;
- (6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;
- (7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the disciplining authority;
- (8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the disciplining authority shall make the final decision regarding disposition of the license;
- (9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;
- (10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;
- (11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;
- (12) To adopt standards of professional conduct or practice;
- (13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;
- (14) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;
- (15) To designate individuals authorized to sign subpoenas and statements of charges;
- (16) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;
- (17) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a licensee's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action.

Sec. 22. RCW 18.130.180 and 1991 c 332 s 34 and 1991 c 215 c 3 are each reenacted and amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the ~~((disciplining))~~ disciplinary authority or ~~((an assurance of discontinuance))~~ a stipulation for informal disposition entered into with the ~~((disciplining))~~ disciplinary authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) RCW 18.135.080 and 1991 c 3 s 277 & 1984 c 281 s 8;
- (2) RCW 18.64.260 and 1987 c 202 s 184, 1969 ex.s. c 199 s 17, 1909 c 213 s 9, & 1899 c 121 s 17; and
- (3) RCW 18.71A.070 and 1990 c 196 s 7, 1979 c 158 s 58, & 1975 1st ex.s. c 190 s 3."

Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representative R. Johnson.

Passed to Committee on Rules for second reading.

On motion of Representative Patterson , the bill listed on today's second supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Patterson, the House adjourned until 10:00 a.m., Monday April 5, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SECOND DAY, APRIL 2, 1993

JOURNAL OF THE HOUSE

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EIGHTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 5, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Brown presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Russ Ogden and Karrah Knowle. Inspirational message was offered by Representative Van Luven.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESSB 5967 by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Governor Lowry)

Increasing state revenues.

Referred to Committee on Revenue.

SSB 5968 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and Gaspard; by request of Office of Financial Management)

Making appropriations.

Referred to Committee on Appropriations.

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

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

SECOND READING

SENATE BILL NO. 5079, by Senators Owen, Snyder, Hargrove and Erwin

Modifying conditions for the digging of razor clams for persons who have physical disability permits.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendment see Journal, 75th Day, March 25, 1993.)

Representative Orr moved adoption of the committee amendment by committee. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5079 as amended by the House.

Representatives Orr, Fuhrman and Basich spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Appelwick, Chappell, Eide, Anderson, R. Johnson and Locke were excused.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5079 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Absent: Representative Wineberry - 1.

Excused: Representatives Anderson, Appelwick, Chappell, Eide, Johnson, R. and Locke - 6.

Senate Bill No. 5079, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5082, by Senators M. Rasmussen, Barr, Erwin and Bauer

Including ratites in poultry farming regulations.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5082.

Representative Long spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5082 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Anderson, Appelwick, Chappell, Eide, Johnson, R. and Locke - 6.

Senate Bill No. 5082, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Sheldon, Substitute Senate Bill No. 5088 was deferred and the bill held its place on the second reading calendar.

With the consent of the House, Senate Bill No. 5124 was deferred and held its place on the second reading calendar.

SENATE BILL NO. 5125, by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries

Regulating issuance of commercial salmon fishing licenses.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5125.

Representatives Orr and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5125 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Chappell, Eide and Locke - 4.

Senate Bill No. 5125, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5145, by Senator Winsley

Regulating bungee jumping.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 75th Day, March 25, 1993.)

Representative Heavey moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5145 as amended by the House.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5145 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Voting nay: Representatives Padden, Thomas and Van Luven - 3.

Excused: Representatives Appelwick, Chappell, Eide and Locke - 4.

Substitute Senate Bill No. 5145, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House reverted to consideration of Senate Bill No. 5124 on the second reading calendar.

SENATE BILL NO. 5124, by Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries

Revising laws relating to commercial fishing licenses.

The bill was read the second time.

Representative King moved adoption of the following amendment by Representatives King and Fuhrman:

On page 9, line 11, after "deliver" insert "with a commercial fishing vessel"

On page 12, line 18, after "deliver" insert "with a commercial fishing vessel"

Representative King spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5124 as amended by the House.

Representatives Orr and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5124 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Chappell, Eide and Locke - 4.

Senate Bill No. 5124, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5148, by Senator Winsley

Adjusting penalties for improper use of disabled parking spaces.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5148.

Representative Brown spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5148 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Chappell, Eide and Locke - 3.

Substitute Senate Bill No. 5148, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4637, by Representatives Miller, J. Kohl, Vance, Wineberry, Brough, Thibaudeau, Dyer, Horn and Anderson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Every year the National Press Photographers Association holds a television contest, and the best stories from all over the country are judged, and the best are selected in several categories; and

WHEREAS, To win this contest a television station has to submit thirty minutes of its very best work, representing a number of its photographers; and

WHEREAS, KOMO Television News 4 entered a tape for the 1992 competition with twelve stories representing ten of its photographers, containing everything from the last day of Longacres, an Olympic diver preparing for the Olympics, first-person coverage of the Los Angeles riots, and Florida's hurricane Andrew; and

WHEREAS, KOMO Television News 4's "National Press Photographers Association Television Photography Station of the Year" entry included Spot News: "Maple and Washington"; General News: "Hurricane Graffiti," "Ollies's Fires," and "Block By Block"; Sports: "The Last Race" and "Ellen Owen"; Feature: "Welcome to Mansfield," "Osprey Return," and "Boom City"; News Feature: "Sideshow" and "A Little Perspective"; and In Depth: "Trucker's Tape"; and

WHEREAS, KOMO Television News 4 exhibited the highest level of excellence in overcoming almost thirty other competitors and winning the coveted 1992 "Television Photography Station of the Year," a feat the epitomizes a well-rounded and superbly skilled news team; and

WHEREAS, KOMO Television News 4 was also National Press Photographers Association Television Photography Station of the Year in 1987 and 1988, and was runner up in 1989, 1990, and 1991; and

WHEREAS, KOMO Television News 4 has ten full-time photographers represented on this year's winning entry: Dave Brasells, Steve Brewer, Glen Elvington, Bryan Hollowell, Neil Ikeda, Rick Jewett, Mark Morache, Randy Nielsen, Bill Strothman, and Bob Turner; and one editor represented on this year's winning entry: Tri Ngo; all under the supervision of Dennis Dwan, Operations Manager; and

WHEREAS, KOMO Television News 4, an ABC affiliate, is owned by Fisher Broadcasting, Inc., and is located in Seattle, Washington, "The Beautiful Northwest," and has a viewing audience which stretches from Oregon to Canada, from the Pacific Ocean on the west, to the farmland and high desert east of the Cascade Mountains; and WHEREAS, KOMO Television News 4 is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor KOMO Television News 4; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to KOMO Television News 4 and its outstanding photographers and editor.

Representative Miller moved adoption of the resolution and spoke in favor of it.

House Resolution No. 4637 was adopted.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1022,
HOUSE BILL NO. 1035,
HOUSE BILL NO. 1038,
HOUSE BILL NO. 1079,
HOUSE BILL NO. 2032,

MOTION

Representative Peery moved the House immediately consider Engrossed Senate Bill No. 5217 on the second reading calendar. The motion was carried.

The Speaker called on Representative R. Meyers to preside.

ENGROSSED SENATE BILL NO. 5217, by Senators Pelz, Jesernig, A. Smith, Prentice, Moore, Vognild, Winsley, Roach, Sutherland and Quigley

Requiring compliance with chapter 39.12 RCW of public works.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5217.

Representative Heavey spoke in favor of passage of the bill and Representative Lisk spoke against it.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5217 and the bill passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Horn, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 41.

Excused: Representative Chappell - 1.

Engrossed Senate Bill No. 5217, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5229, by Senators Vognild, Sellar, Skratek, Winsley and Oke

Permitting the department of transportation and state patrol to adopt rules to govern state rest areas.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5229.

Representative Jones spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5229 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Chappell - 1.

Senate Bill No. 5229, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 30, 1993

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

ENGROSSED SENATE BILL NO. 5351,
ENGROSSED SENATE BILL NO. 5362,

Brad Hendrickson, Deputy Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5351,
ENGROSSED SENATE BILL NO. 5362,

The Speaker called on Representative R. Meyers to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5379, by Senators M. Rasmussen, Barr, Loveland, Hochstatter and Winsley; by request of Department of Agriculture

Making major changes to milk and milk products regulations.

The bill was read the second time. Committee on Agricultural & Rural Development recommendation: Majority, do pass as amended. (For committee amendment see, Journal, 75th Day, March 25, 1993.)

Representative Rayburn moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5379 as amended by the House.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5379 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Chappell - 1.

Engrossed Substitute Senate Bill No. 5379, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5380, by Senators Prentice, West, Pelz, Winsley, A. Smith, L. Smith, Snyder, Roach, Owen, Talmadge, Skratek, Niemi, Haugen, Spanel, Drew, Moyer, Jesernig, Sutherland, Rinehart, Williams, Vognild, Sheldon, Loveland, Hargrove, M. Rasmussen, Bauer, Gaspard, Wojahn, Sellar, Quigley and McAuliffe

Concerning collective bargaining for members of the Washington state patrol.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see, Journal, 75th Day, March 25, 1993.)

Representative G. Cole moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5380 as amended by the House.

Representative G. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5380 as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Horn, Lisk and Padden - 4.

Excused: Representative Chappell - 1.

Substitute Senate Bill No. 5380, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5404, by Senators Fraser and Barr

Allowing a private right of action under the model toxic control act.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment see Journal, 68th Day, March 19, 1993.)

Representative Rust moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5404 as amended by the House.

Representatives Rust and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5404 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Chappell - 1.

Substitute Senate Bill No. 5404, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative G. Fisher presiding) called the House to order.

With the consent of the House, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 5, 1993

SSB 5035 Prime Sponsor, Committee on Government Operations: Authorizing cities to use the hotel-motel tax for public restroom facilities. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment by Committee on Revenue and without amendment by Committee on Local Government.

On page 2, line 15, after "town" insert ", if the city or town has a population less than five thousand."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5056 Prime Sponsor, Committee on Natural Resources: Regulating seaweed harvesting. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Fisheries & Wildlife as further amended with the following amendment by Committee on Appropriations.

On page 1, line 13, after "means" insert "saltwater"

On page 1 of the amendment, after line 19, insert the following:
"NEW SECTION. Sec. 5. A violation of section 3 of this act is an infraction under chapter 7.84 RCW, punishable by a fine of one hundred dollars."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative G. Fisher.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

SSB 5134 Prime Sponsor, Committee on Ways & Means: Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5195 Prime Sponsor, Committee on Labor & Commerce: Regulating excessive securities transactions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Financial Institutions and Insurance: (For Financial Institutions & Insurance amendment see Journal, 82nd Day, April 2, 1993.)

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Appelwick and Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5248 Prime Sponsor, M. Rasmussen: Excluding pollination agents from "sale at retail" and "retail sale" definition for business and occupation tax. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5270 Prime Sponsor, Committee on Labor & Commerce: Creating a department of financial institutions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, given the overlap of powers and products in the companies regulated, the consolidation of the agencies regulating financial institutions and securities into one department will better serve the public interest through more effective use of staff expertise. Therefore, for the convenience of administration and the centralization of control and the more effective use of state resources and expertise, the state desires to combine the regulation of financial institutions and securities into one department.

NEW SECTION. Sec. 2. A state department of financial institutions, headed by the director of financial institutions, is created. The department shall be organized and operated in a manner that to the fullest extent permissible under applicable law protects the public interest, protects the safety and soundness of depository institutions and entities under the jurisdiction of the department, ensures access to the regulatory process for all concerned parties, and protects the interests of investors. The department of financial institutions shall be structured to reflect the unique differences in the types of institutions and areas it regulates.

NEW SECTION. Sec. 3. The director of financial institutions shall be appointed by the governor and shall exercise all powers and perform all of the duties and functions transferred under section 6 of this act, and such other powers and duties as may be authorized by law. The director may deputize, appoint, and employ examiners and other such assistants and personnel as may be necessary to carry on the work of the department. The director of financial institutions shall receive a salary in an amount fixed by the governor.

NEW SECTION. Sec. 4. A person is not eligible for appointment as director of financial institutions unless he or she is, and for the last two years before his or her appointment has been, a citizen of the United States. A person is not eligible for appointment as director of financial institutions if he or she has an interest at the time of appointment, as a director, trustee, officer, or stockholder in any bank, savings bank, savings and loan association, credit union, consumer loan company, trust company, securities broker-dealer or investment advisor, or other institution regulated by the department.

NEW SECTION. Sec. 5. The director of financial institutions may adopt any rules, under chapter 34.05 RCW, necessary to implement the powers and duties of the director under this chapter.

NEW SECTION. Sec. 6. (1) All powers, duties, and functions of the department of general administration under Titles 30, 31, 32, 33, and 43 RCW and any other title pertaining to duties relating to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, and other similar institutions are transferred to the department of financial institutions. All references to the director of general administration, supervisor of banking, or the supervisor of savings and loan associations in the Revised Code of Washington are construed to mean the director of the

department of financial institutions when referring to the functions transferred in this section. All references to the department of general administration in the Revised Code of Washington are construed to mean the department of financial institutions when referring to the functions transferred in this subsection.

(2) All powers, duties, and functions of the department of licensing under chapters 19.100, 19.110, 21.20, 21.30, and 48.18A RCW and any other statute pertaining to the regulation of securities, franchises, business opportunities, commodities, and any other speculative investments are transferred to the department of financial institutions. All references to the director or department of licensing in the Revised Code of Washington are construed to mean the director or department of financial institutions when referring to the functions transferred in this subsection.

NEW SECTION. Sec. 7. All reports, documents, surveys, books, records, files, papers, or other written or electronically stored material in the possession of the department of general administration or the department of licensing and pertaining to the powers, functions, and duties transferred by section 6 of this act shall be delivered to the custody of the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property purchased by the division of banking and the division of savings and loan in carrying out the powers, functions, and duties transferred by section 6 of this act shall be transferred to the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of licensing in carrying out the powers, functions, and duties transferred by section 6 of this act shall be made available to the department of financial institutions. All funds, credits, or other assets held by the department of general administration or the department of licensing in connection with the powers, functions, and duties transferred by section 6 of this act shall be assigned to the department of financial institutions.

Any appropriations made to the department of general administration or the department of licensing for carrying out the powers, functions, and duties transferred by section 6 of this act shall, on the effective date of this act, be transferred and credited to the department of financial institutions.

If a dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 8. The director of financial institutions may appoint assistant directors for each of the divisions of the department and delegate to them the power to perform any act or duty conferred upon the director. The director is responsible for the official acts of these assistant directors.

The department of financial institutions shall consist of at least the following four divisions: The division of FDIC insured institutions, with regulatory authority over all state-chartered FDIC insured institutions; the division of credit unions, with regulatory authority over all state-chartered credit unions; the division of consumer affairs, with regulatory authority over state-licensed nondepository lending institutions and other regulated entities; and the division of securities, with regulatory authority over securities, franchises, business opportunities, and commodities. The director of financial institutions is granted broad administrative authority to add additional responsibilities to these divisions as necessary and consistent with applicable law.

For purposes of this section, "FDIC" means the Federal Deposit Insurance Corporation.

NEW SECTION. Sec. 9. All employees classified under chapter 41.06 RCW, the state civil service law, who are employees of the department of general administration or the department of licensing engaged in performing the powers, functions, and duties transferred by section 6 of this act are transferred to the department of financial institutions. All such employees are assigned to the department of financial institutions to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 10. All rules and all pending business before the department of general administration or the department of licensing pertaining to the powers, functions, and duties transferred by section 6 of this act shall be continued and acted upon by the department of financial institutions. All existing contracts and obligations shall remain in full force and shall be performed by the department of financial institutions.

NEW SECTION. Sec. 11. The transfer of the powers, duties, functions, and personnel of the department of general administration or the department of licensing under sections 6, 7, 9, and 10 of this act does not affect the validity of any act performed by such an employee before the effective date of this act.

NEW SECTION. Sec. 12. If apportionments of budgeted funds are required because of the transfers directed by sections 6 through 11 of this act, the director of financial management shall certify the apportionments to the agencies affected, to the state auditor, and to the state treasurer. Each of these shall make the appropriate

transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 13. Nothing contained in sections 6 through 11 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the expiration date of the current agreement or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 14. RCW 21.20.005 and 1989 c 391 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of (~~licensing~~) financial institutions of this state.

(2) "Salesperson" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesperson" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310(1), (2), (3), (4), (9), (10), (11), (12), or (13), (~~as now or hereafter amended~~), (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for that person's own account. "Broker-dealer" does not include (a) a salesperson, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if the person effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months that person does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" also includes financial planners and other persons who, as an integral component of other financially related services, (a) provide the foregoing investment advisory services to others for compensation as part of a business or (b) hold themselves out as providing the foregoing investment advisory services to others for compensation. Investment adviser shall also include any person who holds himself out as a financial planner.

"Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, certified public accountant licensed under chapter 18.04 RCW, engineer, or teacher whose performance of these services is solely incidental to the practice of his or her profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a radio or television station, (f) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310(1), (g) a person who has no place of business in this state if (i) that person's only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months that person does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (h) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933((=)),_" "Securities Exchange Act of 1934((=)),_" "Public Utility Holding Company Act of 1935((=)),_" and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after June 10, 1959.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; investment of money or other consideration in the risk capital of a venture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; charitable gift annuity; or, in general, any interest or instrument commonly known as a "security((=)),_" or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing; or any sale of or indenture, bond or contract for the conveyance of land or any interest therein where such land is situated outside of the state of Washington and such sale or its offering is not conducted by a real estate broker licensed by the state of Washington. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(14) "Investment adviser salesperson" means a person retained or employed by an investment adviser to solicit clients or offer the services of the investment adviser or manage the accounts of said clients.

(15) "Relatives((=)),_" as used in RCW 21.20.310(11) (~~as now or hereafter amended, shall~~) includes:

- (a) A member's spouse;
- (b) Parents of the member or the member's spouse;
- (c) Grandparents of the member or the member's spouse;
- (d) Natural or adopted children of the member or the member's spouse;
- (e) Aunts and uncles of the member or the member's spouse; and
- (f) First cousins of the member or the member's spouse.

Sec. 15. RCW 21.20.450 and 1979 ex.s. c 68 s 33 are each amended to read as follows:

The administration of the provisions of this chapter shall be under the department of (~~licensing~~) financial institutions. The director may from time to time make, amend, and (~~rescind~~) repeal such rules and forms as are necessary to carry out the provisions of this chapter, including rules defining any term, whether or not such term is used in the Washington securities law. The director may classify securities, persons, and matters within the director's jurisdiction, and prescribe different requirements for different classes. No rule or form((=)) may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter. In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the securities and exchange commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published.

Sec. 16. RCW 21.20.720 and 1987 c 421 s 4 are each amended to read as follows:

- (1) A director, officer, or controlling person of a debenture company shall not:
 - (a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him or her, the same as any other investor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;
 - (b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute with him or her a majority of the board of directors.
- (2) A director, an officer, or controlling person shall not:

(a) For himself or herself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his or her own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of ~~((licensing))~~ financial institutions or the director's administrator of securities upon recommendation by the company's board of directors.

(d) For himself or herself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real or personal property upon which the debenture company holds a mortgage, deed of trust, or property contract. A loan to or a purchase by a corporation in which he or she is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he or she and other directors, officers, or controlling persons of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his or her knowledge or against his or her protest.

Sec. 17. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, (15) the department of community development, ~~((and))~~ (16) the department of health, and (17) the department of financial institutions, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 18. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, (15) the director of community development, ~~((and))~~ (16) the secretary of health, and (17) the director of financial institutions.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 19. RCW 43.19.010 and 1988 c 25 s 10 are each amended to read as follows:

The department of general administration shall be organized into divisions, which shall include (1) ~~((the division of banking, (2) the division of savings and loan associations, (3)))~~ the division of capitol buildings, ~~((4))~~ (2) the division of purchasing, ~~((5))~~ (3) the division of engineering and architecture, and ~~((6))~~ (4) the division of motor vehicle transportation service.

The director of general administration shall have charge and general supervision of the department. He or she may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor.

Sec. 20. RCW 43.19.020 and 1977 ex.s. c 185 s 1 are each amended to read as follows:

The director of ~~((general administration))~~ financial institutions shall appoint ~~((and))~~ deputize ~~((an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint))~~ and employ ~~((bank))~~ examiners and such other assistants and personnel as may be necessary to carry on the work of the ~~((division~~

~~No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder))~~ department of financial institutions.

In the event of the ~~((supervisor's))~~ director's absence the director ~~((of general administration))~~ shall have the power to deputize one of the assistants of the ~~((supervisor))~~ director to exercise all the powers and perform all the duties prescribed by law with respect to banks ~~((and)), savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies~~~~((, mutual savings banks, loan agencies))~~ and departments, securities, franchises, business opportunities, commodities, and other similar institutions or areas that are performed by the ~~((supervisor))~~ director so long as the ~~((supervisor))~~ director is absent: PROVIDED, That such deputized ~~((supervisor))~~ assistant shall not have the power to approve or disapprove new charters, licenses, branches, and satellite facilities, unless such action has received the prior written approval of the ~~((supervisor))~~ director. Any person so deputized shall possess the same qualifications as those set out in this section for the ~~((supervisor))~~ director.

Sec. 21. RCW 43.19.030 and 1977 ex.s. c 270 s 8 are each amended to read as follows:

Before entering ~~((upon his))~~ office each ~~((bank))~~ examiner shall take and subscribe an oath faithfully to discharge the duties of ~~((his))~~ the office.

Oaths shall be filed with the secretary of state.

Neither the ~~((supervisor of banking))~~ director of financial institutions, any ~~((deputy supervisor))~~ deputized assistant of the director, nor any ~~((bank))~~ examiner or employee shall be personally liable for any act done ~~((by him))~~ in good faith in the performance of his or her duties.

Sec. 22. RCW 43.19.050 and 1965 c 8 s 43.19.050 are each amended to read as follows:

The ~~((supervisor of banking))~~ director of financial institutions shall maintain an office at the state capitol, but may with the consent of the governor also maintain ~~((an office))~~ branch offices at ~~((some))~~ other convenient ~~((banking center))~~ business centers in this state. ~~((He))~~ The director shall keep books of record of all moneys received or disbursed by ~~((him))~~ the director into or from the banking examination fund, the credit union examination fund, the securities regulation fund, and any other accounts maintained by the department of financial institutions. ~~((He shall adopt an official seal.))~~

Sec. 23. RCW 43.19.080 and 1965 c 8 s 43.19.080 are each amended to read as follows:

(1) It shall be unlawful for the ~~((supervisor or any deputy or employee of his division))~~ director of financial institutions, any deputized assistant of the director, or any employee of the department of financial institutions to borrow money from any bank ~~((or trust company under his jurisdiction)), consumer loan company, credit union, foreign bank branch, savings bank, savings and loan association, or trust company or department, securities broker-dealer or investment advisor, or similar lending institution under the department's direct jurisdiction unless the extension of credit:~~

(a) Is made on substantially the same terms (including interest rates and collateral) as, and following credit underwriting procedures that are not less stringent than, those prevailing at the time for comparable transactions by the financial institution with other persons that are not employed by either the department or the institution; and

(b) Does not involve more than the normal risk of repayment or present other unfavorable features.

(2) The director of the office of financial management shall adopt rules, policies, and procedures interpreting and implementing this section.

(3) Every person who knowingly violates this section shall forfeit his or her office or employment and be guilty of a gross misdemeanor.

Sec. 24. RCW 43.19.090 and 1977 c 75 s 43 are each amended to read as follows:

The ~~((supervisor))~~ director of financial institutions shall file in his or her office all reports required to be made to ~~((him))~~ the director, prepare and furnish to banks ~~((and)), savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments~~ blank forms for such reports as are required of them, and each year make a report to the governor showing:

(1) A summary of the conditions of the banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments at the date of their last report; and

(2) A list of those organized or closed during the year.

~~((He))~~ The director may publish such other statements, reports, and pamphlets as he or she deems advisable.

Sec. 25. RCW 43.19.095 and 1981 c 241 s 1 are each amended to read as follows:

There is created a local fund known as the "banking examination fund" which shall consist of all moneys received by the ~~((division of banking))~~ department of financial institutions from banks, savings banks, foreign bank branches, savings and loan associations, consumer loan companies, check cashers and sellers, and trust companies and departments, and which shall be used for the purchase of supplies and necessary equipment and the payment of

salaries, wages, utilities, and other incidental costs required for the proper ~~((maintenance of the division))~~ regulation of these companies. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of ~~((general administration or the supervisor of banking))~~ financial institutions or the director's ~~((or supervisor's))~~ designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Sec. 26. RCW 43.19.112 and 1981 c 241 s 2 are each amended to read as follows:

There is created a local fund known as the "~~((savings and loan associations and))~~ credit unions examination fund" which shall consist of all moneys received by the ~~((division of savings and loan associations))~~ department of financial institutions from credit unions and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the ~~((proper maintenance of the division))~~ regulation of these institutions. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of ~~((general administration or the supervisor of savings and loan associations))~~ financial institutions or the director's ~~((or supervisor's))~~ designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. Sec. 27. There is created in the state treasury a fund known as the "securities regulation fund" that shall consist of thirteen percent of all moneys received by the division of securities of the department of financial institutions. Expenditures from the account may be used only for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the regulation of securities, franchises, business opportunities, commodities, and other similar areas regulated by the division. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

- (1) RCW 43.19.040 and 1965 c 8 s 43.19.040;
- (2) RCW 43.19.100 and 1982 c 3 s 113, 1977 ex.s. c 185 s 2, & 1965 c 8 s 43.19.100; and
- (3) RCW 43.19.110 and 1965 c 8 s 43.19.110.

NEW SECTION. Sec. 29. Sections 1 through 13 and 27 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 30. RCW 43.19.020, 43.19.030, 43.19.050, 43.19.080, 43.19.090, 43.19.095, and 43.19.112 are recodified as sections in chapter 43.____ RCW (sections 1 through 13 and 27 of this act).

NEW SECTION. Sec. 31. This act takes effect October 1, 1993.

NEW SECTION. Sec. 32. The directors of the department of general administration and the department of licensing shall take such steps as are necessary to ensure that this act is implemented on October 1, 1993."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

2SSB 5288 Prime Sponsor, Committee on Ways & Means: Extending the expiration date of the solid waste collection tax. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Silver; Talcott; and Van Luven.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5290 Prime Sponsor, Wojahn: Reducing the tax burden on free hospitals. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Silver; Talcott; Thibaudeau; and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust and Wang.

Passed to Committee on Rules for second reading.

April 5, 1993

E2SSB 5304 Prime Sponsor, Committee on Ways & Means: Reforming health care cost control and access. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment by Committee on Revenue and without amendment by Committee on Health Care.

Strike everything after the enacting clause and insert the following:

PART I. FINDINGS, GOALS, AND INTENT

NEW SECTION. Sec. 101. FINDINGS. The legislature finds that our health and financial security are jeopardized by our ever increasing demand for medical care and by current medical insurance and medical system practices. Current medical system practices encourage public demand for unneeded, ineffective, and sometimes dangerous medical treatments. These practices often result in unaffordable cost increases that far exceed ordinary inflation for essential care. Current total medical and health care expenditure rates should be sufficient to provide access to essential health and medical care interventions to all within a reformed, efficient system.

The legislature finds that too many of our state's residents are without medical insurance, that each year many individuals and families are forced into poverty because of serious illness, and that many must leave gainful employment to be eligible for publicly funded medical services. Additionally, thousands of citizens are at risk of losing adequate medical insurance, have had insurance canceled recently, or cannot afford to renew existing coverage.

The legislature finds that businesses find it difficult to pay for medical insurance and remain competitive in a global economy, and that individuals, the poor, and small businesses bear an inequitable medical insurance burden.

The legislature finds that persons of color have significantly higher rates of mortality, poor health outcomes, and substantially lower numbers and percentages of persons covered by health insurance than general population. It is intended that chapter . . . , Laws of 1993 (this act) make provisions to address the special health care needs of these racial and ethnic populations in order to improve their health status.

The legislature finds that uncontrolled demand and expenditures for medical care are eroding the ability of families, businesses, communities, and governments to invest in other enterprises that promote health, maintain independence, and ensure continued economic welfare. Housing, nutrition, education, and the environment are all diminished as we invest ever increasing shares of wealth in medical treatments.

The legislature finds that while immediate steps must be taken, a long-term plan of reform is also needed.

NEW SECTION. Sec. 102. LEGISLATIVE INTENT AND GOALS. (1) The legislature intends that state government policy stabilize health services costs, assure access to essential services for all residents, actively address the health care needs of persons of color, improve the public's health, and reduce unwarranted health services costs to preserve the viability of nonmedical care businesses.

(2) The legislature intends that:

(a) Total health services costs be stabilized and kept within rates of increase similar to the rates of general economic inflation within a publicly regulated, private marketplace that preserves personal choice;

(b) State residents be enrolled in the certified health plan of their choice that meets state standards regarding affordability, accessibility, cost-effectiveness, and clinically efficacious;

(c) State residents be able to choose health services from the full range of health care providers, as defined in section 402(12) of this act, in a manner consistent with good health service management, quality assurance, and cost effectiveness;

(d) Individuals and businesses have the option to purchase any health or medical services they may choose in addition to those contained in the uniform benefits package;

(e) All state residents, businesses, employees, and government participate in payment for health services, with total costs to individuals on a sliding scale based on income to encourage efficient and appropriate utilization of services and to protect individuals from impoverishment because of health care costs;

(f) These goals be accomplished within a reformed system using private service providers and facilities in a way that allows consumers to choose among competing plans operating within budget limits and other regulations that promote the public good; and

(g) That a policy of facilitating communication and networking in the delivery, purchase, and provision of health services among the federal, state, local, and tribal governments be encouraged and accomplished by chapter . . . , Laws of 1993 (this act).

(3) Accordingly, the legislature intends that chapter . . . , Laws of 1993 (this act) provide both early implementation measures and a process for overall reform of the health services system.

PART II. EARLY IMPLEMENTATION MEASURES

A. BASIC HEALTH PLAN EXPANSION

NEW SECTION. Sec. 201. A new section is added to chapter 70.47 RCW to read as follows:
TRANSFER OF POWER AND DUTIES TO WASHINGTON STATE HEALTH CARE AUTHORITY. The powers, duties, and functions of the Washington basic health plan are hereby transferred to the Washington state health care authority. All references to the administrator of the Washington basic health plan in the Revised Code of Washington shall be construed to mean the administrator of the Washington state health care authority.

NEW SECTION. Sec. 202. TRANSFER OF RECORDS, EQUIPMENT, FUNDS. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington basic health plan shall be delivered to the custody of the Washington state health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the Washington basic health plan shall be made available to the Washington state health care authority. All funds, credits, or other assets held by the Washington basic health plan shall be assigned to the Washington state health care authority.

Any appropriations made to the Washington basic health plan shall, on the effective date of this section, be transferred and credited to the Washington state health care authority. At no time may those funds in the basic health plan trust account, any funds appropriated for the subsidy of any enrollees, or any premium payments or other sums made or received on behalf of any enrollees in the basic health plan be commingled with any appropriated funds designated or intended for the purposes of providing health care coverage to any state or other public employees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 203. TRANSFER OF EMPLOYEES. All employees of the Washington basic health plan are transferred to the jurisdiction of the Washington state health care authority. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 204. RULES AND BUSINESS. All rules and all pending business before the Washington basic health plan shall be continued and acted upon by the Washington state health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state health care authority.

NEW SECTION. Sec. 205. VALIDITY OF PRIOR ACTS. The transfer of the powers, duties, functions, and personnel of the Washington basic health plan shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 206. APPORTIONMENT OF BUDGETED FUNDS. If apportionments of budgeted funds are required because of the transfers directed by sections 201 through 205 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer.

Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 207. COLLECTIVE BARGAINING. Nothing contained in sections 201 through 206 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 208. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

BASIC HEALTH PLAN--FINDINGS. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women (~~(who are an especially vulnerable population, along with their children)~~), and at-risk children and adolescents who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents (~~(under sixty five years of age)~~) not (~~(otherwise)~~) eligible for medicare (~~(with gross family income at or below two hundred percent of the federal poverty guidelines)~~) or medical assistance who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) (~~(The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.)~~)

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program. It is also the intent of the legislature to condition access to this plan for nonsubsidized enrollees upon the prior placement of subsidized enrollees, to the extent funding is available.

(c) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 209. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

BASIC HEALTH PLAN--DEFINITIONS. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides

directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. On and after July 1, 1995, "managed health care system" means a certified health plan, as defined in section 402 of this act.

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse ((and/or) or dependent children, ((all under the age of sixty-five and)) not ((otherwise)) eligible for medicare or medical assistance, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who chooses to obtain basic health care coverage from a particular managed health care system and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes((, from funds appropriated from the basic health plan trust account,)) to a managed health care system on behalf of ((an)) a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income ((and determined under RCW 70.47.060(2),)) which an ((enrollee)) individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 210. RCW 70.47.030 and 1992 c 232 s 907 are each amended to read as follows:

ACCOUNTS. (1) The basic health plan trust account is hereby established in the state treasury. ((All)) Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ((After July 1, 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.))

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 211. RCW 70.47.040 and 1987 1st ex. s. c 5 s 6 are each amended to read as follows:

BASIC HEALTH PLAN--PROGRAM WITHIN STATE HEALTH CARE AUTHORITY. (1) The Washington basic health plan is created as ((an independent agency of the state)) a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator ((who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040)) of the Washington state health care authority. The administrator shall appoint a medical director. The ((administrator,)) medical director((,)) and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) ~~(In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.)~~ Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Sec. 212. RCW 70.47.060 and 1992 c 232 s 908 are each amended to read as follows:

ADMINISTRATOR'S POWERS AND DUTIES. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, ~~((for the period ending June 30, 1993,))~~ with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for ~~((prenatal or postnatal))~~ such services ~~((that are provided under the medical assistance program under chapter 74.09 RCW))~~ except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider ~~((, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992))~~. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On and after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to section 448 of this act shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size ~~((as well as))~~ and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the appropriate premium tax as provided by law.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed ninety-five percent of the total premiums due from the enrollee.

(d) On and after July 1, 1995, the administrator shall comply with any schedule of premiums that may be adopted by the Washington health services commission.

(3) To design and implement a structure of ~~((nominal))~~ copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary

health care services. On and after July 1, 1995, the administrator shall comply with schedules of enrollee point of service cost-sharing adopted by the Washington health services commission.

(4) ~~((To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:~~

~~(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;~~

~~(b) A modified fee-for-services payment schedule for providers;~~

~~(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and~~

~~(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.~~

~~The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.~~

~~(5)) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.~~

~~(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.~~

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

~~((In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.))~~

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least ~~((annually))~~ semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. ~~((An enrollee who remains current in payment of the sliding scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled.))~~ No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the

administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from small business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. Prior to July 1, 1997, the administrator shall require that a small business owner pay at least fifty percent but not more than ninety-five percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Effective on and after July 1, 1997, the employer participation levels established by the health services commission pursuant to section 455 of this act shall govern employer participation levels under this section. For the purposes of this subsection, an employee means an individual who regularly works for the small business for at least twenty hours per week. The businesses may have no more than one hundred employees at the time of initial enrollment and enrollment is limited to those not eligible for medicare or medical assistance, who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((14))~~ (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the ~~((administrator))~~ plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.))~~

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) ~~((To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state))~~ To endeavor to expand enrollment as much as possible to correspond to the proportion of persons of color in the community served using the best available data that estimates representation of persons of color and describe these efforts in its annual report.

Sec. 213. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

ENROLLMENT. On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, total ~~((enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4))~~ subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan. To the extent that new funding is

appropriated for expansion, the administrator shall endeavor to secure participation contracts from managed health care systems in geographic areas of the state that are unserved by the plan at the time at which the new funding is appropriated. In the selection of any such areas the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

B. EXPANDED MANAGED CARE FOR STATE EMPLOYEES

Sec. 214. RCW 41.05.011 and 1990 c 222 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an ~~((insurance carrier as defined in chapter 48.21 or 48.22))~~ insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. On and after July 1, 1995, "insuring entity" means a certified health plan, as defined in section 402 of this act.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; upon a determination by the administrator as provided in RCW 41.05.021(2), all employees of school districts; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205~~((, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350))~~ employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, upon the determination provided for in RCW 41.05.021(2) by the administrator, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization.

(7) "Board" means the ~~((state))~~ public employees' benefits board established under RCW 41.05.055.

Sec. 215. RCW 41.05.021 and 1990 c 222 s 3 are each amended to read as follows:

HEALTH CARE AUTHORITY DUTIES. (1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits ~~((and to))~~ study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care, and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

~~((4))~~ (a) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

~~((2))~~ (b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

- ~~((a))~~ (i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;
- ~~((b))~~ (ii) Utilization of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods;
- ~~((c))~~ (iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;
- ~~((d))~~ (iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and
- ~~((e))~~ (v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;
- ~~((f))~~ (c) To analyze areas of public and private health care interaction;
- ~~((g))~~ (d) To provide information and technical and administrative assistance to the board;
- ~~((h))~~ (e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state (~~(, and school districts)~~) to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 (~~and 28A.400.350~~), setting the premium contribution for approved groups as outlined in RCW 41.05.050;
- ~~((i))~~ (f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and
- ~~((j))~~ (g) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) The administrator shall determine the year in which the public employees' benefits board will undertake design and approval of insurance benefits plans for school district employees. Upon making that determination the administrator shall:

(a) Provide written notification to the fiscal committees of the senate and the house of representatives. Such notification shall be given by January 1 of the year prior to which the administrator will begin purchasing insurance benefits on behalf of school district employees; and

(b) Develop procedures necessary to ensure that the transition to insurance benefits purchasing by the administrator does not disrupt existing insurance contracts between school district employees and insurers.

(3) The public employees' benefits board shall implement strategies to promote managed competition among employee health benefit plans by January 1, 1995, including but not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced sealed bid of a qualified plan within a geographical area. If the state's contribution is less than one hundred percent of the lowest priced sealed bid, employee financial contributions shall be structured on a sliding-scale basis related to household income;

(d) Ensuring access to quality health services, including assuring reasonable access to local providers, especially for enrollees residing in rural areas;

(e) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

Sec. 216. RCW 41.05.050 and 1988 c 107 s 18 are each amended to read as follows:

FERRY EMPLOYEES. (1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. All such contributions will be paid into the (~~state~~) public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. (~~However,~~) Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter . . . Laws of 1993 (this act).

(3) The administrator with the assistance of the (~~state~~) public employees' benefits board shall survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the authority. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the authority for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by

this chapter. The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 217. RCW 41.05.055 and 1989 c 324 s 1 are each amended to read as follows:

PUBLIC EMPLOYEES' BENEFITS BOARD--SCHOOL DISTRICT EMPLOYEES. (1) The ~~((state))~~ public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and upon a determination by the administrator as provided in RCW 41.05.021(2), school district employees.

(2) Beginning in the year in which the administrator determines that the public employees' benefits board will undertake design and approval of insurance benefits plans for school district employees, as provided in RCW 41.05.021(2), the board shall be composed of ((seven)) nine members appointed by the governor as follows:

(a) ~~((Three))~~ Two representatives of state employees, ~~((one of whom shall represent an employee association certified as exclusive representative of at least one bargaining unit of classified employees,))~~ one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

~~((Three))~~ (c) Four members with experience in health benefit management and cost containment; and ~~((c))~~ (d) The administrator.

Prior to that year, the composition of the public employees benefits board shall reflect its composition on January 1, 1993.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

Sec. 218. RCW 41.05.065 and 1988 c 107 s 8 are each amended to read as follows:

EMPLOYEE BENEFIT PLANS--STANDARDS. (1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state(~~(- PROVIDED, That))~~), however liability insurance shall not be made available to dependents.

(2) The ~~((state))~~ public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, exercise, ~~((and))~~ automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers; ~~((and))~~

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of standard benefit plans to be offered to enrollees participating in the employee health benefit plans. On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees. To maintain the comprehensive nature of employee health care benefits, the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan in effect on January 1, 1993.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. ~~((Such authorization shall require a vote of five members of the board for approval.))~~

(5) Employees ~~((may))~~ shall choose participation in ~~((only))~~ one of the health care benefit plans developed by the board, but employees may choose to obtain employee only coverage or employee and dependent coverage.

(6) The board shall review plans proposed by insurance carriers that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

Sec. 219. RCW 41.05.120 and 1991 sp.s. c 13 s 100 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE ACCOUNT. (1) The ~~((state))~~ public employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the ~~((state))~~ public employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the ~~((state))~~ public employees' insurance account.

Sec. 220. RCW 41.05.140 and 1988 c 107 s 12 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE RESERVE FUND. (1) The authority may self-fund or self-insure for public employees' benefits plans, but shall also enter into other methods of providing insurance coverage for insurance programs under its jurisdiction except property and casualty insurance. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. Reserves established by the authority shall be held in a separate trust fund by the state treasurer and shall be known as the ~~((state))~~ public employees' insurance reserve fund. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the ~~((state))~~ public employees' insurance reserve fund.

(2) Any savings realized as a result of a program created under this section shall not be used to increase benefits unless such use is authorized by statute.

(3) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

(4) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

(5) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

NEW SECTION. Sec. 221. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. (1) Notwithstanding any other provisions of this chapter, if a waiver of the medicare statute, as provided in section 464 of this act, is not obtained prior to June 30, 1995, the administrator shall develop at least two medical plans for retirees eligible for medicare. One of the packages shall include coverage for prescription drugs. The packages shall be offered beginning July 1, 1996, and until a medicare waiver is obtained, to any resident of the state eligible for medicare benefits.

(2) The administrator may:

(a) Offer a self-funded medical plan for retirees eligible for medicare that includes all services available in the uniform benefits package to the extent they are not covered by medicare; and

(b) Offer medical plans for retirees eligible for medicare that conform to the requirements of chapter 48.66 RCW.

(3) The medical plans for retirees eligible for medicare shall be administered and shall have rates calculated as a distinct experience pool.

(4) To the extent that funding is made available specifically for this purpose, the administrator shall establish subsidies for low-income residents' premium and cost-sharing payments.

Sec. 222. RCW 47.64.270 and 1988 c 107 s 21 are each amended to read as follows:

FERRY EMPLOYEES--ENROLLMENT IN CERTIFIED HEALTH PLANS. Until December 31, 1996, absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care

authority, under chapter 41.05 RCW(~~(-)~~); and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter . . . , Laws of 1993 (this act). To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 223. RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33 s 381 are each reenacted and amended to read as follows:

SCHOOL DISTRICT EMPLOYEES--EMPLOYER CONTRIBUTIONS. (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the (~~greater of: (i) The formula amount for insurance benefits~~) amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable(~~(-or (ii) the actual average amount provided by the school district in the 1986-87 school year)~~). For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210(~~(-or)~~); employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

Sec. 224. RCW 28A.400.350 and 1990 1st ex.s. c 11 s 3 and 1990 c 74 s 1 are each reenacted and amended to read as follows:

SCHOOL DISTRICTS--HEALTH CARE COVERAGE ONLY BY CONTRACTS WITH THE STATE HEALTH CARE AUTHORITY. (1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Except to the extent provided in RCW 28A.400.200, upon the making of a determination provided for in RCW 41.05.021(2) by the administrator of the state health care authority, health care coverage, life

insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student(~~(-- PROVIDED, That)~~). The school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

C. CONSOLIDATED STATE HEALTH CARE PURCHASING AGENT

NEW SECTION. Sec. 225. A new section is added to Title 43 RCW to read as follows:

STATE HEALTH SERVICES AGENT. (1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after July 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: The basic health plan; health benefits for active employees of school districts, to the extent that the administrator has made a determination under RCW 41.05.021(2); and health benefits for active state employees. Until that date, in purchasing health services, the health care authority shall maintain separate experience pools for each of the programs in this subsection. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the experience pools. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long-term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community-rated risk pool effective on and after July 1, 1997.

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan or a uniform benefits package as adopted by the Washington health services commission as provided in section 448 of this act, use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them, and that a health maintenance organization, health care service contractor, insurer, or certified health plan that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them;

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter . . . , Laws of 1993 (this act);

(e) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section;

(f) Ensure that procedures and due process guarantees no less beneficial than those available under federal and state law to participants in the medical assistance, limited casualty, and medical care services programs are provided to all persons who, but for the federal waivers and state legislation procured under subsection (1) of this section, would be eligible for those programs.

NEW SECTION. Sec. 226. A new section is added to chapter 41.05 RCW to read as follows:

WASHINGTON STATE GROUP PURCHASING ASSOCIATION. (1) The Washington state group purchasing association is established for the purpose of coordinating and enhancing the health care purchasing power of the groups identified in subsection (2) of this section. The purchasing association shall be administered by the administrator.

(2) The following organizations or entities may seek the approval of the administrator for membership in the purchasing association:

(a) Private nonprofit human services provider organizations under contract with state agencies, on behalf of their employees and their employees' spouses and dependent children;

(b) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the medical assistance personal care or community options program entry system program as provided in chapter 74.09 RCW, or the chore services program, as provided in chapter 74.08 RCW, on behalf of themselves and their spouses and dependent children;

(c) Owners and operators of child day care centers and family child care homes licensed under chapter 74.15 RCW and of preschool or other child care programs exempted from licensing under chapter 74.15 RCW on behalf of themselves and their employees and employees' spouses and dependent children; and

(d) Foster parents contracting with the department of social and health services under chapter 74.13 RCW and licensed under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children.

(3) In administering the purchasing association, the administrator shall:

(a) Negotiate and enter into contracts on behalf of the purchasing association's members in conjunction with its contracting and purchasing activities for employee benefit plans under RCW 41.05.075. In negotiating and contracting with insuring entities on behalf of employees and purchasing association members, distinct experience pools shall be maintained.

(b) Review and approve or deny applications from entities seeking membership in the purchasing association:

(i) The administrator may require all or the substantial majority of the employees of the organizations or entities listed in subsection (2) of this section to enroll in the purchasing association.

(ii) The administrator shall require, that as a condition of membership in the purchasing association, an entity or organization listed in subsection (2) of this section that employs individuals pay at least fifty percent but not more than ninety-five percent of the cost of the insurance coverage for each employee enrolled in the purchasing association.

(iii) In offering and administering the purchasing association, the administrator may not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history.

(4) On and after July 1, 1995, the uniform benefits package and schedule of premiums and point of service cost-sharing adopted and from time to time revised by the health services commission pursuant to chapter . . . , Laws of 1993 (this act) shall be applicable to the association.

(5) The administrator shall adopt preexisting condition coverage provisions for the association as provided in sections 279 through 282 of this act.

(6) Except to the extent that funds are appropriated specifically for this purpose, include its reasonable administrative and marketing costs in premiums charged to members of the purchasing association.

(7)(a) The Washington state group purchasing association account is established in the custody of the state treasurer, to be used by the administrator for the deposit of premium payments from individuals and entities described in subsection (2) of this section, and for payment of premiums for benefit contracts entered into on behalf of the purchasing association's participants and operating expenses incurred by the authority in the administration of benefit contracts under this section. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(b) Disbursements from the account are not subject to appropriations, but shall be subject to the allotment procedure provided under chapter 43.88 RCW.

NEW SECTION. Sec. 227. A new section is added to chapter 41.05 RCW to read as follows:

MARKETING PLAN. The administrator shall develop a marketing plan for the basic health plan and the Washington state group purchasing association. The plan shall be targeted to individuals and entities eligible to enroll in the two programs and provide clear and understandable explanations of the programs and enrollment procedures. The plan also shall incorporate special efforts to reach communities and people of color.

NEW SECTION. Sec. 228. WASHINGTON STATE GROUP PURCHASING ASSOCIATION--REPEAL.

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(1) RCW 41.05.____ and 1993 c ____ s 226 (section 226 of this act); and

(2) RCW 41.05.____ and 1993 c ____ s 227 (section 227 of this act).

NEW SECTION. Sec. 229. TRANSFER OF AUTHORITY TO PURCHASE SERVICES FROM COMMUNITY HEALTH CENTERS. (1) State general funds appropriated to the department of health for the

purposes of funding community health centers to provide primary medical and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary medical and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) To further the intent of chapter . . . , Laws of 1993 (this act), the health care authority, in consultation with the department of health, shall evaluate the organization and operation of the federal and state-funded community health centers and other not-for-profit health care organizations and propose recommendations to the health services commission and the health policy committees of the legislature by November 30, 1994, that identify changes to permit community health centers and other not-for-profit health care organizations to form certified health plans or other innovative health care delivery arrangements that help ensure access to primary health care services consistent with the purposes of chapter . . . , Laws of 1993 (this act).

D. HEALTH CARE PROVIDER CONFLICT OF INTEREST STANDARDS

Sec. 230. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

FINANCIAL INTEREST IN HEALTH CARE FACILITIES--LIST OF ALTERNATIVE FACILITIES TO BE PROVIDED. It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment(~~PROVIDED, That~~). Ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; and (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities.

Any person violating the provisions of this section is guilty of a misdemeanor.

E. PUBLIC HEALTH FINANCING AND GOVERNANCE

Sec. 231. RCW 70.05.010 and 1967 ex.s. c 51 s 1 are each amended to read as follows:

DEFINITIONS--DEPARTMENT OF HEALTH. For the purposes of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) and unless the context thereof clearly indicates to the contrary:

(1) "Local health departments" means the ((~~city, town,~~)) county or district which provides public health services to persons within the area;

(2) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the ((~~city, town,~~)) county or district public health department;

(3) "Local board of health" means the ((~~city, town,~~)) county or district board of health.

(4) "Health district" means ((~~all territory encompassed within a single county and all cities and towns therein except cities with a population of over one hundred thousand, or~~) all the territory consisting of one or more counties ((~~and all the cities and towns in all of the combined counties except cities of over one hundred thousand population which have been combined and~~) organized pursuant to the provisions of chapters 70.05 and 70.46 RCW ((~~and RCW 70.46.020 through 70.46.090: PROVIDED, That cities with a population of over one hundred thousand may be included in a health district as provided in RCW 70.46.040~~)).

(5) "Department" means the department of health.

Sec. 232. RCW 70.05.030 and 1967 ex.s. c 51 s 3 are each amended to read as follows:

LOCAL BOARD OF HEALTH--COUNTIES WITHOUT HOME RULE CHARTER--JURISDICTION. In counties without a home rule charter, the board of county commissioners ((of each and every county in this state, except where such county is a part of a health district or is purchasing services under a contract as authorized by

~~chapter 70.05 RCW and RCW 70.46.020 through 70.46.090,)) shall constitute the local board of health ((for such county, and said local board of health's jurisdiction)), unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county((, except that nothing herein contained shall give said board jurisdiction in cities of over one hundred thousand population or in such other cities and towns as are providing health services which meet health standards pursuant to RCW 70.46.090)).~~

Sec. 233. RCW 70.05.040 and 1984 c 25 s 1 are each amended to read as follows:

LOCAL BOARD OF HEALTH--VACANCIES. The local board of health shall elect a ~~((chairman))~~ chair and may appoint an administrative officer. A local health officer shall be appointed pursuant to RCW 70.05.050. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local board of health, the members shall elect a ~~((chairman))~~ chair to serve for a period of one year. ~~((In home rule charter counties that have a local board of health established under RCW 70.05.050, the administrative officer may be appointed by the official designated under the county's charter.))~~

NEW SECTION. Sec. 234. A new section is added to chapter 70.05 RCW to read as follows:

HOME RULE CHARTER--LOCAL BOARD OF HEALTH. In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

Sec. 235. RCW 70.05.050 and 1984 c 25 s 5 are each amended to read as follows:

LOCAL HEALTH OFFICER. ~~((Each local board of health, other than boards which are established under RCW 70.05.030 and which are located in counties having home rule charters, shall appoint a local health officer. In home rule charter counties which have a local board of health established under RCW 70.05.030, the local health officer shall be appointed by the official designated under the provisions of the county's charter.))~~

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but ~~((he))~~ the local health officer shall not be removed until after notice is given ~~((him))~~, and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. ~~((He))~~ The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 236. RCW 70.05.070 and 1991 c 3 s 309 are each amended to read as follows:

LOCAL HEALTH OFFICER DUTIES. The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or section 234 of this act, if any, shall:

- (1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and filing of actions authorized by RCW 43.70.190;
- (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;
- (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;
- (4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;
- (5) Prevent, control or abate nuisances which are detrimental to the public health;
- (6) Attend all conferences called by the secretary of health or his or her authorized representative;
- (7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;
- (8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 237. RCW 70.05.080 and 1991 c 3 s 310 are each amended to read as follows:

LOCAL HEALTH OFFICER--APPOINTMENT BY SECRETARY OF HEALTH IF LOCAL BOARD FAILS TO ACT. If the local board of health or other official responsible for appointing a local health officer under RCW 70.05.050 refuses or neglects to appoint a local health officer after a vacancy exists, the secretary of health may appoint a local health officer and fix the compensation. The local health officer so appointed shall have the same duties, powers and authority as though appointed under RCW 70.05.050. Such local health officer shall serve until a qualified individual is appointed according to the procedures set forth in RCW 70.05.050. The board or official responsible for appointing the local health officer under RCW 70.05.050 shall also be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his or her responsibilities under the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~.

Sec. 238. RCW 70.05.120 and 1984 c 25 s 8 are each amended to read as follows:

REMOVAL OF LOCAL HEALTH OFFICER. Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Sec. 239. RCW 70.05.130 and 1991 c 3 s 313 are each amended to read as follows:

EXPENSES OF CARRYING OUT PUBLIC HEALTH LAW. All expenses incurred by the state, health district, or county in carrying out the provisions of chapters 70.05 and 70.46 RCW ~~((and RCW 70.46.020 through 70.46.090))~~ or any other public health law, or the rules of the ~~((state))~~ department of health enacted under such laws, shall be paid by the county ~~((or city by which or in behalf of which such expenses shall have been incurred))~~ and such expenses shall constitute a claim against the general fund as provided ~~((herein))~~ in this section.

Sec. 240. RCW 70.05.150 and 1967 ex.s. c 51 s 22 are each amended to read as follows:

AUTHORITY TO CONTRACT. In addition to powers already granted them, any ~~((city, town,))~~ county, district, or local health department may contract for either the sale or purchase of any or all health services from any local health department ~~((-- PROVIDED, That))~~. Such contract shall require the approval of the state board of health.

Sec. 241. RCW 70.08.010 and 1985 c 124 s 1 are each amended to read as follows:

APPOINTMENT OF LOCAL HEALTH OFFICER BY COMBINED CITY AND COUNTY HEALTH DEPARTMENT. Any city with one hundred thousand or more population and the county in which it is located, are authorized, as shall be agreed upon between the respective governing bodies of such city and said county, to establish and operate a combined city and county health department, and to appoint ~~((the director of public health))~~ a local health officer for the county served. Class AA counties may appoint a director of public health as specified in this chapter.

Sec. 242. RCW 70.12.030 and 1945 c 46 s 1 are each amended to read as follows:

MONEY MANAGEMENT. Any county, ~~((first class city))~~ combined city-county health department, or health district is hereby authorized and empowered to create a "public health pooling fund", hereafter called the "fund", for the efficient management and control of all moneys coming to such county, ~~((first class city))~~ combined department, or district for public health purposes.

~~(("Health district" as used herein may mean all territory consisting of one or more counties and all cities with a population of one hundred thousand or less, and towns therein.))~~

Sec. 243. RCW 70.12.050 and 1945 c 46 s 3 are each amended to read as follows:

EXPENDITURES. All expenditures in connection with salaries, wages and operations incurred in carrying on the health department of the county, ~~((first class city))~~ combined city-county health department, or health district shall be paid out of such fund.

Sec. 244. RCW 70.46.020 and 1967 ex.s. c 51 s 6 are each amended to read as follows:

MULTICOUNTY HEALTH DISTRICTS. Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties ~~((including all cities and towns except cities of over one hundred thousand population)).~~ The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. ~~((The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the financial contribution of such cities and towns and representation from the several classifications of cities and towns.))~~

At the first meeting of a district board of health the members shall elect a ~~((chairman))~~ chair to serve for a period of one year.

Sec. 245. RCW 70.46.060 and 1967 ex.s. c 51 s 11 are each amended to read as follows:

DISTRICT BOARD OF HEALTH POWERS AND DUTIES. The district board of health shall constitute the local board of health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the county ~~((or city or town))~~ board of health of any county ~~((city or town))~~ included in the health district ~~((, except as otherwise in chapter 70.05 RCW and RCW 70.46.020 through 70.46.090 provided)).~~

Sec. 246. RCW 70.46.080 and 1971 ex.s. c 85 s 10 are each amended to read as follows:

DISTRICT HEALTH FUND. Each health district shall establish a fund to be designated as the "district health fund", in which shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. ~~((The county treasurer of the county in the district embracing only one county, or,))~~ In a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board ~~((: PROVIDED, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above)).~~

Each county ~~((city or town))~~ which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health ~~((after consultation with the Washington state association of counties and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of~~

the proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district).

Sec. 247. RCW 70.46.085 and 1967 ex.s. c 51 s 20 are each amended to read as follows:

COUNTY TO BEAR EXPENSES. The expense of providing public health services shall be borne by each county (~~(, city or town)~~) within the health district (~~(, and the local health officer shall certify the amount agreed upon or as determined pursuant to RCW 70.46.080, and remaining unpaid by each county, city or town to the fiscal or warrant issuing officer of such county, city or town.~~

~~If the expense as certified is not paid by any county, city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the governmental unit is situated who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund shall be reimbursed by the county auditor out of the money due said governmental unit at the next monthly settlement or settlements of the collection of taxes and shall be transferred to the current expense fund).~~

Sec. 248. RCW 70.46.090 and 1967 ex.s. c 51 s 21 are each amended to read as follows:

WITHDRAWAL FROM MEMBERSHIP. Any county (~~(or any city or town)~~) may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the county (~~(, city or town)~~) gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective (~~(: PROVIDED, That)~~). Any county (~~(, city or town)~~) which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health (~~(: PROVIDED FURTHER, That)~~). No local health department (~~(shall)~~) may be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in RCW 70.05.050.

Sec. 249. RCW 70.46.120 and 1963 c 121 s 1 are each amended to read as follows:

FEES MAY BE CHARGED. In addition to all other powers and duties, health districts shall have the power to charge fees in connection with the issuance or renewal of a license or permit required by law: PROVIDED, That the fees charged shall not exceed the actual cost involved in issuing or renewing the license or permit (~~(: PROVIDED FURTHER, That no fees shall be charged pursuant to this section within the corporate limits of any city or town which prior to the enactment of this section charged fees in connection with the issuance or renewal of a license or permit pursuant to city or town ordinance and where said city or town makes a direct contribution to said health district, unless such city or town expressly consents thereto)~~).

Sec. 250. RCW 82.44.110 and 1991 c 199 s 221 are each amended to read as follows:

DISPOSITION OF MOTOR VEHICLE EXCISE TAX REVENUE--PUBLIC HEALTH. The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) (~~(8.83)~~) 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(l) 2.95 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

Sec. 251. RCW 82.44.155 and 1991 c 199 s 223 are each amended to read as follows:

MOTOR VEHICLE EXCISE TAX DISTRIBUTION TO CITIES AND TOWNS. When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110~~((4))~~(1)(d) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection ~~((and the preservation of the public health))~~ in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise taxes imposed by RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 252. RCW 43.20.030 and 1984 c 287 s 75 are each amended to read as follows:

COMPOSITION OF STATE BOARD OF HEALTH--CITY MEMBER ELIMINATED. The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, ~~((an elected city official who is a member of a local health board, an))~~ two elected county officials who ~~((is a))~~ are members of a local health board, a local health officer, and two persons representing the consumers of health care. ~~((Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities.))~~ Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department ~~((of social and health services))~~ shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 253.** RECODIFICATION--CITY/COUNTY HEALTH DEPARTMENT. RCW 70.08.010, as amended by this act, shall be recodified in chapter 70.05 RCW.

NEW SECTION. **Sec. 254.** REPEALERS--CITIES AND TOWNS. The following acts or parts of acts are each repealed:

- (1) RCW 70.05.005 and 1989 1st ex.s. c 9 s 243;
- (2) RCW 70.05.020 and 1967 ex.s. c 51 s 2;
- (3) RCW 70.05.132 and 1984 c 25 s 9 & 1983 1st ex.s. c 39 s 6;
- (4) RCW 70.05.145 and 1983 1st ex.s. c 39 s 5;
- (5) RCW 70.12.005 and 1989 1st ex.s. c 9 s 245;
- (6) RCW 70.46.030 and 1991 c 363 s 141, 1969 ex.s. c 70 s 1, 1967 ex.s. c 51 s 5, & 1945 c 183 s 3;
- (7) RCW 70.46.040 and 1967 ex.s. c 51 s 7 & 1945 c 183 s 4; and
- (8) RCW 70.46.050 and 1967 ex.s. c 51 s 8, 1957 c 100 s 1, & 1945 c 183 s 5.

NEW SECTION. **Sec. 255.** STUDY LOCAL GOVERNMENT HEALTH SERVICE DELIVERY. It is hereby requested that the governing authorities of the association of Washington cities, the Washington state association of counties, and the Washington association of county officials jointly initiate a study and develop consensus recommendations regarding implementation of the provisions of sections 231 through 254 of this act. The study and recommendations should at a minimum include consideration of the fiscal impact of these sections on counties, the desirability of maintaining a process whereby city officials can effectively communicate concerns regarding the delivery of public health services to both the counties and the state, the need for larger cities to be able to continue to provide supplemental health care services when needed, and other matters as the three associations agree are of

substance in the implementation of sections 231 through 254 of this act. The agreed upon recommendations shall be presented to the senate health and human services and house of representatives health care committees prior to December 31, 1993.

F. DATA COLLECTION

Sec. 256. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

STATE-WIDE DATA SYSTEM--HEALTH SERVICES COMMISSION. (1) To promote the public interest consistent with the purposes of chapter . . . , Laws of 1993 (this act), the department is responsible for the development, implementation, and custody of a state-wide ((hospital)) health care data system, with policy direction and oversight to be provided by the Washington health services commission. As part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, ((hospital)) health care data needed by consumers, purchasers, health care payers, ((hospitals)) providers, and state government as consistent with the intent of chapter . . . , Laws of 1993 (this act) ((chapter)). The department shall identify a set of ((hospital)) health care data elements and report specifications which satisfy these needs. The ((council)) Washington health services commission, created by section 403 of this act, shall review the design of the data system and may ((direct the department to)) establish a technical advisory committee on health data and shall, if deemed cost-effective and efficient, recommend that the department contract with a private vendor for assistance in the design of the data system or for any part of the work to be performed under this section. The data elements, specifications, and other ((design)) distinguishing features of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by ((January 1, 1990)) July 1, 1994.

(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered ((through the department's development of a biennial data plan, as proposed to,)) with the oversight and policy guidance of the Washington health services commission or its technical advisory committee and funded by((-)) the legislature through the biennial appropriations process with funds appropriated to the health services account. ((Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.

(3)) In designing the state-wide ((hospital)) health care data system and any data plans, the department shall identify ((hospital)) health care data elements relating to ((both hospital finances)) health care costs, the quality of health care services, the outcomes of health care services, and ((the)) use of ((services by patients)) health care by consumers. Data elements ((relating to hospital finances)) shall be reported ((by hospitals)) as the Washington health services commission directs by reporters in conformance with a uniform ((system of)) reporting ((as specified by the department and shall)) system established by the department, which shall be adopted by reporters. "Reporter" means an individual or business entity, other than a hospital, required to be registered with the department of revenue for payment of taxes imposed under chapter 82.04 RCW or Title 48 RCW, that is primarily engaged in furnishing or insuring for medical, surgical, and other health services to persons. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act), for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ((and reported to the Washington state hospital commission)). The commission and the department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

((4)) (3) The state-wide ((hospital)) health care data system shall be uniform in its identification of reporting requirements for ((hospitals)) reporters across the state to the extent that such uniformity is ((necessary)) useful to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act). Data reporting requirements may reflect differences ((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors)) that involve pertinent distinguishing features as determined by the Washington health services commission by rule. So far as ((possible)) is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ((and)) the state in its role of gathering public health statistics, or any other payer program of consequence so as to minimize any unduly burdensome reporting requirements imposed on ((hospitals)) reporters.

((5)) (4) In identifying financial reporting requirements under the state-wide ((hospital)) health care data system, the department may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

((6) In designing the initial state-wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to

determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.

~~(7) Until such time as the state-wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.~~

~~(8))~~ (5) The ~~((hospital))~~ health care data collected ~~((and))~~, maintained, and studied by the department or the Washington health services commission shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to chapter . . . , Laws of 1993 (this act) shall comply with departmental or commission requirements established by rule in the acquisition of data.

Sec. 257. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

HEALTH CARE DATA--STUDIES, ANALYSES, OR REPORTS. The department shall provide, or may contract with a private entity to provide, ~~((hospital))~~ analyses and reports or any studies it chooses to conduct consistent with the purposes of chapter . . . , Laws of 1993 (this ~~((chapter))~~ act). Subject to the availability of funds and any policy direction that may be given by the Washington health services commission. ~~((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance.))~~ These studies, analyses, or reports shall include:

(1) Consumer guides on purchasing ~~((hospital care services and))~~ or consuming health care and publications providing verifiable and useful aggregate comparative information to ~~((consumers on hospitals and hospital services))~~ the public on health care services, their cost, and the quality of health care providers who participate in certified health plans;

(2) Reports for use by classes of purchasers, who purchase from certified health plans, health care payers, and providers as specified for content and format in the state-wide data system and data plan; ~~((and))~~

(3) Reports on relevant ~~((hospital))~~ health care policy ~~((issues))~~ including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ~~((hospital))~~ provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ~~((hospital))~~ health care; and

(4) Any other reports the commission or department deems useful to assist the public or purchasers of certified health plans in understanding the prudent and cost-effective use of certified health plan services.

NEW SECTION. Sec. 258. A new section is added to chapter 70.170 RCW to read as follows:

CONFIDENTIALITY OF DATA. Notwithstanding the provisions of chapter 42.17 RCW, any material contained within the state-wide health care data system or in the files of either the department or the Washington health services commission shall be subject to the following limitations: (1) Records obtained, reviewed by, or on file that contain information concerning medical treatment of individuals shall be exempt from public inspection and copying; and (2) any actuarial formulas, statistics, and assumptions submitted by a certified health plan to the commission or department upon request shall be exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition.

All persons and any public or private agencies or entities whatsoever subject to this chapter shall comply with any requirements established by rule relating to the acquisition or use of health services data and maintain the confidentiality of any information which may, in any manner, identify individual persons.

NEW SECTION. Sec. 259. A new section is added to chapter 70.170 RCW to read as follows:

HEALTH SERVICES COMMISSION ACCESS TO DATA. The Washington health services commission shall have access to all health data presently available to the secretary of health. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies. The department of health shall be the designated depository agency for all health data collected pursuant to chapter . . . , Laws of 1993 (this act). The following data sources shall be developed or made available:

(1) The commission shall coordinate with the secretary of health to utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the commission's responsibilities.

(2) The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct other research necessary for the specific purpose of assisting in the design of the uniform benefit package under chapter . . ., Laws of 1993 (this act).

(3) The commission shall establish cost data sources and shall require each certified health plan to provide the commission and the department of health with enrollee care and cost information, to include, but not be limited to: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health care services or procedures provided; (e) provider charges, if any; and (f) amount paid. The department shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release.

(4) The commission shall coordinate with the area Indian health service, reservation Indian health service units, tribal clinics, and any urban Indian health service organizations the design, development, implementation, and maintenance of an American Indian-specific health data, statistics information system. The commission rules regarding the confidentiality to safeguard the information from inappropriate use or release shall apply.

NEW SECTION. Sec. 260. A new section is added to chapter 70.170 RCW to read as follows:

PERSONAL HEALTH SERVICES DATA AND INFORMATION SYSTEM. (1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges, if any; and (f) amount paid. The commission shall establish by rule, confidentiality standards to safeguard the information from inappropriate use or release. The department shall assist the commission in establishing reasonable time frames for the completion of the system development and system implementation.

NEW SECTION. Sec. 261. **HEALTH CARE ENTITY REPORTING REQUIREMENTS.** The commission shall determine, by January 1, 1995, the necessity, if any, of reporting requirements by the following health care entities: Health care providers, health care facilities, insuring entities, and certified health plans. The reporting requirements, if any, shall be for the purposes of determining whether the health care system is operating as efficiently as possible. Information reported pursuant to this section shall be made available to interested parties upon request. The commission shall report its findings to the legislature by January 1, 1995.

G. DISCLOSURE OF HOSPITAL, NURSING HOME, AND PHARMACY CHARGES

NEW SECTION. Sec. 262. A new section is added to chapter 70.41 RCW to read as follows:

SPIRALING COSTS--HOSPITALS. (1) The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making physicians and other health care providers with hospital admitting privileges more aware of the cost consequences of health care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial hospital services, with a potential for reducing the utilization of those services. The requirement of the hospital to inform physicians and other health care providers of the charges of the health care services that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

(2) The chief executive officer of a hospital licensed under this chapter and the superintendent of a state hospital shall establish and maintain a procedure for disclosing to physicians and other health care providers with admitting privileges the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications.

NEW SECTION. Sec. 263. A new section is added to chapter 18.68 RCW to read as follows:

SPIRALING COSTS--PRESCRIPTION MEDICATIONS. The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. One of the fastest growing segments of the health care expenditure involves prescription medications. By making physicians and other health care providers with prescriptive authority more aware of the cost consequences of health care treatments for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial drug and medication treatments. The requirement of the pharmacy to inform physicians and other health care providers of the charges of prescription drugs and medications that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

NEW SECTION. Sec. 264. A new section is added to chapter 18.68 RCW to read as follows:

COST OF PRESCRIPTIVE MEDICATIONS. The registered or licensed pharmacist of this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

NEW SECTION. Sec. 265. A new section is added to chapter 18.51 RCW to read as follows:

SPIRALING COSTS--NURSING HOMES. (1) The legislature finds that the spiraling costs of nursing home care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making nursing home facilities and care providers more aware of the cost consequences of care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial services and care, with a potential for reducing the utilization of those services. The requirement of the nursing home to inform physicians, consumers, and other care providers of the charges of the services that they order may have a positive effect on containing health costs.

(2) All nursing home administrators in facilities licensed under this chapter shall be required to develop and maintain a written procedure for disclosing patient charges to attending physicians with admitting privileges. The nursing home administrator shall have the capability to provide an itemized list of the charges for all health care services that may be ordered by a physician. The information shall be made available on request of consumers, or the physicians or other appropriate health care providers responsible for prescribing care.

NEW SECTION. Sec. 266. DEPARTMENT OF HEALTH--REPORT ON EFFORTS TO CONTAIN COSTS. The department of health shall report to the legislature by December 31, 1994, with recommendations on any necessary revisions to sections 262 through 265 of this act, including their continued necessity and the appropriateness of their repeal.

H. HEALTH PROFESSIONAL SHORTAGES

NEW SECTION. Sec. 267. LEGISLATIVE INTENT. The legislature finds that the successful implementation of health care reform will depend on a sufficient supply of primary health care providers throughout the state. Many rural and medically underserved urban areas lack primary health care providers and because of this, basic health care services are limited or unavailable to populations living in these areas. The legislature has in recent years initiated new programs to address these provider shortages but funding has been insufficient and additional specific provider shortages remain.

Sec. 268. RCW 28B.125.010 and 1991 c 332 s 5 are each amended to read as follows:

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN--PERSONS OF COLOR--INDIAN HEALTH. (1) The higher education coordinating board, the state board for community (~~college education~~) and technical colleges, the superintendent of public instruction, the state department of health, the Washington health services commission, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher

education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational-technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) Strategies for promoting an increase in the use of persons of color in the health professions including adequate resources to train and utilize persons of color in the full spectrum of health professions, to include physicians, licensed physicians who are foreign medical graduates, nurses, administrators, planners, education, technicians, outreach workers, and dentists.

(g) A strategy that includes the incorporation of federal assistance programs for health career development with an emphasis on the national Indian health service programs targeting the American Indian population and other federal and state education and training assistance programs for the economically disadvantaged, physically challenged, and persons of color in all health professions.

~~((f))~~ (g) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

~~((g))~~ (h) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

~~((h))~~ (i) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

~~((i))~~ (j) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

~~((j))~~ (k) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

~~((k))~~ (l) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

~~((l))~~ (m) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

~~((m))~~ (n) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A

description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in RCW 28B.115.070.

~~((a))~~ (o) A description of needed changes in regulatory laws governing the credentialing of health professionals.

~~((e))~~ (p) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

~~((f))~~ (q) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

~~((g))~~ (r) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

~~((h))~~ (s) A description of how the higher education coordinating board, state board for community ~~(college education)~~ and technical colleges, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

~~((i))~~ (t) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B.115 RCW.

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

Sec. 269. RCW 28B.115.080 and 1991 c 332 s 21 are each amended to read as follows:

ANNUAL AWARD AMOUNT. After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall ~~((not be more than fifteen thousand dollars per year))~~ be established by the board for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to

students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under chapter ~~((48.450))~~ 28B.115, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 270. A new section is added to chapter 43.70 RCW to read as follows:

MULTICULTURAL HEALTH CARE TECHNICAL ASSISTANCE PROGRAM. (1) Consistent with funds appropriated specifically for this purpose, the department shall provide matching grants to support a community-based multicultural health care technical assistance program. Its purpose shall be to promote technical assistance to community and migrant health clinics and other appropriate health care providers who serve principally the underserved and persons of color.

The technical assistance provided shall include, but is not limited to: (a) Collaborative research and data analysis on health care outcomes that disproportionately affect persons of color; (b) design and development of model health education and promotion strategies aimed at modifying unhealthy health behaviors or enhancing the use of the health care delivery system by persons of color; (c) provision of technical information and assistance on program planning and financial management; (d) administration, public policy development, and analysis in health care issues affecting people of color; and (e) enhancement and promotion of health care career opportunities for persons of color.

(2) Consistent with appropriated funds, the programs shall be available on a state-wide basis.

Sec. 271. RCW 70.185.030 and 1991 c 332 s 9 are each amended to read as follows:

COMMUNITY-BASED RECRUITMENT AND RETENTION--UNDERSERVED URBAN AREAS. (1) The department ~~((shall))~~ may, subject to funding, establish ~~((up to three))~~ community-based recruitment and retention project sites to provide financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural and underserved urban areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate the project with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

Sec. 272. RCW 43.70.460 and 1992 c 113 s 2 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--MALPRACTICE INSURANCE. (1) The department may establish a program to purchase and maintain liability malpractice insurance for retired ~~((physicians))~~ primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;

(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired ~~((physicians))~~ primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer to provide coverage to a ~~((physician))~~ primary care provider should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or ~~((physician))~~ primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

Sec. 273. RCW 43.70.470 and 1992 c 113 s 3 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--CONDITIONS. The department may establish by rule the conditions of participation in the liability insurance program by retired ~~((physicians))~~ primary care providers at clinics utilizing retired physicians for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating ~~((physician))~~ primary care provider associated with the clinic shall hold a valid license to practice ~~((medicine and surgery in this state and otherwise))~~ as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A or 18.57A RCW, an advanced registered nurse practitioner under chapter 18.88 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply in the health personnel resource plan under chapter 28B.125 RCW. All primary care providers must be in conformity with current requirements for licensure as a retired ~~((physician))~~ primary care health care provider, including continuing education requirements;

(2) The participating ~~((physician))~~ primary care health care provider shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses. Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating ~~((physician))~~ primary care health care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating ~~((physician))~~ primary care health care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating ~~((physician))~~ primary care health care provider for services provided by the ~~((physician))~~ primary care health care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating ~~((physician))~~ primary care health care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

NEW SECTION. Sec. 274. MEDICAL SCHOOL GRADUATES SERVING IN RURAL AND MEDICALLY UNDERSERVED AREAS OF THE STATE--LEGISLATIVE INTENT. The legislature finds that the shortage of primary care physicians practicing in rural and medically underserved areas of the state has created a severe public health and safety problem. If unaddressed, this problem is expected to worsen with health care reform since an increased demand for primary care services will only contribute further to these shortages.

The legislature further finds that the medical training program at the University of Washington is an important and well respected resource to the people of this state in the training of primary care physicians. Currently, only a small proportion of medical school graduates are Washington residents who serve as primary care practitioners in certain parts of this state.

NEW SECTION. Sec. 275. MEDICAL SCHOOL PRIMARY CARE PHYSICIAN SHORTAGE PLAN DEVELOPMENT. (1) The University of Washington shall prepare a primary care shortage plan that accomplishes the following:

(a) Identifies specific activities that the school of medicine shall pursue to increase the number of Washington residents serving as primary care physicians in rural and medically underserved areas of the state, including establishing a goal that assures that no less than forty-five percent of medical school graduates who are

Washington state residents at the time of matriculation will enter into primary care residencies in Washington state by the year 2000;

(b) Assures that the school of medicine shall establish among its highest training priorities the distribution of its primary care physician graduates from the school and associated postgraduate residency programs into rural and medically underserved areas;

(c) Establishes the goal of assuring that the annual number of graduates from the family practice residency network entering rural or medically underserved practice shall be increased by forty percent over a baseline period from 1985 through 1990 by 1995;

(d) Establishes a further goal to make operational at least two additional family practice residency programs within Washington state in geographic areas identified by the plan as underserved in family practice by 1997. The geographic areas identified by the plan as being underserved by family practice physicians shall be consistent with any such similar designations as may be made in the health personnel research plan as authorized under chapter 28B.125 RCW;

(e) Establishes, with the cooperation of existing community and migrant health clinics in rural or medically underserved areas of the state, three family practice residency training tracks. Furthermore, the primary care shortage plan shall provide that one of these training tracks shall be a joint American osteopathic association and American medical association approved training site coordinated with an accredited college of osteopathic medicine with extensive experience in training primary care physicians for the western United States. Such a proposed joint accredited training track will have at least fifty percent of its residency positions in osteopathic medicine; and

(f) Implements the plan, with the exception of the expansion of the family practice residency network, within current biennial appropriations for the University of Washington school of medicine.

(2) The plan shall be submitted to the appropriate committees of the legislature no later than December 1, 1993.

I. SHORT-TERM HEALTH INSURANCE REFORM

NEW SECTION. Sec. 276. INTENT--INCREASE ACCESS TO COVERAGE. The legislature intends that, during the transition to a fully reformed health services system, certain health insurance practices be modified to increase access to health insurance coverage for some individuals and groups. The legislature recognizes that health insurance reform will not remedy the significant lack of access to coverage in Washington state without the implementation of strong cost control measures. The authority granted to the commissioner in chapter . . . , Laws of 1993 (this act) is in addition to any authority the commissioner currently has under Title 48 RCW to regulate insurers, health care service contractors, and health maintenance organizations.

NEW SECTION. Sec. 277. A new section is added to chapter 48.18 RCW to read as follows:

CANCELLATIONS, DENIALS--WRITTEN COMMUNICATION. Every insurer upon canceling, denying, or refusing to renew any disability policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer and to any person covered under a group contract. Any benefits, terms, rates, or conditions of such a contract that are restricted, excluded, modified, increased, or reduced shall, upon written request, be set forth in writing and supplied to the insured and to any person covered under a group contract. The written communications required by this section shall be phrased in simple language that is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 278. RCW 48.21.200 and 1983 c 202 s 16 and 1983 c 106 s 24 are each reenacted and amended to read as follows:

REDUCTIONS OR REFUSAL OF BENEFITS. (1) No individual or group disability insurance policy, health care service contract, or health maintenance agreement which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state (~~(after September 8, 1975)~~) which contains any provision whereby the insurer, contractor, or health maintenance organization may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any ~~((individual))~~ disability insurance policy, ((or under any individual)) health care service contract, or health maintenance agreement.

(2) No individual or group disability insurance policy, health care service contract, or health maintenance agreement providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements.

(3) The commissioner shall by rule establish guidelines for the application of this section, including:

(a) The procedures by which persons ~~((insured))~~ covered under such policies, contracts, and agreements are to be made aware of the existence of such a provision;

(b) The benefits which may be subject to such a provision;

- (c) The effect of such a provision on the benefits provided;
 - (d) Establishment of the order of benefit determination; (~~and~~)
 - (e) Exceptions necessary to maintain the integrity of policies, contracts, and agreements that may require the use of particular health care facilities or providers; and
 - (f) Reasonable claim administration procedures to expedite claim payments and prevent duplication of payments or benefits under such a provision(~~(-PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages: AND PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3)-~~
- (3) ~~The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements)).~~

NEW SECTION. Sec. 279. A new section is added to chapter 48.20 RCW to read as follows:

DISABILITY INSURER--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 280. A new section is added to chapter 48.21 RCW to read as follows:

GROUP DISABILITY INSURERS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 281. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTORS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health care service contractor, except limited health care service contractors as defined under RCW 48.44.035, shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new contract to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall

waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 282. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE ORGANIZATIONS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health maintenance organization shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new agreement to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

Sec. 283. RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each amended to read as follows:

UNFAIR PRACTICES. Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on and after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 284. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTS--UNFAIR PRACTICES. (1) With respect to all health care service contracts issued or renewed on and after July 1, 1994, except limited health care service contracts as defined in RCW 48.44.035:

(a) Contracts shall guarantee continuity of coverage. Such provision, which shall be included in every contract, shall provide that:

(i) The contract may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premiums, for violation of published policies of the contractor which have been approved by the commissioner, for persons who are entitled to become eligible for medicare benefits and fail to subscribe to a medicare supplement plan offered by the contractor, for failure of such subscriber to pay any deductible or copayment amount owed to the contractor and not the provider of health care services, for fraud, or for a material breach of the contract; and

(ii) The contract may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the contractor has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a contractor to modify the coverage provided or rates applying to an in-force contract and to fail to make such modification in all such issued and outstanding contracts.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health care service contractor to:

(i) Cease the sale of a contract form unless it has received prior written authorization from the commissioner and has offered all subscribers covered under such discontinued contract the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects subscribers to rate increases on discontinued contract forms unless such subscribers are offered the opportunity to purchase comparable coverage without health screening.

(2) The health care service contractor may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 285. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE AGREEMENTS--UNFAIR PRACTICES. (1) With respect to all health maintenance agreements issued or renewed on and after July 1, 1994, and in addition to the restrictions and limitations contained in RCW 48.46.060(4):

(a) Agreements shall guarantee continuity of coverage. Such provision, which shall be included in every agreement, shall provide that the agreement may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the organization has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for an organization to modify the coverage provided or rates applying to an in-force agreement and to fail to make such modification in all such issued and outstanding agreements.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health maintenance organization to:

(i) Cease the sale of an agreement form unless it has received prior written authorization from the commissioner and has offered all enrollees covered under such discontinued agreement the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects enrollees to rate increases on discontinued agreement forms unless such enrollees are offered the opportunity to purchase comparable coverage without health screening.

(2) The health maintenance organization may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

Sec. 286. RCW 48.44.260 and 1979 c 133 s 3 are each amended to read as follows:

HEALTH CARE SERVICE CONTRACTOR--NOTICE OF CANCELLATION. Every authorized health care service contractor, upon canceling, denying, or refusing to renew any individual health care service contract, shall, upon written request, directly notify in writing the applicant or ~~((insured))~~ subscriber, as the case may be, of the reasons for the action by the health care service contractor. Any benefits, terms, rates, or conditions of such a contract which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the ~~((insured))~~ subscriber. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 287. RCW 48.46.380 and 1983 c 106 s 16 are each amended to read as follows:

HEALTH MAINTENANCE ORGANIZATION--NOTICE OF CANCELLATIONS. Every authorized health maintenance organization, upon canceling, denying, or refusing to renew any individual health maintenance agreement, shall, upon written request, directly notify in writing the applicant or enrolled participant as appropriate, of the reasons for the action by the health maintenance organization. Any benefits, terms, rates, or conditions of such agreement which are restricted, excluded, modified, increased, or reduced (~~(because of the presence of a sensory, mental, or physical handicap)~~) shall, upon written request, be set forth in writing and supplied to the individual. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 288. REPEALERS--REPORT; STUDIES. The following acts or parts of acts are each repealed:

- (1) RCW 48.46.160 and 1975 1st ex.s. c 290 s 17; and
- (2) RCW 48.46.905 and 1975 1st ex.s. c 290 s 25.

NEW SECTION. Sec. 289. REPEALER--NONTERMINATION FOR CHANGE IN HEALTH. RCW 48.44.410 and 1986 c 223 s 12 are each repealed, effective July 1, 1994.

NEW SECTION. Sec. 290. A new section is added to chapter 48.20 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 457 of this act, sections 401 through 407, 409, and 424 through 457 of this act shall control.

NEW SECTION. Sec. 291. A new section is added to chapter 48.21 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 457 of this act, sections 401 through 407, 409, and 424 through 457 of this act shall control.

NEW SECTION. Sec. 292. A new section is added to chapter 48.44 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 457 of this act, sections 401 through 407, 409, and 424 through 457 of this act shall control.

NEW SECTION. Sec. 293. A new section is added to chapter 48.46 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this chapter conflict with the provision of sections 401 through 407, 409, and 424 through 457 of this act, sections 401 through 407, 409, and 424 through 457 of this act shall control.

Sec. 294. RCW 48.44.095 and 1983 c 202 s 3 are each amended to read as follows:

ANNUAL STATEMENT. (1) Every health care service contractor shall annually, (~~(within one hundred twenty days of the closing date of its fiscal year)~~) before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health care service contractor showing its financial condition as of the (~~(closing date of its fiscal year)~~) last day of the preceding calendar year. The statement shall be in such form as is furnished or prescribed by the commissioner. The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(2) The commissioner may suspend or revoke the certificate of registration of any health care service contractor failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

Sec. 295. RCW 48.46.080 and 1983 c 202 s 10 and 1983 c 106 s 6 are each reenacted and amended to read as follows:

ANNUAL STATEMENT. (1) Every health maintenance organization shall annually, (~~(within one hundred twenty days of the closing date of its fiscal year)~~) before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health maintenance organization showing its financial condition as of the (~~(closing date of its fiscal year)~~) last day of the preceding calendar year.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;

(ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;

(c) The number of doctors by type of practice who, under contract with or as an employee of the health maintenance organization, furnished health care services to consumers during the past year;

(d) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(e) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and

(f) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.

(3) The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(4) The commissioner may suspend or revoke the certificate of registration of any health maintenance organization failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

(5) No person shall knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a health maintenance organization which does not accurately state the health maintenance organization's financial condition.

PART III. TAXES AND APPROPRIATIONS

NEW SECTION. Sec. 301. A new section is added to chapter 48.14 RCW to read as follows:

TAX ON PREMIUMS AND PREPAYMENTS. (1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under section 432 of this act.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the health services account under section 460 of this act.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. This exemption does not apply to amounts received under a certified health plan certified under section 432 of this act.

Sec. 302. RCW 48.14.080 and 1949 c 190 s 21 are each amended to read as follows:

PREMIUM TAX IN LIEU OF OTHER FORMS. As to insurers other than title insurers, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and tangible personal property (~~and~~), excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(15).

NEW SECTION. Sec. 303. A new section is added to chapter 82.04 RCW to read as follows:

EXEMPTION FROM BUSINESS AND OCCUPATION TAX. This chapter does not apply to any health maintenance organization, health care service contractor, or certified health plan in respect to premiums or prepayments that are taxable under section 301 of this act.

Sec. 304. RCW 82.04.260 and 1991 c 272 s 15 are each amended to read as follows:

TAX ON HOSPITALS OPERATED AS NONPROFIT CORPORATIONS. (1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or

under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of five-tenths of one percent through June 30, 1995, and one and five-tenths percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under section 460 of this act.

Sec. 305. RCW 82.04.4289 and 1981 c 178 s 2 are each amended to read as follows:

HOSPITAL EXEMPTION DELETED. ~~((In computing tax there may be deducted from the measure of tax))~~
~~This chapter does not apply to amounts derived as compensation for services rendered to patients or from sales of prescription drugs as defined in RCW 82.08.0281 furnished as an integral part of services rendered to patients by ((a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation,)) a kidney dialysis facility operated as a nonprofit corporation, ((whether or not operated in connection with a hospital,)) nursing homes, and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. ((In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.))~~

NEW SECTION. Sec. 306. REPEALER--PRESCRIPTION DRUG DEDUCTION FOR PUBLICLY OPERATED HOSPITALS. RCW 82.04.4288 and 1980 c 37 s 9 are each repealed.

Sec. 307. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

TAX ON CIGARETTES. (1) There is levied and there shall be collected as ~~((hereinafter))~~ provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under section 460 of this act by the twenty-fifth day of the following month.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a

person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 308. RCW 82.24.080 and 1972 ex.s. c 157 s 4 are each amended to read as follows:

TAX LIABILITY--CIGARETTE TAX. It is the intent and purpose of this chapter to levy a tax on all of the articles taxed (~~herein~~) under this chapter, sold, used, consumed, handled, possessed, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, possesses (either physically or constructively, in accordance with RCW 82.24.020) or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles (~~herein~~) taxed under this chapter is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, possessed, or distributed in this state.

It is also the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event occurring within this state (~~PROVIDED, HOWEVER, That~~). Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

In the event of an increase in the rate of the tax imposed under this chapter, it is the intent of the legislature that the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed articles after the effective date of the rate increase shall be liable for the additional tax represented by the rate increase, but the failure to pay the additional tax with respect to the first taxable event after the effective date of a rate increase shall not prevent tax liability for the additional tax from arising from a subsequent taxable event.

Sec. 309. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

TAX ON TOBACCO PRODUCTS. (1) (~~From and after June 1, 1974,~~) There is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. (~~Such tax~~)

(2) Taxes under this section shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

~~((2))~~ (3) An additional tax is imposed equal to (~~the rate specified in RCW 82.02.030~~) seven percent multiplied by the tax payable under subsection (1) of this section.

(4) An additional tax is imposed equal to ten percent of the wholesale sales price of tobacco products. The moneys collected under this subsection shall be deposited in the health services account created under section 460 of this act.

Sec. 310. RCW 82.08.150 and 1989 c 271 s 503 are each amended to read as follows:

TAX ON SPIRITS. (1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to (~~the rate specified in RCW 82.02.030~~) fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to class H licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to class H licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under section 460 of this act by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020(~~(, as now or hereafter amended,)~~) shall not apply to sales of spirits or strong beer in the original package.

~~((7))~~ (8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((8))~~ (9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 311. RCW 66.24.210 and 1991 c 192 s 3 are each amended to read as follows:

TAX ON WINE--REDUCED RATE FOR CERTAIN WINERIES. (1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter(~~(: PROVIDED, HOWEVER, That)~~). Wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. Such additional tax shall cease to be imposed on July 1, 1993. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) Until July 1, 1995, an additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010(34) when bottled or packaged by the manufacturer and one cent per liter on all other wine. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. On fortified wine as defined in RCW 66.04.010(34) when bottled or packaged by the manufacturer the additional tax is equal to four and five-tenths cents per liter through June 30, 1995, five and seven-tenths cents per liter for the period July 1, 1995, through June 30, 1997, and twenty-two and seven-tenths cents per liter thereafter. On all other wines the additional tax is equal to two and three-tenths cents per liter through June 30, 1995, five and seven-tenths cents per liter for the period July 1, 1995, through June 30, 1997, and eleven and five-tenths cents per liter thereafter.

(b) The additional tax imposed under this subsection (5) does not apply in respect to nonfortified wine produced during a calendar year by any winery that produced one million gallons of wine or less during the previous calendar year.

(c) A single reduced tax rate applies under this subsection (5) in respect to all nonfortified wine produced during a calendar year by any winery that produced more than one million but less than two million gallons of wine during the previous calendar year. The reduced tax rate is equal to the rate per liter otherwise applicable under (a) of this subsection, multiplied by one percent for each ten thousand gallons produced in excess of one million gallons by the winery during the previous calendar year.

(d) All revenues collected from the additional tax imposed under this subsection (5) shall be deposited in the health services account under section 460 of this act by the twenty-fifth day of the following month.

Sec. 312. RCW 66.24.290 and 1989 c 271 s 502 are each amended to read as follows:

TAX ON BEER--REDUCED RATE FOR CERTAIN BREWERIES. (1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps ~~((herein))~~ provided ~~((for))~~ under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on the effective date of this section or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under section 460 of this act.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 313. RCW 82.02.030 and 1990 c 42 s 319 are each amended to read as follows:

ADDITIONAL TAX RATES. ~~((+))~~ The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), ~~((66.24.210(2), 66.24.290(2),))~~ 82.04.2901, 82.16.020(2), ~~((82.26.020(2),))~~ 82.27.020(5), and 82.29A.030(2) shall be seven percent~~((; and~~

~~((2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent)).~~

NEW SECTION. Sec. 314. APPROPRIATIONS. The following appropriations are made for the biennium ending June 30, 1995, to implement this act:

(1) The sum of one hundred seventy three million nine hundred thousand dollars is appropriated from the health services account to the personal health services account for subsidized health access for low-income Washington residents.

(2) The sum of five million dollars is appropriated from the health services account to the personal health services account for community and migrant clinic services to low-income individuals and families.

(3) The sum of twenty million dollars is appropriated from the health services account to the public health services account for the purpose of maintaining and improving the health of Washington residents. Specific improvements shall include but are not limited to: Expanded immunization, counter message advertising, pregnancy and sexually transmitted disease prevention services, tuberculosis control, and HIV programs.

(4) The sum of four million three hundred thousand dollars is appropriated from the health services account to the health system capacity account for the state-wide family medicine program and training of physician assistants and nurse practitioners, for health professional scholarship and loan repayment programs, and for other activities designed to improve the supply of primary health care providers.

(5) The sum of four million dollars is appropriated to the public health services account for maintaining and enhancing services provided through the department of health.

(6) The sum of six million five hundred thousand dollars is appropriated to the health system capacity account for the operation of the health care commission and data services and analytical activities in support of the health care system.

PART IV. HEALTH AND MEDICAL SYSTEM REFORM

NEW SECTION. Sec. 401. INTENT. The legislature intends that chapter . . . , Laws of 1993 (this act) establish structures, processes, and specific financial limits to stabilize the overall cost of medical care within the economy, reduce the demand for unneeded medical care, provide access to essential health and medical services, improve public health, and ensure that medical system costs do not undermine the financial viability of nonmedical care businesses.

NEW SECTION. Sec. 402. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1)(a) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with sections 431 through 442 of this act which insurer, contractor, health maintenance organization, or entity contracts to administer or provide the uniform benefits package in a managed care setting consistent with the requirements of this chapter.

(b) "Certified health plan" or "plan" also means an employee health benefits plan maintained by an employer who self-insures such benefits and chooses to comply with sections 431 through 442 of this act.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW. A qualified employee for full employer contributions is an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means copayments or coinsurance paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, within limits established by the commission.

(9) "Enrollee premium sharing" means that portion of the premium, determined by the commission, that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with sections 424 and 425 of this act.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any single expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that assumes financial risk for delivery of health services and that uses a defined network of providers or that promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced plans in a geographic region including both premium-sharing and enrollee point of service cost-sharing.

(18) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

(19) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium.

(20) "Supplemental benefits" means those appropriate and effective health services, defined by the commission, in accordance with section 449 of this act, that expand coverage under the uniform benefits package and that may be offered to all Washington residents through certified health plans.

(21) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(22) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under section 448 of this act, that must be offered to all Washington residents through certified health plans.

(23) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under sections 426 through 457 of this act. "Washington resident" also includes people and their accompanying family members who are in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

A. THE WASHINGTON HEALTH SERVICES COMMISSION

NEW SECTION. Sec. 403. CREATION OF COMMISSION--MEMBERSHIP--TERMS OF OFFICE--VACANCIES--SALARIES. (1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members reflecting ethnic and racial diversity, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The insurance commissioner shall serve as a nonvoting member. Of the initial members, one shall be appointed to a term of three years, one shall be appointed to a term of four years, and one shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter 42.18 RCW, the executive branch conflict of interest act.

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

NEW SECTION. Sec. 404. ADVISORY COMMITTEES. (1)(a) The commission shall appoint a technical advisory committee with a balanced representation of members representing consumers, business, government, labor, insurers, health care providers, and health services researchers; the membership shall reflect ethnic and racial diversity. The chair may also appoint ad hoc and special committees for a specified time period.

(b) The commission shall also appoint health services effectiveness panels for specified periods of time to provide specific technical guidance related to appropriate and effective health services, use of technology and practice guidelines, and development of the uniform benefits package. Panels should include technical experts, such as general practitioners, specialty physicians or providers, health service researchers, health ethicists, epidemiologists, and public health experts who reflect the state's ethnic and cultural diversity.

(c) The commission shall also appoint a small business advisory committee composed of seven small business owners to assist the commission in development of the small business economic impact statement and the small business assistance program, as provided in sections 448(7) and 457 of this act.

(2) Members of committees and panels shall serve without compensation for their services but shall be reimbursed for their expenses while attending meetings on behalf of the commission in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 405. POWERS AND DUTIES OF THE CHAIR. The chair shall be the chief administrative officer and the appointing authority of the commission and has the following powers and duties:

(1) Direct and supervise the commission's administrative and technical activities in accordance with the provisions of this chapter and rules and policies adopted by the commission;

(2) Employ personnel of the commission, representative of ethnic diversity, in accordance with chapter 41.06 RCW, and prescribe their duties. With the approval of a majority of the commission, the chair may appoint persons to administer any entity established pursuant to subsection (8) of this section, and up to seven additional employees all of whom shall be exempt from the provisions of chapter 41.06 RCW;

(3) Enter into contracts on behalf of the commission;

(4) Accept and expend gifts, donations, grants, and other funds received by the commission;

(5) Delegate administrative functions of the commission to employees of the commission as the chair deems necessary to ensure efficient administration;

(6) Subject to approval of the commission, appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the commission;

(7) Preside at meetings of the commission;

(8) Consistent with policies and rules established by the commission, establish such administrative divisions, offices, or programs as are necessary to carry out the purposes of chapter . . . , Laws of 1993 (this act); and

(9) Perform such other administrative and technical duties as are consistent with chapter . . . , Laws of 1993 (this act) and the rules and policies of the commission.

NEW SECTION. Sec. 406. POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

(3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter . . . , Laws of 1993 (this act). An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, enrollee and employer financial participation, levels of and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination with the planning process set forth in section 458 of this act a uniform set of health services based on the recommendations of the health care cost control and access commission.

(5) Establish and modify as necessary, the uniform benefits package and supplemental benefits packages, as provided in sections 448 and 449 of this act, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.

(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package. The premium cost of the uniform benefits package in 1995 shall be based upon an actuarial determination of the costs of providing the uniform benefits package, assuming cost impacts that may result from reductions in cost shifting, the use of managed care, identification of cost-effective and clinically efficacious services, and any other factors deemed relevant by the commission. Beginning in 1996, the growth rate of the uniform benefits package shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than growth in Washington per capita personal income, as determined by the office of financial management.

(b) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.

(7) In order to promote price competition, establish annual premium shares and amounts that shall be paid by employers, government sponsors, and enrollees defined in relation to the price of the lowest priced plan in the region providing the uniform benefits package in a manner that ensures adequate quality of services. Enrollee premium share levels shall be related to enrollee household income and shall not apply to enrollees with income less than the federal poverty level. The commission shall develop mechanisms through which enrollees whose premium share levels are reduced as a result of low household income can obtain subsidies necessary for enrollment in a certified health plan. The availability of subsidies shall be conditioned upon the appropriation of funds specifically for this purpose.

(8) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection and (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments. Proposed medical risk adjustment mechanisms shall be submitted to the legislature as provided in section 450 of this act.

(9) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(10) Monitor the actual growth in total annual health services costs.

(11) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports from providers and shall report to the legislature regarding major capital expenditures by providers on at least an annual basis. The Washington health care facilities authority authorized in chapter 70.37 RCW may not approve financing for a major capital expenditure unless it has been approved by the commission under this subsection.

(12) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income and shall not result in household income being reduced below the federal poverty level.

(13) For health services provided under the uniform benefits package, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

(14) Suggest that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to section 410 of this act for these purposes.

(15) Suggest other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

(16) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.

(17) Adopt standards that prevent conflict of interest by health care providers as provided in section 408 of this act.

(18) Consider the extent to which medical research activities should be included within the health service system set forth in this chapter . . . , Laws of 1993 (this act).

(19) Evaluate and monitor the extent to which racial and ethnic minorities have access and to receive health services within the state, and develop strategies to address barriers to access.

(20) Develop standards for the certification process to certify health plans to provide the uniform benefits package, according to the provisions for certified health plans under chapter . . . , Laws of 1993 (this act).

(21) Develop rules for implementation of individual and employer participation under sections 454 and 455 of this act specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

(22) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

(23) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

(24) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(25) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these joint employee-employer entities are organized; and make appropriate recommendations to the governor and the legislature about how these trusts can be brought under the provisions of chapter . . . , Laws of 1993 (this act) when it is fully implemented.

(26) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of comprehensive subsidized health care benefits for all residents and report to the governor and the legislature their findings.

(27) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

(28) Evaluate the effect of reforms under chapter . . . , Laws of 1993 (this act) on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policymaking authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

NEW SECTION. Sec. 407. MODIFICATION OF MAXIMUM PREMIUM. Upon the recommendation of the insurance commissioner, and on the basis of evidence established by independent actuarial analysis, if the commission finds that the economic viability of a significant number of the state's certified health plans is seriously threatened, the commission may increase the maximum premium to the extent mandated by the Constitution, and must immediately thereafter submit to the legislature a proposal for a new formula for adjusting the maximum premium that must be approved in law by each house of the legislature by a sixty percent vote.

NEW SECTION. Sec. 408. A new section is added to chapter 18.130 RCW to read as follows:

CONFLICT OF INTEREST STANDARDS. The Washington health services commission established by section 403 of this act, in consultation with the secretary of health, and the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.

NEW SECTION. Sec. 409. CONTINUOUS QUALITY IMPROVEMENT AND TOTAL QUALITY MANAGEMENT. To ensure the highest quality health services at the lowest total cost, the commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science for continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful experiences in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop standards for a Washington state health services supplier certification process and recommend such standards to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later than July 1, 1996, whereby all health service providers and health service facilities shall be certified prior to providing uniform benefits package services.

B. PRACTICE INDICATORS

NEW SECTION. Sec. 410. A new section is added to chapter 43.70 RCW to read as follows:

PRACTICE INDICATORS. The department of health shall consult with health care providers, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

- (1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.
- (2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.
- (3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

C. HEALTH CARE LIABILITY REFORMS

Sec. 411. RCW 43.70.320 and 1991 sp.s. c 13 s 18 are each amended to read as follows:

HEALTH PROFESSIONS ACCOUNT. (1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

NEW SECTION. Sec. 412. A new section is added to chapter 18.130 RCW to read as follows:

MALPRACTICE INSURANCE COVERAGE MANDATE. Except to the extent that liability insurance is not available, every licensed health care practitioner whose services are included in the uniform benefits package, as determined by section 448 of this act, and whose scope of practice includes independent practice, shall, as a condition of licensure and relicensure, be required to provide evidence of a minimum level of malpractice insurance coverage issued by a company authorized to do business in this state. On or before January 1, 1994, the department shall designate by rule:

- (1) Those health professions whose scope of practice includes independent practice;
- (2) For each health profession whose scope of practice includes independent practice, whether malpractice insurance is available; and
- (3) If such insurance is available, the appropriate minimum level of mandated coverage.

NEW SECTION. Sec. 413. A new section is added to chapter 48.22 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, a casualty insurer's issuance of a new medical malpractice policy or renewal of an existing medical malpractice policy to a physician or other independent health care practitioner shall be conditioned upon that practitioner's participation in, and completion of, health care liability risk management training. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with the adverse health outcomes that do occur. For purposes of this section, "independent health care practitioners" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

NEW SECTION. Sec. 414. A new section is added to chapter 48.05 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, each health care provider, facility, or health maintenance organization that self-insures for liability risks related to medical malpractice and employs physicians or other independent health care practitioners in Washington state shall condition each physician's and practitioner's liability coverage by that entity upon that physician's or practitioner's participation in risk management training offered by the provider, facility, or health maintenance organization to its employees. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with those adverse health outcomes that do occur. For purposes of this section, "independent health care practitioner" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

Sec. 415. RCW 70.41.200 and 1991 c 3 s 336 are each amended to read as follows:

QUALITY IMPROVEMENT PROGRAM. (1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality ~~((assurance))~~ improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures~~((—At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity))~~;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality ~~((assurance))~~ improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ~~((about health care providers arising out of the matters that are under review or have been evaluated))~~ by a ~~((review))~~ quality improvement committee ~~((conducting quality assurance reviews))~~ are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~((assurance))~~ improvement committees regarding such health care provider; ~~((c))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

Sec. 416. RCW 70.41.230 and 1991 c 3 s 337 are each amended to read as follows:

REQUEST FOR STAFF PRIVILEGES. (1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ~~((about health care providers arising out of the matters that are under review or have been evaluated))~~ by a ~~((review))~~ quality improvement committee ~~((conducting quality assurance reviews))~~ are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~((assurance))~~ improvement committees regarding such health care provider; ~~((c))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 417. A new section is added to chapter 43.70 RCW to read as follows:

COORDINATED QUALITY IMPROVEMENT PROGRAM. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, and certified health plans approved pursuant to section 427 of this act may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, or certified health plan, unless an alternative quality improvement program substantially equivalent to RCW

70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) The department of health shall adopt rules as are necessary to implement this section.

NEW SECTION. Sec. 418. MEDICAL MALPRACTICE REVIEW. (1) The administrator for the courts shall coordinate a collaborative effort to develop a voluntary system for review of medical malpractice claims by health services experts prior to the filing of a cause of action under chapter 7.70 RCW.

(2) The system shall have at least the following components:

(a) Review would be initiated, by agreement of the injured claimant and the health care provider, at the point at which a medical malpractice claim is submitted to a malpractice insurer or a self-insured health care provider.

(b) By agreement of the parties, an expert would be chosen from a pool of health services experts who have agreed to review claims on a voluntary basis.

(c) The mutually agreed upon expert would conduct an impartial review of the claim and provide his or her opinion to the parties.

(d) A pool of available experts would be established and maintained for each category of health care practitioner by the corresponding practitioner association, such as the Washington state medical association and the Washington state nurses association.

(3) The administrator for the courts shall seek to involve at least the following organizations in a collaborative effort to develop the informal review system described in subsection (2) of this section:

(a) The Washington defense trial lawyers association;

(b) The Washington state trial lawyers association;

(c) The Washington state medical association;

(d) The Washington state nurses association;

(e) The Washington state hospital association;

(f) The Washington state physicians insurance exchange and association;

(g) The Washington casualty company;

(h) The doctor's agency;

(i) Group health cooperative of Puget Sound;

(j) The University of Washington;

(k) Washington osteopathic medical association;

(l) Washington state chiropractic association;

(m) Washington association of naturopathic physicians; and

(n) The department of health.

(4) On or before January 1, 1994, the administrator for the courts shall provide a report on the status of the development of the system described in this section to the governor and the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 419. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. (1) All causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after the effective date of this section shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators. Mediators shall be compensated in the same amount and manner as judges pro tempore of the superior court unless the parties agree to a different amount or manner of compensation;

(b) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(c) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(d) The number of days following the selection of a mediator within which a mediation conference must be held;

(e) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(f) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

NEW SECTION. Sec. 420. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE. The making of a written, good faith request for mediation of a dispute related to damages for injury occurring as a result of health care provided prior to filing a cause of action under this chapter shall toll the statute of limitations provided in RCW 4.16.350.

NEW SECTION. Sec. 421. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. Section 419 of this act may not be construed to abridge the right to trial by jury following an unsuccessful attempt at mediation.

Sec. 422. RCW 5.60.070 and 1991 c 321 s 1 are each amended to read as follows:

MEDIATION--COMMUNICATIONS PRIVILEGED. (1) If there is a court order to mediate ~~((or))~~, a written agreement between the parties to mediate, or if mediation is mandated under section 419 of this act, then any communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

(a) When all parties to the mediation agree, in writing, to disclosure;

(b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;

(c) When a written agreement to mediate permits disclosure;

(d) When disclosure is mandated by statute;

(e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;

(f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or

(g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.

(2) When there is a court order ~~((or))~~, a written agreement to mediate, or when mediation is mandated under section 419 of this act, as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:

(a) All parties to the mediation and the mediator agree in writing; or

(b) In an action described in subsection (1)(g) of this section.

Sec. 423. RCW 4.22.070 and 1986 c 305 s 401 are each amended to read as follows:

PERCENTAGE OF FAULT--JOINT AND SEVERAL LIABILITY. (1) Except as provided in subsection (4) of this section, in all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the

total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsection((e)) (1)(a) or (1)(b) or (4) (a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

(4) In all actions governed by chapter 7.70 RCW involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault that is attributable to every entity that caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant, and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount that represents that party's proportionate share of the claimant's total damages. The total damages shall first be reduced by any amount paid to the claimant by a released entity. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(c) A defendant shall be responsible to the claimant for any fault of an entity released by the claimant. The total damages shall first be reduced by any amount paid to the claimant by a released entity, and, where some fault has been attributed to the claimant, by the claimant's proportionate share of his or her total damages.

D. HEALTH INSURANCE PURCHASING COOPERATIVES

NEW SECTION. Sec. 424. HEALTH INSURANCE PURCHASING COOPERATIVES--DESIGNATION OF REGIONS BY COMMISSION, INFORMATION SYSTEMS, MINIMUM STANDARDS, AND RULES. (1) The commission shall designate large geographic regions within the state in which health insurance purchasing cooperatives may operate, based upon population, assuming that each cooperative must serve no less than one hundred fifty thousand persons; geographic factors; market conditions; and other factors deemed appropriate by the commission. The commission shall designate one health insurance purchasing cooperative per region. However, the commission may designate certain regions of the state as areas where more than one cooperative may operate upon a determination that a sufficient population base exists within such region to efficiently support more than one cooperative.

(2) In coordination with the commission and consistent with the provisions of chapter 70.170 RCW, the department of health shall establish an information clearinghouse for the collection and dissemination of information necessary for the efficient operation of cooperatives, including the establishment of a risk profile information system related to certified health plan enrollees that would permit the equitable distribution of losses among plans in accordance with section 406(8) of this act.

(3) Every health insurance purchasing cooperative shall:

(a) Admit all individuals, employers, or other groups wishing to participate in the cooperative;

(b) Make available for purchase by cooperative members every health care program offered by every certified health plan operating within the cooperative's region;

(c) Be operated as a member-governed and owned, nonprofit cooperative in which no certified health plan, health maintenance organization, health care service contractor, independent practice association, independent

physician organization, or any individual with a pecuniary interest in any such organization, shall have any pecuniary interest in or management control of the cooperative;

(d) Provide for centralized enrollment and premium collection and distribution among certified health plans; and

(e) Serve as an ombudsman for its members to resolve inquiries, complaints, or other concerns with certified health plans.

(4) Every health insurance purchasing cooperative shall assist members in selecting certified health plans and for this purpose may devise a rating system or similar system to judge the quality and cost-effectiveness of certified health plans consistent with guidelines established by the commission. For this purpose, each cooperative and directors, officers, and other employees of the cooperative are immune from liability in any civil action or suit arising from the publication of any report, brochure, or guide, or dissemination of information related to the services, quality, price, or cost-effectiveness of certified plans unless actual malice, fraud, or bad faith is shown. Such immunity is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

(5) Every health insurance purchasing cooperative shall bear the full cost of its operations, including the costs of participating in the information clearinghouse, through assessments upon its members. Such assessments shall be billed and accounted for separately from premiums collected and distributed for the purchase of the uniform benefits package or any other supplemental insurance or health services program.

(6) No health insurance purchasing cooperative may bear any financial risk for the delivery of uniform benefits package services, or for any other supplemental insurance or health services program.

(7) No health insurance purchasing cooperative may directly broker, sell, contract for, or provide any insurance or health services program. However, nothing contained in this section shall be deemed to prohibit the use or employment of insurance agents or brokers by the cooperative for other purposes or to prohibit the facilitation of the sale and purchase by members of supplemental insurance or health services programs.

(8) The commission may adopt rules necessary for the implementation of this section including rules governing charter and bylaw provisions of cooperatives and may adopt rules prohibiting or permitting other activities by cooperatives.

(9) The commission shall consider ways in which cooperatives can develop, encourage, and provide incentives for employee wellness programs.

NEW SECTION. Sec. 425. LICENSING AND REGULATION OF HEALTH INSURANCE PURCHASING COOPERATIVES BY THE INSURANCE COMMISSIONER. (1) No person may establish or operate a health insurance purchasing cooperative without having first obtained a certificate of authority from the insurance commissioner.

(2) Every proposed cooperative shall furnish notice to the insurance commissioner that shall:

(a) Identify the principal name and address of the cooperative;

(b) Furnish the names and addresses of the initial officers of the cooperative;

(c) Include copies of letters of agreement for participation in the cooperative including minimum term of participation;

(d) Furnish copies of its proposed articles and bylaws; and

(e) Provide other information as prescribed by the insurance commissioner in consultation with the health services commission to verify that the cooperative is qualified and is managed by competent and trustworthy individuals.

(3)(a) The commissioner shall approve applications for certificates in accordance with the order received.

(b) The commissioner shall establish by rule a fee to be paid by cooperatives in an amount necessary to review and approve applications for a certificate of authority. Such fee shall accompany the application and no certificate may be issued until such fee is paid. Fees collected for such purpose shall be deposited in the insurance commissioner's regulatory account in the state treasury.

(4) All funds representing premiums or return premiums received by a cooperative in its fiduciary capacity shall be accounted for and maintained in a separate account from all other funds. Each willful violation of this section constitutes a misdemeanor.

(5) Every cooperative shall keep at its principal address, a record of all transactions it has consummated on behalf of its members with certified health plans. All such records shall be kept available and open to the inspection of the insurance commissioner at any business time during a five-year period immediately after the date of completion of the transaction.

E. CERTIFIED HEALTH PLANS

NEW SECTION. Sec. 426. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) On and after July 1, 1995, no person or entity in this state shall provide the uniform benefits package and supplemental benefits as defined in section 402 of this act without being certified as a certified health plan by the insurance commissioner.

(2) On and after July 1, 1995, the uniform benefits package and supplemental benefits shall be purchased only from entities certified as certified health plans.

(3) On and after July 1, 1995, the uniform benefits package shall be the minimum benefits package of any certified health plan.

NEW SECTION. Sec. 427. HEALTH PLAN CERTIFICATION STANDARDS. A certified health plan shall:

(1) Provide the benefits included in the uniform benefits package and offer supplemental benefits packages to enrolled Washington residents for a prepaid per capita community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission;

(2) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits packages regardless of factors referenced in RCW 49.60.020, including age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, or other condition or situation, however, the insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a certified health plan, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a certified health plan is required to continue enrollment of additional eligible individuals;

(3) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the uniform benefits package and offer supplemental benefits packages to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits;

(4) Comply with portability of benefits requirements prescribed by the commission;

(5) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing certified health plans;

(6) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;

(7) Discloses to enrollees the charity care requirements under chapter 70.170 RCW;

(8) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing enrollees for any amounts in excess of applicable enrollee point of service cost-sharing obligations for services included in the uniform benefits package and the supplemental benefits package;

(9) Include in all of its contracts issued for uniform benefits package and supplemental benefits package coverage a subrogation provision that allows the certified health plan to recover the costs of uniform benefits package and supplemental benefits package services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

(10) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for grievance procedures and resolution;

(11) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not modified or superseded by the provisions of chapter . . . , Laws of 1993 (this act) and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection (2) of this section;

- (12) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age; and
- (13) Permit every class of health care providers to provide health services or care for conditions included in the uniform benefits package and in the supplemental benefits package to the extent that:
- (a) The provision of such health services or care is within the health care providers' permitted scope of practice; and
 - (b) The providers agree to abide by standards related to:
 - (i) Provision, utilization review, and cost containment of health services;
 - (ii) Management and administrative procedures; and
 - (iii) Provision of cost-effective and clinically efficacious health services.

NEW SECTION. Sec. 428. LIMITED CERTIFIED HEALTH PLAN FOR DENTAL SERVICES. (1) For the purposes of this section "limited certified dental plan" or "dental plan" means a certified health plan offering coverage for dental services only and that complies with all certified health plan requirements for managed care, community rating, portability, and nondiscrimination.

(2) A dental plan may provide coverage for dental services directly to individuals or to employers for the benefit of employees. If an individual or an employer purchases uniform dental services from a dental plan, the certified health plan covering the individual or the employees need not provide dental services required under the uniform benefits package. A certified health plan may subcontract with a dental plan to provide the dental benefits required under the uniform benefits package.

(3) The commission shall establish maximum premiums and maximum enrollee financial participation amounts that may be charged by dental plans and shall adopt rules defining the minimum, uniform dental services that must be offered by dental plans. The commission shall also establish maximum premiums and maximum enrollee financial participation amounts for certified health plans not providing dental benefits by virtue of the individual's or employee's coverage by a dental plan, and rules governing the percentage change in the premium charged by a dental plan subcontracting with a certified health plan when the maximum premiums are changed by the commission.

(4) Rules governing dental plan premiums and financial participation amounts, and rules defining minimum, uniform dental services shall be adopted and shall apply to dental plans in accordance with the implementation dates applicable to certified health plans with respect to similar requirements.

NEW SECTION. Sec. 429. CONTRACTS BETWEEN CERTIFIED HEALTH PLANS AND HEALTH SERVICE PROVIDERS. (1) The legislature finds that not all health service providers, individually or as a class, provide the most cost-effective, efficacious health services for every health need. A fundamental goal of health care reform is to contain the growth in health care costs and related costs in purchasing coverage for health services. In order to achieve this goal, health service providers must either adjust their practice to achieve necessary levels of quality and cost-effectiveness or risk exclusion from certified health plans.

Balancing the need for health care reform and the need to protect health service providers, as a class and as individual providers, from improper exclusion presents a problem that can be satisfied with the creation of a process to ensure fair consideration of the inclusion of health service providers in managed care systems operated by certified health plans. It is therefore the intent of the legislature that the insurance commissioner in developing rules in accordance with this section and the attorney general in monitoring the level of competition in the various geographic markets, balance the need for cost-effective and quality delivery of health services with the need for inclusion of both individual health service providers and classes of health service providers in managed care programs developed by certified health plans. All licensed health service providers, irrespective of the type or kind of practice licensed by the state, should be afforded the opportunity to compete for inclusion in certified health plans consistent with the goals of health care reform.

(2) The insurance commissioner shall adopt rules requiring certified health plans to publish general criteria for the plan's selection of health service providers. In adopting such rules, the commissioner shall not require the disclosure of criteria deemed by the plan to be of a proprietary or competitive nature that would hurt the plan's ability to compete or to manage health services. If the commissioner and the plan disagree as to whether criteria is proprietary or its disclosure is anticompetitive, the plan shall be entitled to a hearing and the hearing shall be conducted in a manner that affords the protection of such disputed information from public disclosure. In part, disclosure of criteria is proprietary or anticompetitive if revealing the criteria would have the tendency to cause health service providers to alter their practice pattern in a manner that would harm efforts to contain health care costs and is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

(3) If a certified health plan uses unpublished criteria to judge the quality and cost-effectiveness of a health service provider's practice under any specific program within the plan, the plan may not terminate the provider participating in that program based upon such criteria until the provider has been informed that his or her practice fails to meet such criteria and is given a reasonable opportunity to conform to such criteria.

(4) In consultation with the attorney general's office, the insurance commissioner shall adopt rules:

(a) Prescribing the terms, conditions, and procedures for binding resolution of contractual disputes between providers and certified health plans to be included in all contracts between providers and plans; and

(b) Prescribing the terms, conditions, and procedures for provider appeal to the plan of a decision by the plan not to include the services of the provider.

(5) The attorney general with the assistance of the insurance commissioner shall analyze the market power of certified health plans and develop a standard for determining when the market share of any program of a certified health plan reaches a point where the plan's exclusion of health service providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services. Whenever, as a result of this analysis, the attorney general determines that a program's share of the market would have the tendency to substantially lessen competition for health services in the relevant market, the certified health plan must allow all providers within the affected market to participate in the program of the certified health plan subject to the following conditions:

(a) The provider must meet all published criteria of the program pertaining to the selection of providers;

(b) The provider must agree to abide by all published requirements of the program pertaining to utilization review, quality review, and cost containment; and

(c) The provider must agree to abide by all administrative and management procedures of the program.

Notwithstanding the provisions of this subsection, if the certified health plan demonstrates to the satisfaction of the attorney general that health service utilization data and similar information shows that the inclusion of additional health service providers would substantially lessen the plan's ability to control health care costs and that the plan's procedures for selection of providers are not improperly exclusive of providers, the plan need not include additional providers within the plan's program.

(6) Nothing contained in this section shall be construed to require a plan to allow or to continue the participation of a provider:

(a) Who violates the terms and conditions of a contract with the plan;

(b) Whose provision of health services is inefficient or of poor quality when compared to a provider's peer group which group is objectively determined;

(c) Whose health services violate any statute or regulation governing the provider's profession;

(d) Whose services are unnecessary because the uniform benefits package does not provide coverage for such services or with respect to a supplemental benefit program, because a supplemental benefit program does not provide coverage for such services; or

(e) If the plan is a federally qualified health maintenance organization and the participation of the provider or providers would prevent the health maintenance organization from operating as a health maintenance organization in accordance with 42 U.S.C Sec. 300e.

NEW SECTION. Sec. 430. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) No person or entity in this state may, by mail or otherwise, act or hold himself or herself out to be a certified health plan as defined by section 402 of this act without being registered as a certified health plan with the insurance commissioner.

(2) Anyone violating subsection (1) of this section is liable for a fine not to exceed ten thousand dollars and imprisonment not to exceed six months for each instance of such violation.

NEW SECTION. Sec. 431. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF REGISTRATION--APPLICATION REQUIREMENTS. Any corporation, cooperative group, partnership, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education are entitled to a certificate from the insurance commissioner as a certified health plan if it:

(1) Submits an application for certification as a certified health plan, which shall be verified by an officer or authorized representative of the applicant, being in a form as the insurance commissioner prescribes in consultation with the health services commission;

(2) Meets the minimum net worth requirements set forth in section 437 of this act and the funding reserve requirements set forth in section 438 of this act;

(3) A certified health plan may establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance to guidelines adopted by the commission, those which have been clearly drawn to be exclusionary within a health care catchment area.

NEW SECTION. Sec. 432. ISSUANCE OF CERTIFICATE--GROUNDS FOR REFUSAL. The commissioner shall issue a certificate as a certified health plan to an applicant within one hundred twenty days of such filing unless the commissioner notifies the applicant within such time that such application is not complete and the reasons therefor; or that the commissioner is not satisfied that:

(1) The basic organization document of the applicant permits the applicant to conduct business as a certified health plan;

(2) The applicant has demonstrated the intent and ability to assure that the health services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with a casualty insurer, a government agency, or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

(c) Any arrangements for liability and malpractice insurance coverage.

(4) The procedures for offering health care services are reasonable and equitable; and

(5) Procedures have been established to:

(a) Monitor the quality of care provided by the certified health plan including standards and guidelines provided by the health services commission and other appropriate state agencies;

(b) Operate internal peer review mechanisms; and

(c) Resolve complaints and grievances in accordance with section 442 of this act and rules established by the insurance commissioner in consultation with the commission.

NEW SECTION. Sec. 433. PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--FILING OF PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--ADDITIONAL CHARGES PROHIBITED. (1) The insurance commissioner shall verify that the certified health plan and its providers are charging no more than the maximum premiums and enrollee financial participation amounts during the course of financial and market conduct examinations or more frequently if justified in the opinion of the insurance commissioner or upon request by the health services commission.

(2) The certified health plans shall file the premium schedules including employer contributions, enrollee premium sharing, and enrollee point of service cost sharing amounts with the insurance commissioner, within thirty days of establishment by the health services commission.

(3) No certified health plan or its provider may charge any fees, assessments, or charges in addition to the premium amount or in excess of the maximum enrollee financial participation limits established by the health services commission. The certified health plan that directly provides health care services may charge and collect the enrollee point of service cost sharing fees as established in the uniform benefits package or other approved benefit plan.

NEW SECTION. Sec. 434. ANNUAL STATEMENT FILING--CONTENTS--PENALTY FOR FAILURE TO FILE--ACCURACY REQUIRED. (1) Every certified health plan shall annually not later than March 1 of the calendar year, file with the insurance commissioner a statement verified by at least two of its principal officers showing its financial condition as of December 31 of the preceding year.

(2) Such annual report shall be in such form as the insurance commissioner shall prescribe and shall include:

(a) A financial statement of the certified health plan, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) All prepayments and other payments received for health care services rendered pursuant to certified health plan benefit packages;

(ii) Expenditures to all categories of health care facilities, providers, and organizations with which the plan has contracted to fulfill obligations to enrolled residents arising out of the uniform benefits package and other approved supplemental benefit agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) Expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) A report of the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(c) The number of residents enrolled and terminated during the report period. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to demonstrate compliance with the open enrollment and free access requirements of chapter . . . , Laws of 1993 (this act). The insurance commissioner shall specify additional information to be reported, which may include but not be limited to age, sex, location, and health status information;

(d) Such other information relating to the performance of the certified health plan or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter in accordance with rules;

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the certified health plan or provider of the certified health plan.

(3) The commissioner may require quarterly reporting of financial information, such information to be furnished in a format prescribed by the commissioner in consultation with the commission.

(4) The commissioner may for good reason allow a reasonable extension of time within which such annual statement shall be filed.

(5) The commissioner may suspend or revoke the certificate of a certified health plan for failing to file its annual statement when due or during any extension of time therefor that the commissioner, for good cause, may grant.

(6) The commissioner shall publish and make available to the health services commission and the major newspapers of the state an annual summary report of at least the information required in subsections (2) and (3) of this section.

(7) No person may knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a certified health plan that does not accurately state the certified health plan's financial condition.

NEW SECTION. Sec. 435. PENALTY FOR VIOLATIONS. A certified health plan that, or person who, violates any provision of this chapter is guilty of a gross misdemeanor, unless the penalty is otherwise specifically provided.

NEW SECTION. Sec. 436. PROVIDER CONTRACTS--ENROLLED RESIDENT'S LIABILITY, COMMISSIONER'S REVIEW. (1) Subject to subsection (2) of this section, every contract between a certified health plan and its providers of health care services shall be in writing and shall set forth that in the event the certified health plan fails to pay for health care services as set forth in the uniform benefits package, the enrollee is not liable to the provider for any sums owed by the certified health plan. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a contracting provider with the certified health plan, or to emergent and urgently needed out-of-area services.

(3) The certified health plan shall file the contracts with the insurance commissioner for approval thirty days prior to use.

NEW SECTION. Sec. 437. MINIMUM NET WORTH--REQUIREMENTS TO MAINTAIN--DETERMINATION OF AMOUNT. (1) Every certified health plan must maintain a minimum net worth equal to the greater of:

(a) One million dollars; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the insurance commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2)(a) In determining net worth, no debt may be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt may not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the insurance commissioner, may not be considered a liability and shall be recorded as equity.

(3) Every certified health plan shall, in determining liabilities, include an amount estimated in the aggregate to provide for unearned premiums and for the payment of claims for health care expenditures that have been incurred, whether reported or unreported, that are unpaid and for which such organization is or may be liable and to provide for the expense of adjustment or settlement of such claims.

The claims shall be computed in accordance with rules adopted by the insurance commissioner in consultation with the health services commission.

NEW SECTION. Sec. 438. FUNDED RESERVE REQUIREMENTS. (1) Each certified health plan obtaining certification from the insurance commissioner under sections 426 through 443 of this act shall provide and maintain a funded reserve of one hundred fifty thousand dollars. The funded reserve shall be deposited with the insurance commissioner or with any organization acceptable to the commissioner in the form of cash, securities eligible for investment under chapter 48.13 RCW, approved surety bond, or any combination of these, and must be equal to or exceed one hundred fifty thousand dollars. The funded reserve shall be established as an assurance that the uncovered expenditures obligations of the certified health plan to the enrolled Washington residents shall be performed.

(2) All income from reserves on deposit with the commissioner shall belong to the depositing certified health plan and shall be paid to it as it becomes available.

(3) Funded reserves required by this section shall be considered an asset in determining the plan's net worth.

NEW SECTION. Sec. 439. EXAMINATION OF CERTIFIED HEALTH PLANS, POWERS OF COMMISSIONER, DUTIES OF PLANS, INDEPENDENT AUDIT REPORTS. (1) The insurance commissioner shall make an examination of the operations of a certified health plan as often as the commissioner deems it necessary in order to assure the financial security and health and safety of the enrolled residents. The insurance commissioner shall make an examination of a certified health plan not less than once every three calendar years.

(2) Every certified health plan shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services and systems shall be examined by the department of health except that the insurance commissioner may review such areas to the extent that such items impact the financial condition or the market conduct of the certified health plan. For the purpose of the examinations the insurance commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the certified health plans concerning their business.

(3) The insurance commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the certified health plan in the course of that part of the insurance commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4) Certified health plans shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of adopting rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, adoption of rules, and enforcement of the provisions of this chapter including a reasonable margin for cost variations. The assessments shall be established by rules adopted by the commissioner in consultation with the health services commission but may not exceed five and one-half cents per month per resident enrolled in the certified health plan. The minimum assessment shall be one thousand dollars. Assessment receipts shall be deposited in the insurance commissioner's regulatory account in the state treasury and shall be used for the purpose of funding the examinations authorized in subsection (1) of this section. Assessments received shall be used to pay a pro rata share of the costs, including overhead of regulating certified health plans. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in succeeding biennia.

NEW SECTION. Sec. 440. INSOLVENCY--COMMISSIONER'S DUTIES, CONTINUATION OF BENEFITS, ALLOCATION OF COVERAGE. (1) In the event of insolvency of a certified health plan and upon order of the commissioner, all other certified health plans shall offer the enrolled Washington residents of the insolvent certified health plan the opportunity to enroll in a solvent certified health plan. Enrollment shall be without prejudice for any preexisting condition and shall be continuous provided the resident enrolls in the new certified health plan within thirty days of the date of insolvency and otherwise complies with the certified health plan's managed care procedures within the thirty-day open enrollment period.

(2) The insurance commissioner, in consultation with the health services commission, shall establish guidelines for the equitable distribution of the insolvent certified health plan's enrollees to the remaining certified health plans. The guidelines may include limitations to enrollment based on financial conditions, provider delivery network, administrative capabilities of the certified health plan, and other reasonable measures of the certified health plan's ability to provide benefits to the newly enrolled residents.

(3) Each certified health plan shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the coverage period for which premiums have been paid and continuation of benefits to enrolled Washington residents who are confined on the date of insolvency in an inpatient facility until their discharge or transfer to a new certified health plan as provided in subsection (1) of this section. The plan shall be approved by the insurance commissioner at the time of certification and shall be submitted for review and approval on an annual basis. The commissioner shall approve such a plan if it includes:

- (a) Insurance to cover the expenses to be paid for continued benefits after insolvency;
- (b) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the certified health plan's insolvency for which premium payment has been made and until the enrolled participant is transferred to a new certified health plan in accordance with subsection (1) of this section. Such extension of coverage shall not obligate the provider of service beyond thirty days following the date of insolvency;
- (c) Use of the funded reserve requirements as provided under section 438 of this act;
- (d) Acceptable letters of credit or approved surety bonds; or
- (e) Other arrangements the insurance commissioner and certified health plan mutually agree are appropriate to assure that benefits are continued.

NEW SECTION. Sec. 441. FINANCIAL FAILURE, SUPERVISION OF COMMISSIONER--PRIORITY OF DISTRIBUTION OF ASSETS. (1) Any rehabilitation, liquidation, or conservation of a certified health plan shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the insurance commissioner under the law governing the rehabilitation, liquidation, or conservation of insurance companies. The insurance commissioner may apply for an order directing the insurance commissioner to rehabilitate, liquidate, or conserve a certified health plan upon one or more of the grounds set forth in RCW

48.31.030, 48.31.050, and 48.31.080. Enrolled residents shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled residents and their dependents shall have the same priority as established by RCW 48.31.280 for policyholders and their dependents of insurance companies. If an enrolled resident is liable to a provider for services under and covered by a certified health plan, that liability shall have the status of an enrolled resident claim for distribution of general assets.

(3) A provider who is obligated by statute or agreement to hold enrolled residents harmless from liability for services provided under and covered by a certified health plan shall have a priority of distribution of the general assets immediately following that of enrolled residents and enrolled residents' dependents as described in this section, and immediately preceding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 442. GRIEVANCE PROCEDURE. A certified health plan shall establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrolled Washington residents concerning any matter relating to the provision of benefits under the uniform benefits package, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within twenty working days. The insurance commissioner in consultation with the health care commission shall establish standards for grievance procedures and resolution.

NEW SECTION. Sec. 443. EXEMPTION. The provisions of sections 431 through 442 of this act do not apply to any disability insurance company, health care service contractor, or health maintenance organization authorized to do business in Washington.

NEW SECTION. Sec. 444. ENFORCEMENT AUTHORITY OF COMMISSIONER. For the purposes of chapter . . . , Laws of 1993 (this act), the insurance commissioner shall have the same powers and duties of enforcement as are provided in Title 48 RCW.

NEW SECTION. Sec. 445. ANNUAL REPORT BY THE INSURANCE COMMISSIONER TO THE HEALTH SERVICES COMMISSION. Beginning January 1, 1997, the insurance commissioner shall report annually to the health services commission on the compliance of certified health plans and health insurance purchasing cooperatives with the provisions of chapter . . . , Laws of 1993 (this act). The report shall include information on (1) compliance with chapter . . . , Laws of 1993 (this act) open enrollment and antidiscrimination provisions, (2) financial solvency requirements, (3) the mix of enrollee characteristics within and among plans and groups including age, sex, ethnicity, and any easily obtainable information related to medical risk, (4) the geographic distribution of plans and groups, and (5) other information which the commission may request consistent with the goals of chapter . . . , Laws of 1993 (this act).

F. MANAGED COMPETITION AND LIMITED ANTI-TRUST IMMUNITY

NEW SECTION. Sec. 446. MANAGED COMPETITION FINDINGS AND INTENT. (1) The legislature recognizes that competition among health care providers, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that providers of health care coverage face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to displace competition in the health care market to the extent necessary to contain the aggregate cost of health care services; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, and Washington residents. To these ends, any lawful action taken pursuant to chapter . . . , Laws of 1993 (this act) by any person or entity created or regulated by chapter . . . , Laws of 1993 (this act) are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 447 of this act or under rules adopted pursuant to chapter . . . , Laws of 1993 (this act), does not authorize any person or entity to

engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies to agree or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the terms and conditions of their services;

(b) Among certified health plans as to the price or level of reimbursement for health care services;

(c) Among certified health plans to boycott a group or class of health care service providers;

(d) Among purchasers of certified health plan coverage to boycott a particular plan or class of plans;

(e) Among certified health plans to divide the market for health care coverage; or

(f) Among certified health plans and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a certified health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a certified health plan or purchasing group.

NEW SECTION. Sec. 447. COMPETITIVE OVERSIGHT AND ANTI-TRUST IMMUNITY. (1) A certified health plan, health care facility, health care provider, or other person involved in the development or marketing of health care or certified health plans may request, in writing, that the attorney general issue an informal opinion as to whether particular conduct is authorized by chapter . . . , Laws of 1993 (this act). The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion. If the attorney general concludes that such conduct is not authorized by chapter . . . , Laws of 1993 (this act), the person or organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (2) of this section.

(2) After consultation with and subject to the approval of the attorney general, the health services commission may authorize conduct requested by petition of a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a clear and convincing showing that the conduct is necessary to achieve the policy goals of chapter . . . , Laws of 1993 (this act) and a more competitive alternative is unavailable or impractical. Such petition shall be filed in a form and manner prescribed by rule of the commission.

After a public hearing, the commission shall issue a written decision approving or denying a petition filed in accordance with this section. The decision shall set forth findings as to benefits and disadvantages and explaining whether the benefits clearly outweigh the disadvantages. Upon the advice of the attorney general, the commission shall consider whether one or more of the following benefits may result:

(a) Enhancement of the quality of health services to consumers;

(b) Gains in cost-efficiency of health services;

(c) Improvements in utilization of health services and equipment; or

(d) Avoidance of duplication of health services resources.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among certified health plans, health care providers, or health care facilities;

(ii) Adverse impact on quality, availability or price of health care services to consumers; or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(3) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(4) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section and shall periodically review such conduct to determine whether such conduct should be continued and whether a more competitive alternative is available or practical. If the commission determines that the likely benefits of conduct approved by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct and such conduct shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(5) The commission may adopt all rules necessary to implement this section.

(6) After consultation with and subject to the approval of the attorney general, the commission shall adopt rules:

(a) Governing conduct among providers, health care facilities, and certified health plans including but not limited to the use of "most favored nation" clauses and exclusive dealing clauses in provider contracts;

(b) Permitting health service providers within the service area of a plan to collectively negotiate terms and conditions of contracts with a certified health plan; and

(c) Governing the merger of health care facilities.

G. THE UNIFORM BENEFITS PACKAGE

NEW SECTION. Sec. 448. UNIFORM BENEFITS PACKAGE DESIGN. (1) The commission shall define the uniform benefits package, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are effective and necessary on a societal basis for the maintenance of the health

of citizens of the state, weighed against the need to control state health services expenditures. As the future rate of increase in health services expenditures is controlled, the commission shall consider whether the uniform benefits package should be revised to enhance the services or level of services included in the package.

(2) The schedule of covered health services shall emphasize proven preventive and primary health care and shall include primary and specialty health services; inpatient and outpatient hospital services; prescription drugs and medications; reproductive services; services necessary for maternity and well-child care, including preventive dental services for children; case managed mental health services; short-term skilled nursing facility, home health, and hospice services, subject to preapproval; and other services deemed necessary by the commission. The commission shall determine the specific schedule of health services within the uniform benefits package, including limitations on scope and duration of services. The commission shall consider the recommendations of health services effectiveness panels established pursuant to section 404 of this act in defining the uniform benefits package.

(3) The uniform benefits package shall not limit coverage for preexisting or prior conditions, except that the commission shall establish exclusions for preexisting or prior conditions to the extent necessary to prevent residents from waiting until health services are needed before enrolling in a certified health plan.

(4) The commission shall establish a schedule of enrollee point of service cost-sharing for nonpreventive health services, related to enrollee household income, such that financial considerations are not a barrier to access for low-income persons, but that, for those of means, the uniform benefits package provides for moderate point of service cost-sharing. All point of service cost-sharing and cost control requirements shall apply uniformly to all health care providers providing substantially similar uniform benefits package services. The schedule shall provide for an alternate and lower schedule of cost-sharing applicable to enrollees with household income below the federal poverty level.

(5) The commission shall adopt rules related to coordination of benefits where a resident has duplicate coverage. The rules shall not have the effect of eliminating enrollee premium sharing or point of service cost-sharing. The commission shall endeavor to assure an equitable distribution, among both employers and employees, of the costs of coverage for those households composed of more than one member in the work force.

(6) In determining the uniform benefits package, the commission shall endeavor to seek the opinions of and information from the public. The commission shall consider the results of official public health assessment and policy development activities including recommendations of the department of health in discharging its responsibilities under this section.

(7) The commission shall submit the following to the legislature by December 1, 1994, and annually thereafter: (a) The uniform benefits package and any changes it may wish to make; (b) an independent actuarial analysis of the cost of the proposed package giving consideration to the factors enumerated in section 406(6) of this act; (c) a small business economic impact statement, to be prepared in consultation with the small business advisory committee, describing the economic impact on small business of providing the uniform benefits package to employees and dependents; and (d) if the small business economic impact statement indicates a need for assistance to small businesses, recommended mechanisms to offer such assistance. In developing its recommendations, the commission shall evaluate the potential effectiveness of business and occupation tax credits, a small business assistance fund, and any other mechanism deemed appropriate by the commission.

NEW SECTION. Sec. 449. SUPPLEMENTAL BENEFIT PACKAGES DESIGN. The commission shall define several supplemental benefits packages, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are desirable to expand the available health services defined in the uniform benefits package. Such supplemental benefit packages must be offered only by certified health plans and must be designed in conformance with the procedures and requirements for the design of the uniform benefits package under section 448 of this act.

(1) Such packages may not combine medical and dental services together, but the commission may design complementary packages that include each kind of service and that may be offered together by a certified health plan. A certified health plan that offers a supplemental benefits package containing only dental services is subject to section 427 of this act only in the sale of such package to the Washington state health care authority.

(2) In designing such supplemental benefits packages, the commission shall consider the approach taken by congress and federal agencies in regulating the offering and design of medicare supplemental health insurance policies and the commission shall develop a regulatory method to ensure that pricing of such supplemental benefits packages is consistent with the maximum premium requirements for the uniform benefits package under section 406(6) of this act.

NEW SECTION. Sec. 450. The legislature may disapprove of the packages developed under sections 448 and 449 of this act and medical risk adjustment mechanisms developed under section 406(8) of this act by an act of law at any time prior to the thirtieth day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit modified packages to the legislature within fifteen days of the disapproval. If the legislature does not disapprove the packages or modify them by an act of law by the end of that regular session, they are deemed approved.

NEW SECTION. Sec. 451. LONG-TERM CARE INTEGRATION PLAN. (1) To meet the health needs of the residents of Washington state, it is critical to finance and provide long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. This system shall be available, accessible, and responsive to all residents based upon an assessment of their functional disabilities. The governor and the legislature recognize that families, volunteers, and community organizations are essential for the delivery of effective and efficient long-term care and support services, and that this private and public service infrastructure should be supported and strengthened. Further, it is important to provide benefits without requiring family or program beneficiary impoverishment for service eligibility.

(2) To realize the need for a strong long-term care system and to carry out the November 30, 1992, final recommendations of the Washington health care commission related to long-term care, the commission shall:

(a) Engage in a planning process, in conjunction with an advisory committee appointed for this purpose, for the inclusion of long-term care services in the uniform benefits package established under section 448 of this act as soon as practicable, but not later than July 1998;

(b) Include in its planning process consideration of the scope of services to be covered, the cost of and financing of such coverage, and the means through which existing long-term care programs and delivery systems can be coordinated and integrated.

(3) The commission shall submit recommendations concerning any necessary statutory changes or modifications of public policy to the governor and the legislature by January 1, 1995.

(4) The departments of health, retirement systems, revenue, social and health services, and veterans' affairs, the offices of financial management, insurance commissioner, and state actuary, along with the health care authority, shall participate in the review of the long-term care needs enumerated in this section and provide necessary supporting documentation and staff expertise as requested by the commission.

(5) The commission shall include in its planning process, the development of two social health maintenance organization long-term care pilot projects. The two pilot projects shall be referred to as the Washington life care pilot projects. Each life care pilot program shall be a single-entry system administered by an individual organization that is responsible for bringing together a full range of medical and long-term care services. The commission, in coordination with the appropriate agencies and departments, shall establish a Washington life care benefits package that shall include the uniform benefits package established in chapter . . . , Laws of 1993 (this act) and long-term care services. The Washington life care benefits package shall include, but not be limited to, the following long-term care services: Case management, intake and assessment, nursing home care, adult family home care, home health and home health aide care, hospice, chore services/homemaker/personal care, adult day care, respite care, and appropriate social services. The pilot project shall develop assessment and case management protocol that emphasize home and community-based care long-term care options.

(a) In designing the pilot projects, the commission shall address the following issues: Costs for the long-term care benefits, a projected case-mix based upon disability, the required federal waiver package, reimbursement, capitation methodology, marketing and enrollment, management information systems, identification of the most appropriate case management models, provider contracts, and the preferred organizational design that will serve as a functioning model for efficiently and effectively transitioning long-term care services into the uniform benefits package established in chapter . . . , Laws of 1993 (this act). The commission shall also be responsible for establishing the size of the two membership pools.

(b) Each program shall enroll applicants based on their level of functional disability and personal care needs. The distribution of these functional level categories and ethnicity within the enrolled program population shall be representative of their distribution within the community, using the best available data to estimate the community distributions.

(c) The two sites selected for the Washington life care pilot program shall be drawn from the largest urban areas and include one site in the eastern part of the state and one site in the western part of the state. The two organizations selected to manage and coordinate the life care services shall have the proven ability to provide ambulatory care, personal care/chore services, dental care, case management and referral services, must be accredited and licensed to provide long-term care for home health services, and may be licensed to provide nursing home care.

(d) The report on the development and establishment date of the two social health maintenance organizations shall be submitted to the governor and appropriate committees of the legislature by September 16, 1994. If the necessary federal waivers cannot be secured by January 1, 1995, the commission may elect to not establish the two pilot programs.

NEW SECTION. Sec. 452. SUPPLEMENTAL AND ADDITIONAL BENEFITS NEGOTIATION. (1) Nothing in chapter . . . , Laws of 1993 (this act) shall preclude insurers, health care service contractors, health maintenance organizations, or certified health plans from insuring, providing, or contracting for additional benefits not included in the uniform benefits package or in supplemental benefits packages designed by the commission.

(2) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer, an employee representative to negotiate for, or an individual to purchase supplemental or additional benefits not included in the uniform benefits package.

(3) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer or an employee representative to negotiate for payment of up to one hundred percent of the premium of the lowest priced uniform benefits package available in the geographic area where the employer is located.

(4) Pending receipt of necessary federal waivers, nothing in chapter . . . , Laws of 1993 (this act) shall be construed to limit the collective bargaining rights of employee organizations under state or federal law.

NEW SECTION. Sec. 453. CONSCIENCE OR RELIGION. (1) No certified health plan or health care provider may be required by law or contract in any circumstances to participate in the provision of any uniform benefit if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(2) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the uniform benefits package. Each certified health plan shall:

(a) Provide written notice to certified health plan enrollees, upon enrollment with the plan and upon enrollee request thereafter, listing, by provider, services that any provider refuses to perform for reason of conscience or religion;

(b) Develop written information describing how an enrollee may directly access, in an expeditious manner, services that a provider refuses to perform; and

(c) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b) of this subsection.

H. STATE RESIDENT AND EMPLOYER PARTICIPATION

NEW SECTION. Sec. 454. INDIVIDUAL PARTICIPATION. (1) All residents of the state of Washington are required to purchase a uniform benefits package from a certified health plan no later than July 1, 1998. This participation requirement may be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions set forth in the First Amendment, United States Constitution and Article I, section 11 of the state Constitution. Residents of the state of Washington who work in another state for an out-of-state employer shall be deemed to have satisfied the requirements of this section if they receive health insurance coverage through such employer.

(2) The commission shall monitor the enrollment of individuals into certified health plans and shall make public periodic reports concerning the number of persons enrolled and not enrolled, the reasons why individuals are not enrolled, recommendations to reduce the number of persons not enrolled, and recommendations regarding enforcement of this provision.

NEW SECTION. Sec. 455. EMPLOYER PARTICIPATION. (1) The legislature recognizes that small businesses play an essential and increasingly important role in the state's economy. The legislature further recognizes that many of the state's small business owners provide health insurance to their employees through small group policies at a cost that directly affects their profitability. Other small business owners are prevented from providing health benefits to their employees by the lack of access to affordable health insurance coverage. The legislature intends that the provisions of chapter . . . , Laws of 1993 (this act) make health insurance more available and affordable to small businesses in Washington state through strong cost control mechanisms and the option to purchase health benefits through the basic health plan, the Washington state group purchasing association, and health insurance purchasing cooperatives.

(2) In defining the level of mandated employer participation under this section, the commission shall consider the impact of such participation on the financial well-being of the state's employers. In its deliberations, the commission shall evaluate the following:

(a) Whether employers' premium payments should be related to the number of qualified employees the business employs;

(b) Whether different levels of employer premium payments should be applied to employees and dependents;

(c) The profitability of small businesses in Washington state; and

(d) Any other factors deemed necessary by the commission.

(3) On July 1, 1995, every employer employing more than five hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package within their geographic region as determined by the commission. On July 1, 1996, all dependents of qualified employees of these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic region as determined by the commission.

(b) For employees who work less than thirty hours during a week or one hundred twenty hours during a calendar month, and their dependents, pay the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(4) By July 1, 1996, every employer employing more than one hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package as determined by the commission. On July 1, 1997, all dependents of qualified employees in these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic area as determined by the commission.

(b) For employees who work less than thirty hours during a week or one hundred twenty hours during a calendar month, and their dependents, pay the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(5) By July 1, 1997, every employer shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent and no more than ninety-five percent of the premium cost of the lowest cost available package as determined by the commission. On July 1, 1998, all dependents of qualified employees in all firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent and no more than ninety-five percent of the premium of the lowest cost package within their geographic area as determined by the commission.

(b) For employees who work less than thirty hours during a week or one hundred twenty hours during a calendar month, and their dependents, pay the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(6) This employer participation requirement may be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions of the First Amendment of the United States Constitution and Article I, section 11, of the state Constitution. In such case the employer shall, pursuant to commission rules, set aside an amount equal to the applicable employer contribution level in a manner that would permit his or her employee to fully comply with the requirements of this chapter.

(7) In lieu of offering the uniform benefits package to employees and their dependents through direct contracts with certified health plans, an employer may combine the employer contribution with that of the employee's contribution and enroll in the basic health plan as provided in chapter 70.47 RCW or a health insurance purchasing cooperative established under sections 426 and 427 of this act.

(8) The commission shall submit its employer contribution levels and any changes it may wish to make to the legislature by December 1, 1994, and annually thereafter.

NEW SECTION. Sec. 456. LEGISLATIVE DISAPPROVAL OF EMPLOYER PARTICIPATION LEVELS.

The legislature may disapprove of the levels under section 455 of this act by an act of law at any time prior to the thirtieth day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit regular modified employer contribution levels to the legislature within fifteen days of the disapproval. If the legislature does not disapprove the levels or modify them by an act of law by the end of that regular session they shall be deemed approved.

NEW SECTION. Sec. 457. SMALL FIRM FINANCIAL ASSISTANCE.

(1) Beginning July 1, 1997, firms with fewer than twenty-five workers that face barriers to providing health insurance for their employees may, upon application, be eligible to receive financial assistance with funds set aside from the health services account. Firms with the following characteristics shall be given preference in the distribution of funds: (1) New firms, (2) employers with low average wages, (3) employers with low profits, and (4) firms in economically distressed areas.

(2) All employers in existence on or before July 1, 1997, who meet the criteria set forth in this section, and rules adopted under this section, may apply to the health services commission for assistance. Such employers may not receive premium assistance beyond July 1, 2001. New employers, who come into existence after July 1, 1997, may apply for and receive premium assistance for a limited period of time, as determined by the commission.

(3) The total funds available for small business assistance shall not exceed one hundred million dollars for the biennium beginning July 1, 1997. Thereafter, the amount of total funds available for premium assistance shall be determined by the office of financial management, based on a forecast of inflation, employment, and the number of eligible firms.

(4) By July 1, 1997, the health services commission, with assistance from the small business advisory committee established in section 404 of this act, shall develop specific definitions, rules, and procedures governing all aspects of the small business assistance program, including application procedures, thresholds regarding firm size, wages, profits, and age of firm, and rules governing duration of assistance.

(5) Final determination of the amount of the premium assistance to be dispensed to an employer shall be made by the commission based on rules, definitions, and procedures developed under this section. If total claims for assistance are above the amount of total funds available for such purposes, the commission shall have the authority to prorate employer claims so that the amount of available funds is not exceeded.

(6) The office of financial management, in consultation with the commission, shall establish appropriate criteria for monitoring and evaluating the economic and labor market impacts of the premium assistance program and report its findings to the commission annually through July 1, 2001.

I. PUBLIC HEALTH SERVICES IMPROVEMENT PLAN

NEW SECTION. Sec. 458. A new section is added to chapter 43.70 RCW to read as follows:

PUBLIC HEALTH SERVICES IMPROVEMENT PLAN. (1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan should provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances;

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) Timing of increased funding for public health services linked to specific objectives for improving public health; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 255 of this act.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

NEW SECTION. Sec. 459. A new section is added to chapter 70.170 RCW to read as follows:

AMERICAN INDIAN HEALTH CARE DELIVERY ELEMENT. Consistent with funds appropriated specifically for this purpose, the department shall establish in conjunction with the area Indian health services system and providers an advisory group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery element for the public health services improvement plan. The element shall include:

- (1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;
- (2) Methods to improve American Indian-specific health programming; and
- (3) Creation of co-funding recommendations and opportunities for the unmet health services programming needs of American Indians.

J. HEALTH ACCOUNTS

NEW SECTION. Sec. 460. **HEALTH SERVICES ACCOUNT.** The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

NEW SECTION. Sec. 461. **PUBLIC HEALTH SERVICES ACCOUNT.** The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts.

NEW SECTION. Sec. 462. **HEALTH SYSTEM CAPACITY ACCOUNT.** The health system capacity account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the following purposes: Health data systems; health systems and public health research; health system regulation; health system planning, development, and administration; and improving the supply and geographic distribution of primary health service providers.

NEW SECTION. Sec. 463. **PERSONAL HEALTH SERVICES ACCOUNT.** The personal health services account is created in the treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the support of subsidized personal health services for low-income Washington residents.

K. EXCLUSIONS AND STUDIES

NEW SECTION. Sec. 464. **CODE REVISIONS AND WAIVERS.** (1) The commission shall consider the analysis of state and federal laws that would need to be repealed, amended, or waived to implement chapter . . . , Laws of 1993 (this act), and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor, and appropriate committees of the legislature by January 1, 1994.

(2) The governor, in consultation with the commission, shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement chapter . . . , Laws of 1993 (this act) to include, but not be limited to:

(a) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicaid statute, Title XIX of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for low-income residents of Washington

state. Such waivers shall include any waiver needed to implement managed care programs. Waived provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; administrative requirements regarding single state agencies, choice of providers, and fee for service reimbursement programs; and other limitations on health services provider payment methods.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute, Title XVIII of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for elderly and disabled residents of Washington state. Such waivers shall include any waivers needed to implement managed care programs. Waived provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services; and limitations on health services provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to ensure integration of federally funded community and migrant health clinics and other health services funded through the public health services act into the health services system established pursuant to chapter . . . , Laws of 1993 (this act). The commission shall request in the waiver that funds from these sources continue to be allocated to federally funded community and migrant health clinics to the extent that such clinics' patients are not yet enrolled in certified health plans.

(d) Negotiate with the United States Congress to obtain a statutory exemption from provisions of the Employee Retirement Income Security Act that limit the state's ability to enact legislation relating to employee health benefits plans administered by employers, including health benefits plans offered by self-insured employers.

(3) On or before December 1, 1995, the commission shall report the following to the appropriate committees of the legislature:

(a) The status of its efforts to obtain the waivers provided in subsection (2) of this section;

(b) The extent to which chapter . . . , Laws of 1993 (this act) can be implemented, given the status of waivers requested or granted; and

(c) If a waiver of the Employee Retirement Income Security Act has not been granted and likely will not be granted in the foreseeable future, changes in chapter . . . , Laws of 1993 (this act) necessary to implement a single-sponsor system, or to implement an alternative system that will assure access to care and control health services costs.

NEW SECTION. Sec. 465. REPORTS OF HEALTH CARE COST CONTROL AND ACCESS COMMISSION. In carrying out its powers and duties under chapter . . . , Laws of 1993 (this act), the design of the uniform benefits package, and the development of guidelines and standards, the commission shall consider the reports of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990. Nothing in chapter . . . , Laws of 1993 (this act) requires the commission to follow any specific recommendation contained in those reports except as it may also be included in chapter . . . , Laws of 1993 (this act) or other law.

NEW SECTION. Sec. 466. EVALUATIONS, PLANS, AND STUDIES. (1) By July 1, 1997, the legislative budget committee either directly or by contract shall conduct the following studies:

(a) A study to determine whether the administrative structure of the Washington health services commission as set forth in section 403 of this act should be continued. The study shall analyze the structure as set forth in chapter . . . , Laws of 1993 (this act), a single administering-agency model, and at least one other salient organizational model, and recommend a structure that would be most efficient and effective;

(b) A study to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into the delivery and financing of uniform benefits package services through certified health plans:

(i) State and federal veterans' health services;

(ii) Civilian health and medical program of the uniformed services (CHAMPUS) of the federal department of defense and other federal agencies; and

(iii) Federal employee health benefits.

(2) The legislative budget committee shall evaluate the implementation of the provisions of chapter . . . , Laws of 1993 (this act). The study shall determine to what extent chapter . . . , Laws of 1993 (this act) has been implemented consistent with the principles and elements set forth in chapter . . . , Laws of 1993 (this act) and shall report its findings to the governor and appropriate committees of the legislature by July 1, 2003.

NEW SECTION. Sec. 467. FINANCIAL AND ACCOUNTING STRUCTURE OF STATE PURCHASED HEALTH CARE. The commission, the office of financial management, and the legislative evaluation and accountability program committee shall jointly review the financial and accounting structure of all current state-purchased health care programs and any new programs established in chapter . . . , Laws of 1993 (this act). They

shall report to the legislature on or before December 1, 1994, with recommendations on how to structure a state-purchased health services budget that: (1) Meets federal and state audit requirements; (2) exercises adequate fiscal and programmatic control; (3) provides management and organizational accountability and control; and (4) provides continuity with historical health services expenditure data.

NEW SECTION. Sec. 468. EVALUATION OF REFORM EFFORT. The office of financial management may undertake or facilitate evaluations of health care reform, including analysis of fiscal and economic impacts, the effectiveness of managed care and managed competition, and effects of reform on access and quality of service.

NEW SECTION. Sec. 469. COORDINATION OF CERTIFIED HEALTH PLANS AND OTHER INSURANCE. (1) On or before December 1, 1994, the legislative budget committee, whether directly or by contract, shall conduct a study related to coordination of certified health plans and other property and casualty insurance products. The goal of the study shall be to determine methods for containing costs of health services paid for through coverage underwritten by property and casualty insurers.

(2) The study shall address methods to integrate coverage sold by property and casualty insurance companies that covers medical and hospital expenses with coverage provided through certified health plans. In conducting the study, the legislative budget committee shall evaluate at least the following options:

(a) Requiring all property and casualty insurance coverage of health services to be provided through managed care systems rather than through fee for service or indemnification plans;

(b) Prohibiting certified health plans from recovering from property and casualty insurance companies amounts that the plan has expended for health services even if coverage for such services is available under property and casualty insurance policies;

(c) Requiring persons injured as a result of an accident, however caused, to obtain health services through a certified health plan, even if coverage for health services is available under a property and casualty insurance policy;

(d) Requiring property and casualty insurance companies to reduce premium rates for all coverage duplicated by a certified health plan to the extent that a certified health plan is denied subrogation rights against the property and casualty insurer;

(e) Prohibiting litigation by any person to recover amounts paid for health services available under a certified health plan, except in limited circumstances such as product liability or other areas of negligence where the negligent party would benefit from such a system without contributing to the costs of providing coverage under certified health plans; and

(f) Limiting property and casualty insurance companies' sale of coverage that would duplicate coverage provided by certified health plans.

NEW SECTION. Sec. 470. A new section is added to chapter 70.170 RCW to read as follows:
HOSPITAL REGULATION STUDY. The department, through a competitive bidding process restricted to those with suitable expertise to conduct such a study, shall contract for an examination of local, state, and federal regulations that apply to hospitals and shall report to the health care policy committees of the legislature by July 1, 1994, on the following:

(1) An inventory of health and safety regulations that apply to hospitals;

(2) A description of the costs to local, state, and federal agencies for operating the regulatory programs;

(3) An estimate of the costs to hospitals to comply with the regulations;

(4) A description of whether regulatory functions are duplicated among different regulatory programs;

(5) An analysis of the effectiveness of regulatory programs in meeting their safety and health objectives;

(6) An analysis of hospital charity care requirements under RCW 70.170.060 and their relevance under the health care reforms created under chapter . . . , Laws of 1993 (this act);

(7) Recommendations on elimination or consolidation of unnecessary or duplicative regulatory activities that would not result in a reduction in the health and safety objectives.

NEW SECTION. Sec. 471. NURSING HOME DOCUMENTATION STUDY. The department of social and health services aging and adult services administration shall, to the extent that resources are available, review all federal and state laws, and departmental rules that require health care providers in nursing homes to submit documentation. The departmental review shall be conducted to determine what documentation or protocols are redundant and can be modified or eliminated without jeopardizing the health and safety of residents or violating federal regulations. The review shall result in an itemized evaluation of the number of forms requiring physician's review and signature together with a citation of their origin. In addition, the department shall review and suggest efficiencies that could be realized through the development of standardized physicians' protocols for repetitive but nonlifethreatening conditions, such as but not limited to, skin tears, early stage decubiti, bowel and bladder care, and other common and predictable nursing home patient conditions. Whenever possible, source documentation should be enabled to allow multiple attestations to be consolidated into a single document. The department shall conduct this review in coordination with different nursing home care constituent groups and professions, including but not

limited to, a gerontologist to be selected by the Washington state medical association and the Washington osteopathic medical association, a nurse to be selected by the Washington state nurses association, one representative from each of the two largest nursing home associations, and a representative of a nursing home residency advocacy group to be selected by the department. The department shall make appropriate regulatory changes, or recommend appropriate regulatory changes to the appropriate regulatory agency, resulting from this review and report its actions and any statutory changes needed to further the goal of regulatory simplification to the chair of the house of representatives health care committee and the chair of the senate health and human services committee by December 12, 1994.

NEW SECTION. Sec. 472. CERTIFIED HEALTH PLAN LICENSING STUDY. The insurance commissioner shall undertake a study of the feasibility and benefits of developing a single licensing category for certified health plans that would replace current statutes licensing disability insurers, health care service contractors, and health maintenance organizations. The commissioner shall report his or her findings and recommendations to the legislature by January 1, 1994. In conducting such study, the commissioner shall:

- (1) Consider standards for the regulation and inclusion of preferred provider organizations, independent practice associations, and independent physician organizations under such new certified health plan statute;
- (2) Review existing capital and reserve statutes governing insurers, contractors, and health maintenance organizations to determine the appropriate level of capital and reserve for licensing of certified health plans to protect consumers while encouraging competition in the certified health plan market from new entrants into the market;
- (3) Review existing rate regulation of disability insurance policies, health care service contracts, and health maintenance agreements and propose a uniform approach for regulation of rates that balances the need of certified health plans to freely compete and the need to protect consumers from inadequate, excessive, or unfairly discriminatory rates;
- (4) Consider regulatory methods to ensure the adequate provision of and contracting with health care facilities and providers by certified health plans to meet the health care needs of enrollees of certified health plans;
- (5) Consider the need to modify existing insurance statutes and regulations to govern the integration, development, and marketing of health care coverage that would supplement the uniform benefits package; and
- (6) Consult with health care service contractors, health maintenance organizations, disability insurance companies, and other health care service providers who would be affected by such changes.

NEW SECTION. Sec. 473. CRIME VICTIMS' COMPENSATION MEDICAL BENEFITS. (1) On or before January 1, 1995, the department of labor and industries in coordination with the commission, shall complete a study related to the medical services component of the crime victims' compensation program of the department of labor and industries. The goal of the study shall be to determine whether and how the medical services component of the crime victims' compensation program can be modified to provide appropriate medical services to crime victims in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Required benefit design, necessary statutory changes, and the use of managed care to provide services to crime victims. The study shall evaluate at least the following options:

- (a) Whether the medical services component of the crime victims' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to crime victims;
 - (b) Whether the medical services component of the crime victims' compensation program should be administered by the health care authority as the state health care purchasing agent;
 - (c) Whether the medical services component of the crime victims' compensation program should be included in the services offered by certified health plans.
- (2) The department of labor and industries shall present the recommendations to the governor and the appropriate committees of the legislature by January 1, 1995.

L. WORKERS' COMPENSATION

NEW SECTION. Sec. 474. WORKERS' COMPENSATION MEDICAL BENEFITS. (1) An employer who self-insures for employee medical benefits or workers' compensation benefits and who meets the requirements for a certified health plan under section 427 of this act, may apply to the department of labor and industries for an exemption from the requirements of Title 51 RCW regarding the medical portion of the workers' compensation program.

- (2) The director of the department of labor and industries shall grant such an exemption if he or she finds that (a) the applicant employer has a record of no less than two years of compliance with the requirements to be a certified health plan, (b) the uniform benefit package provided by the certified health plan that would assume workers' compensation responsibilities include medically necessary services available under the workers' compensation program in 1992, including payments for disability determinations, (c) the state has achieved access by no less than ninety-seven percent of all state residents to coverage for the uniform benefit package, (d) there is no reasonable

expectation that granting such an exemption will result in a reduction in needed time loss awards or rehabilitative services, (e) the employees' share of workers' compensation medical aid fund contributions are returned to the employee as increased wages, and (f) a majority of employees in the employer's company do not object to the exemption.

(3) If, after periodic review of exemptions granted under this section, the director of labor and industries finds that the conditions in subsection (2) of this section are not present, he or she may withdraw the exemption and immediately require the employer to reestablish a separate workers' compensation medical aid fund program.

(4) In consultation with representatives of organized labor and the large and small business communities of the state, and consistent with chapter . . . , Laws of 1993 (this act), the statutory workers' compensation advisory committee and the department of labor and industries shall propose a plan and timeline for including the medical services of the workers' compensation program of the department of labor and industries in the services offered by certified health plans. No plan or timeline may take effect until at least ninety-seven percent of state residents have access to the uniform benefit package as required in chapter . . . , Laws of 1993 (this act). No plan or timeline may be proposed that does not assure that (a) the uniform benefit package provides benefits which are medically necessary under the workers' compensation program in 1993, including payment for medical determinations of disability under chapter RCW, (b) statutory assurances are provided that time loss benefits and rehabilitative services will not be reduced as a result of the transfer, (c) employers who self-fund for health insurance or workers' compensation and who do not choose to become certified health plans under chapter . . . , Laws of 1993 (this act), will continue to be required to provide workers' compensation benefits as required under 1993 law, (d) the employees' share of the workers' compensation medical aid fund contribution is returned to employees as increased wages, and (e) a majority of employees in the employer's company do not object to the change.

The medical aid fund portion of the workers' compensation program affected by this section shall not be less than the percentage of the medical aid portion of the workers' compensation program in 1992.

To help in developing this plan the department of labor and industries may immediately implement pilot projects to assess the effects of this consolidation on the cost, quality comparability, and employer/employee satisfaction with various consolidation proposals.

The plan and timeline required under this subsection shall be presented to the governor and the appropriate committees of the legislature by January 1, 1995. The timeline shall include full implementation of needed rules by July 1, 1998.

NEW SECTION. Sec. 475. MANAGED CARE PILOT PROJECTS. (1) The department of labor and industries, in consultation with the workers' compensation advisory committee, may implement pilot projects to purchase medical services for injured workers through managed care arrangements. The projects shall assess the effects of managed care on the cost and quality of, and employer and employee satisfaction with, medical services provided to injured workers.

(2) The pilot projects may be limited to specific employers. The implementation of a pilot project shall be conditioned upon a participating employer's and a majority of its employees, or the employees' representative, if a collective bargaining agreement exists, voluntarily agreeing to the terms of the pilot. Both the employer and employees are bound by the project agreements for the duration of the project.

(3) For participating employers and for the purpose of completing these pilot projects, the projects shall be exempt from the requirements of Title 51 RCW that would prohibit implementation of the pilot projects. Such exemption relates solely to the purpose and duration of the study. Managed care arrangements for the pilot projects may include the designation of doctors responsible for the care delivered to injured workers participating in the projects.

(4) The projects shall conclude no later than January 1, 1996. The department shall present the results of the pilot projects and any recommendations related to the projects to the governor and appropriate committees of the legislature on or before October 1, 1996.

M. MISCELLANEOUS

NEW SECTION. Sec. 476. SHORT TITLE. This act may be known and cited as the Washington health services act of 1993.

Sec. 477. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

EXECUTIVE STATE OFFICERS. For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee,

the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges (~~(education)~~), state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage (~~(commissioners)~~) commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, (~~(state)~~) public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 478. RCW 43.20.050 and 1992 c 34 s 4 are each amended to read as follows:

STATE BOARD OF HEALTH--PUBLIC HEALTH POLICY. (1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the (~~(health)~~) forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by (~~(June)~~) January 1 of each even-numbered year for adoption by the governor. The governor, no later than (~~(September)~~) March 1 of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board (~~(shall)~~) may create ad hoc committees or other such committees of limited duration as necessary. (~~(Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.)~~)

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health.

Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 479. REPEAL--DENTISTRY--SOLICITATION. RCW 18.32.675 and 1935 c 112 s 19 are each repealed.

NEW SECTION. Sec. 480. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 481. SAVINGS CLAUSE. The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

NEW SECTION. Sec. 482. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 483. CODIFICATION. (1) Sections 401 through 407, 409, 424, 426 through 428, and 446 through 457 of this act shall constitute a new chapter in Title 43 RCW.

(2) Sections 425 and 429 through 445 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 484. RESERVATION OF LEGISLATIVE AUTHORITY. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 485. EFFECTIVE DATE CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

(1) Sections 231 through 254 of this act, which shall take effect July 1, 1994; and

(2) Sections 301 through 303 of this act, which shall take effect January 1, 1996."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Silver; Talcott; and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5332 Prime Sponsor, Committee on Ecology & Parks: Permitting the establishment of an underwater parks system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Natural Resources & Parks: (For Natural Resources & Parks amendment see Journal, 82nd Day, April 2, 1993.)

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Appelwick, G. Fisher and Morton.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5352 Prime Sponsor, Newhouse: Specifying how payments based on retirement agreements shall affect calculation of pension benefits. Reported by Committee on Appropriations

MAJORITY Recommendation: Do pass with the following amendment:

On page 2, after line 6, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

(1) Retirees whose reported earnable compensation included payments made pursuant to an agreement to terminate or retire, or to provide notice of intent to retire, shall not be required to repay to the trust funds any overpayments resulting from the employer misreporting, subject to the conditions provided in subsection (2) of this section. The retirees' allowances shall be prospectively adjusted to reflect the benefits to which the retirees are correctly entitled.

(2) Subsection (1) of this section shall apply only to members of the teachers' retirement system who retired prior to January 1, 1993, from service with a community college district.

(3) Any retirees under subsection (2) of this section who, since January 1, 1990, have had their retirement allowances reduced under RCW 41.50.130(1)(b) because of the inclusion of retirement agreement payments in calculating their allowances, shall have their allowances adjusted to reflect the benefits to which the retirees are correctly entitled, but without a reduction to recoup prior overpayments. The retirees shall be reimbursed by their employers for the cumulative amount of the reduction in their retirement allowance that has occurred since January 1, 1990, to recoup prior overpayments.

(4) Any retirees covered by subsection (2) of this section who, after January 1, 1990, repaid a previous overpayment in a lump sum under RCW 41.50.130(1)(b) because of the inclusion of retirement agreement payments in calculating their allowances, shall be reimbursed by their employers for the amount of the lump sum repayment.

(5) The employers of retirees affected by this section shall be billed by the department for the costs incurred by the trust funds due to the inclusion of retirement agreement payments in calculating retiree benefits. The billings shall be calculated and administered in a manner consistent with the provisions of RCW 41.50.150."

On page 2, after line 6, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

Members of the teachers' retirement system who retired prior to January 1, 1993, from service with a community college district whose reported earnable compensation included payments made pursuant to an agreement to terminate or retire, or to provide notice of intent to retire, and whose retirement allowance has been reduced under RCW 41.50.150 or is reduced after the effective date of this act under section (1) of this act, shall have an opportunity to change the retirement allowance payment option selected by the member under RCW 41.32.530. Any request for a change shall be made in writing to the department no later than October 31, 1993 and shall apply prospectively only."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Carlson, Assistant Ranking Minority Member, Appelwick, Morton, Peery and Rust.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5357 Prime Sponsor, Committee on Education: Requiring contractors for school employment service contracts to provide health care and retirement benefits commensurate with those provided for classified employees providing similar services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, after "the" strike all material through "act." on line 13 and insert "contract, health benefits that are similar to those provided for school employees who would otherwise perform the work, but in no case are such health benefits required to be greater than the benefits provided for basic health care services under chapter 70.47 RCW.

(2) Decisions to enter into contracts for services by a school district or educational service district may only be made: (a) after the affected district has conducted a feasibility study determining the potential costs and benefits, including the impact on district employees who would otherwise perform the work, that would result from contracting for the services; (b) after the decision to contract for the services has been reviewed and approved by the superintendent of public instruction; and (c) subject to any applicable requirements for collective bargaining. The factors to be considered in the feasibility study shall be developed in consultation with representatives of the affected employees and may include both long-term and short-term effects of the proposal to contract for services.

(3) This section applies only if the contract would be for services that are being performed by classified school employees as of the effective date of this act."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5385 Prime Sponsor, Moore: Creating the uniform commercial code fund. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5405 Prime Sponsor, Committee on Education: Raising the minimum dollar amount requiring competitive bidding by school districts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

SB 5444 Prime Sponsor, Talmadge: Eliminating the termination of hospice care and service coverage as medical assistance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Dorn, Leonard, Morton and Wineberry.

Passed to Committee on Rules for second reading.

April 5, 1993

SSB 5492 Prime Sponsor, Committee on Law & Justice: Authorizing the secretary of state to set fees by rule. Reported by Committee on Revenue

MAJORITY recommendation: Do pass as amended by Judiciary: (For Judiciary amendment see Journal, 80th Day, March 31, 1993.)

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5503 Prime Sponsor, Committee on Labor & Commerce: Providing injured workers with an increased incentive to return to work. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Commerce and Labor: (For Commerce & Labor amendment see Journal, 85th Day, April 5, 1993.)

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5590 Prime Sponsor, Committee on Labor & Commerce: Providing service credit for periods of paid leave. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 7, beginning on line 13, strike all of section 7

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Silver, Ranking Minority Member;

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

ESSB 5615 Prime Sponsor, Committee on Education: Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

SSB 5620 Prime Sponsor, Committee on Ways & Means: Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 14, insert:

"(5) The tax imposed under this section shall expire when all obligations for which the taxes have been pledged are satisfied."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Silver; and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Rust; Talcott; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5667 Prime Sponsor, Talmadge: Creating a water trail recreation program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Natural Resources & Parks: (For Natural Resources & Parks amendment see Journal, 82nd Day, April 2, 1993.)

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Rust; Sommers; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Ballasiotes; Sehlin; Sheahan; and Stevens.

Excused: Representatives Appelwick, Morton and Peery.

Passed to Committee on Rules for second reading.

April 3, 1993

SB 5689 Prime Sponsor, Moore: Establishing a license to sell liquor in motels. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Wang.

Excused: Representatives Appelwick, G. Fisher and Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

ESB 5720 Prime Sponsor, Rinehart: Repealing the natural resources conservation areas stewardship account endowment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:
"NEW SECTION. Sec. 1 1991 c 352 s 10 (uncodified) is repealed."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Sheahan; Stevens; and Talcott.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5736 Prime Sponsor, Committee on Labor & Commerce: Regulating chiropractic care for industrial insurance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Commerce & Labor: (For Commerce & Labor amendment see Journal, 82nd Day, April 2, 1993.)

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Silver, Ranking Minority Member.

Excused: Representatives Silver, Ranking Minority Member, Appelwick, G. Fisher and Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

ESB 5745 Prime Sponsor, Bluechel: Creating the PNWER-Net working group. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 30, after "the" strike "PNWER-Networking subgroup" and insert "higher education coordinating board"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative G. Fisher.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

2SSB 5781 Prime Sponsor, Committee on Ways & Means: Improving access to public institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education as such amendment is amended with the following amendment by Committee on Appropriations. (For Higher Education amendment see Journal, 82nd Day, April 2, 1993.)

On page 5, line 1 of the amendment, strike all of section 8.

On page 2, line 1 of the amendment, strike "last fiscal year of the previous biennium beginning with the"

On page 2, line 18 of the amendment, strike "excepting work force training,"

On page 2, line 23 of the amendment, after "biennium." insert "Enrollment increases for each sector of higher education shall be pursuant to goals established by the higher education coordinating board."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Leonard and Morton.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5829 Prime Sponsor, Committee on Labor & Commerce: Licensing mortgage brokers and loan originators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor and as further with the following amendment by Committee on Appropriations. (For Commerce & Labor amendment see Journal, 80th Day, March 31, 1993.)

On page 16, after line 13 of the striking amendment, insert:

"**Sec. 27.** RCW 19.48.020 and 1989 c 98 s 2 are each amended to read as follow:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closing documents" means preliminary negotiations reduced to writing, estimated settlement charges, deeds or deed forms, promissory notes, final loan contracts, and any other document necessary for completion of the loan transaction.

(2) "Lender" shall mean any person in the business of making a loan.

~~((2))~~ (3) "Loan" shall mean any loan used to finance the acquisition of a one-to-four family owner occupied residence located in this state.

~~((3))~~ (4) "Purchasing servicing agent" is any person who purchases, receives through transfer or assignment, or otherwise acquires the responsibility of the servicing for a loan.

~~((4))~~ (5) "Person" shall include an individual, firm, association, partnership, business, trust, corporation, or any other legal entity whether resident or nonresident.

Sec. 28. RCW 19.148. 030 and 1989 c 98 s 3 are each amended to read as follows:

(1) If the servicing for the loan is subject to sale, transfer, or assignment, a lender shall so disclose in writing at the time of or prior to loan closing and shall also disclose in the same writing that when such servicing is sold, transferred, or assigned, the purchasing servicing agent is required to provide notification to the mortgagor. If a lender, which has not provided the notice required by this subsection, consolidates with, merges with or is acquired by another institution, and thereafter loan servicing becomes subject to sale, transfer, or assignment, that institution shall within thirty days of such transaction make the disclosure in writing to the obligor primarily responsible for repaying each loan according to the records of the lender.

(2) If the servicing of a loan is sold, assigned, transferred, or otherwise acquired by another person, the purchasing servicing agent shall:

(a)(i) Issue corrected coupon or payment books, if used and necessary;

(ii) Provide notification to the mortgagor at least thirty days prior to the due date of the first payment to the purchasing servicing agent, of the name, address, and telephone number of the division from whom the mortgagor can receive information regarding the servicing of the loan; and

(iii) Inform the mortgagor of changes made regarding the servicing requirements including, but not limited to, interest rate, monthly payment amount, and escrow balance; and

(b) Respond within fifteen business days upon receipt of a written request for information from a mortgagor. A written response must include the telephone number of the company division who can assist the mortgagor.

(3) Upon request of a loan applicant, a lender shall provide copies of all closing documents to the applicant at least twenty-four hours prior to loan closing. Each lender shall advise a loan applicant at the time of application that the applicant has the right to request and receive copies of closing documents prior to loan closing.

(4) Any person injured by a violation of this chapter may bring an action for actual damages and reasonable attorneys' fees and costs incurred in bringing the action."

On page 16, line 15, after "except for" strike "section 21" and insert "sections 21, 27, and 28"

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5835 Prime Sponsor, McAuliffe: Exempting certain public authority property from taxation. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; Van Luven; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Silver; and Talcott.

Passed to Committee on Rules for second reading.

April 3, 1993

2SSB 5836 Prime Sponsor, Committee on Ways & Means: Redefining the relationship between the state and its postsecondary institutions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Higher Education: (For Higher Education amendment see Journal, 81st Day, April 1, 1993.)

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representative Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

SSB 5837 Prime Sponsor, Committee on Government Operations: Financing state and local government. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Local Government as such amendment, with the following amendment by Committee on Capital Budget. (For Local Government amendment see Journal, 85th Day, April 5, 1993.)

On page 6, after line 11, insert

"(4) The state finance committee shall make a report to the appropriate legislative committees on payment agreements authorized in this act. The report shall include the governmental entity entering into a payment agreement, the amount of the agreement, the expected savings resulting from the agreement, the transactions cost, and any other information the state finance committee determines relevant. The report shall be submitted on November 30, 1993 and December 30, 1994."

Signed by Representatives Wang, Chair; Ogden, Vice Chair; Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; R. Fisher; Heavey; Jacobsen; Jones; Romero; Silver; Sommers; and Thomas.

MINORITY recommendation: Do not pass. Signed by Representative Brough.

Excused: Representatives Eide and Ludwig.

Passed to Committee on Rules for second reading.

April 5, 1993

2SSB 5850 Prime Sponsor, Committee on Ways & Means: Clarifying definitions relating to farmers. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment by Committee on Revenue and without amendment by Committee on Agriculture & Rural Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.

(2) "Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber.

Sec. 2. RCW 82.04.050 and 1988 c 253 s 1 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the

purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon, or (e) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner; (d) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (e) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (f) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (g) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind. The term shall also not include sales of feed, seed, seedlings, fertilizer, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program, or to ~~((persons))~~ farmers for the purpose of producing for sale any agricultural product ~~((whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330))~~, nor shall

it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 3. RCW 82.04.330 and 1988 c 253 s 2 are each amended to read as follows:

This chapter shall not apply to any ~~((person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products))~~ farmer that sells any agricultural product at wholesale ~~((by such grower, producer, or raiser thereof))~~. This exemption shall not apply to any person selling such products at retail ~~((or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession))~~.

This chapter shall also not apply to any persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 2, 1993

SB 5883 Prime Sponsor, Bauer: Changing funding procedures for high school students enrolled in the running start program in community or technical colleges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Education: (For Education amendment see Journal, 85th Day, April 5, 1993.)

Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Leonard; Linville; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Appelwick, Lemmon, Morton and Peery.

Passed to Committee on Rules for second reading.

April 3, 1993

SSB 5889 Prime Sponsor, Committee on Higher Education: Awarding grants for pilot regional collaborative professional development school projects. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Excused: Representatives Dellwo and Morton.

Passed to Committee on Rules for second reading.

April 5, 1993

SSB 5896 Prime Sponsor, Committee on Government Operations: Authorizing counties to use the hotel-motel tax for public restroom facilities. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Silver; Talcott; Thibaudeau; Van Luven; and Wang.

Passed to Committee on Rules for second reading.

April 3, 1993

SB 5906 Prime Sponsor, Moore: Modifying electrical inspection standards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Rust; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Sehlín; and Sheahan.

Excused: Representatives Leonard, Morton and Peery.

Passed to Committee on Rules for second reading.

April 5, 1993

SB 5925 Prime Sponsor, Snyder: Allowing lodging tax for counties with national monuments. Reported by Committee on Revenue

MAJORITY Recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any county with a population greater than seventy-five thousand in which is located all or part of a national monument is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over the tax to the county as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county. The taxes shall only be used for the acquisition, construction, repair, improvement, and marketing of a rest area for tourists which includes restrooms, picnic areas, trails and viewpoints, emergency facilities, transient parking facilities, and concession and gift sales, or to pay or secure the payment of all or any portion of general obligation bonds issued for such purposes. As used in this section, "transient parking facilities" does not include parking spaces to be used for overnight stays.

(5) The tax authorized in subsection (1) of this section may only be imposed if the county and at least one of the two largest cities in the county provide moneys for the project described in subsection (4) of this section from revenue received under RCW 67.28.180 or if the county provides moneys for the project from revenue received under RCW 82.14.030. Moneys provided under this section shall be deposited in the special fund created under subsection (4) of this section and may be used only as provided in subsection (4) of this section.

Sec. 2. RCW 67.28.200 and 1991 c 331 s 2 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized ((by RCW 67.28.180, 67.28.182, and 67.28.230 through 67.28.250, and 67.28.260)) under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Brown; Cothorn; Leonard; Morris; Romero; Silver; Talcott; Thibaudeau; and Van Luven.

MINORITY Recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member; Rust; and Wang.

Excused: Representative Anderson.

Passed to Committee on Rules for second reading.

On motion of Representative Peery, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Tuesday, April 6, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTY-FIFTH DAY, APRIL 5, 1993

JOURNAL OF THE HOUSE

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

EIGHTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 6, 1993

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gavin Schmidt and Laura Farina. Inspirational Message was offered by Representative Dorn.

MESSAGE FROM THE SENATE

April 5, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1707,
SUBSTITUTE HOUSE BILL NO. 1839,
HOUSE BILL NO. 1857,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

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

SECOND READING

With the consent of the House, further consider of Substitute Senate Bill No. 5088 was deferred and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5802, by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr and Drew)

Regarding state environmental policy act documents.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rust and Horn spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Dyer was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5802.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5802 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Wineberry - 1.

Excused: Representative Dyer - 1.

Substitute Senate Bill No. 5802, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

SENATE JOINT MEMORIAL NO. 8017, by Senators Jesernig and Loveland

Requesting the United States Department of Energy to support the Fast Flux Test Facility at Hanford.

The memorial was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Bray and Casada spoke in favor of passage of the memorial.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Joint Memorial No. 8017.

ROLL CALL

The Clerk called the roll on final passage of Senate Joint Memorial No. 8017 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Joint Memorial No. 8017, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5067, by Senators A. Smith, McCaslin and Nelson

Altering the provisions concerning joint tenancy.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ludwig spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5067.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5067 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5067, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5070, by Senators Prentice and Roach

Using labor relations consultants.

The bill was read the second time.

Representative Lisk moved adoption of the following amendment by Representatives Lisk and Chandler:

On page 2, after line 19, insert:

"The state auditor shall require from every employee organization that negotiates a collective bargaining agreement with any taxing district or other political subdivision a report, stating all expenditures for labor relations consultants, with the identification of such consultant, compensation, and the terms and conditions of each arrangement."

Representatives Lisk and Chandler spoke in favor of adoption of the amendment and Representative Heavey spoke against it. The amendment was not adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5070.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5070 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Fuhrman, Grant, Hansen, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn,

Reams, Schoesler, Sehlin, Sheahan, Silver, Sommers, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Senate Bill No. 5070, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Sheldon, consideration of Senate Bill No. 5107 was deferred and the bill held its place on the second reading calendar.

SENATE BILL NO. 5126, by Senators Snyder, Owen, Haugen, Spanel, Sellar, Oke, Bauer, Amondson and Erwin; by request of Department of Fisheries

Correcting references to the geographical landmark on Cape Shoalwater.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative King spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5126.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5126 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5126, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5128, by Senators Moore, Newhouse, Snyder and Amondson

Raising keg registration container size requirements from four to five and one-half gallons.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5128.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5128 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5128, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5260, by Senators Spanel, Owen, Oke, Haugen, Hargrove and Snyder

Requiring salmon food fish to be labeled by its source and common name.

The bill was read the second time.

Representative King moved the committee amendment by Committee on Fisheries and Wildlife not be adopted. (For committee amendments see Journal, 75th Day, March 25, 1993.)The motion was carried.

Representative King moved adoption of the following amendment by Representatives King and Foreman:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that salmon consumers in Washington benefit from knowing the species and origin of the salmon they purchase. The accurate identification of such species, as well as knowledge of the country or state of origin and of whether they were caught commercially or were farm-raised, is important to consumers.

NEW SECTION. Sec. 2. A new section is added to chapter 69.04 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 3 through 5 of this act.

(1) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

SCIENTIFIC NAME	COMMON NAME
<i>Oncorhynchus tshawytscha</i>	Chinook salmon or king salmon
<i>Oncorhynchus kisutch</i>	Coho salmon or silver salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon
<i>Salmo salar</i> (in other than its landlocked form)	Atlantic salmon

(2) "Commercially caught" means salmon harvested by commercial fishers.

NEW SECTION. Sec. 3. A new section is added to chapter 69.04 RCW to read as follows:

With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell at wholesale or retail any fresh or frozen salmon food fish or cultured aquatic salmon without identifying the species of salmon by its common name to the buyer at the point of sale such that the buyer can make an informed decision in purchasing. A person knowingly violating this section is guilty of misbranding under this chapter. A person who receives misleading or erroneous information about the species of salmon and subsequently inaccurately identifies salmon shall not be guilty of misbranding. This section shall not apply to salmon that is minced, pulverized, coated with batter, or breaded.

NEW SECTION. Sec. 4. A new section is added to chapter 69.04 RCW to read as follows:

With the exception of a commercial fisher engaged in sales of fish to a fish buyer, no person may sell at wholesale or retail any fresh or frozen:

(1) Private sector cultured aquatic salmon without identifying the product as farm-raised salmon; or

(2) Commercially caught salmon designated as food fish under Title 75 RCW without identifying the product as commercially caught salmon.

Identification of the products under subsections (1) and (2) of this section shall be made to the buyer at the point of sale such that the buyer can make an informed decision in purchasing.

A person knowingly violating this section is guilty of misbranding under this chapter. A person who receives misleading or erroneous information about whether the salmon is farm-raised or commercially caught, and subsequently inaccurately identifies salmon shall not be guilty of misbranding. This section shall not apply to salmon that is minced, pulverized, coated with batter, or breaded.

NEW SECTION. Sec. 5. A new section is added to chapter 69.04 RCW to read as follows:

To promote honesty and fair dealing for consumers, the director, in consultation with the director of the department of fisheries, shall adopt rules:

- (1) Fixing and establishing a reasonable definition and standard of identity for salmon for purposes of identifying and selling salmon;
- (2) Enforcing sections 3 and 4 of this act."

Representatives King spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5260 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5260 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5260 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5265, by Senators Snyder, Winsley, A. Smith, Bauer, Hochstatter, Gaspard, L. Smith, Loveland, Vognil, Skratek and Pelz

Modifying funeral expenses of a deceased person.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5265.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5265 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer,

Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5265, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) recessed the House until 1:45 p.m.

AFTERNOON SESSION

The Speaker (Representative R. Meyers presiding) called the House to order.

The Clerk called the roll and a quorum was present.

With the consent of the House, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2124 by Representatives Patterson and Locke

AN ACT Relating to notice and verification of initiatives, referendums, and other ballot measures; amending RCW 29.27.074 and 29.79.200; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

On motion of Representative Sheldon, the bill listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

SENATE BILL NO. 5302, by Senators Owen, Hargrove and Oke

Concerning food fish and shellfish rules.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives King and Fuhrman spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Locke and Springer were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5302.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5302 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen,

Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Absent: Representatives Johnson, R., Morton and Valle - 3.

Excused: Representatives Locke and Springer - 2.

Senate Bill No. 5302, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5368, by Senators Owen, Sutherland, McDonald, Bauer, Nelson, Anderson and Erwin

Creating a sales tax exemption for certain vessels.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Morton was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5368.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5368 and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Dunshee and Peery - 2.

Absent: Representative Valle - 1.

Excused: Representatives Locke, Morton and Springer - 3.

Senate Bill No. 5368, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5378, by Senators M. Rasmussen, Barr, Loveland and Winsley; by request of Department of Agriculture

Modifying the regulation of horticultural plants and facilities.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rayburn and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5378.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5378 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Locke, Morton and Springer - 3.

Engrossed Senate Bill No. 5378, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5384, by Senators Moore, Newhouse, McAuliffe and Erwin; by request of Department of Licensing

Regulating investment advisory contracts.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5384.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5384 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Brown - 1.

Excused: Representatives Locke and Springer - 2.

Senate Bill No. 5384, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of Senate Bill No. 5387 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5407, by Senators Loveland, Barr and M. Rasmussen

Regarding county administration of agricultural burning permits.

The bill was read the second time. Committee on Environmental Affairs Recommendation: Majority do pass as amended. (For committee amendments see Journal, 78th Day, March 29, 1993)

Representative Rust moved the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Rust spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5407 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5407 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Locke - 1.

Substitute Senate Bill No. 5407, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5426, by Senators Loveland, Newhouse, Vognild and Prince; by request of Department of Transportation

Consolidating gross weight permit authority.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5426.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5426 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Locke - 1.

Senate Bill No. 5426, having received the constitutional majority, was declared passed.

With consent of the House, the House reverted to consideration of Senate Bill No. 5387.

SENATE BILL NO. 5387, by Senators Fraser, Talmadge and Haugen; by request of Department of Ecology

Including the water pollution control revolving fund in the funds that will be credited with earnings of investments of surplus funds.

The bill was read the second time.

Representative Rust moved the following amendment by Representative Rust:

On page 4, after line 7, insert "**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Rust spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Rust and Horn spoke in favor of passage of the bill as amended by the House.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5387 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5387 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Locke - 1.

Senate Bill No. 5387, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5442, by Senators Vognild, Sellar, Skratek and von Reichbauer

Clarifying authority of tow truck operators.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5442.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5442 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Locke - 1.

Engrossed Senate Bill No. 5442, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of Substitute Senate Bill No. 5443 and the bill held its place on the second reading calendar.

SENATE BILL NO. 5484, by Senators Quigley, Roach, Vognild, Prince, Loveland, Moyer, McAuliffe and L. Smith

Preserving rights under prior lien laws.

The bill was read the second time. Committee on Commerce and Labor Recommendation: Do pass as amended. (For committee amendment see Journal, 75th Day, March 25th, 1993)

Representative Heavey moved the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5484 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5484 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Locke - 1.

Senate Bill No. 5484 as amended by the House, having received the constitutional majority, was declared passed.

With consent of the House, the House reverted to consideration of Substitute Senate Bill No. 5443.

SUBSTITUTE SENATE BILL NO. 5443, by Senators M. Rasmussen, Barr and Loveland; by request of Department of Agriculture

Modifying the regulation of livestock.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative Rayburn moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5443 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5443 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Voting nay: Representatives Ballard, Casada, Fuhrman, Mielke, Padden, Tate and Van Luven - 7.

Substitute Senate Bill No. 5443 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5534, by Senators Vognild and Prince

Authorizing terminal safety audits of private carriers.

The bill was read the second time. Committee on Transportation recommendation: Majority do pass as amended. (For committee amendment see Journal, 75th Day, March 25th 1993.)

Representative Jones moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5534 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5534 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero,

Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5534 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5574, by Senators Williams, Moore, Pelz and Franklin

Regulating credit information use.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority do pass as amended. (For committee amendment see Journal, 80th Day, March 31st 1993.)

Representative Zellinsky moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Zellinsky spoke in favor of passage of the bill as amended by the House.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5574 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5574 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5574 as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of Substitute Senate Bill No. 5634 and Senate Bill No. 5638.

ENGROSSED SENATE BILL NO. 5694, by Senators Snyder, Sutherland and Vognild

Lowering the age for use of an out-of-state license or learner's permit.

The bill was read the second time. Committee on Transportation recommendation: Majority do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative Jones moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Jones spoke in favor of passage of the bill as amended by the House.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5694 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5694 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5694 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5704, by Senators Prentice, Moore and Amondson

Penalizing unlawful factoring of credit card transactions.

The bill was read the second time. Committee on Judiciary recommendation: Majority do pass as amended. (For committee amendment see Journal, 80th Day, March 31, 1993.)

Representative Appelwick moved adoption of the committee amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5704 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5704 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5704 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5778, by Senators Prentice, Hargrove, Jesernig, Prince, Wojahn, Haugen, Franklin, Spanel, Fraser, Barr, Amondson, McAuliffe, Moore, Moyer, Hochstatter and Pelz

Creating a joint underwriting association for midwives.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky, Chappell and Lemmon spoke in favor of passage of the bill and Representatives Mielke and Dyer spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5778.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5778 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Casada, Chandler, Dyer, Edmondson, Foreman, Mielke, Miller, Morton, Padden, Riley, Schoesler, Sehlin, Sheahan, Silver, Stevens, Tate, Vance and Wood - 21.

Engrossed Substitute Senate Bill No. 5778, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of Senate Bill No. 5815.

SENATE BILL NO. 5851, by Senators Gaspard and Sellar

Changing the membership of the joint legislative systems committee.

The bill was read the second time.

Representative Reams moved the following amendment by Representative Reams and Anderson:

On page 1, line 10, strike "~~eight~~ four" and insert "eight"

On page 1, line 13, strike "A member" and insert "~~(A member)~~ Two members"

On page 1, line 18, strike "A member" and insert "~~(A member)~~ Two members"

Representative Reams spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Anderson spoke in favor of passage of the bill as amended by the House.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5851 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5851 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn,

Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5851, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5922, by Senators Snyder, Deccio, Vognild and Newhouse

Regarding the use of controlled substances by advanced registered nurse practitioners, certified nurse anesthetists.

The bill was read the second time. Committee on Health Care recommendation: Majority do pass as amended. (For committee amendments see Journal, 80th Day, March 31, 1993.)

Representative Dellwo moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

POINT OF INQUIRY

Representative Dellwo yielded to question by Representative Dyer.

Representative Dyer: Is it the intent of the legislation to confer rulemaking authority on the Board of Nursing regarding the content of the protocols required by this bill?

Representative Dellwo: No, it is our intent that each facility will develop the protocols consistent with this legislation.

Representative Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5922 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5922 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5922, as amended by the House, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8021, by Senators Williams, McCaslin, Fraser, Talmadge, M. Rasmussen, Moore, Deccio, Sutherland, Barr and Franklin

Requesting federal assistance with implementing the safe drinking water act.

The memorial was read the second time. Committee on Environmental Affairs recommendation: Majority do pass as amended. (For committee amendment see Journal, 73rd Day, March 24, 1993.)

Representative Rust moved adoption of the committee amendment.

Representatives Rust and Horn spoke in favor of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the memorial as amended by the House was placed on final passage.

Representative Rust spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Joint Memorial No. 8021 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Joint Memorial No. 8021 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Joint Memorial No. 8021 as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House reverted to consideration of Senate Bill No. 5107.

SENATE BILL NO. 5107, by Senators Sutherland and A. Smith

Concerning arrest without warrant.

The bill was read the second time.

With the consent of the House, Representative Eide withdrew amendment No. 318.

Representative Eide moved the following amendment by Representatives Eide, Appelwick and Padden:

On page 3, after line 32 insert "For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280 (1) (c) through (e)."

Representative Eide spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5107 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5107 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5107, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MESSAGES FROM THE SENATE

April 6, 1993

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1022,
HOUSE BILL NO. 1035,
HOUSE BILL NO. 1038,
HOUSE BILL NO. 1079,
HOUSE BILL NO. 2032,

and the same are herewith transmitted

Brad Hendrickson, Deputy Secretary

April 6, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5082,
SENATE BILL NO. 5125,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SENATE BILL NO. 5217,
SENATE BILL NO. 5229,

and the same are herewith transmitted

Brad Hendrickson, Deputy Secretary

April 6, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1064,
HOUSE BILL NO. 1184,
ENGROSSED HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1544,
SUBSTITUTE HOUSE BILL NO. 1837,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4000,
HOUSE JOINT MEMORIAL NO. 4007,

and the same are herewith transmitted

Brad Hendrickson, Deputy Secretary

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

MOTION

On motion of Representative Anderson, the House adjourned until 10:00 a.m., Wednesday, April 7, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTY-SIXTH DAY, APRIL 6, 1993

JOURNAL OF THE HOUSE

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

EIGHTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 7, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Sheldon presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kristan Tanner and Scott Jones. Inspirational Message was offered by Representative Bray.

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

MESSAGES FROM THE SENATE

April 6, 1993

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8406,

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1476,
ENGROSSED HOUSE BILL NO. 1484,
SUBSTITUTE HOUSE BILL NO. 1612,
HOUSE BILL NO. 1838,
SUBSTITUTE HOUSE BILL NO. 1977,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2125 by Representatives Jones, Pruitt, Carlson, G. Fisher and G. Cole

AN ACT Relating to school administrator compensation; adding a new section to chapter 28A.405 RCW; and providing an effective date.

Referred to Committee on Education.

HB 2126 by Representative Sommers; by request of Office of Financial Management

AN ACT Relating to retirement system contribution rates; amending RCW 41.45.030, 41.45.040, 41.45.060, and 41.45.0601; adding a new section to chapter 41.50 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

SCR 8406 by Senators M. Rasmussen, Loveland, Barr, Haugen, Winsley, Anderson, Moyer, Prentice, Deccio, Bauer, Spanel, Skratek, Snyder, Franklin and Hochstatter

Creating a committee for agricultural housing and benefits.

Referred to Committee on Trade, Economic Development & Housing.

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

MESSAGE FROM THE SENATE

April 7, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5067,
SENATE BILL NO. 5070,
SENATE BILL NO. 5126,
SENATE BILL NO. 5128,
SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5802,
SENATE JOINT MEMORIAL NO. 8017,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker (Representative R. Meyers presiding) introduced former Speaker John L. O'Brien to preside.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4632, by Representatives Thibaudeau, Wineberry, Locke, Anderson, Wood and Van Luven

and WHEREAS, The O'Dea High School Boys' Basketball Team is the 1993 State Basketball AA Champions;

and WHEREAS, This is O'Dea's first AA victory; and

and WHEREAS, O'Dea won thirteen of its last fourteen games as well as ranked in the top five in state defense;

and WHEREAS, Each and every member of the team played a key role in the march to victory; and

and students; WHEREAS, This victory could only be achieved with the cooperation of the coach, staff, district, community,

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the O'Dea High School Boys' Basketball Team for this well-deserved championship and for its contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Captain of the O'Dea Boys' Basketball Team, team members, Head Coach Phil Lumpkin, the principal, and the student body president.

Representative Thibaudeau moved adoption of the resolution.

Representatives Thibaudeau, Basich, Wineberry and Heavey spoke in favor of adoption of the resolution.

House Resolution No. 4632 was adopted.

The Speaker (Representative R. Meyers presiding) assumed the chair.

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

SECOND READING

MOTION

Representative Sheldon moved the House consider the following bill in the following order on the second reading calendar: Substitute Senate Bill No. 5567 and Senate Bill No. 5634. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5567, by Committee on Government Operations (originally sponsored by Senators Barr, Owen and Erwin)

Allowing benefits for emergency medical service district volunteers.

The bill was read the second time. Committee recommendation by Committee on Local Government: Majority do pass as amended. (For committee amendment see Journal, 75th Day March 25, 1993.)

Representative Bray moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bray and Morton spoke in favor of passage of the bill.

On motion of Representative Zellinsky, Representatives Wang and Morris were excused.

On motion of Representative Wood, Representative Dyer was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5567 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5567 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused -3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Dyer, Morris and Wang - 3.

Substitute Senate Bill No. 5567 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MOTION

Representative Sheldon moved the House consider the following bill in the following order: Substitute Senate Bill No. 5634 and House Bill No. 2111. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5634, by Senate Committee on Government Operations (originally sponsored by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew)

Requiring state agencies to submit interagency disputes to arbitration before filing lawsuits.

The bill was read the second time. Committee recommendation by Committee on State Government: Majority, do pass as amended. (For committee amendment see Journal 75th Day March 25, 1993.)

Representative Anderson moved adoption of the committee amendment. The committee amendment was adopted.

With the consent of the House, Representative Dyer withdrew amendment number 317.

MOTION

Representative Sheldon moved the House defer further action on Substitute Senate Bill No. 5634 and the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED HOUSE BILL NO. 2111, by Representative R. Fisher; by request of Office of Financial Management

Adopting the supplemental transportation budget.

The bill was read the second time. Committee recommendation by Committee on Transportation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative R. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2111.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 2111 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Bill No. 2111, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5026, by Senate Committee on Government Operations (originally sponsored by Senator A. Rasmussen)

Revising provisions regulating funeral directors, embalmers, and crematories.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill, was placed on final passage.

Representatives G. Cole and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5026.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5026 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5026, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5053, by Senators A. Smith, Haugen, Loveland and McAuliffe

Requiring the department of licensing to collect the local vessel excise tax on behalf of the counties.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Brown spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5053.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5053 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5053, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5077, by Senator Vognild

Specifying when damages for pain and suffering of a deceased person may be recovered by survivors.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5077.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5077 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5077, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110, by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Drew and Winsley)

Acquiring property by eminent domain.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5110.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5110 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate,

Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5110, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157, by Senate Committee on Law & Justice (originally sponsored by Senators Hargrove and Nelson)

Increasing statutory attorneys' fees.

The bill was read the second time. Committee recommendation by Committee on Judiciary: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 31, 1993.)

Representative Appelwick moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5157 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5157 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5157 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5233, by Senators A. Smith, McCaslin, Spanel, Nelson and Hargrove

Specifying the fees allowed to prevailing parties for costs related to service of process.

The bill was read the second time. Committee recommendation by Committee on Judiciary: Majority do pass as amended. (For committee amendment see Journal 80th Day March 31, 1993.)

Representative Appelwick moved adoption of the committee amendment and spoke in favor of it.

Representative Padden called for a division.

The Speaker called upon the House to divide. The result of the division was 47-YEAS; 51-NAYS. The committee amendment was not adopted.

POINT OF PERSONAL PRIVILEGE

Representative Padden: Thank you, Mr. Speaker, I do take it exception the way last matter was handled on the floor of the House and the delay and that while the Speaker went over and made a phone call and not even be able to make the real motion the way it was presented. I think the members on the floor of the House did not have

the advantage of having been made the motion was made by the Chairman of Judiciary committee to adopt the amendment and I think that clearly was fully intended, I just am very upset with that process, I think you deviated from the usual fair of method of handling items on the floor.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5233.

Representative Appelwick spoke in favor of passage of the bill and Representative Padden spoke against it.
ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5233 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Campbell, Dyer, Fuhrman and Padden - 4.

Senate Bill No. 5233, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) recessed the House until 1:15 p.m.

AFTERNOON SESSION

The Speaker (Representative J. Kohl presiding) called the House to order.

The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: Second Substitute Senate Bill No. 5237, Substitute Senate Bill No. 5313, Substitute Senate Bill No. 5432, Substitute Senate Bill No. 5487, Second Substitute Senate Bill No. 5511, Senate Bill No. 5523, Engrossed Senate Bill No. 5545 and Senate Bill No. 5546. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5237, by Senate Committee on Ways & Means (originally sponsored by Senators M. Rasmussen, A. Smith, Nelson, Winsley, Haugen, von Reichbauer, Oke, Roach and Spanel; by request of Attorney General and Secretary of State)

Regulating charitable solicitations.

The bill was read the second time. Committee recommendation by Committee on Judiciary: Majority, do pass as amended. (For committee amendments see Journal, 73rd Day, March 24, 1993.)

Representative Ludwig moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5237 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Second Substitute Senate Bill No. 5237 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5237 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5313, by Senate Committee on Government Operations (originally sponsored by Senators Loveland, Winsley, Oke, Haugen, Sheldon, Owen, Quigley and Erwin)

Deleting the expiration date for a portion of the surcharge on recording documents.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5313.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5313 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5313, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5432, by Senate Committee on Labor & Commerce (originally sponsored by Senators Pelz, Prentice, Moore, Franklin, Bauer, Wojahn, Fraser and Skratek)

Studying discrimination based on race and national origin in home mortgage lending.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Zellinsky spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5432.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5432 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5432, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5487, by Senate Committee on Agriculture (originally sponsored by Senators Bauer, Barr, M. Rasmussen, Snyder, Gaspard, Vogniid, Newhouse, Drew, Sutherland, Quigley, Hochstatter and Loveland)

Changing provisions regarding agister liens.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5487.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5487 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5487, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5511, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Winsley, Quigley, Snyder and Pelz; by request of Secretary of State)

Enabling voter registration by mail.

The bill was read the second time.

Representative Vance moved the adoption of the following amendment by Representative Vance:

On page 2, line 35, after "complete," insert " and the applicant is not an individual who has been convicted of an infamous crime and whose civil rights have not been restored,"

On page 3, after line 21, insert a new section as follows:

" **NEW SECTION. Sec. 7.** A new section is added to chapter 10.64 RCW to read as follows:

Within fourteen days of the entry of a judgment of conviction of an individual for an infamous crime, the clerk of the court shall send a notice of the conviction including the full name of the defendant and his or her residential address to the county auditor or custodian of voting records in the county of the defendant's residence.

Representative Vance spoke in favor of adoption of the amendment and Representative Anderson spoke against it.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2, line 35 by Representative Vance to Second Substitute Senate Bill No. 5511 and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Cooke, Cothorn, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Horn, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Conway, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 54.

Representative Anderson moved the adoption of the following amendment by Representative Anderson and Reams:

On page 3, at the beginning of line 36, strike "Costs" and insert "However, costs"

On page 3, line 37, after "registration" strike "cards" and insert "forms"

Representative Anderson spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5511 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Second Substitute Senate Bill No. 5511 as amended by the House, and the bill passed the House by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Cooke, Cothorn, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Horn, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Conway, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H.,

Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 54.

Second Substitute Senate Bill No. 5511 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5523, by Senators Barr, Snyder and Prince

Expanding authority for appointment of district court judges pro tem.

The bill was read the second time. Committee recommendation by Committee on Judiciary: Majority, do pass as amended. (For committee amendments see Journal 80th Day March 31, 1993.)

Representative Ludwig moved adoption of the committee amendments. The committee amendments were adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Ludwig, Padden and Jacobsen spoke in favor of final passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5523 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5523 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5523 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5545, by Senators Williams, Bluechel and Moore

Modifying qualifications for registered architects.

The bill was read the second time. Committee recommendation by Committee on Commerce & Labor: Majority, do pass as amended. (For committee amendments see Journal, 82nd Day, April 2, 1993.)

Representative Heavey moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Heavey and Lisk spoke in favor of final passage of the bill as amended.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5545 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5545 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5545 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5546, by Senators Prentice and Moore; by request of Employment Security Department

Regulating unemployment compensation.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5546.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5546 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5546, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1130,
HOUSE BILL NO. 1216,
HOUSE BILL NO. 1217,
ENGROSSED HOUSE BILL NO. 1238,
SUBSTITUTE HOUSE BILL NO. 1253,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1400,
SUBSTITUTE HOUSE BILL NO. 1480,

ENGROSSED HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1528,
HOUSE BILL NO. 1643,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4000,
SENATE BILL NO. 5067,
SENATE BILL NO. 5070,
SENATE BILL NO. 5126,
SENATE BILL NO. 5128,
SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5802,
SENATE JOINT MEMORIAL NO. 8017,

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MESSAGES FROM THE SENATE

April 7, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SENATE BILL NO. 5378,
SENATE BILL NO. 5384,
SENATE BILL NO. 5426,
ENGROSSED SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5778,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 7, 1993

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1075,
SUBSTITUTE HOUSE BILL NO. 1119,
SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 1324,
SUBSTITUTE HOUSE BILL NO. 1555,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849,
SUBSTITUTE HOUSE BILL NO. 1973,
ENGROSSED HOUSE BILL NO. 2061,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Peery moved the House consider the following bills in the following order: Substitute Senate Bill No. 5937 and Substitute Senate Bill No. 5686. The motion was carried.

With the consent of the House consideration of Substitute Senate Bill No. 5937 was deferred and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5686, by Senate Committee on Labor & Commerce (originally sponsored by Senators Williams and Pelz)

Limiting the penalty charge for late payment of a credit card balance.

The bill was read the second time. Committee recommendation by Committee on Financial Institutions & Insurance: Majority, do pass as amended. (For committee amendments see Journal, 78th Day, March 29, 1993.)

Representative Zellinsky moved adoption of the committee amendments. The committee amendments were adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of final passage of the bill as amended.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5686 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5686 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5686 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5688, by Senate Committee on Natural Resources (originally sponsored by Senators Owen, A. Smith and Oke)

Modifying enforcement of forest practices guidelines.

The bill was read the second time. Committee recommendation by Committee on Natural Resources & Parks: Majority, do pass as amended. (For committee amendment see Journal 82nd Day April 2, 1993.)

Representative Pruitt moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill as amended by the House, was placed on final passage.

Representatives Pruitt and Morton spoke in favor of final passage of the bill.

POINT OF INQUIRY

Representative Pruitt yielded to a question by Representative Sheldon.

Representative Sheldon: Thank you Mr. Speaker. Major policy change in this bill provides DNR the administrative authority to disapprove forest practice permits for up to one year, if a person has failed to comply with the final order or final decision or has failed to pay civil penalties issued under statutes. Currently the authority to disapprove all subsequent forest practice applications requires court action. Why is this change necessary?

Representative Pruitt: The commissioner of Public Lands, Jennifer Belcher, and DNR officials testified in our committee that this administrative authority was necessary to fully enforce notices to comply with stop work orders and civil penalties issued by the Department. It is targeted at chronic violators, taking an offending party to court takes time, and without this disapproval authority DNR has no choice but to approve subsequent forest practices applications, even if previous violations have not been corrected or civil penalties paid.

Representative Sheldon: Thank you, so this section of Substitute Senate Bill No. 5688 along with increasing the maximum civil penalty from 500 dollars to 10,000 dollars per violation is intended to provide a strong deterrent and enforcement authority, not a separate punitive action against the land owner or operator after they have complied with the final order or final decision, paid the civil penalty or received relief on administrative or judicial appeal.

Representative Pruitt: The authority disapproves subsequent forest practice applications for up to one year, but ends immediately once the applicant is in compliance with the final order or the final decision or pays the civil penalty which was the basis of DNR written notice initiating the disapproval period.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5688 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5688 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5688 as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, Engrossed Substitute Senate Bill No. 5702 was deferred and held its place on the second reading calendar.

With the consent of the House, the House reverted to consideration of Substitute Senate Bill No. 5937.

SUBSTITUTE SENATE BILL NO. 5937, by Senate Committee on Ways & Means (originally sponsored by Senators Quigley, Snyder, Gaspard, von Reichbauer, Vognild, A. Smith, Rinehart, McAuliffe, Drew, Hargrove, Sheldon, Loveland, Haugen, Erwin, Sutherland, Jesernig, Skratek, Spanel, Niemi, Roach, Hochstatter and Deccio)

Including certain indebtedness in the calculation of the seven percent debt limitation.

The bill was read the second time. Committee recommendation by Committee on Capital Budget: Majority, do pass as amended. (For committee amendments see Journal 73rd. Day March 24, 1993.)

Representative Wang moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Wang and Sehlin spoke in favor of final passage of the bill as amended.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5937 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5937 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5937 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the House consider the following bills in the following order: Engrossed Senate Bill No. 5831, Substitute Senate Bill No. 5839 and Substitute Senate Bill No. 5913. The motion was carried.

ENGROSSED SENATE BILL NO. 5831, by Senators Barr, Sutherland and McCaslin

Limiting certain payments by electrical utilities to owners of residences in which the primary heat source is electric resistance space heat.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grant and Casada spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5831.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5831 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero,

Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5831, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5839, by Senate Committee on Government Operations (originally sponsored by Senators Cantu, Drew, Haugen and Winsley)

Providing consolidated mail service for state agencies.

The bill was read the second time. Committee recommendation by Committee on State Government: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Anderson moved adoption of the committee amendment spoke in favor of the it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Anderson and Reams spoke in favor of final passage of the bill as amended.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5839 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5839 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5839 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5913, by Senate Committee on Government Operations (originally sponsored by Senator Sellar)

Modifying annexation procedures for public hospital districts.

The bill was read the second time. Committee recommendation by Committee on Local Government: Majority, do pass as amended. (For committee amendment see Journal 81st. Day April 1, 1993.)

Representative Bray moved adoption of the committee amendment spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Bray and Edmondson spoke in favor of final passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5913 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5913 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5913 as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Sheldon, the House adjourned until 10:00 a.m., Thursday April 8, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTY-SEVENTH DAY, APRIL 7, 1993

JOURNAL OF THE HOUSE

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

EIGHTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 8, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dolma Halstead and Erin Romine. Inspirational Message was offered by Representative J. Kohl.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2127 by Representatives Dunshee and Valle

AN ACT Relating to boards, commissions, committees, and other subdivisions of state government; amending RCW 43.63A.230, 18.44.010, 18.44.080, 18.44.360, 18.44.380, 74.21.020, 74.21.030, 74.21.040, 74.21.080, 74.21.090, 74.21.100, 74.21.110, 74.21.120, 74.21.130, 74.21.150, 74.21.180, 74.21.200, 70.112.010, 70.112.020, 39.04.220, 18.135.030, 41.05.021, 43.185.110, 43.185A.020, 43.185A.050, 43.131.354, 18.19.110, 18.19.911, 38.40.030, 38.12.105, 39.19.030, 43.131.348, 46.20.520, 18.51.070, 28B.107.020, 18.106.040, 18.106.010, 46.61.380, 18.84.020, 18.84.040, 18.84.090, 18.84.110, 75.30.050, 75.30.210, 75.30.250, 18.145.030, 28A.415.250, 43.51.300, 43.51.320, 43.51.330, 70.94.527, 70.94.541, 70.94.544, 70.94.551, 70.47.040, 15.58.030, 15.92.070, 17.21.020, and 43.185.074; creating a new section; and repealing RCW 18.44.208, 18.44.215, 74.21.050, 74.21.060, 74.21.070, 74.21.140, 41.05.150, 28B.115.050, 43.105.032, 48.17.135, 44.60.010, 44.60.020, 44.60.030, 44.60.040, 44.60.050, 44.60.070, 44.60.080, 44.60.090, 44.60.100, 44.60.110, 44.60.120, 44.60.130, 18.19.070, 38.12.095, 38.12.115, 38.12.125, 38.12.135, 39.19.040, 43.200.050, 43.200.150, 18.106.110, 67.08.001, 67.08.002, 67.08.003, 67.08.005, 67.08.007, 67.08.009, 67.08.010, 67.08.015, 67.08.030, 67.08.040, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.130, 67.08.140, 67.08.150, 67.08.160, 67.08.170, 67.08.180, 67.08.900, 18.84.060, 18.145.060, 28B.102.040, 43.51.340, 70.94.537, 15.58.380, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 43.30.150, 18.85.500, 43.185.076, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.900, 72.09.230, and 28B.04.085.

Referred to Committee on Appropriations.

HCR 4418 by Representatives Padden, Casada, Vance, Forner, Chandler, Sheahan, Mielke, Edmondson, Van Luven, Carlson, Stevens, Tate, Brumsickle, Sehlín, Morton, Silver, Schoesler and Ballard

Exempting certain bills from Senate Concurrent Resolution No. 8401.

Referred to Committee on Rules.

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

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

SECOND READING

MOTION

Representative Sheldon moved that the House immediately consider Substitute Senate Bill No. 5052 on today's suspension calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5052, by Senate Committee on Government Operations (originally sponsored by Senators A. Smith, Haugen and Quigley)

Removing the requirement that city and town council meetings be held within the corporate limits.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5052 as amended by the House was advanced to third reading (For committee amendments see Journal, 75th Day, March 25, 1993.) The motion was carried.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

On motion of Representative Zellinsky, Representative Locke was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5052 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5052 as amended by the House and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 7, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Dorn, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Absent: Representatives Campbell, Cothorn, Dellwo, Dunshee, Dyer, Lemmon and Wineberry - 7.

Excused: Representative Locke - 1.

Substitute Senate Bill No. 5052, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5112, by Senators Drew and von Reichbauer

Revising hiring procedures for cities and towns.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and that Senate Bill No. 5112 was advanced to third reading. The motion was carried.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5112.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5112 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representatives Campbell and Wineberry - 2.

Excused: Representative Locke - 1.

Senate Bill No. 5112, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5176, by Senate Committee on Labor & Commerce (originally sponsored by Senators Vognild, Pelz, Moore, Wojahn and Fraser)

Concerning the cashing of government issued checks or warrants.

The bill was read the second time.

Representative Zellinsky moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5176 as amended by the House was advanced to third reading (For committee amendments see Journal, 82nd Day, April 2, 1993.) The motion was carried.

Representative Zellinsky spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5176 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5176 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Substitute Senate Bill No. 5176, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5195, by Senate Committee on Labor & Commerce (originally sponsored by Senator Moore)

Regulating excessive securities transactions.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5195 as amended by the House, was advanced to third reading (For committee amendments see Journal, 82nd Day, April 2, 1993.) The motion was carried.

Representative Zellinsky spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5195 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5195 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Substitute Senate Bill No. 5195, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5205, by Senators Wojahn, Moyer, Sheldon, Erwin, Fraser, Winsley, Prentice, Niemi and Talmadge

Modifying review of infant and child mortality rates.

The bill was read the second time.

Representative Leonard moved that the committee recommendation be adopted and that Engrossed Senate Bill No. 5205 was advanced to third reading. The motion was carried.

Representative Leonard spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5205.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5205 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Engrossed Senate Bill No. 5205, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5255, by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr, Talmadge, Bluechel and Haugen)

Providing for evaluation and transfer to the parks and recreation commission of land acquired by the state by escheat.

Representative Pruitt moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5255 was advanced to third reading. The motion was carried.

Representatives Pruitt and Morton spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5255.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5255 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Substitute Senate Bill No. 5255, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5262, by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen and Barr)

Modifying composition of the beef commission.

The bill was read the second time.

Representative Rayburn moved that the committee recommendation be adopted and the Substitute Senate Bill No. 5262 was advanced to third reading. The motion was carried.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5262.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5262 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Substitute Senate Bill No. 5262, having received the constitutional majority, was declared passed.

With the consent of the House, Senate Bill No. 5300 was deferred and the bill held its place on the suspension calendar.

SUBSTITUTE SENATE BILL NO. 5316, by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore and McCaslin)

Regulating private moorage facilities.

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5316 as amended by the House was advanced to third reading. (For committee amendments see Journal, 81st Day, April 1, 1993.) The motion was carried.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5316 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5316, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Substitute Senate Bill No. 5316, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5324, by Senator Pelz; by request of Law Revision Commission

Correcting a double amendment related to reimbursement of school transportation costs.

The bill was read the second time.

Representative Dorn moved that the committee recommendation be adopted and that Senate Bill No. 5324 was advanced to third reading. The motion was carried.

Representatives Dorn and Thomas spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5324.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5324 and the bill, as amended by the House, passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Senate Bill No. 5324, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5358, by Senators Pelz, Fraser, Prince and Winsley; by request of Department of Licensing

Creating an appropriated real estate education account.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and that Senate Bill No. 5358 was advanced to third reading. The motion was carried.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5358.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5358 and the bill, as amended by the House, passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Senate Bill No. 5358, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5385, by Senators Moore, Newhouse, McAuliffe and Winsley; by request of Department of Licensing

Creating the uniform commercial code fund.

The bill was read the second time.

Representative Holm moved that the committee recommendation be adopted and that Senate Bill No. 5385 was advanced to third reading. The motion was carried.

Representatives Holm and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5385.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5385 and the bill, as amended by the House, passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Senate Bill No. 5385, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5386, by Senate Committee on Health & Human Services (originally sponsored by Senators Wojahn, Moyer, Gaspard, Deccio, Hochstatter and Winsley)

Modifying licensure of home health, hospice, and home care agencies.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5386 was advanced to third reading. The motion was carried.

Representative Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5386.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5386 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Substitute Senate Bill No. 5386, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5411, by Senators Vognild, Prince, Prentice, Drew, Sheldon and Sellar; by request of Department of Licensing

Modifying provisions regarding fuel taxes.

The bill was read the second time.

Representative Brown moved that the committee recommendation be adopted and that Engrossed Senate Bill No. 5411 was advanced to third reading. The motion was carried.

Representative Brown spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5411.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5411 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Absent: Representative Wineberry - 1.

Engrossed Senate Bill No. 5411, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5423, by Senators Skratek and Prince; by request of Department of Transportation

Developing a public transportation policy plan.

The bill was read the second time.

Representative Brown moved that the committee recommendation be adopted and that Engrossed Senate Bill No. 5423 was advanced to third reading. The motion was carried.

Representative Brown spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5423.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5423 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representatives Veloria and Wineberry - 2.

Engrossed Senate Bill No. 5423, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5427, by Senator Loveland; by request of Department of Transportation

Setting tire limits on vehicles weighing over ten thousand pounds.

The bill was read the second time.

Representative Jones moved that the committee recommendation be adopted and that Engrossed Senate Bill No. 5427 was advanced to third reading. The motion was carried.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5427.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5427 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate,

Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5427, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5444, by Senator Talmadge; by request of Department of Social and Health Services
Eliminating the termination of hospice care and service coverage as medical assistance.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and that Senate Bill No. 5444 was advanced to third reading. The motion was carried.

Representative Dyer spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5444.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5444 and the bill, as amended by the House, passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5444, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5482, by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, M. Rasmussen, Spanel, Prentice, Franklin, McAuliffe, A. Smith, Drew and von Reichbauer)

Defining rights of tenants in mobile home parks.

The bill was read the second time.

Representative Shin moved that the committee recommendation be adopted and that Engrossed Substitute Senate Bill No. 5482 was advanced to third reading. The motion was carried.

Representatives Shin and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5482.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5482 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King,

Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5482, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5492, by Senate Committee on Law & Justice (originally sponsored by Senators Spanel, Snyder, Nelson and M. Rasmussen; by request of Secretary of State)

Authorizing the secretary of state to set fees by rule.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5492 as amended by the House be advanced to third reading (For committee amendments see Journal, 80th Day, March 31, 1993.) The motion was carried.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5492 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5492 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5492, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5556, by Senate Committee on Education (originally sponsored by Senators Bauer, Snyder, Deccio and Sutherland; by request of Washington State School for the Blind and Washington State School for the Deaf)

Changing provisions relating to state schools for the blind, deaf, and sensory impaired.

The bill was read the second time.

Representative Dorn moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5556 as amended by the House be advanced to third reading (For committee amendments see Journal, 82nd Day, April 2, 1993.) The motion was carried.

Representatives Dorn and Carlson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5556 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5556 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5556, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5572, by Senators Prentice, Vognild, Prince, Hargrove, Barr, McAuliffe, Haugen, Snyder, Pelz, Loveland, Sheldon, Moore, Erwin, Fraser, M. Rasmussen and Wojahn

Assessing environmental costs of transportation projects.

The bill was read the second time.

Representative Jones moved that the committee recommendation be adopted and that Senate Bill No. 5572 was advanced to third reading. The motion was carried.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5572.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5572 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5572, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5580, by Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer; by request of Department of Community Development

Modifying the regulation of manufactured housing.

The bill was read the second time.

Representative Shin moved that the committee recommendation be adopted and that Engrossed Senate Bill No. 5580 was advanced to third reading. The motion was carried.

Representatives Shin and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5580.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5580 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5580, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5596, by Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of State Treasurer)

Destroying redeemed warrants.

The bill was read the second time.

Representative Anderson moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5596 was advanced to third reading. The motion was carried.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5596.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5596 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5596, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Sheldon, Senate Bill No. 5675 was deferred and the bill held its place on the suspension calendar.

SUBSTITUTE SENATE BILL NO. 5678, by Senate Committee on Agriculture (originally sponsored by Senators Loveland, Newhouse, Deccio and Winsley)

Exempting licensed domestic wineries from commission merchant requirements.

The bill was read the second time.

Representative Rayburn moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5678 was advanced to third reading. The motion was carried.

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5678.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5678 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5678, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5693, by Senators Vognild, Drew and Quigley

Authorizing exemptions from county vehicle license fees.

The bill was read the second time.

Representative Brown moved that the committee recommendation be adopted and that Senate Bill No. 5693 was advanced to third reading. The motion was carried.

Representative Brown spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5693.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5693 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5693, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5696, by Senators Haugen, Newhouse and Spanel; by request of Department of Retirement Systems

Authorizing the department of retirement systems to be divided into three divisions.

The bill was read the second time.

Representative Anderson moved that the committee recommendation be adopted and that Senate Bill No. 5696 was advanced to third reading. The motion was carried.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5696.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5696 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5696, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5703, by Senators Prentice, Prince, Moore, Amondson and Franklin; by request of Employment Security Department

Codifying the labor market information and economic analysis responsibilities of the employment security department.

The bill was read the second time.

Representative G. Cole moved that the committee recommendation be adopted and that Senate Bill No. 5703 was advanced to third reading. The motion was carried.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5703.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5703 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5703, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5729, by Senator Rinehart

Changing the family emergency assistance program.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and that Engrossed Senate Bill No. 5729 was advanced to third reading. The motion was carried.

Representative Carlson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5729.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5729 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5729, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5751, by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Spanel)

Authorizing rural partial-county library districts.

The bill was read the second time.

Representative Bray moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5751, as amended by the House, was advanced to third reading (For committee amendments see Journal, 82nd Day, April 2, 1993.) The motion was carried.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Vance was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5751 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5751 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris,

Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.
Excused: Representative Vance - 1.

Substitute Senate Bill No. 5751, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5821, by Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of Department of Community Development)

Modifying public works board loan restrictions.

The bill was read the second time.

Representative Wang moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5821 was advanced to third reading. The motion was carried.

Representatives Wang and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5821.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5821 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.
Excused: Representative Vance - 1.

Substitute Senate Bill No. 5821, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5841, by Senators Moyer, Prentice, Talmadge, Quigley, Prince, Hochstatter, McAuliffe, Erwin, West, Sheldon and Winsley

Requiring an outreach campaign on shaken baby syndrome.

The bill was read the second time.

Representative Leonard moved that the committee recommendation be adopted and that Senate Bill No. 5841 was advanced to third reading. The motion was carried.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5841.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5841 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Vance - 1.

Senate Bill No. 5841, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5883, by Senators Bauer, Erwin, M. Rasmussen and Roach; by request of Superintendent of Public Instruction

Changing funding procedures for high school students enrolled in the running start program in community or technical colleges.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and that Senate Bill No. 5883, as amended by the House, was advanced to third reading (For committee amendments see Journal, 82nd Day, April 2, 1993.) The motion was carried.

Representative Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5883 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5883 as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Vance - 1.

Senate Bill No. 5883, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5889, by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Prince, Loveland, Jesernig, Drew, Sheldon, Snyder and Spanel)

Awarding grants for pilot regional collaborative professional development school projects.

The bill was read the second time.

Representative Valle moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5889 be advanced to third reading. The motion was carried.

Representative Carlson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5889.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5889 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Vance - 1.

Substitute Senate Bill No. 5889, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House at recess until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Representative R. Meyers presiding) called the House to order at 1:30 p.m.

The Clerk called the roll and a quorum was present.

MESSAGES FROM THE SENATE

April 8, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5313,
SUBSTITUTE SENATE BILL NO. 5432,
SUBSTITUTE SENATE BILL NO. 5487,
SENATE BILL NO. 5546,
ENGROSSED SENATE BILL NO. 5831,

and the same are herewith transmitted.

Marty Brown, Secretary

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1143,
SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1651,
SUBSTITUTE HOUSE BILL NO. 1787,

and the same are herewith transmitted.

Marty Brown, Secretary

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5026,

SENATE BILL NO. 5053,
SENATE BILL NO. 5077,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5233,

and the same are herewith transmitted.

Marty Brown, Secretary

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1130,
HOUSE BILL NO. 1216,
HOUSE BILL NO. 1217,
ENGROSSED HOUSE BILL NO. 1238,
SUBSTITUTE HOUSE BILL NO. 1253,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1400,
SUBSTITUTE HOUSE BILL NO. 1480,
ENGROSSED HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1578,
HOUSE BILL NO. 1643,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4000,

and the same are herewith transmitted.

Marty Brown, Secretary

MOTIONS

With the consent of the House, Senate Bill No. 5300, Senate Bill No. 5675 and Senate Bill No. 5903 were referred to the Committee on Rules. The motion was carried.

Representative Sheldon moved the House immediately consider Substitute Senate Bill No. 5896 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5896, by Senate Committee on Government Operations (originally sponsored by Senators M. Rasmussen, Amondson, Haugen, Winsley, Sheldon, Gaspard and Snyder)

Authorizing counties to use the hotel-motel tax for public restroom facilities.

The bill was read the second time.

Representative G. Fisher moved that the committee recommendation be adopted and that Substitute Senate Bill No. 5896 was advanced to third reading. The motion was carried.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5896.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5896 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris,

Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5896, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5905, by Senators Vognild, Fraser and Deccio; by request of County Road Administration Board

Changing provisions regarding the county road administration board.

The bill was read the second time.

Representative Jones moved that the committee recommendation be adopted and that Senate Bill No. 5905 was advanced to third reading. The motion was carried.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5905.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5905 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5905, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5917, by Senators Drew, Vognild, McAuliffe and M. Rasmussen

Restructuring statutes on state participation in rail freight service.

The bill was read the second time.

Representative Jones moved that the committee recommendation be adopted and that Engrossed Senate Bill No. 5917, as amended by the House, was advanced to third reading (For committee amendments see Journal, 82nd Day, April 2, 1993.) The motion was carried.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5917 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5917 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Senate Bill No. 5917, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009, by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Bluechel, Snyder, Sellar, Skratek, M. Rasmussen, Erwin, Gaspard, Fraser, McDonald, Franklin, Winsley and Oke)

Supporting Guam in its quest for commonwealth status.

The memorial was read the second time.

Representative Wineberry moved that the committee recommendation be adopted and that Substitute Senate Joint Memorial No. 8009 be advanced to third reading. The motion was carried.

Representatives Wineberry, Leonard and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8009.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Joint Memorial No. 8009 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Joint Memorial No. 8009, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the House consider the following bills in the following order: Senate Bill No. 5275, Substitute Senate Bill No. 5634, Senate Bill No. 5375, Substitute Senate Bill No. 5483 and Engrossed Senate Bill No. 5508 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5275, by Senators Oke, Haugen and Winsley

Authorizing nonprofit corporations to restore, maintain, and protect abandoned cemeteries.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Reams and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5275.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5275 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5275, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5634, by Senate Committee on Government Operations (originally sponsored by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew)

Requiring state agencies to submit interagency disputes to mediation before filing lawsuits.

The bill was read the second time.

Representative Anderson moved adoption of the following amendment by Representative Anderson:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to reduce the number of time-consuming and costly lawsuits between state agencies by establishing alternative dispute resolution processes available to any agency.

NEW SECTION. Sec. 2. A new section is added to chapter 43.17 RCW to read as follows:

For purposes of sections 2 through 4 of this act, "state agency" means:

- (1) Any agency for which the executive officer is listed in RCW 42.17.2401; and
- (2) The office of the secretary of state; the office of the state treasurer; the office of the state auditor; the department of natural resources; the office of the insurance commissioner; and the office of the superintendent of public instruction.

NEW SECTION. Sec. 3. A new section is added to chapter 43.17 RCW to read as follows:

Whenever a dispute arises between state agencies, agencies shall employ every effort to resolve the dispute themselves without resorting to litigation. These efforts shall involve alternative dispute resolution methods. If a dispute cannot be resolved by the agencies involved, any one of the disputing agencies may request the governor to assist in the resolution of the dispute. The governor shall employ whatever dispute resolution methods that the governor deems appropriate in resolving the dispute. Such methods may include, but are not limited to, the appointment by the governor of a mediator, acceptable to the disputing agencies, to assist in the resolution of the dispute. The governor may also request assistance from the attorney general to advise the mediator and the disputing agencies.

NEW SECTION. Sec. 4. A new section is added to chapter 43.17 RCW to read as follows:

Sections 2 and 3 of this act shall not apply to any state agency that is a party to a lawsuit, which: (1) Impleads another state agency into the lawsuit when necessary for the administration of justice; or (2) files a notice of appeal, petitions for review, or makes other filings subject to time limits, in order to preserve legal rights and remedies."

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "adding new sections to chapter 43.17 RCW; and creating a new section."

Representative Dyer moved adoption of the following amendment to the amendment:

On page 1, line 32, after "dispute". insert "To ensure the impartiality and effectiveness of the mediation process, mediators appointed under this section shall be trained and experienced professional mediators who are not officers or employees of any federal, state, or local government."

Representatives Dyer, Padden, Ludwig, Foreman and Campbell spoke in favor of adoption of the amendment to the amendment and Representatives Anderson, Sommers and Wang spoke against it.

Representative Dyer again spoke in favor of adoption of the amendment to the amendment and Representative Anderson again spoke against it.

A division was called. The result of the division were 41-YEAS; 57-NAYS. The amendment to the amendment was not adopted.

The striking amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5634 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5634, as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5634, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5375, by Senators Bauer, Wojahn, Barr, Oke, Rinehart, von Reichbauer and Winsley; by request of Legislative Budget Committee

Regulating personal service contracts.

The bill was read the second time.

Representative Ogden moved adoption of the following amendment by Representatives Ogden and Valle:

On page 1, line 11, after "contracts" strike everything through "process." and insert "~~((negotiated without an open competitive process))~~, to centralize the location of information about personal service contracts for ease of public review, and ensure proper accounting of personal services expenditures."

On page 4, after line 8, insert the following:

"**Sec. 5.** RCW 39.29.018 and 1987 c 414 s 5 are each amended to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management and the legislative budget committee when the contract is filed. For sole source contracts of ten thousand dollars or more that are state funded, documented justification shall include evidence that the agency attempted to identify potential consultants by advertising through state-wide or regional newspapers or other appropriate media or by notifying consultants on established bidders' lists approved by the office of financial management.

(2) The office of financial management shall approve sole source contracts of ten thousand dollars or more that are state funded, before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than ten thousand dollars if the total amount of such contracts between an agency and the same consultant is ten thousand dollars or more within a fiscal year. The office of financial management shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of ten thousand dollars or more are reasonable.

NEW SECTION. Sec. 6. A new section is added to chapter 39.29 RCW to read as follows:

Personal services may be procured only to resolve a particular agency problem or issue or to expedite a specific project that is temporary in nature. An agency may procure personal services only if it documents that:

(1) The service is critical to agency responsibilities or operations, or is mandated or authorized by the legislature;

(2) Sufficient staffing or expertise is not available within the agency to perform the service; and

(3) Other qualified public resources are not available to perform the service.

NEW SECTION. Sec. 7. A new section is added to chapter 39.29 RCW to read as follows:

(1) State-funded personal service contracts subject to competitive solicitation shall be filed with the office of financial management and the legislative budget committee and made available for public inspection at least ten working days before the proposed starting date of the contract.

(2) The office of financial management shall review and approve state-funded personal service contracts subject to competitive solicitation that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting.

NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

The office of financial management shall maintain a publicly available list of all personal service contracts entered into by state agencies during each fiscal year. The list shall identify the contracting agency, the contractor, the purpose of the contract, effective dates and periods of performance, the cost of the contract and funding source, any modifications to the contract, and whether the contract was competitively procured or awarded on a sole source basis. The office of financial management shall also ensure that state accounting definitions and procedures are consistent with RCW 39.29.006 and permit the reporting of personal services expenditures by agency and by type of service. Designations of type of services shall include, but not be limited to, management and organizational services, legal and expert witness services, financial services, computer and information services, social or technical research, marketing, communications, and employee training or recruiting services. The office of financial management shall report annually to the fiscal committees of the senate and house of representatives on sole source contracts filed under this chapter. The report shall describe: (1) The number and aggregate value of contracts for each category established in this section; (2) the number and aggregate value of contracts of two thousand five hundred dollars or greater but less than ten thousand dollars; (3) the number and aggregate value of contracts of ten thousand dollars or greater; (4) the justification provided by agencies for the use of sole source contracts; and (5) any trends in the use of sole source contracts.

NEW SECTION. Sec. 9. A new section is added to chapter 39.80 RCW to read as follows:

Contracts entered into by any state agency for architectural and engineering services, and modifications thereto, shall be reported to the office of financial management on a quarterly basis, in such form as the office of financial management prescribes."

Representative Ogden spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5375 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5375, as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5375, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5483, by Senators Prentice, Winsley, Vognild, Wojahn, Moore, Rinehart, McAuliffe, Sutherland, Pelz and Franklin

Providing for arbitration in public transportation labor negotiations.

The bill was read the second time. Committee on Commerce and Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative G. Cole moved adoption of the committee amendment.

Representative G. Cole spoke in favor of adoption of the amendment and Representative Lisk spoke against it. The amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Cole spoke in favor of passage of the bill and Representative Lisk spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5483 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5483, as amended by the House and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Reams, Riley, Roland, Romero, Rust, Scott, Shin, Springer, Talcott, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Fisher, R., Foreman, Forner, Fuhrman, Hansen, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Sommers, Stevens, Tate, Thomas, Wang and Wood - 36.

Substitute Senate Bill No. 5483, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5508, by Senators Hargrove, Niemi, A. Smith, Nelson and Spanel

Modifying child support orders in dependency cases.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments see Journal, 80th Day, March 31, 1993.)

Representative Appelwick moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

Representative Vance moved adoption of the following amendment by Representative Vance:

On page 8, line 33, after "children" insert "Special educational needs do not include postsecondary education for a child over eighteen years of age"

On page 10, after line 14, insert the following:

"Sec. 7. RCW 26.09.225 and 1991 sp.s. c 28 s 3 are each amended to read as follows:

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to RCW 26.19.090 before the effective date of this act.

Sec. 8. RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each amended to read as follows:

(1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

- (a) The county in which the order was entered and the cause number;
- (b) Whether it was a judicial or administrative order;
- (c) Whether the order is an original order or from a modification;
- (d) The number of children of the parties and the children's ages;
- (e) The combined monthly net income of parties;
- (f) The monthly net income of the father as determined by the court;
- (g) The monthly net income of the mother as determined by the court;
- (h) The basic child support obligation for each child as determined from the economic table;
- (i) Whether or not the court deviated from the child support for each child;
- (j) The reason or reasons stated by the court for the deviation;
- (k) The amount of child support after the deviation;
- (l) Any amount awarded for day care;
- (m) Any other extraordinary amounts in the order;
- (n) ~~((Any amount ordered for postsecondary education;~~
- ~~((+))~~ The total amount of support ordered;
- ~~((+))~~ (o) In the case of a modification, the amount of support in the previous order;
- ~~((+))~~ (p) If the change in support was in excess of thirty percent, whether the change was phased in;
- ~~((+))~~ (q) The amount of the transfer payment ordered;
- ~~((+))~~ (r) Which parent was ordered to make the transfer payment; and
- ~~((+))~~ (s) The date of the entry of the order.

(2) The administrator for the courts shall make the form available to the parties.

Sec. 9. RCW 26.19.035 and 1992 c 229 s 6 are each amended to read as follows:

(1) **Application of the child support schedule.** The child support schedule shall be applied:

- (a) In each county of the state;
- (b) In judicial and administrative proceedings under this title or Title 13 or 74 RCW;
- (c) In all proceedings in which child support is determined or modified;
- (d) In setting temporary and permanent support;
- (e) In automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and

(f) In addition to proceedings in which child support is determined for minors, to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100. However, child support shall not be made mandatory for postsecondary education of a child over eighteen years of age.

The provisions of this chapter for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers, and reviewing officers.

(2) **Written findings of fact supported by the evidence.** An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation. The court shall enter written findings of fact in all cases whether or not the court: (a) Sets the support at the presumptive amount, for combined monthly net incomes below five thousand dollars; (b) sets the support at an advisory amount, for combined monthly net incomes between five thousand and seven thousand dollars; or (c) deviates from the presumptive or advisory amounts.

(3) **Completion of worksheets.** Worksheets in the form developed by the office of the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the office of the administrator for the courts.

(4) **Court review of the worksheets and order.** The court shall review the worksheets and the order setting support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall be attached to the decree or order or if filed separately shall be initialed or signed by the judge and filed with the order.

Sec. 10. RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows:

~~((+))~~ The child support schedule shall ~~((be advisory and not mandatory))~~ not be used for postsecondary educational support of a child over eighteen years of age.

~~((2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.~~

~~(3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.~~

~~(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.~~

~~(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.~~

~~(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.))"~~

POINT OF ORDER

Representative Appelwick: I would request a ruling on the scope and object on the amendment to Engrossed Senate Bill No. 5508.

With the consent of the House, Engrossed Senate Bill No. 5508 was deferred and the bill held its place on the second reading calendar.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative Heavey presiding) called the House to order.

The Speaker assumed the chair.

Representative Peery demanded a call of the House. The demand was sustained.

The Clerk called the roll under the call of the House and all members were present except Representatives Springer and Locke.

Representative Peery moved that the House excuse the absent members and proceed under the call of the House. The motion was carried.

With the consent of the House, the House considered Engrossed Second Substitute Senate Bill No. 5304.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, by Senate Committee on Ways & Means (originally sponsored by Senators Talmadge, Gaspard, Moore, Deccio, Wojahn, Moyer, Snyder, Winsley, Fraser, Haugen, McAuliffe, Drew, Sheldon, Skratek and Pelz)

Reforming health care cost control and access.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. Committee on Revenue recommendation: Majority, do pass as amended by Committee on Health care. (For committee amendment see Journal, 85th Day, April 5, 1993.)

Representative Dellwo moved that the committee amendment on Health Care not be adopted. The amendment was not adopted.

Representative G. Fisher moved adoption of the Revenue committee amendment.

With the consent of the House, Representative Dyer withdrew amendment numbers 347 and 336.

Representative Mielke moved adoption of the following amendment to the committee amendment by Representative Mielke:

Beginning on page 5, line 6 of the amendment, strike all material through page 6, line 33

On page 9, beginning on line 2 of the amendment, after "administrator" strike all material through "authority" on line 3

On page 11, beginning on line 2 of the amendment, after "created as" strike all material through "authority" on line 4, and insert "an independent agency of the state"

Representative Mielke spoke in favor of adoption of the amendment to the committee amendment and Representative Dellwo spoke against it.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment beginning on page 5, line 6 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 34, Nays - 63, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Excused: Representative Springer - 1.

Representative Johanson moved adoption of the following amendment to the committee amendment:

On page 14, beginning on line 1, strike all of subsection (d)

On page 17, line 3, strike "Prior to July 1, 1997, the", and insert "The"

On page 17, line 6, after "the plan." strike all language through and including "under this section." on line 9

On page 35, line 4, strike "but not more than ninety-five percent"

On page 104, line 21, after "(7)" strike all language through and including "income and shall" on line 26, and insert "Establish enrollee premium share levels that are related to enrollee household income and that do"

On page 152, line 31, strike "as determined by the commission"

On page 152, line 35, strike "as determined by the commission"

On page 153, line 16, strike "as determined by the commission", and insert "within their geographic region"

On page 153, line 21, strike "area, as determined by the commission", and insert "region"

On page 153, line 39, strike "as determined by the commission" and insert "within their geographic region".

On page 154, line 5, strike "area as determined by the commission" and insert "region"

On page 154, beginning on line 34, strike section 456

Representatives Johanson, Dellwo and Dyer spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

With the consent of the House, Representative Mastin withdrew amendment number 358.

Representative Mielke moved adoption of the following amendment to the committee amendment:

On page 18, after line 25 of the amendment, insert the following:

"(16) To accept for enrollment as subsidized or nonsubsidized enrollees, persons specified in RCW 51.12.020."

On page 106, after line 32 of the amendment, insert the following:

"(22) Assure that subsidies or other premiums established by the commission for low-income persons or households are available to persons specified in RCW 51.12.020 and whose employers are exempt under section 455 of this act."

On page 154, after line 33 of the amendment, insert the following:

"(9) Employers of persons specified in RCW 51.12.020 are exempt from the requirements of this section. This exemption may not be construed as exempting an individual from the provisions of section 454 of this act."

Representatives Mielke, Ballard and Dyer spoke in favor of adoption of the amendment and Representative Dellwo spoke against it.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 18, after line 25 to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 61, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm,

Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Excused: Representative Springer - 1.

Representative Schoesler moved adoption of the following amendment to the committee amendment:

On page 20, beginning on line 13 of the amendment, after "service;" strike all material through "districts;" on line 15

On page 20, beginning on line 28 of the amendment, after "41.04.205" strike all material through "organization" on line 37 and insert ", (~~and~~) employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350, and employees of employee organizations representing state civil service employees, at the option of each such employee organization"

On page 22, beginning on line 20 of the amendment, after "(2)" strike all material through "(3)" on line 33
Beginning on page 24, line 11 of the amendment, strike all of section 217

Representatives Schoesler, Miller, Ballard, Dyer and Carlson spoke in favor of adoption of the amendment to the committee amendment and Representatives Dellwo, Dorn, Karahalios and G. Cole spoke against it.

Representative Schoesler again spoke in favor of adoption of the amendment.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 20, beginning on line 13 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 61, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Excused: Representative Springer - 1.

With the consent of the House, Representative Dyer withdrew amendment number 364. The motion was carried.

Representative R. Johnson moved adoption of the following amendment to the committee amendment:

On page 28, line 13, strike "resident of the state", and insert "public employee"

On page 28, line 15, after "plan for", strike "retirees" and insert "retired state employees"

On page 28, line 18, after "plans for", strike "retirees" and insert "all other retired public employees"

On page 28, line 25, after "income", strike "residents", and insert "retired public employees"

Representatives R. Johnson, Dellwo and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 31, line 9, after "Except", strike "to the extent provided in", and insert "for health benefits purchased with non-state funds as provided in".

Representative Dellwo spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 52, after "individual" strike everything through "hospital" on line 6 and insert ", hospital or business entity"

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Jones withdrew amendment number 356.

Representative Vance moved that the amendment be adopted.

Representative Vance withdrew his motion. The amendment was withdrawn.

Representative Valle moved adoption of the following amendment to the committee amendment:

On page 89 of the amendment, after line 18, insert:

(4) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of two and one-half mills per cigarette for the period July 1, 1998, through June 30, 2000, and five mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the Washington health protection account under section 308 of this act by the twenty-fifth day of the following month."

On page 89 of the amendment, after line 28, insert:

NEW SECTION. Sec. 308. A new section is added to chapter 43.70 RCW to read as follows:

The Washington health protection account is established in the state treasury. Expenditures from the account may be used only for appropriations to the department of health for the purposes of tobacco use prevention and cessation programs. One-half of this money shall be used for programs that include advertising that uses diverse media types, print, radio, television, posters, and strives to reach all high-risk groups across the state and in local communities. The media campaign will educate the public on the health dangers of smoking. One-half of this money shall be used for cessation and shall be allocated to those programs that directly aid the individual in the pursuit of overcoming tobacco addiction."

Representatives Valle and Talcott spoke in favor of adoption of the amendment and Representative G. Fisher spoke against it. The amendment was not adopted.

Representative Rayburn moved adoption of the following amendment to the committee amendment:

Beginning on page 92, after line 29, strike all of section 311 and section 312.

Representatives Rayburn, Dyer, Padden, Lisk, Miller, Carlson and Ballard spoke in favor of adoption of the amendment and Representatives G. Fisher, G. Cole, Heavey, Peery, Appelwick, Wang, J. Kohl, and Wineberry spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

Representative Peery moved that House Rule 13 (C) rule be suspended and the House continue working past 10:00 p.m. The motion was carried.

Representative Dyer again spoke in favor of the amendment.

Representative Kremen demanded the previous question and the demand was sustained. demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment beginning on page 92 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 49, Absent - 2, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, King, Kremen, Lisk, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 46.

Voting nay: Representatives Anderson, Appelwick, Basich, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Leonard, Linville, Locke, Long, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe and Mr. Speaker - 49.

Absent: Representatives Johanson and Lemmon - 2.

Excused: Representative Springer - 1.

Representative Morris moved adoption of the following amendment to the committee amendment:

On page 83 of the amendment, line 16, strike everything through line 16 on page 96, and insert:

"NEW SECTION. Sec. 301. A new section is added to chapter 48.14 RCW to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under section 433 of this act.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the health services account under section 459 of this act.

Sec. 302. RCW 48.14.080 and 1949 c 190 s 21 are each amended to read as follows:

PREMIUM TAX IN LIEU OF OTHER FORMS. As to insurers other than title insurers, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and tangible personal property ((and)), excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(15).

NEW SECTION. Sec. 303. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to any health maintenance organization, health care service contractor, or certified health plan in respect to premiums or prepayments that are taxable under section 301 of this act.

Sec. 304. RCW 82.04.260 and 1991 c 272 s 15 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with

respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of five-tenths of one percent through June 30, 1995, and one and five-tenths percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under section 459 of this act.

Sec. 305. RCW 82.04.4289 and 1981 c 178 s 2 are each amended to read as follows:

~~((In computing tax there may be deducted from the measure of tax)) This chapter does not apply to amounts derived as compensation for services rendered to patients or from sales of prescription drugs as defined in RCW 82.08.0281 furnished as an integral part of services rendered to patients by ((a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation,)) a kidney dialysis facility operated as a nonprofit corporation, ((whether or not operated in connection with a hospital,)) nursing homes, and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. ((In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.))~~

NEW SECTION. Sec. 306. RCW 82.04.4288 and 1980 c 37 s 9 are each repealed.

Sec. 307. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

(1) There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the Washington health services trust account created under section 358 of this act.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 308. RCW 82.24.080 and 1972 ex.s. c 157 s 4 are each amended to read as follows:

It is the intent and purpose of this chapter to levy a tax on all of the articles taxed herein, sold, used, consumed, handled, possessed, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, possesses (either physically or constructively, in accordance with RCW 82.24.020) or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles herein taxed is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, possessed, or distributed in this state.

It is also the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event occurring within this state: PROVIDED, HOWEVER, That failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

In the event of an increase in the rate of the tax imposed under this chapter, it is the intent of the legislature that the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed articles after the effective date of the rate increase shall be liable for the additional tax represented by the rate increase, but the failure to pay the additional tax with respect to the first taxable event after the effective date of a rate increase shall not prevent tax liability for the additional tax from arising from a subsequent taxable event.

Sec. 309. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

(1) ~~((From and after June 1, 1974,))~~ There is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. ~~((Such tax))~~

(2) Taxes under this section shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

~~((2))~~ (3) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section.

(4) An additional tax is imposed equal to the tax payable under subsection (1) of this section multiplied by the rate of eighty-five percent through June 30, 1994, ninety-five percent for the period July 1, 1994, through June 30, 1995, one hundred seventy percent for the period July 1, 1995, through June 30, 1996, and one hundred seventy-five percent thereafter. The moneys collected under this subsection shall be deposited in the Washington health services trust account created under section 358 of this act.

Sec. 310. RCW 82.08.150 and 1989 c 271 s 503 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6) An additional tax is imposed equal to the taxes payable under subsections (1), (2), and (3) of this section multiplied by the rate of eight and eight-tenths percent through June 30, 1995, fifty percent for the period July 1, 1995, through June 30, 1997, and seventy-five percent thereafter. All revenues collected during any month from this additional tax shall be deposited in the Washington health services trust account created under section 358 of this act.

(7) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

~~((7))~~ (8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((8))~~ (9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 311. RCW 82.02.030 and 1990 c 42 s 319 are each amended to read as follows:

~~((4))~~ The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), ~~((82.26.020(2,))~~ 82.27.020(5), and 82.29A.030(2) shall be seven percent ~~((; and (2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent))."~~

On page 174, line 20, strike "1996" and insert "1995"

Representative Morris spoke in favor of adoption of the amendment and Representatives G. Fisher, Riley, Sommers and Forner spoke against it.

Representative Morris again spoke in favor of the amendment.

Representative Miller demanded an electronic roll call vote and the demand was sustained.

POINT OF ORDER

Representative Miller: Thank you Mr. Speaker, When we were under the call of the House, we have rules about voting we need to remind people before we come to the next vote that they need to be voting if they are here under the call of the House.

SPEAKER'S RULING

Mr. Speaker: Your point is well taken Representative Miller. I would also ask the members who were present but whose votes were not recorded to submit statement for the Journal.

ROLL CALL

The Clerk called the roll on adoption of the amendment beginning on page 83 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 10, Nays - 87, Absent - 0, Excused - 1.

Voting yea: Representatives Bray, Campbell, Grant, King, Ludwig, Mastin, Morris, Romero, Sheldon and Talcott - 10.

Voting nay: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Shin, Silver, Sommers, Stevens, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Excused: Representative Springer - 1.

MOTION FOR RECONSIDERATION

Representative Long, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment by Representative Rayburn, beginning on page 92 of the committee amendment to Second Substitute Senate Bill No. 1503 failed to pass the House.

Representative Long spoke in favor of the motion and Representative Peery spoke against it.

Representative Miller demanded an oral roll call vote and the demand was sustained.

The Clerk called the roll on the motion for reconsideration of amendment number 352 and the motion was not carried by the following vote: 33-YEAS; 64-NAYS.

With the consent of the House, Representative R. Johnson withdrew amendments number 377 and 369.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 99, line 2, after "RCW" insert "and chapter 70.127 RCW,"

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative Dyer moved adoption of the following amendment to the committee amendment:

On page 100, beginning on line 1 of the amendment, after ""service,"" strike all material through "premium" on line 3, and insert "limited fees for service schedules, or similar method of limiting payments to health care providers"

Representative Dyer spoke in favor of adoption of the amendment and Representative Dellwo spoke against it. The amendment was not adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 101, line 4, after "years," strike "one" and insert "two"

On page 101, line 5, after "and" strike "one" and insert "two"

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Mastin withdrew amendment number 378.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 107, line 13, after "trusts", insert "and self-insured employee health benefits plans".

On page 107, line 15, after "entities", insert "and self-insured employee health benefits plans".

On page 107, line 17, after "trusts", insert "and benefits plans".

On page 107, line 17, after "legislature", insert "on or before December 1, 1994".

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 101, line 23, after "insurers," insert "practicing"

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 102, after line 2, insert:

"(d) The commission shall also appoint an organized labor advisory committee composed of seven representatives of employee organizations representing employees of public or private employers. The committee shall assist the commission in conducting the evaluation of Taft-Hartley health care trusts and self-insured employee health benefits plans, as provided in section 406(25) of this act, and shall advise the commission on issues related to the impact of this act on negotiated health benefits agreements and other employee health benefits plans."

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative R. Johnson moved adoption of the following amendment to the committee amendment:

On page 104, beginning on line 1, strike all of subsection (6)(a) and insert

"(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package that shall operate to control overall health care costs in the case that the limited sponsor contribution to a percentage of the lowest priced plan and other market reforms do not stimulate effective price competition and control costs. The premium cost of the uniform benefits package in 1995 shall be based upon an actuarial determination of the costs of providing the uniform benefits package, assuming cost savings that may result from reductions in cost shifting, the use of managed care, identification of cost-effective and clinically efficacious services, assuming cost increases that may result from the direct or indirect effect of changes in taxation, aging of the population, and availability and effectiveness of new medical technology, and any other factors deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the uniform benefits package for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management."

Representatives R. Johnson and Dellwo spoke in favor of adoption of the amendment and Representative Dyer spoke against it.

A division was called. The result of the division was 63-YEAS; 34-NAYS. The amendment was adopted.

Representative Appelwick moved adoption of the following amendment to the committee amendment:

On page 104, line 14, after "(b)" insert:

"In establishing the community rated maximum premium under this subsection, the commission shall endeavor to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required.

(c)"

Representatives Appelwick, Dellwo and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

POINT OF INQUIRY

Representative Appelwick yielded to a question by Representative Dyer.

Representative Dyer: Thank you Mr. Speaker. This is the first time, I've hadn't had a chance to review it much. I've to have been concerned about this issue and appreciate the Representative's attempt to fix it. However, I'm confused as to how this would work with relation to the community rated maximum premiums how the commissions direction is going to action of the employer under the employer mandate. Could you explain?

Representative Appelwick: This is going to make premium recommendation, and it's going to make recommendation as to the percentage that the employer will pay under the mandate under the current bill. Basically, we are asking the commission when they are looking at that to consider the differential between the employer premium, if it recommends a separate employee premium and a separate dependent premium or whether they recommend a combined employer-dependent premium, so that they are looking at what a differential might be in those circumstances and trying to be neutral in its effect in employment practices.

Representative Sommers moved adoption of the following amendment to the amendment:

On page 104, after line 20, insert the following:

"(c) The level of expenditures for the uniform and supplemental benefits packages are conditioned upon the appropriation of funds specifically for this purpose."

Representatives Sommers, Dellwo, Dyer and Linville spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Karahalios moved adoption of the following amendment to the committee amendment:

On page 105, after line 17, insert

"(11) Monitor the increased application of technology as required by this act and take necessary action to ensure that such application is made in a cost effective and efficient manner and consistent with existing laws that protect individual privacy."

Representatives Karahalios, Dellwo and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

Representative L. Johnson moved adoption of the following amendment to the committee amendment:

On page 105, line 24, after "basis." strike the remainder of the subsection and insert "The Washington health care facilities authority and the commission shall develop jointly standards for evaluating and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission."

Representatives L. Johnson and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Padden moved adoption of the following amendment to the committee amendment:

On page 109, after line 3, add a new section as follows

"NEW SECTION. Sec. 410. A new section is added to Title 48 RCW to read as follows:

(1) The individual medical account act program is established for state and school district employees. The state insurance commissioner shall administer this program and shall promulgate necessary rules pursuant to chapter 34.05 RCW. Employees as defined herein shall have the option of participating in the individual medical account program or receive the uniform benefits package through a certified health plan pursuant to this act.

(2) For the purposes of this section the following definitions apply;

(a) "Account holder" means the individual on whose behalf the individual medical account is established.

(b) "Dependent child" means any person under the age of twenty-one years or any person who is legally entitled or subject to a court order for the provision of proper and necessary subsistence, education, medical care, chiropractic care, or any other care necessary for their health, guidance, or well-being, and who is not otherwise emancipated, married or a member of the armed forces of the United States, or who is so mentally or physically incapacitated.

(c) "Individual medical account" means a trust created or organized to pay the eligible medical, chiropractic, dental, and long-term care expenses of the account holder.

(d) "Trustee" means a chartered state bank, savings and loan association or trust company authorized to act as a fiduciary; a national banking association or savings and loan association authorized to act as a fiduciary; or an insurance company.

(e) "Employee" means a state employee or school district employee.

(3) (a) For taxable years beginning on or after the effective date of this act, an employee shall be allowed to deposit contributions to an individual medical account. The amount of deposit for the first taxable year subsequent to the effective date of the act shall not exceed:

(i) Two thousand dollars for the account holder;

(ii) Two thousand dollars for the account holder and two thousand dollars for the spouse of the account holder;

(iii) Two thousand dollars for the account holder, two thousand dollars for the spouse of the account holder, and one thousand dollars for each dependent child of the account holder; or

(iv) Two thousand dollars for the account holder and one thousand dollars for each dependent child of the account holder.

(b) The maximum allowable amount of deposit for subsequent years shall be increased annually by a percentage equal to the previous year's increase in the national consumer price index.

(c) Upon agreement between an employer and employee, an employer may contribute to the employee's individual medical account or continue to make contributions under the employee's existing health insurance policy or program, subject, however, to the restrictions in subsection (e)(i) of this section.

(d) The individual medical account shall be established as a trust under the laws of this state and placed with a trustee. The trustee shall:

(i) Purchase long-term care coverage for each account holder to cover all medical, chiropractic, dental, and long-term care expenses in excess of ten thousand dollars; and

(ii) Utilize the trust assets solely for the purpose of paying the medical, chiropractic, dental, and long-term care expenses of the account holder.

(e) Individual medical account funds may be withdrawn by the account holder at any time for any purpose, subject to the following restrictions and penalties:

(i) There shall be a distribution penalty for withdrawal of individual medical account funds by the account holder. Such penalty shall be 10 percent of the amount of interest earned as of the date of withdrawal on the account.

(ii) After an account holder reaches 60 years of age, withdrawals shall be permitted for medical, chiropractic, dental or long-term care expenses only, and may be withdrawn without penalty.

(f) Upon the death of the account holder, the account principle, as well as any interest accumulated thereon, shall be distributed to the decedent's estate as part of the estate."

Representatives Padden and Dyer spoke in favor of adoption of the amendment and Representatives L. Johnson and Dellwo spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 109 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 34, Nays - 63, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Excused: Representative Springer - 1.

With the consent of the House, Representative Vance withdrew amendment number 362.

Representative Dyer moved adoption of the following amendment to the committee amendment:

On page 110, line 34, after "of," strike "health care liability risk management training" and insert "an insurer-designed health care liability risk management training program once every three years"

Representatives Dyer and Dellwo spoke in favor of adoption of the amendment to the amendment and the amendment was adopted.

Representative Dyer moved adoption of the following amendment to the committee amendment:

On page 115, line 36, after "if any" strike "and the reasons for the restrictions"

On page 117, line 30, after "(d)" strike all language through and including "(e)" on page 117, line 33.

Representative Dyer spoke in favor of adoption of the amendment and Representative L. Johnson spoke against it. The amendment was not adopted.

Representative L. Johnson moved adoption of the following amendment to the committee amendment:

On page 118, line 26, after "association", insert "and other employee organizations representing nurses".

On page 165, line 3, after "association", insert "and other employee organizations representing nurses".

Representatives L. Johnson and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Vance withdrew amendment number 375.

Representative Dyer moved adoption of the following amendment to the committee amendment:

On page 120, after line 10, insert the following:

"Sec. 422. RCW 7.70.030 and 1975-'76 2nd ex.s c 56 s 8 are each amended to read as follows: No award shall be made in any action or arbitration for damages for injury occurring as the result of health care which is provided after June 25, 1976, unless the plaintiff establishes one or more of the following propositions:

(1) That injury resulted from the failure of a health care provider to follow the accepted standard of care provided, however, that a health care provider, as a matter of law, follows the accepted standard of care if he or she follows a course of treatment accepted by recognized and competent health care professionals experienced in the treatment at issue, even if other recognized and competent health care professionals do not accept the course of treatment followed by the health care provider;

(2) That a health care provider promised the patient or his representative that the injury suffered would not occur;

(3) That injury resulted from health care to which the patient or his representative did not consent.

Unless otherwise provided in this chapter, the plaintiff shall have the burden of proving each fact essential to an award by a preponderance of the evidence."

Representative Dyer spoke in favor of adoption of the amendment and Representative L. Johnson and Appelwick spoke against it. The amendment was not adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 129, line 18, after "services" insert "identified in section 448 of this act"

On page 129, line 27, after "services" insert "identified in section 448 of this act"

POINT OF INQUIRY

Representative Dellwo yielded to a question by Representative Dyer.

Representative Dyer: Thank you Mr. Speaker. Representative Dellwo, there was some work in the committee to make sure that the Washington Dental Service was still allowed to participate in their usual manner because of their limited skill. Does this affect that at all?

Representative Dellwo: Thank you Mr. Speaker, This amendment is offered at their request. It corrects a technical problem so that they would be able to do that.

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

On page 129, line 30, strike Section 429 in its entirety and insert the following:

"NEW SECTION. Sec. 429. CONTRACTS BETWEEN CERTIFIED HEALTH PLANS AND HEALTH CARE PROVIDERS. (1) Balancing the need for health care reform and the need to protect health care providers, as a class and as individual providers, from improper exclusion presents a problem that can be satisfied with the creation of a process to ensure fair consideration of the inclusion of health care providers in managed care systems operated by certified health plans. It is therefore the intent of the legislature that the health services commission in developing rules in accordance with this section and the attorney general in monitoring the level of competition in the various geographic markets, balance the need for cost-effective and quality delivery of health services with the need for inclusion of both individual health care providers and classes of health care providers in managed care programs developed by certified health plans.

(2) All licensed health care providers licensed by the state, irrespective of the type or kind of practice, should be afforded the opportunity for inclusion in certified health plans consistent with the goals of health care reform.

The health services commission shall adopt rules requiring certified health plans to publish general criteria for the plan's selection or termination of health care providers. Such rules shall not require the disclosure of criteria deemed by the plan to be of a proprietary or competitive nature that would hurt the plan's ability to compete or to manage health services. Disclosure of criteria is proprietary or anticompetitive if revealing the criteria would have the tendency to cause health care providers to alter their practice pattern in a manner that would harm efforts to contain health care costs and is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

If a certified health plan uses unpublished criteria to judge the quality and cost-effectiveness of a health care provider's practice under any specific program within the plan, the plan may not reject or terminate the provider participating in that program based upon such criteria until the provider has been informed of the criteria that his or her practice fails to meet and is given a reasonable opportunity to conform to such criteria.

(3)(a) Whenever a determination is made under subsection (b) that a plan's share of the market reaches a point where the plan's exclusion of health care providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services or whenever a certified health plan is the only plan within the relevant market, the certified health plan must allow all providers within the affected market to participate in the programs of the certified health plan. All such providers must meet the published criteria and requirements of the programs.

(b) The attorney general with the assistance of the insurance commissioner shall periodically analyze the market power of certified health plans to determine when the market share of any program of a certified health plan reaches a point where the plan's exclusion of health service providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services. In analyzing the market power of a certified health plan, the attorney general shall consider:

- (i) The ease with which providers may obtain contracts with other plans;
- (ii) The amount of the private pay and government employer business that is controlled by the certified health plan taking into account the selling of its provider network to self-insured employer plans;
- (iii) The difficulty in establishing new competing plans in the relevant geographic market; and
- (iv) The sufficiency of the number or type of providers under contract with the plan available to meet the needs of plan enrollees.

Notwithstanding the provisions of this subsection, if the certified health plan demonstrates to the satisfaction of the attorney general that health service utilization data and similar information shows that the inclusion of additional health service providers would substantially lessen the plan's ability to control health care costs and that the plan's

procedures for selection of providers are not improperly exclusive of providers, the plan need not include additional providers within the plan's program.

(4) The health services commission shall adopt rules for the resolution of disputes between providers and certified health plans including disputes regarding the decision of a plan not to include the services of a provider.

(5) Nothing contained in this section shall be construed to require a plan to allow or continue the participation of a provider if the plan is a federally qualified health maintenance organization and the participation of the provider or providers would prevent the health maintenance organization from operating as a health maintenance organization in accordance with 42 U.S.C Sec. 300e."

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative Dellwo moved adoption of the following amendment to the committee amendment:

Beginning on page 142, line 6, strike sections 446 and 447 in their entirety and insert the following:

"NEW SECTION. Sec. 446. MANAGED COMPETITION FINDINGS AND INTENT. (1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health insurers, contractors, and health maintenance organizations face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter which might otherwise be constrained by such laws and intends to displace competition in the health care market: to contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter . . . , Laws of 1993 (this act) by any person or entity created or regulated by chapter . . . , Laws of 1993 (this act) are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance section 447 of this act or under rules adopted pursuant to chapter . . . , Laws of 1993 (this act), does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;

(b) Among certified health plans as to the price or level of reimbursement for health care services;

(c) Among certified health plans to boycott a group or class of health care service providers;

(d) Among purchasers of certified health plan coverage to boycott a particular plan or class of plans;

(e) Among certified health plans to divide the market for health care coverage; or

(f) Among certified health plans and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a certified health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a certified health plan or purchasing group.

NEW SECTION. Sec. 447. COMPETITIVE OVERSIGHT AND ANTI-TRUST IMMUNITY. (1) A certified health plan, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or certified health plans may request, in writing, that the attorney general issue an informal opinion as to whether particular conduct is authorized by chapter . . . , Laws of 1993 (this act). The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion. If the attorney general concludes that such conduct is not authorized by chapter . . . , Laws of 1993 (this act), the person or

organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (3) of this section.

(2) With the approval of the attorney general, the health services commission:

(a) May authorize conduct by a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter . . . , Laws of 1993 (this act) and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and certified health plans including rules governing provider and facility contracts with certified health plans, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that certified health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a certified health plan including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) A certified health plan, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or certified health plans may file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the commission.

The commission shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the commission with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(a) Enhancement of the quality of health services to consumers,

(b) Gains in cost efficiency of health services,

(c) Improvements in utilization of health services and equipment,

(d) Avoidance of duplication of health services resources; or

(e) And as to subsections (2)(b) and (c), (i) facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships, and (iii) reduces the transactions costs on the part of certified health plans and providers in negotiating more cost effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among certified health plans, health care providers, or health care facilities,

(ii) Adverse impact on quality, availability or price of health care services to consumers, or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commission shall periodically review petitioned conduct through at least, annual progress reports from petitioners, annual or more frequent reviews by the commission which evaluate whether the conduct is consistent with the petition and whether the benefits continue to outweigh any disadvantages. If the commission determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commission shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter . . . , Laws of 1993 (this act) is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW."

Representatives Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative Sommers moved adoption of the following amendment to the committee amendment:

On page 145, line 26, after "expenditures." strike everything through "package." on line 29

Representatives Sommers and Dellwo spoke in favor of adoption of the amendment and it was adopted.

Representative Wineberry moved adoption of the following amendment to the committee amendment:

On page 145, line 35, after "children;" insert "chemical dependency services;"

Representatives Wineberry, Dellwo, Reams and Karahalios spoke in favor of adoption of the amendment and it was adopted.

Representative Karahalios moved adoption of the following amendment to the committee amendment:

On page 147, line 3, after "committee," strike "describing the economic impact on" and insert "surveying each individual small business to describe the economic impact on their"

Representatives Karahalios and Dellwo spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Karahalios withdrew amendment number 374.

Representative Sheldon moved adoption of the following amendment to the committee amendment:

On page 147, beginning on line 35 of the amendment, strike all of section 450
On page 154, beginning on line 34 of the amendment, strike all of section 456

On page 154, after line 33, insert the following:

"NEW SECTION. Sec. 456. (1) On or before December 31, 1994, the commission shall submit draft rules establishing the following to the legislature:

(a) The uniform benefits package and supplemental benefits packages as provided in sections 448 and 449 of this act;

(b) Enrollee and employer financial participation levels as provided in section 455 of this act;

(c) Standards for certified health plan certification as provided in section 427 of this act; and

(d) Medical risk adjustment mechanisms, to the extent that the commission has determined that there is a need for medical risk adjustment to certified health plans.

(2) Final adoption of the rules by the commission is conditioned upon legislative approval of the rules, as submitted or modified, by an act of law or concurrent resolution of the legislature."

Representatives Sheldon and Dyer spoke in favor of adoption of the amendment and Representatives Dellwo, L. Johnson and Wang spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment beginning on page 147 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Kremen, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 47.

Voting nay: Representatives Anderson, Appelwick, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Romero, Rust, Scott, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 50.

Excused: Representative Springer - 1.

Representative Shin moved adoption of the following amendment to the committee amendment:

On page 148, line 30, after "such coverage," strike "and".

On page 148, line 32, after "integrated" insert ", and the means through which family members can be supported in their role as informal caregivers for their parents, spouses or other relatives".

Representatives Shin, Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative R. Johnson moved adoption of the following amendment to the committee amendment:

On page 150, after line 14 of the amendment, insert the following:

NEW SECTION. Sec. 452. The department of social and health services shall from July 1, 1993, to July 1, 1998, coordinate a pilot program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. This program must allow for the exclusion of an individual's assets, as approved by the federal health care financing administration, in a determination of the individual's eligibility for medicaid; the amount of any medicaid payment; or any subsequent recovery by the state for a payment for medicaid services to the extent such assets are protected by a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter.

NEW SECTION. Sec. 453. The department of social and health services shall seek approval and a waiver of appropriate federal medicaid regulations to allow the protection of an individual's assets as provided in this chapter. The department shall adopt all rules necessary to implement the Washington long-term care partnership program, which rules shall permit the exclusion of an individual's assets in a determination of medicaid eligibility to the extent that private long-term care insurance provides payment or benefits for services that medicaid would approve or cover for medicaid recipients.

NEW SECTION. Sec. 454. (1) The insurance commissioner shall adopt rules defining the criteria that long-term care insurance policies must meet to satisfy the requirements of this chapter. The rules shall provide that all long-term care insurance policies purchased for the purposes of this chapter:

- (a) Be guaranteed renewable;
- (b) Provide coverage for home and community-based services and nursing home care;
- (c) Provide automatic inflation protection or similar coverage to protect the policyholder from future increases in the cost of long-term care;
- (d) Not require prior hospitalization or confinement in a nursing home as a prerequisite to receiving long-term care benefits; and
- (e) Contain at least a six-month grace period that permits reinstatement of the policy or contract retroactive to the date of termination if the policy or contract holder's nonpayment of premiums arose as a result of a cognitive impairment suffered by the policy or contract holder as certified by a physician.

(2) Insurers offering long-term care policies for the purposes of this chapter shall demonstrate to the satisfaction of the insurance commissioner that they:

- (a) Have procedures to provide notice to each purchaser of the long-term care consumer education program;
- (b) Offer case management services;
- (c) Have procedures that provide for the keeping of individual policy records and procedures for the explanation of coverage and benefits identifying those payments or services available under the policy that meet the purposes of this chapter;
- (d) Agree to provide the insurance commissioner, on or before September 1 of each year, an annual report containing the following information:
 - (i) The number of policies issued and of the policies issued, that number sorted by issue age;
 - (ii) To the extent possible, the financial circumstance of the individuals covered by such policies;
 - (iii) The total number of claims paid; and
 - (iv) Of the number of claims paid, the number paid for nursing home care, for home care services, and community-based services.

NEW SECTION. Sec. 455. The insurance commissioner, in conjunction with the department of social and health services, shall develop a consumer education program designed to educate consumers as to the need for long-term care, methods for financing long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided under this chapter.

NEW SECTION. Sec. 456. By January 1 of each year, the insurance commissioner, in conjunction with the department of social and health services, shall report to the legislature on the progress of the asset protection program. The report shall include:

- (1) The success of the agencies in implementing the program;

- (2) The number of insurers offering long-term care policies meeting the criteria for asset protection;
- (3) The number, age, and financial circumstances of individuals purchasing long-term care policies meeting the criteria for asset protection;
- (4) The number of individuals seeking consumer information services;
- (5) The extent and type of benefits paid by insurers offering policies meeting the criteria for asset protection;
- (6) Estimates of the impact of the program on present and future medicaid expenditures;
- (7) The cost-effectiveness of the program; and
- (8) A determination regarding the appropriateness of continuing the program.

NEW SECTION. Sec. 457. Sections 452 through 456 of this act shall constitute a new chapter in Title 48 RCW."

Representatives R. Johnson, Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Dyer withdrew amendment number 363.

Representative Flemming moved adoption of the following amendment to the amendment:

On page 151, line 21 of the amendment, after "requirement" strike "may" and insert "shall"

On page 151, at the beginning of line 24 of the amendment, strike "and" and insert "or"

On page 154, line 17 of the amendment, after "requirement" strike "may" and insert "shall"

On page 154, line 20 of the amendment, after "Constitution" strike "and" and insert "or"

Representatives Flemming, Dellwo and Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative Sheldon moved adoption of the following amendment to the committee amendment:

On page 153, line 33 of the amendment, after "employer" insert "of over fifty employees"

Representatives Sheldon, Dellwo, Mielke, Appelwick, Dyer, Ballard and Morton spoke in favor of adoption of the amendment and Representatives Jones, Dunshee, Kessler, Peery and J. Kohl spoke against it.

Representative Zellinsky demanded the previous question and the demand was sustained.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 153, line 33 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 53.

Excused: Representative Springer - 1.

Representative Sheldon moved adoption of the following amendment to the committee amendment: Beginning on page 151, line 35 of the amendment, strike all of sections 455, 456, and 457

Representatives Sheldon, Dyer, Van Luven, Thibaudeau, Vance and Chandler spoke in favor of adoption of the amendment and Representatives Dellwo and L. Johnson spoke against it.

Representative R. Meyers assumed the chair.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment beginning on page 151, line 35 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Holm, Johanson, Kremen, Lemmon, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 44.

Voting nay: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Horn, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Shin, Sommers, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 53.

Excused: Representative Springer - 1.

Representative Sheldon moved adoption of the following amendment to the committee amendment:

On page 154, after line 11, insert:

"However, employers employing less than one hundred qualified employees shall pay the amount resulting from application of the following formula on behalf of employees who work less than thirty hours during a week or one hundred twenty hours during a calendar month: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty."

Representatives Sheldon, Zellinsky, Mielke and Conway spoke in favor of adoption of the amendment and Representatives Dellwo and L. Johnson spoke against it.

Representative Sheldon again spoke in favor of the amendment.

A division was called. The result of the division were 47-YEAS; 50-NAYS. The amendment was not adopted.

Representative Sheldon moved adoption of the following amendment to the committee amendment:

On page 153, after line 8, insert:

"(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee."

On page 153, after line 32, insert:

"(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee."

On page 154, after line 16, insert:

"(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee."

Representatives Sheldon and Dellwo spoke in favor of adoption of the amendment and it was adopted.

Representative Heavey moved adoption of the following amendment to the committee amendment:

On page 161, after line 2 of the amendment, insert the following:

"(e) Request that the United States Congress amend the Internal Revenue Code to treat employee premium contributions to an employer sponsored health benefit plan as nontaxable income."

Representatives Heavey and Dellwo spoke in favor of adoption of the amendment and it was adopted.

Representative Campbell moved adoption of the following amendment to the committee amendment:

Beginning on page 167, line 1 of the amendment, strike all of sections 474 and 475 and insert the following:
"NEW SECTION. Sec. 474. WORKERS' COMPENSATION MEDICAL BENEFITS. On or before December 1, 1994, the health services commission, in coordination with the department of labor and industries and the workers' compensation advisory committee, shall complete a study related to the medical services component of the workers' compensation program of the department of labor and industries. The goal of the study is to determine whether and how the medical services component of the workers' compensation program can be modified to provide appropriate medical services to injured workers in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Workers' choice of health care providers, twenty-four hour coverage, the relationship between rehabilitation and medical services, and the quasi-judicial system that overlays treatment. The study shall evaluate at least the following options:

(1) Whether the medical services component of the workers' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to injured workers;

(2) Whether the medical services component of the workers' compensation program should be administered by the health care authority as the state health services purchasing agent, pursuant to section 225 of this act. Any recommendation proposing that the state health services agent purchase injured workers' medical services shall assure that the uniform benefits package will provide benefits that are medically necessary under the workers' compensation program in 1993, including payment for medical determinations of disability under Title 51 RCW, and consider issues presented by twenty-four hour coverage and the use of managed care to provide medical services to injured workers;

(3) Whether the medical services component of the workers' compensation program should be included in the services offered by certified health plans through employer sponsorship as provided in chapter . . . , Laws of 1993 (this act). Any recommendation proposing the inclusion of workers' compensation medical services in the services offered by certified health plans shall assure that (a) no less than ninety-seven percent of state residents have access to the uniform benefits package as required in chapter . . . , Laws of 1993 (this act), (b) the uniform benefits package provides benefits that are medically necessary under the workers' compensation program in 1993, including payment for medical determinations of disability under Title 51 RCW, (c) time-loss benefits and rehabilitative services will not be reduced as a result of the transfer, and (d) the employees' share of the workers' compensation medical aid fund contribution will be returned to employees as increased wages."

Representatives Campbell and L. Johnson spoke in favor of adoption of the amendment and it was adopted.

MOTION FOR RECONSIDERATION

Representative G. Fisher, having voted on the prevailing side moved that the House reconsider amendment number 393 which failed to pass the House.

With the consent of the House, the motion for reconsideration was withdrawn.

Representative Fuhrman moved adoption of the following amendment to the committee amendment:

On page 174, beginning on line 13 of the amendment, strike all of section 485 and insert the following:

"NEW SECTION. Sec. 485. REFERENDUM. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 486. EFFECTIVE DATES. (1) Sections 231 through 254 of this act shall take effect July 1, 1994.

(2) Sections 301 through 303 of this act shall take effect January 1, 1996."

Representatives Fuhrman, Padden, Campbell, Vance, Ballard, Tate, Horn, Thomas and Morton spoke in favor of adoption of the amendment and Representative Dellwo spoke against it.

The Speaker assumed the chair.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment to the amendment on page 147 of the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, Representative Valle withdrew amendment number 393.

Representative Valle moved adoption of the following amendment to the committee amendment:

On page 89 of the amendment, after line 18, insert:

"(4) Effective July 1, 1998, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of two and one-half mills per cigarette effective July 1, 1998. Twenty percent of the revenues collected from this additional tax shall be deposited in the general fund and used only for appropriations to the department of health for the purposes of tobacco use prevention and cessation programs. The balance of revenues collected from this additional tax shall be deposited in the health services account created under section 460 of this act."

Representatives Valle and Flemming spoke in favor of adoption of the amendment and Representative Miller spoke against it.

A division was called. The result of the division were 43-YEAS; 55-NAYS. The amendment was not adopted.

Representative Dyer moved adoption of the following amendment to the committee amendment:

Strike everything after the enacting clause and insert the following:

"PART I. FINDINGS, GOALS, AND INTENT

NEW SECTION. Sec. 101. FINDINGS. The legislature finds that our health and financial security are jeopardized by our ever increasing demand for medical care and by current medical insurance and medical system practices. Current medical system practices encourage public demand for unneeded, ineffective, and sometimes dangerous medical treatments. These practices often result in unaffordable cost increases that far exceed ordinary inflation for essential care. Current total medical and health care expenditure rates should be sufficient to provide access to essential health and medical care interventions to all within a reformed, efficient system.

The legislature finds that too many of our state's residents are without medical insurance, that each year many individuals and families are forced into poverty because of serious illness, and that many must leave gainful employment to be eligible for publicly funded medical services. Additionally, thousands of citizens are at risk of losing adequate medical insurance, have had insurance canceled recently, or cannot afford to renew existing coverage.

The legislature finds that businesses find it difficult to pay for medical insurance and remain competitive in a global economy, and that individuals, the poor, and small businesses bear an inequitable medical insurance burden.

The legislature finds that persons of color have significantly higher rates of mortality, poor health outcomes, and substantially lower numbers and percentages of persons covered by health insurance than general population. It is intended that chapter ..., Laws of 1993 (this act) make provisions to address the special health care needs of these racial and ethnic populations in order to improve their health status.

The legislature finds that uncontrolled demand and expenditures for medical care are eroding the ability of families, businesses, communities, and governments to invest in other enterprises that promote health, maintain independence, and ensure continued economic welfare. Housing, nutrition, education, and the environment are all diminished as we invest ever increasing shares of wealth in medical treatments.

The legislature finds that while immediate steps must be taken, a long-term plan of reform is also needed.

NEW SECTION. Sec. 102. LEGISLATIVE INTENT AND GOALS. (1) The legislature intends that state government policy stabilize health services costs, assure access to essential services for all residents, actively address the health care needs of persons of color, improve the public's health, and reduce unwarranted health services costs to preserve the viability of nonmedical care businesses.

(2) The legislature intends that:

- (a) Total health services costs be stabilized and controlled within a managed, competitive marketplace;
- (b) State residents be enrolled in the certified health plan of their choice that meets state standards regarding affordability, accessibility, cost-effectiveness, and comprehensiveness;
- (c) State residents be able to choose health services in a manner consistent with good health service management, quality assurance, and cost effectiveness;
- (d) Individuals and businesses have the option to purchase any health or medical services they may choose in addition to those contained in the uniform benefits package;
- (e) These goals be accomplished within a reformed system using private service providers and facilities in a way that allows consumers to choose among competing plans; and
- (f) That a policy of facilitating communication and networking in the delivery, purchase, and provision of health services among the federal, state, local, and tribal governments be encouraged and accomplished by chapter ..., Laws of 1993 (this act).

(3) Accordingly, the legislature intends that chapter ..., Laws of 1993 (this act) provide both early implementation measures and a process for overall reform of the health services system.

PART II. EARLY IMPLEMENTATION

A. BASIC HEALTH PLAN EXPANSION

Sec. 201. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

BASIC HEALTH PLAN--FINDINGS. (1) The legislature finds that:

- (a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;
- (b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and
- (c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women (~~who are an especially vulnerable population, along with their children~~), and at-risk children and adolescents who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents (~~(under sixty-five years of age)~~) not (~~(otherwise)~~) eligible for medicare (~~(with gross family income at or below two hundred percent of the federal poverty guidelines)~~) or medical assistance who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) (~~The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost-benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.~~)

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families

are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens below three hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program. It is also the intent of the legislature to condition access to this plan for nonsubsidized enrollees upon the prior placement of subsidized enrollees, to the extent funding is available.

(c) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 202. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

BASIC HEALTH PLAN--DEFINITIONS. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. (4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse ~~((and/or))~~ or dependent children, ~~((all under the age of sixty-five and))~~ not ~~((otherwise))~~ eligible for medicare or medical assistance, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who chooses to obtain basic health care coverage from a particular managed health care system and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes ~~((, from funds appropriated from the basic health plan trust account,))~~ to a managed health care system on behalf of ~~((an))~~ a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income ~~((and determined under RCW 70.47.060(2),))~~ which an ~~((enrollee))~~ individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 203. RCW 70.47.030 and 1992 c 232 s 907 are each amended to read as follows:

ACCOUNTS. (1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((After July 1, 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.))~~

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 204. RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended to read as follows:

BASIC HEALTH PLAN--PROGRAM WITHIN STATE HEALTH CARE AUTHORITY. (1) The Washington basic health plan is created as an independent agency of the state. The administrative head and appointing authority of the plan shall be the administrator who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The administrator shall appoint a medical director. The ~~((administrator,))~~ medical director~~(;-))~~ and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

~~(5) ((In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law)) Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.~~

Sec. 205. RCW 70.47.060 and 1992 c 232 s 908 are each amended to read as follows:

ADMINISTRATOR'S POWERS AND DUTIES. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, ~~((for the period ending June 30, 1993,))~~ with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for ~~((prenatal or postnatal))~~ such services ~~((that are provided under the medical assistance program under chapter 74.09 RCW))~~ except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider~~((or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992))~~. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size ~~((as well as))~~ and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the appropriate premium tax as provided by law.

(3) To design and implement a structure of ((nominal)) copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) ((To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5)) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

((In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.))

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medicaid, may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least ((annually)) semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. ((An enrollee who remains current in payment of the sliding scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross

family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled.) No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(11) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the ~~((administrator))~~ plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12))~~ ~~((To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.~~

~~((13))~~ To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((14))~~ ~~((13))~~ To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((15))~~ ~~To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state)~~ (14) To endeavor to expand enrollment as much as possible to correspond to the proportion of persons of color in the community served using the best available data that estimates representation of persons of color and describe these efforts in its annual report.

Sec. 206. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

ENROLLMENT. On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, total ~~((enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4))~~ subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan. To the extent that new funding is appropriated for expansion, the administrator shall endeavor to secure participation contracts from managed health care systems in geographic areas of the state that are unserved by the plan at the time at which the new funding is appropriated.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

B. EXPANDED MANAGED CARE FOR STATE EMPLOYEES

Sec. 207. RCW 41.05.011 and 1990 c 222 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an ~~((insurance carrier as defined in chapter 48.21 or 48.22))~~ insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205~~((, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350))~~.

(7) "Board" means the state employees' benefits board established under RCW 41.05.055.

C. HEALTH CARE PROVIDER CONFLICT OF INTEREST STANDARDS

Sec. 208. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment: PROVIDED, That ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; and (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities.

Any person violating the provisions of this section is guilty of a misdemeanor.

D. DATA COLLECTION

Sec. 209. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

(1) To promote the public interest consistent with the purposes of chapter . . . Laws of 1993 (this act), the department is responsible for the development, implementation, and custody of a state-wide ((hospital)) health care data system, with policy direction and oversight to be provided by the Washington health services commission. As part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, ((hospital)) health care data needed by consumers, purchasers, health care payers, ((hospitals)) providers, and state government as consistent with the intent of chapter . . . Laws of 1993 (this act) ((chapter)). The department shall identify a set of ((hospital)) health care data elements and report specifications which satisfy these needs. The ((council)) Washington health services commission, created by section 301 of this act, shall review the design of the data system and ((may direct the department to)) establish a technical advisory committee on health data. The department shall contract with a private vendor for assistance in the design of the data system or for any part of the work to be performed under this section. The data elements, specifications, and

other ~~((design))~~ distinguishing features of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by ~~((January 1, 1990))~~ July 1, 1994.

~~(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered ((through the department's development of a biennial data plan, as proposed to-)) with the oversight and policy guidance of the Washington health services commission or its technical advisory committee and funded by((;)) the legislature through the biennial appropriations process. ((Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.~~

~~(3))~~ In designing the state-wide ~~((hospital))~~ health care data system and any data plans, the department shall identify ~~((hospital))~~ health care data elements relating to ~~((both hospital finances))~~ health care costs, the quality of health care services, the outcomes of health care services, and ~~((the))~~ use of ~~((services by patients))~~ health care by consumers. Data elements ~~((relating to hospital finances))~~ shall be reported ~~((by hospitals))~~ as the Washington health services commission directs by reporters in conformance with a uniform ~~((system of))~~ reporting ~~((as specified by the department and shall))~~ system established by the department, which shall be adopted by reporters. "Reporter" means an individual or business entity, other than a hospital, required to be registered with the department of revenue for payment of taxes imposed under chapter 82.04 RCW or Title 48 RCW, that is primarily engaged in furnishing or insuring for medical, surgical, and other health services to persons. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act), for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ((and reported to the Washington state hospital commission)). The commission and the department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

~~((4))~~ ~~(3)~~ The state-wide ~~((hospital))~~ health care data system shall be uniform in its identification of reporting requirements for ~~((hospitals))~~ reporters across the state to the extent that such uniformity is ~~((necessary))~~ useful to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act). Data reporting requirements may reflect differences ~~((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors))~~ that involve pertinent distinguishing features as determined by the Washington health services commission by rule. So far as ~~((possible))~~ is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ~~((and))~~ the state in its role of gathering public health statistics, or any other payer program of consequence so as to minimize any unduly burdensome reporting requirements imposed on ~~((hospitals))~~ reporters.

~~((5))~~ ~~(4)~~ In identifying financial reporting requirements under the state-wide ~~((hospital))~~ health care data system, the department may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

~~((6))~~ ~~In designing the initial state-wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.~~

~~(7) Until such time as the state-wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.~~

~~(8))~~ ~~(5)~~ The ~~((hospital))~~ health care data collected ~~((and)),~~ maintained, and studied by the department or the Washington health services commission shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to chapter . . . , Laws of 1993 (this act) shall comply with departmental or commission requirements established by rule in the acquisition of data.

Sec. 210. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

The department shall provide, or may contract with a private entity to provide, ~~((hospital))~~ analyses and reports or any studies it chooses to conduct consistent with the purposes of chapter . . . , Laws of 1993 (this

~~((chapter)) act. Subject to the availability of funds and any policy direction that may be given by the Washington health services commission. ((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance.))~~ These studies, analyses, or reports shall include:

(1) Consumer guides on purchasing ~~((hospital care services and))~~ or consuming health care and publications providing verifiable and useful aggregate comparative information to ((consumers on hospitals and hospital services)) the public on health care services, their cost, and the quality of health care providers who participate in certified health plans;

(2) Reports for use by classes of purchasers, who purchase from certified health plans, health care payers, and providers as specified for content and format in the state-wide data system and data plan; ~~((and))~~

(3) Reports on relevant ~~((hospital))~~ health care policy ((issues)) including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ~~((hospital))~~ provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ((hospital)) health care; and

(4) Any other reports the commission or department deems useful to assist the public or purchasers of certified health plans in understanding the prudent and cost-effective use of all health services.

NEW SECTION. Sec. 211. A new section is added to chapter 70.170 RCW to read as follows:

Notwithstanding the provisions of chapter 42.17 RCW, any material contained within the state-wide health care data system or in the files of either the department or the Washington health services commission shall be subject to the following limitations: (1) Records obtained, reviewed by, or on file that contain information concerning medical treatment of individuals shall be exempt from public inspection and copying; and (2) any actuarial formulas, statistics, and assumptions submitted by a certified health plan to the commission or department upon request shall be exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition.

All persons and any public or private agencies or entities whatsoever subject to this chapter shall comply with any requirements established by rule relating to the acquisition or use of health services data and maintain the confidentiality of any information which may, in any manner, identify individual persons.

NEW SECTION. Sec. 212. A new section is added to chapter 70.170 RCW to read as follows:

The Washington health services commission shall have access to all health data presently available to the secretary of health. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies. The department of health shall be the designated depository agency for all health data collected pursuant to chapter . . . , Laws of 1993 (this act). The following data sources shall be developed or made available:

(1) The commission shall coordinate with the secretary of health to utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the commission's responsibilities.

(2) The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct other research necessary for the specific purpose of assisting in the design of the uniform benefit package under chapter . . . , Laws of 1993 (this act).

(3) The commission shall establish cost data sources and shall require each certified health plan to provide the commission and the department of health with enrollee care and cost information, to include, but not be limited to: (a) Enrollee demographic data, including age, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health care services or procedures provided; (e) provider charges, if any; and (f) aggregated paid data. For the purposes of this subsection (3)(f), the commission shall assure that all data relating to amounts paid for health care services must be collected, compiled, and evaluated in a state-wide aggregated form. To protect a managed competitive health care market, the commission may not identify purchaser-specific or payer-specific information relating to amounts paid for health care services. The department shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release.

NEW SECTION. Sec. 213. A new section is added to chapter 70.170 RCW to read as follows:

(1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include, but not be limited to: (a) Enrollee demographic data, including age,

sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges, if any; and (f) aggregated paid data. For the purposes of this subsection (2)(f), the commission shall assure that all data relating to amounts paid for health care services must be collected, compiled, and evaluated in a state-wide aggregated form. To protect a managed competitive health care market, the commission may not identify purchaser-specific or payer-specific information relating to amounts paid for health care services. The commission shall establish by rule, confidentiality standards to safeguard the information from inappropriate use or release. The department shall assist the commission in establishing reasonable time frames for the completion of the system development and system implementation.

E. DISCLOSURE OF HOSPITAL, NURSING HOME, AND PHARMACY CHARGES

NEW SECTION. Sec. 214. A new section is added to chapter 70.41 RCW to read as follows:

(1) The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making physicians and other health care providers with hospital admitting privileges more aware of the cost consequences of health care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial hospital services, with a potential for reducing the utilization of those services. The requirement of the hospital to inform physicians and other health care providers of the charges of the health care services that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

(2) The chief executive officer of a hospital licensed under this chapter and the superintendent of a state hospital shall establish and maintain a procedure for disclosing to physicians and other health care providers with admitting privileges the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications.

NEW SECTION. Sec. 215. A new section is added to chapter 71.12 RCW to read as follows:

(1) The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making physicians and other health care providers with hospital admitting privileges more aware of the cost consequences of health care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial hospital services, with a potential for reducing the utilization of those services. The requirement of the hospital to inform physicians and other health care providers of the charges of the health care services that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

(2) The chief executive officer of a hospital licensed under this chapter and the superintendent of a state hospital shall establish and maintain a procedure for disclosing to physicians and other health care providers with admitting privileges the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications.

NEW SECTION. Sec. 216. A new section is added to chapter 18.68 RCW to read as follows:

The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. One of the fastest growing segments of the health care expenditure involves prescription medications. By making physicians and other health care providers with prescriptive authority more aware of the cost consequences of health care treatments for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial drug and medication treatments. The requirement of the pharmacy to inform physicians and other health care providers of the charges of prescription drugs and medications that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

NEW SECTION. Sec. 217. A new section is added to chapter 18.68 RCW to read as follows:

The registered or licensed pharmacist of this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

NEW SECTION. Sec. 218. A new section is added to chapter 18.51 RCW to read as follows:

(1) The legislature finds that the spiraling costs of nursing home care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making nursing home facilities and care providers more aware of the cost consequences of care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial services and care, with a potential for reducing the utilization of those services. The requirement of the nursing home to inform physicians, consumers, and other care providers of the charges of the services that they order may have a positive effect on containing health costs.

(2) The chief executive officer of a nursing home licensed under this chapter shall establish and maintain a procedure for disclosing to physicians, consumers, and other care providers the charges of all services to be ordered for residents. These charges shall be posted on the resident's bill and shall include total charges to date and an itemization of charges for each month.

NEW SECTION. Sec. 219. The department of health shall report to the legislature by December 31, 1994, with recommendations on any necessary revisions to sections 214 through 218 of this act, including their continued necessity and the appropriateness of their repeal.

F. HEALTH PROFESSIONAL SHORTAGES

Sec. 220. RCW 43.70.460 and 1992 c 113 s 2 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--MALPRACTICE INSURANCE. (1) The department may establish a program to purchase and maintain liability malpractice insurance for retired ~~((physicians))~~ primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;

(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired ~~((physicians))~~ primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer to provide coverage to a ~~((physician))~~ primary care provider should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or ~~((physician))~~ primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

Sec. 221. RCW 43.70.470 and 1992 c 113 s 3 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--CONDITIONS. The department may establish by rule the conditions of participation in the liability insurance program by retired physicians at clinics utilizing retired physicians for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating physician associated with the clinic shall hold a valid license to practice medicine and surgery as a physician under chapter 18.71 or 18.57 RCW, a physician assistant under chapter 18.36A, 18.71A, or

18.57A RCW, or an advanced registered nurse practitioner under chapter 18.88 RCW in this state and otherwise be in conformity with current requirements for licensure as a retired physician, including continuing education requirements;

(2) The participating physician shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating physician shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating physician shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating physician for services provided by the physician, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating physician authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

G. SHORT-TERM HEALTH INSURANCE REFORM

NEW SECTION. Sec. 222. The legislature intends that, during the transition to a fully reformed health services system, certain health insurance practices be modified to increase access to health insurance coverage for some individuals and groups. The legislature recognizes that health insurance reform will not remedy the significant lack of access to coverage in Washington state without the implementation of strong cost control measures. The authority granted to the commissioner in chapter . . . , Laws of 1993 (this act) is in addition to any authority the commissioner currently has under Title 48 RCW to regulate insurers, health care service contractors, and health maintenance organizations.

NEW SECTION. Sec. 223. A new section is added to chapter 48.18 RCW to read as follows:

Every insurer upon canceling, denying, or refusing to renew any disability policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer and to any person covered under a group contract. Any benefits, terms, rates, or conditions of such a contract that are restricted, excluded, modified, increased, or reduced shall, upon written request, be set forth in writing and supplied to the insured and to any person covered under a group contract. The written communications required by this section shall be phrased in simple language that is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 224. RCW 48.21.200 and 1983 c 202 s 16 and 1983 c 106 s 24 are each reenacted and amended to read as follows:

(1) No individual or group disability insurance policy, health care service contract, or health maintenance agreement which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state (~~after September 8, 1975~~) which contains any provision whereby the insurer, contractor, or health maintenance organization may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any (~~individual~~) disability insurance policy, (~~or under any individual~~) health care service contract, or health maintenance agreement.

(2) No individual or group disability insurance policy, health care service contract, or health maintenance agreement providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements.

(3) The commissioner shall by rule establish guidelines for the application of this section, including:

(a) The procedures by which persons (~~insured~~) covered under such policies, contracts, and agreements are to be made aware of the existence of such a provision;

(b) The benefits which may be subject to such a provision;

(c) The effect of such a provision on the benefits provided;

(d) Establishment of the order of benefit determination; (~~and~~)

(e) Exceptions necessary to maintain the integrity of policies, contracts, and agreements that may require the use of particular health care facilities or providers; and

(f) Reasonable claim administration procedures to expedite claim payments and prevent duplication of payments or benefits under such a provision~~((- PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages: AND PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3)-~~

~~(3) The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements)).~~

NEW SECTION. Sec. 225. A new section is added to chapter 48.20 RCW to read as follows:

(1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall provide recommendations to the legislature on findings no later than January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

(3) No disability insurer may waive or exclude any preexisting condition from coverage for more than a twelve-month period.

NEW SECTION. Sec. 226. A new section is added to chapter 48.21 RCW to read as follows:

(1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall provide recommendations to the legislature on findings no later than January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

(3) No disability insurer may waive or exclude any preexisting condition from coverage for more than a twelve-month period.

NEW SECTION. Sec. 227. A new section is added to chapter 48.44 RCW to read as follows:

(1) After January 1, 1994, every health care service contractor, except limited health care service contractors as defined under RCW 48.44.035, shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new contract to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall provide recommendations to the legislature on findings no later than January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

(3) No health care service contractor may waive or exclude any preexisting condition from coverage for more than a twelve-month period.

NEW SECTION. Sec. 228. A new section is added to chapter 48.46 RCW to read as follows:

(1) After January 1, 1994, every health maintenance organization shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the one-month period immediately preceding the effective date of coverage under the new agreement to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall provide recommendations to the legislature on findings no later than January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

(3) No health maintenance organization may waive or exclude any preexisting condition from coverage for more than a twelve-month period.

Sec. 229. RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each amended to read as follows:

Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on or after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 230. A new section is added to chapter 48.44 RCW to read as follows:

(1) With respect to all health care service contracts issued or renewed on or after July 1, 1994, except limited health care service contracts as defined in RCW 48.44.035:

(a) Contracts shall guarantee continuity of coverage. Such provision, which shall be included in every contract, shall provide that:

(i) The contract may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premiums, for violation of published policies of the contractor which have been approved by the commissioner, for persons who are entitled to become eligible for medicare benefits and fail to subscribe to a medicare supplement plan offered by the contractor, for failure of such subscriber to pay any deductible or

copayment amount owed to the contractor and not the provider of health care services, for fraud, or for a material breach of the contract; and

(ii) The contract may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the contractor has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a contractor to modify the coverage provided or rates applying to an in-force contract and to fail to make such modification in all such issued and outstanding contracts.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health care service contractor to:

(i) Cease the sale of a contract form unless it has received prior written authorization from the commissioner and has offered all subscribers covered under such discontinued contract the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects subscribers to rate increases on discontinued contract forms unless such subscribers are offered the opportunity to purchase comparable coverage without health screening.

(2) The health care service contractor may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 231. A new section is added to chapter 48.46 RCW to read as follows:

(1) With respect to all health maintenance agreements issued or renewed on or after July 1, 1994, and in addition to the restrictions and limitations contained in RCW 48.46.060(4):

(a) Agreements shall guarantee continuity of coverage. Such provision, which shall be included in every agreement, shall provide that the agreement may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the organization has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for an organization to modify the coverage provided or rates applying to an in-force agreement and to fail to make such modification in all such issued and outstanding agreements.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health maintenance organization to:

(i) Cease the sale of an agreement form unless it has received prior written authorization from the commissioner and has offered all enrollees covered under such discontinued agreement the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects enrollees to rate increases on discontinued agreement forms unless such enrollees are offered the opportunity to purchase comparable coverage without health screening.

(2) The health maintenance organization may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

Sec. 232. RCW 48.44.260 and 1979 c 133 s 3 are each amended to read as follows:

Every authorized health care service contractor, upon canceling, denying, or refusing to renew any individual health care service contract, shall, upon written request, directly notify in writing the applicant or ~~((insured))~~ subscriber, as the case may be, of the reasons for the action by the health care service contractor. Any benefits, terms, rates, or conditions of such a contract which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the ~~((insured))~~ subscriber. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 233. RCW 48.46.380 and 1983 c 106 s 16 are each amended to read as follows:

Every authorized health maintenance organization, upon canceling, denying, or refusing to renew any individual health maintenance agreement, shall, upon written request, directly notify in writing the applicant or enrolled participant as appropriate, of the reasons for the action by the health maintenance organization. Any benefits, terms, rates, or conditions of such agreement which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the individual. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 234. The following acts or parts of acts are each repealed:

- (1) RCW 48.46.160 and 1975 1st ex.s. c 290 s 17; and
- (2) RCW 48.46.905 and 1975 1st ex.s. c 290 s 25.

NEW SECTION. Sec. 235. RCW 48.44.410 and 1986 c 223 s 12 are each repealed, effective July 1, 1994.

NEW SECTION. Sec. 236. A new section is added to chapter 48.20 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of disability insurance conflict with the provision of sections 301 through 306 and 328 through 347 of this act, sections 301 through 306 and 328 through 347 of this act shall control.

NEW SECTION. Sec. 237. A new section is added to chapter 48.21 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of disability insurance conflict with the provision of sections 301 through 306 and 328 through 347 of this act, sections 301 through 306 and 328 through 347 of this act shall control.

NEW SECTION. Sec. 238. A new section is added to chapter 48.44 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of health care service contracts conflict with the provision of sections 301 through 306 and 328 through 347 of this act, sections 301 through 306 and 328 through 347 of this act shall control.

NEW SECTION. Sec. 239. A new section is added to chapter 48.46 RCW to read as follows:

Whenever the provisions of this chapter governing the sale and content of health maintenance agreements conflict with the provision of sections 301 through 306 and 327 through 346 of this act, sections 301 through 306 and 327 through 346 of this act shall control.

H. LONG-TERM HEALTH CARE PARTNERSHIP

NEW SECTION. Sec. 240. The legislature recognizes that the elderly are the fastest-growing age group nation-wide and in Washington state, increasing in absolute terms and as a percentage of the total population. In addition, the older population itself is aging. The over eighty-five years of age group of elderly are growing faster than any other group. This is in large part due to the substantial advances in medical technology that have increased the elderly's life expectancy and have changed their prevalent causes of death. Living longer has meant that chronic conditions have become major causes of death, disability, and functional dependency. These conditions can effect the individual for years, impairing their ability to function and necessitating high use of long-term care and health care resources to manage, not cure, the conditions. On the average, the elderly's health care and long-term care utilization and expenditures are much greater than those of the nonelderly. While the elderly spend nearly three times the amount the population as a whole spends on health care, per capita, their largest source of out-of-pocket expenditures is for nursing home care. Currently, almost half of all the nursing home expenditures in the United States are financed by public tax dollars through the medicaid program. Almost all of the remaining expenditures nation-wide for nursing homes are financed privately and are primarily paid directly by individual out-of-pocket payments. Since private health insurance for long-term care has not been a major component of the financing for long-term care, the majority of the aged in our state face the risk of financial ruin from an extended nursing home stay.

The legislature finds that the aged in nursing homes often "spend down" their income and become dependent on tax-supported medicaid nursing home care. Approximately half of the people that medicaid pays for in nursing homes were not initially poor, but spent down their assets as a result of catastrophic nursing home bills. The current financing dilemma is likely to worsen. Additional demands are expected to be made on the long-term care system. At the same time, the public sector's ability to finance increased long-term care needs through tax-supported programs, will decline. The lack of elderly persons protected by private insurance further encourages them to seek medicaid eligibility, often by transferring their assets to family members. As a result, assets are lost that might be used advantageously to add to their income, for more appropriate housing, or for health and social services, to improve the quality of their lives, to prevent or delay institutional placement, and to prevent their becoming indigent.

The legislature further finds that the private long-term care insurance, as regulated and provided in this state, provides a proven and viable option for protecting many of our state's elderly from the devastating financial impact of a nursing home admission. If a sufficient quantity of long-term care policies were purchased, it could also reduce the state's large and growing burden for financing long-term care.

It is the purpose and intent of this chapter to provide a realistic approach to financing needed long-term care to the elderly by encouraging the private market to be an appealing and effective partner in long-term care financing and structuring linkages between private insurance options and access to an improved medicaid system. The approach will build upon the significant responsibilities and experience that we have developed in the finance and

delivery of long-term care to address the challenge of coordinating the role of the private sector with rapidly changing public programs.

NEW SECTION. Sec. 241. The office of insurance commissioner shall, from July 1, 1993, to July 1, 2000, coordinate a pilot program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be combined to finance long-term care. This program will allow an individual to purchase a precertified long-term care insurance policy in an amount commensurate with his or her assets. Notwithstanding any provision of law, the resources of such an individual, to the extent such resources are equal to the amount of long-term care insurance benefit payments as provided in this section, shall not be considered by the department of social and health services in a determination of: (1) His or her eligibility for medicaid, (2) the amount of any medicaid payment, or (3) in any subsequent recovery by the state of a payment for medical services.

NEW SECTION. Sec. 242. The department of social and health services shall seek appropriate amendments to its medicaid regulations or any other regulations to allow protection of resources and income pursuant to section 240 of this act. The protection assets shall be provided, to the extent approved by the federal health care financing administration, for any purchaser of a precertified long-term care policy delivered, issued for delivery, or renewed from January 1, 1994, to December 31, 1999, inclusive, or the termination of the program, whichever is sooner. The projections shall last for the life of the purchaser. The department of social and health services shall count insurance benefit payments toward resource exclusion to the extent such payments are for: (1) Services medicaid approves or covers for its recipients; (2) the lower of the actual charge and the amount paid by the insurance company; (3) nursing home care or formal services delivered to those insured in the community as part of a care plan approved by a coordination assessment and monitoring agency approved by the department of social and health services; and (4) services provided after the individual meets the coverage requirements for long-term care benefits established by the department of social and health services for this program. The secretary of social and health services shall adopt rules, in accordance with current law, to implement the provisions of this chapter relating to determining eligibility of applicants for medicaid and the coverage requirements for long-term care benefits.

NEW SECTION. Sec. 243. The insurance commissioner may precertify only those long-term care insurance policies that: (1) Alert the purchaser to the availability of consumer information and public education provided by the department on aging and adult services pursuant to section 244 of this act; (2) offer the option of home and community-based services in lieu of nursing home care; (3) in all home care plans, offer case management services delivered by a coordination, assessment, and monitoring agency, approved by the department of social and health services or by a home health care agency separately licensed as a coordination, assessment, and monitoring agency under this chapter; (4) offer automatic inflation protection or optional periodic per diem upgrades until the insured begins to receive long-term care benefits; (5) provide for the keeping of records and an explanation of benefit reports on insurance payments that count toward medicaid resource exclusion; and (6) provide the management information and reports necessary to document the extent of medicaid resource protection offered and to evaluate the Washington long-term care partnership. No policy may be precertified if it requires prior hospitalization or a prior stay in a nursing home as a condition of providing long-term care benefits. The insurance commissioner shall adopt rules to carry out the precertification provisions of this chapter.

NEW SECTION. Sec. 244. The insurance commissioner shall require its senior health insurance department advisors program to educate consumers as to: (1) The need for long-term care; (2) mechanisms for financing such care; (3) the availability of long-term care insurance; and (4) the asset protection provided under this chapter. In addition the department of social and health services shall provide to the extent possible public information to assist individuals in choosing appropriate insurance coverage.

NEW SECTION. Sec. 245. The department of social and health services and the insurance commissioner shall seek the federal approvals necessary to carry out the purposes of this chapter. Each year, on January 1st, the insurance commissioner shall report to the legislature on the progress of the program. The report shall include: (1) The success in implementing the public and private partnership; (2) the number of policies precertified; (3) the number, age, and financial circumstances of individuals purchasing precertified policies; (4) the number of individuals seeking consumer information services; (5) the extent and type of benefits paid under precertified policies that could count toward medicaid resource protection; (6) estimates of impact on present and future medicaid expenditures; (7) the cost-effectiveness of the program; and (8) a determination regarding the appropriateness of continuing the program.

NEW SECTION. Sec. 246. Sections 240 through 245 of this act shall constitute a new chapter in Title 48 RCW.

I. UNIFORM ELECTRONIC CLAIMS PROCESSING

NEW SECTION. Sec. 247. A new section is added to chapter 48.20 RCW to read as follows:

APPLICATION TO DISABILITY INSURANCE POLICIES. (1) After January 1, 1995, all disability insurance policies that provide coverage for hospital or medical expenses shall use for all billing purposes in electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1995, the forms developed under section 256 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 248. A new section is added to chapter 48.21 RCW to read as follows:

APPLICATION TO GROUP DISABILITY INSURANCE POLICIES. (1) After January 1, 1995, all group disability insurance policies that provide coverage for hospital or medical expenses shall use for all billing purposes in electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1995, the forms developed under section 256 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 249. A new section is added to chapter 48.44 RCW to read as follows:

APPLICATION TO HEALTH CARE INSURANCE CONTRACTS. (1) After January 1, 1995, all health care insurance contracts that provide coverage for hospital or medical expenses shall use for all billing purposes in electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1995, the forms developed under section 256 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 250. A new section is added to chapter 48.46 RCW to read as follows:

APPLICATION TO HEALTH MAINTENANCE AGREEMENTS. (1) After January 1, 1995, all health maintenance agreements that provide coverage for hospital or medical expenses shall use for all billing purposes in electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1995, the forms developed under section 256 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 251. A new section is added to chapter 48.84 RCW to read as follows:

APPLICATION TO LONG-TERM CARE PROVIDERS. (1) After January 1, 1995, all providers of long-term care that provide coverage for hospital or medical expenses shall use for all billing purposes in electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform bill (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1995, the forms developed under section 256 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 252. A new section is added to chapter 41.05 RCW to read as follows:

APPLICATION TO STATE HEALTH CARE AUTHORITY. After July 1, 1995, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in electronic format for state-paid health care services provided through the health care authority. The forms developed under section 256 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 253. A new section is added to chapter 74.09 RCW to read as follows:

APPLICATION TO THE MEDICAL ASSISTANCE PROGRAM. After July 1, 1995, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in electronic format for state-paid health care services provided by the department. The forms developed under section 256 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 254. A new section is added to Title 51 RCW to read as follows:

APPLICATION TO LABOR AND INDUSTRIES. After July 1, 1995, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in electronic format for state-paid health care services provided under this title. The forms developed under section 256 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 255. A new section is added to chapter 70.47 RCW to read as follows:

APPLICATION TO BASIC HEALTH PLAN. After July 1, 1995, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in electronic format for state-paid health care services provided under the basic health plan. The forms developed under section 256 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 256. A new section is added to chapter 70.170 RCW to read as follows:

JOINT AGENCY RULES. By January 1, 1994, the council shall develop and adopt by rule electronic format billing forms to be used for pharmacists, dentists, eyeglasses, transportation, and vocational services. These forms shall be made available to providers of health care coverage licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.84 RCW.

NEW SECTION. Sec. 257. A new section is added to chapter 70.170 RCW to read as follows:

The council shall by rule adopt a uniform approach to health care claims processing, information requirements, definition of terms coding, and submission and payment mechanisms to be used by all providers and health care payers subject to this chapter.

PART III.

A. THE WASHINGTON HEALTH SERVICES COMMISSION

NEW SECTION. Sec. 301. CREATION OF COMMISSION--MEMBERSHIP--TERMS OF OFFICE--VACANCIES--SALARIES. (1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. Of the initial members, one shall be appointed to a term of three years, one shall be appointed to a term of four years, and one shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter 42.18 RCW, the executive branch conflict of interest act.

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

NEW SECTION. Sec. 302. STAKEHOLDERS' COMMITTEE. (1)(a) In an effort to ensure effective participation in the commission's deliberations, the chair shall appoint a stakeholders' committee. The chair may also appoint ad hoc and special committees for a specified time period.

(b) The chair shall also appoint health services effectiveness panels for specified periods of time to provide technical guidance related to appropriate and effective health services, use of technology and practice guidelines, and development of the uniform benefits package. Panels should include technical experts, such as general practitioners, specialty physicians or providers, health service researchers, health ethicists, epidemiologists, and public health experts who reflect the state's ethnic and cultural diversity.

(2) Members of committees and panels shall serve without compensation for their services but shall be reimbursed for their expenses while attending meetings on behalf of the commission in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 303. POWERS AND DUTIES OF THE CHAIR. The chair shall be the chief administrative officer and the appointing authority of the commission and has the following powers and duties:

(1) Direct and supervise the commission's administrative and technical activities in accordance with the provisions of this chapter and rules and policies adopted by the commission;

(2) Employ no more than ten full-time employees of the commission, representative of ethnic diversity, in accordance with chapter 41.06 RCW, and prescribe their duties;

(3) Enter into contracts on behalf of the commission;

- (4) Accept and expend gifts, donations, grants, and other funds received by the commission;
- (5) Delegate administrative functions of the commission to employees of the commission as the chair deems necessary to ensure efficient administration;
- (6) Subject to approval of the commission, appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the commission;
- (7) Preside at meetings of the commission; and
- (8) Perform such other administrative and technical duties as are consistent with chapter . . . , Laws of 1993 (this act) and the rules and policies of the commission.

NEW SECTION. Sec. 304. POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a managed care health plan to receive the uniform benefits package, that shall include a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, prenatal and postnatal care, and other services that may be necessary for basic health care, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status by July 1, 1998.

(2) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter . . . , Laws of 1993 (this act), provided that an initial set of draft rules establishing at least the commission's organization structure, levels of and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(3) Develop and implement, if necessary, one or more medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks.

(4) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(5) Monitor the actual growth in total annual health services costs.

(6) Establish reporting requirements for health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures. The commission shall review and monitor such reports and shall report to the legislature regarding major capital expenditures on at least an annual basis.

(7) Establish criteria that the Washington health care facilities authority shall use to authorize the issuance of bonds pursuant to chapter 70.37 RCW. Upon the publication of such criteria, the authority may not issue bonds without commission approval.

(8) Require all managed health care systems, health care service contractors, health maintenance organizations, disability insurers, certified health plans, any state-paid or administered health care program, and providers to use only health care financing administration-approved paper claim forms, ANSI X12, or a subsequent generation, electronic standards for the submission of electronic claims and drop out red ink, or other specialized ink, on paper claim forms to facilitate electronic scanning of claims.

(9) Adopt criteria and develop policy for personal health data and information systems as provided in chapter 70.170 RCW.

(10) Evaluate and monitor the extent to which racial and ethnic minorities have access and to receive health services within the state, and develop strategies to address barriers to access.

(11) Develop standards for the certification process to certify health plans to provide the uniform benefits package, according to the provisions for certified health plans under chapter . . . , Laws of 1993 (this act).

(12)(a) Monitor the progress of the United States congress as it deliberates reform of the health care system, to ascertain potential opportunities for enhancing Washington state's health care system.

(b) Develop a process whereby all residents, businesses, and government would make payments to certified health plans sufficient to assure access to basic and affordable health benefits for all the state's residents by July 1, 1998. The recommended process shall be consistent with existing federal law and be submitted to the legislature for its approval no later than December 1, 1994.

(13) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(14) Undertake or facilitate evaluations of health care reform, including analysis of fiscal and economic impacts including in-migration, the effectiveness of managed care and managed competition, and effects of reform on access and quality of service. Fiscal and economic impact analysis shall be conducted by the office of financial management.

(15) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these joint employee-employer entities are organized; and make appropriate recommendations to the governor and the legislature about how these trusts can be brought under the provisions of chapter . . . , Laws of 1993 (this act) when it is fully implemented.

NEW SECTION. Sec. 305. CONFLICT OF INTEREST STANDARDS. The Washington health services commission established by section 301 of this act, in consultation with the secretary of health, and the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.

NEW SECTION. Sec. 306. CONTINUOUS QUALITY IMPROVEMENT AND TOTAL QUALITY MANAGEMENT. To ensure the highest quality health services at the lowest total cost, the commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science for continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful experiences in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop standards for a Washington state health services supplier certification process and recommend such standards to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later than July 1, 1996, whereby all health service providers and health service facilities shall be certified prior to providing uniform benefits package services.

B. PRACTICE INDICATORS

NEW SECTION. Sec. 307. A new section is added to chapter 43.70 RCW to read as follows:

PRACTICE INDICATORS. The department of health shall consult with health care providers, purchasers, managed care delivery systems, certified health plans, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

- (1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.
- (2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.
- (3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

C. HEALTH CARE LIABILITY REFORMS

Sec. 308. RCW 4.56.250 and 1986 c 305 s 301 are each amended to read as follows:

Notwithstanding the opinion of the state supreme court in *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636 (1989) the legislature still believes that controlling the cost of noneconomic damages must be a fundamental part of any health care reform. With the respect due our supreme court, a co-equal branch of our state government, the state legislature hereby amends RCW 4.56.250 to provide more information to the civil jury while reaffirming its belief in the constitutionality and appropriateness of RCW 4.56.250.

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) "Economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) "Noneconomic damages" means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) "Bodily injury" means physical injury, sickness, or disease, including death.

(d) "Average annual wage" means the average annual wage in the state of Washington as determined under RCW 50.04.355.

(2) In no action seeking damages for personal injury or death may a claimant recover a judgment for noneconomic damages exceeding an amount determined by multiplying 0.43 by the average annual wage and by the life expectancy of the person incurring noneconomic damages, as the life expectancy is determined by the life expectancy tables adopted by the insurance commissioner. For purposes of determining the maximum amount allowable for noneconomic damages, a claimant's life expectancy shall not be less than fifteen years. The limitation contained in this subsection applies to all claims for noneconomic damages made by a claimant who incurred bodily

injury. Claims for loss of consortium, loss of society and companionship, destruction of the parent-child relationship, and all other derivative claims asserted by persons who did not sustain bodily injury are to be included within the limitation on claims for noneconomic damages arising from the same bodily injury.

(3) If a case is tried to a jury, the jury shall ~~((not))~~ be informed of the limitation contained in subsection (2) of this section.

NEW SECTION. Sec. 309. CERTIFICATE OF MERIT REQUIRED. (1) The claimant's attorney shall file the certificate specified in subsection (2) of this section within thirty days of filing or service, whichever occurs later, for any action for damages arising out of injuries resulting from health care by a health care provider, as defined in RCW 7.70.020.

(2) The certificate issued by the claimant's attorney shall declare:

(a) That the attorney has reviewed the facts of the case;

(b) That the attorney has consulted with at least one qualified expert who holds a license, certificate, or registration issued by this state or another state in the same profession as that of the defendant, who practices in the same specialty or subspecialty as the defendant, and whom the attorney reasonably believes is knowledgeable in the relevant issues involved in the particular action;

(c) The identity of the expert and the expert's license, certification, or registration;

(d) That the expert is willing and available to testify to admissible facts or opinions; and

(e) That the attorney has concluded on the basis of such review and consultation that there is reasonable and meritorious cause for the filing of such action.

(3) Where a certificate is required under this section, and where there are multiple defendants, the certificate or certificates must state the attorney's conclusion that on the basis of review and expert consultation, there is reasonable and meritorious cause for the filing of such action as to each defendant.

(4) The provisions of this section are not applicable to a plaintiff who is not represented by an attorney.

(5) Violation of this section is grounds for either dismissal of the case or sanctions against the attorney, which may include an order to pay to the defendant or defendants the amount of reasonable expense incurred including a reasonable attorneys' fee, or both, as the court deems appropriate.

Sec. 310. RCW 18.72.400 and 1991 c 3 s 171 are each amended to read as follows:

(1) The secretary of health shall allocate all appropriated funds to accomplish the purposes of this chapter.

(2) Upon a showing by the secretary of health, on behalf of the medical disciplinary board, that expenditures in excess of levels authorized by legislative appropriation are necessary to meet unanticipated public demand for investigation of, and disciplinary action against, unsafe or impaired physicians or surgeons, the office of financial management may authorize necessary expenditures from the medical disciplinary account in excess of appropriated levels.

Sec. 311. RCW 43.70.320 and 1991 sp.s. c 13 s 18 are each amended to read as follows:

(1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190(4) shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Upon a showing by the department, on behalf of an individual health profession regulatory board, that expenditures in excess of levels authorized by legislative appropriation are necessary to meet unanticipated public demand for investigation of, and disciplinary action against, unsafe or impaired health care practitioners, the office of financial management may authorize necessary expenditures from the health professions account in excess of appropriated levels. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

Sec. 312. RCW 18.130.160 and 1986 c 259 s 8 are each amended to read as follows:

FINDING OF UNPROFESSIONAL CONDUCT--ORDERS--SANCTIONS--STAY--COSTS. Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

(1) Revocation of the license;

(2) Suspension of the license for a fixed or indefinite term;

(3) Restriction or limitation of the practice;

(4) Requiring the satisfactory completion of a specific program of remedial education or treatment;

- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed ~~((one))~~ five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

Sec. 313. RCW 18.130.190 and 1991 c 3 s 271 are each amended to read as follows:

(1) The secretary shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the secretary shall have the same authority as provided the secretary under RCW 18.130.050. The secretary shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(2) The attorney general, a county prosecuting attorney, the secretary, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

(4) In addition to the remedies provided in this section, the secretary is authorized to impose a civil penalty of up to five thousand dollars on a person engaged, without a license, in a profession or business for which a license is required by the chapters specified in RCW 18.130.040. The imposition of the civil penalty shall occur only upon a finding by the secretary, after affording an opportunity for a hearing, that there has been a failure or refusal to obtain a license as required in any of the chapters specified in RCW 18.130.040.

NEW SECTION. Sec. 314. A new section is added to chapter 18.130 RCW to read as follows:

MALPRACTICE INSURANCE COVERAGE MANDATE. Except to the extent that liability insurance is not available, every licensed health care practitioner whose services are included in the uniform benefits package, as determined by the health services commission by rule, and whose scope of practice includes independent practice, shall, as a condition of licensure and relicensure, be required to provide evidence of a minimum level of malpractice insurance coverage. On or before January 1, 1994, the department shall designate by rule:

- (1) Those health professions whose scope of practice includes independent practice;
- (2) For each health profession whose scope of practice includes independent practice, whether malpractice insurance is available; and
- (3) If such insurance is available, the appropriate minimum level of mandated coverage.

NEW SECTION. Sec. 315. A new section is added to chapter 48.22 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, a casualty insurer's issuance of a new medical malpractice policy or renewal of an existing medical malpractice policy to a physician or other independent health care practitioner shall be conditioned upon that practitioner's participation in, and completion of, health care liability risk management training. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with the adverse health outcomes that do occur. For purposes of this section, "independent health care practitioners" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 314 of this act.

NEW SECTION. Sec. 316. A new section is added to chapter 48.05 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, each health care provider, facility, or health maintenance organization that self-insures for liability risks related to medical malpractice and employs physicians or other independent health care practitioners in Washington state shall condition each physician's and practitioner's liability coverage by that entity upon that physician's or practitioner's participation in risk management training offered by the provider, facility, or health maintenance organization to its employees. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with those adverse health outcomes that do occur. For purposes of this section, "independent health care practitioner" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 314 of this act.

Sec. 317. RCW 70.41.200 and 1991 c 3 s 336 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality ~~((assurance))~~ improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures~~((--At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity))~~;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality ~~((assurance))~~ improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ~~((about health care providers arising out of the matters that are under review or have been evaluated))~~ by a ~~((review))~~ quality improvement committee ~~((conducting quality assurance reviews))~~ are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~((assurance))~~ improvement committees regarding such health care provider; ~~((c))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

Sec. 318. RCW 70.41.230 and 1991 c 3 s 337 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ~~((about health care providers arising out of the matters that are under review or have been evaluated))~~ by a ~~((review))~~ quality improvement committee ~~((conducting quality assurance reviews))~~ are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~((assurance))~~ improvement committees regarding such health care provider; ~~((c))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 319. A new section is added to chapter 43.70 RCW to read as follows:

COORDINATED QUALITY IMPROVEMENT PROGRAM. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, and certified health plans approved pursuant to section 331 of this act may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, or certified health plan, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Physician groups of ten or more physicians may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the physician group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) The department of health shall adopt rules as are necessary to implement this section.

NEW SECTION. Sec. 320. MEDICAL MALPRACTICE REVIEW. (1) The administrator for the courts shall coordinate a collaborative effort to develop a voluntary system for review of medical malpractice claims by health services experts prior to the filing of a cause of action under chapter 7.70 RCW.

(2) The system shall have at least the following components:

(a) Review would be initiated, by agreement of the injured claimant and the health care provider, at the point at which a medical malpractice claim is submitted to a malpractice insurer or a self-insured health care provider.

(b) By agreement of the parties, an expert would be chosen from a pool of health services experts who have agreed to review claims on a voluntary basis.

(c) The mutually agreed upon expert would conduct an impartial review of the claim and provide his or her opinion to the parties.

(d) A pool of available experts would be established and maintained for each category of health care practitioner by the corresponding practitioner association, such as the Washington state medical association and the Washington state nurses association.

(3) The administrator for the courts shall seek to involve at least the following organizations in a collaborative effort to develop the informal review system described in subsection (2) of this section:

(a) The Washington defense trial lawyers association;

(b) The Washington state trial lawyers association;

(c) The Washington state medical association;

(d) The Washington state nurses association;

(e) The Washington state hospital association;

(f) The Washington state physicians insurance exchange and association;

- (g) The Washington casualty company;
- (h) The doctor's agency;
- (i) Group health cooperative of Puget Sound;
- (j) The University of Washington;
- (k) Washington osteopathic medical association;
- (l) Washington state chiropractic association;
- (m) Washington association of naturopathic physicians; and
- (n) The department of health.

(4) On or before January 1, 1994, the administrator for the courts shall provide a report on the status of the development of the system described in this section to the governor and the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 321. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. (1) All causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after the effective date of this section shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators. Mediators shall be compensated in the same amount and manner as judges pro tempore of the superior court unless the parties agree to a different amount or manner of compensation;

(b) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(c) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(d) The number of days following the selection of a mediator within which a mediation conference must be held;

(e) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(f) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

NEW SECTION. Sec. 322. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE. The making of a written, good faith request for mediation of a dispute related to damages for injury occurring as a result of health care provided prior to filing a cause of action under this chapter shall toll the statute of limitations provided in RCW 4.16.350.

NEW SECTION. Sec. 323. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. Section 321 of this act may not be construed to abridge the right to trial by jury following an unsuccessful attempt at mediation.

Sec. 324. RCW 5.60.070 and 1991 c 321 s 1 are each amended to read as follows:

(1) If there is a court order to mediate ~~((or))~~, a written agreement between the parties to mediate, or if mediation is mandated under section 321 of this act, then any communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

(a) When all parties to the mediation agree, in writing, to disclosure;

(b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;

(c) When a written agreement to mediate permits disclosure;

(d) When disclosure is mandated by statute;

(e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;

(f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or

(g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.

(2) When there is a court order ~~((or))~~, a written agreement to mediate, or when mediation is mandated under section 321 of this act, as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:

- (a) All parties to the mediation and the mediator agree in writing; or
- (b) In an action described in subsection (1)(g) of this section.

NEW SECTION. Sec. 325. The legislature finds that in *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636 (1989), the Washington state supreme court struck down the limit on noneconomic damages enacted by the legislature in 1986, because the court found that the statutory limitation on noneconomic damages interfered with the jury's province to determine damages, and thus violated a plaintiff's constitutionally protected right to trial by jury.

The legislature further finds that reforms in existing law for actions involving fault are necessary and proper to avoid catastrophic economic consequences for state and local governmental entities as well as private individuals and businesses.

Therefore, the legislature declares that to remedy the economic inequities which may arise from *Sofie*, defendants in actions involving fault should be held financially liable in closer proportion to their respective degree of fault. To treat them differently is unfair and inequitable.

It is further the intent of the legislature to partially eliminate causes of action based on joint and several liability as provided by this act for the purpose of reducing costs associated with the civil justice system.

Sec. 326. RCW 4.22.070 and 1986 c 305 s 401 are each amended to read as follows:

(1) For the purposes of this section, the term "economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities. "Economic damages" does not include subjective, nonmonetary losses such as pain and suffering, mental anguish, emotional distress, disability and disfigurement, inconvenience, injury to reputation, humiliation, destruction of the parent-child relationship, the nature and extent of an injury, loss of consortium, society, companionship, support, love, affection, care, services, guidance, training, instruction, and protection.

(2) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's ~~((total))~~ economic damages.

~~((2))~~ (3) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

~~((3))~~ (4)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

NEW SECTION. Sec. 327. A new section is added to chapter 4.24 RCW to read as follows:

No person may maintain a cause of action or receive an award of damages or imposition of a penalty based on the claim that, but for the intentional or negligent conduct of another, he or she or a child would have been aborted or otherwise not born.

The failure or refusal of a person to perform or have an abortion shall not be a defense in an action. The failure or refusal of a person to perform or have an abortion shall not be considered in awarding damages or imposing a penalty.

Nothing in this section shall preclude a cause of action for a claim based on the failure of a contraceptive method or sterilization procedure. Nothing in this section shall preclude a cause of action based on a claim that, but for the negligent conduct of another, tests or treatment would have been provided or would have been provided properly which would have made possible the prevention, cure, or amelioration of a disease, defect, deficiency, or

handicap. Nothing in this section shall preclude a medical malpractice cause of action otherwise based on the intentional, reckless, or negligent conduct of another. Abortion shall not be considered a contraceptive method or a means of preventing, curing, or ameliorating a disease, defect, deficiency, or handicap.

D. HEALTH INSURANCE PURCHASING COOPERATIVES

NEW SECTION. Sec. 328. HEALTH INSURANCE PURCHASING COOPERATIVES--DESIGNATION OF REGIONS BY COMMISSION, INFORMATION SYSTEMS, MINIMUM STANDARDS, AND RULES. (1) The health service commission shall designate regions within the state in which competing health insurance purchasing cooperatives shall operate, based upon population, assuming that each cooperative must serve no less than one hundred thousand persons; geographic factors; market conditions; and other factors deemed appropriate by the commission. The commission may designate certain regions of the state as areas where only one cooperative may operate upon a determination that an insufficient population base exists within such region to efficiently support more than one cooperative.

(2) Every health insurance purchasing cooperative shall:

(a) Admit all individuals, public or private employers, or other groups wishing to participate in the cooperative consistent with the charter and bylaws of the cooperative as approved by the insurance commissioner;

(b) Make available for purchase by cooperative members health care programs offered by certified health plans operating within the cooperative's region;

(c) Be operated as a member-governed and owned, nonprofit cooperative;

(d) Provide for centralized enrollment and premium collection and distribution among certified health plans;

(e) Serve as an ombudsman for its members to resolve inquiries, complaints, or other concerns with certified health plans; and

(f) Consider ways in which they can develop, encourage, and provide incentives for employee wellness programs.

(3) Every health insurance purchasing cooperative may assist members in selecting certified health plans and for this purpose may devise a rating system or similar system to judge the quality and cost-effectiveness of certified health plans.

(4) Every health insurance purchasing cooperative shall bear the full cost of its operations, including the costs of participating in the information clearinghouse, through assessments upon its members. Such assessments shall be billed and accounted for separately from premiums collected and distributed for the purchase of the uniform benefits package or any other supplemental insurance or health services program.

(5) No health insurance purchasing cooperative may bear any financial risk for the delivery of uniform benefits package services, or for any other supplemental insurance or health services program.

(6) The commission may adopt rules necessary for the implementation of this section.

NEW SECTION. Sec. 329. LICENSING AND REGULATION OF HEALTH INSURANCE PURCHASING COOPERATIVES BY THE INSURANCE COMMISSIONER. (1) No person may operate a health insurance purchasing cooperative without having first obtained a certificate of authority from the insurance commissioner.

(2) Every proposed cooperative shall furnish notice to the insurance commissioner that shall:

(a) Identify the principal name and address of the cooperative;

(b) Furnish the names and addresses of the initial officers of the cooperative;

(c) Include copies of letters of agreement for participation in the cooperative including minimum term of participation;

(d) Furnish copies of its proposed articles and bylaws; and

(e) Provide other information as prescribed by the insurance commissioner in consultation with the health services commission to verify that the cooperative is qualified and is managed by competent and trustworthy individuals.

(3) The commissioner shall approve applications for certificates in accordance with the order received. Once the maximum number of cooperatives have been issued certificates of authority in each region in accordance with the rules adopted by the health services commission, the insurance commissioner may not issue any new certificate until or unless a previously authorized cooperative surrenders or loses its certificate of authority.

(4) All funds representing premiums or return premiums received by a cooperative in its fiduciary capacity shall be accounted for and maintained in a separate account from all other funds. Each willful violation of this section constitutes a misdemeanor.

(5) Every cooperative shall keep at its principal address, a record of all transactions it has consummated on behalf of its members with certified health plans. All such records shall be kept available and open to the inspection of the insurance commissioner at any business time during a five-year period immediately after the date of completion of the transaction.

E. CERTIFIED HEALTH PLANS

NEW SECTION. Sec. 330. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1)

On or after July 1, 1997, no person or entity in this state shall, by mail or otherwise, sell the uniform benefits package as defined by the commission without being certified as a certified health plan by the insurance commissioner.

(2) On or after July 1, 1997, the uniform benefits package shall be purchased only from entities certified as certified health plans.

(3) On or after July 1, 1997, the uniform benefits package shall be the minimum benefits package of any certified health plan.

NEW SECTION. Sec. 331. HEALTH PLAN CERTIFICATION STANDARDS. A certified health plan shall:

(1) Provide the benefits included in the uniform benefits package to enrolled Washington residents for a premium not to exceed the maximum established by the commission, or provider charges that exceed the maximum charges established by the commission. Certified health plans shall utilize community-rating principles in determining rates and premiums for the uniform benefits package. The community-rating principles required by this section shall allow adjustments for age, geography, and gender. Certified health plans may also allow favorable premium adjustments attributable to wellness and preventive programs, nonsmoking, and other factors approved by the commission;

(2) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the uniform benefits package regardless of factors referenced in RCW 49.60.020, including age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, or other condition or situation;

(3) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the uniform benefits package to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits. Nothing in this chapter prohibits a certified health plan from offering the uniform benefits package where such obligations are protected by the Washington life and disability insurance guaranty association in place of the provider contracts otherwise required under section 338 of this act;

(4) Comply with portability of benefits requirements prescribed by the insurance commissioner;

(5) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;

(6) Include in all of its contracts issued for uniform benefits package coverage a subrogation provision that allows the certified health plan to recover the costs of uniform benefits package services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

(7) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the uniform benefits package, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for grievance procedures and resolution; and

(8) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not modified or superseded by the provisions of chapter . . . , Laws of 1993 (this act) and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection (2) of this section.

NEW SECTION. Sec. 332. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1)

No person or entity in this state may, by mail or otherwise, act or hold himself or herself out to be a certified health plan as defined by the commission without being registered with the insurance commissioner.

(2) Anyone violating subsection (1) of this section is liable for a fine not to exceed ten thousand dollars and imprisonment not to exceed six months for each instance of such violation.

NEW SECTION. Sec. 333. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF REGISTRATION--APPLICATION REQUIREMENTS. Any corporation, cooperative group, partnership, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education are entitled to a certificate from the insurance commissioner as a certified health plan if it:

(1) Submits an application for certification as a certified health plan, which shall be verified by an officer or authorized representative of the applicant, being in a form as the insurance commissioner prescribes in consultation with the health services commission;

(2) Meets the minimum net worth requirements set forth in section 339 of this act and the funding reserve requirements set forth in section 340 of this act;

(3) A certified health plan may establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance to guidelines adopted by the commission, those which have been clearly drawn to be exclusionary within a health care catchment area.

NEW SECTION. Sec. 334. ISSUANCE OF CERTIFICATE--GROUNDS FOR REFUSAL. The commissioner shall issue a certificate as a certified health plan to an applicant within one hundred twenty days of such filing unless the commissioner notifies the applicant within such time that such application is not complete and the reasons therefor; or that the commissioner is not satisfied that:

(1) The basic organization document of the applicant permits the applicant to conduct business as a certified health plan;

(2) The applicant has demonstrated the intent and ability to assure that the health services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants.

NEW SECTION. Sec. 335. PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--FILING OF PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--ADDITIONAL CHARGES PROHIBITED. (1) The insurance commissioner shall verify that the certified health plans charge no more than the maximum premium during the course of financial and market conduct examinations or more frequently if justified in the opinion of the insurance commissioner or upon request by the health services commission.

(2) The certified health plans shall file the premium schedules with the insurance commissioner, within thirty days of establishment by the health services commission.

NEW SECTION. Sec. 336. ANNUAL STATEMENT FILING--CONTENTS--PENALTY FOR FAILURE TO FILE--ACCURACY REQUIRED. (1) Every certified health plan shall annually not later than March 1 of the calendar year, file with the insurance commissioner a statement verified by at least two of its principal officers showing its financial condition as of December 31 of the preceding year.

(2) Such annual report shall be in such form as the insurance commissioner shall prescribe and shall include:

(a) A financial statement of the certified health plan, including its balance sheet and receipts and disbursements for the preceding year;

(b) A report of the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;

(c) The number of residents enrolled and terminated during the report period. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to demonstrate compliance with the open enrollment and free access requirements of chapter . . . , Laws of 1993 (this act). The insurance commissioner shall specify additional information to be reported, which may include but not be limited to age, sex, location, and health status information;

(d) Such other information relating to the performance of the certified health plan or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter in accordance with rules;

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the certified health plan or provider of the certified health plan.

(3) The commissioner may require quarterly reporting of financial information, such information to be furnished in a format prescribed by the commissioner in consultation with the commission.

(4) The commissioner may for good reason allow a reasonable extension of time within which such annual statement shall be filed.

(5) The commissioner may suspend or revoke the certificate of a certified health plan for failing to file its annual statement when due or during any extension of time therefor that the commissioner, for good cause, may grant.

(6) The commissioner shall publish and make available to the health services commission an annual summary report of at least the information required in subsections (2) and (3) of this section.

(7) No person may knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a certified health plan that does not accurately state the certified health plan's financial condition.

NEW SECTION. Sec. 337. PENALTY FOR VIOLATIONS. A certified health plan that, or person who, violates any provision of this chapter is guilty of a gross misdemeanor, unless the penalty is otherwise specifically provided.

NEW SECTION. Sec. 338. PROVIDER CONTRACTS--ENROLLED RESIDENT'S LIABILITY, COMMISSIONER'S REVIEW. (1) Subject to subsection (2) of this section, every contract between a certified health plan and its providers of health care services shall be in writing and shall set forth that in the event the certified health plan fails to pay for health care services as set forth in the uniform benefits package, the enrollee is not liable to the provider for any sums owed by the certified health plan. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a contracting provider with the certified health plan, or to emergent and urgently needed out-of-area services.

(3) The certified health plan shall file the contracts with the insurance commissioner for approval thirty days prior to use.

NEW SECTION. Sec. 339. MINIMUM NET WORTH--REQUIREMENTS TO MAINTAIN--DETERMINATION OF AMOUNT. (1) Every certified health plan must maintain a minimum net worth equal to the greater of:

(a) One million dollars; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the insurance commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2)(a) In determining net worth, no debt may be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt may not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the insurance commissioner, may not be considered a liability and shall be recorded as equity.

(3) Every certified health plan shall, in determining liabilities, include an amount estimated in the aggregate to provide for unearned premiums and for the payment of claims for health care expenditures that have been incurred, whether reported or unreported, that are unpaid and for which such organization is or may be liable and to provide for the expense of adjustment or settlement of such claims.

The claims shall be computed in accordance with rules adopted by the insurance commissioner in consultation with the health services commission.

NEW SECTION. Sec. 340. FUNDED RESERVE REQUIREMENTS. (1) Each certified health plan obtaining certification from the insurance commissioner under sections 330 through 345 of this act shall provide and maintain a funded reserve of one hundred fifty thousand dollars. The funded reserve shall be deposited with the insurance commissioner or with any organization acceptable to the commissioner in the form of cash, securities eligible for investment under chapter 48.13 RCW, approved surety bond, or any combination of these, and must be equal to or exceed one hundred fifty thousand dollars. The funded reserve shall be established as an assurance that the uncovered expenditures obligations of the certified health plan to the enrolled Washington residents shall be performed.

(2) All income from reserves on deposit with the commissioner shall belong to the depositing certified health plan and shall be paid to it as it becomes available.

(3) Funded reserves required by this section shall be considered an asset in determining the plan's net worth.

NEW SECTION. Sec. 341. EXAMINATION OF CERTIFIED HEALTH PLANS, POWERS OF COMMISSIONER, DUTIES OF PLANS, INDEPENDENT AUDIT REPORTS. (1) The insurance commissioner shall make an examination of the operations of a certified health plan as often as the commissioner deems it necessary in order to assure the financial security and health and safety of the enrolled residents. The insurance commissioner shall make an examination of a certified health plan not less than once every three calendar years.

(2) Every certified health plan shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of medical services and systems shall be examined by the department of health except that the insurance commissioner may review such areas to the extent that such items impact the financial condition or the market conduct of the certified health plan. For the purpose of the examinations the insurance commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the certified health plans concerning their business.

(3) The insurance commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the certified health plan in the course of that part of the insurance commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4) Certified health plans shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of adopting rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, adoption of rules, and enforcement of the provisions of this chapter including a reasonable margin for cost variations. The assessments shall be established by rules adopted by the commissioner in consultation with the health services commission but may not exceed five and one-half cents per month per resident enrolled in the certified health plan. The minimum assessment shall be one thousand dollars. Assessment receipts shall be deposited in the insurance commissioner's regulatory account in the state treasury and shall be used for the purpose of funding the examinations authorized in subsection (1) of this section. Assessments received shall be used to pay a pro rata share of the costs, including overhead of regulating certified health plans. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in succeeding biennia.

NEW SECTION. Sec. 342. INSOLVENCY--COMMISSIONER'S DUTIES, CONTINUATION OF BENEFITS, ALLOCATION OF COVERAGE. (1) In the event of insolvency of a certified health plan and upon order of the commissioner, all other certified health plans shall offer the enrolled Washington residents of the insolvent certified health plan the opportunity to enroll in a solvent certified health plan. Enrollment shall be without prejudice for any preexisting condition and shall be continuous provided the resident enrolls in the new certified health plan within thirty days of the date of insolvency and otherwise complies with the certified health plan's managed care procedures within the thirty-day open enrollment period.

(2) The insurance commissioner, in consultation with the health services commission, shall establish guidelines for the equitable distribution of the insolvent certified health plan's enrollees to the remaining certified health plans. The guidelines may include limitations to enrollment based on financial conditions, provider delivery network, administrative capabilities of the certified health plan, and other reasonable measures of the certified health plan's ability to provide benefits to the newly enrolled residents.

(3) Each certified health plan shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the coverage period for which premiums have been paid and continuation of benefits to enrolled Washington residents who are confined on the date of insolvency in an inpatient facility until their discharge or transfer to a new certified health plan as provided in subsection (1) of this section. The plan shall be approved by the insurance commissioner at the time of certification and shall be submitted for review and approval on an annual basis. The commissioner shall approve such a plan if it includes:

(a) Insurance to cover the expenses to be paid for continued benefits after insolvency;

(b) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the certified health plan's insolvency for which premium payment has been made and until the enrolled participant is transferred to a new certified health plan in accordance with subsection (1) of this section. Such extension of coverage shall not obligate the provider of service beyond thirty days following the date of insolvency;

(c) Use of the funded reserve requirements as provided under section 340 of this act;

(d) Acceptable letters of credit or approved surety bonds; or

(e) Other arrangements the insurance commissioner and certified health plan mutually agree are appropriate to assure that benefits are continued.

NEW SECTION. Sec. 343. FINANCIAL FAILURE, SUPERVISION OF COMMISSIONER--PRIORITY OF DISTRIBUTION OF ASSETS. (1) Any rehabilitation, liquidation, or conservation of a certified health plan shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the insurance commissioner under the law governing the rehabilitation, liquidation, or conservation

of insurance companies. The insurance commissioner may apply for an order directing the insurance commissioner to rehabilitate, liquidate, or conserve a certified health plan upon one or more of the grounds set forth in RCW 48.31.030, 48.31.050, and 48.31.080. Enrolled residents shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled residents shall have the same priority as established by RCW 48.31.280 for policyholders of insurance companies.

(3) A provider who is obligated by statute or agreement to hold enrolled residents harmless from liability for services provided under and covered by a certified health plan shall have a priority of distribution of the general assets immediately following that of enrolled residents as described in this section, and immediately preceding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 344. GRIEVANCE PROCEDURE. A certified health plan shall establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrolled Washington residents concerning any matter relating to the provision of benefits under the uniform benefits package, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within twenty working days. The insurance commissioner in consultation with the health care commission shall establish standards for grievance procedures and resolution.

NEW SECTION. Sec. 345. EXEMPTION. The provisions of sections 330 through 344 of this act do not apply to any disability insurance company, health care service contractor, or health maintenance organization authorized to do business in Washington.

NEW SECTION. Sec. 346. ENFORCEMENT AUTHORITY OF COMMISSIONER. For the purposes of chapter . . . , Laws of 1993 (this act), the insurance commissioner shall have the same powers and duties of enforcement as are provided in Title 48 RCW.

F. STATE RESIDENT PARTICIPATION

NEW SECTION. Sec. 347. INDIVIDUAL PARTICIPATION. (1) All residents of the state of Washington are required to participate in a certified health plan no later than July 1, 1998. This participation requirement may be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions set forth in the First Amendment, United States Constitution and Article I, section 11 of the state Constitution. Residents of the state of Washington who work in another state for an out-of-state employer shall be deemed to have satisfied the requirements of this section if they receive health insurance coverage through such employer.

(2) The commission shall monitor the enrollment of individuals into certified health plans and shall make public periodic reports concerning the number of persons enrolled and not enrolled, the reasons why individuals are not enrolled, recommendations to reduce the number of persons not enrolled, and recommendations regarding enforcement of this provision.

G. EXCLUSIONS AND STUDIES

NEW SECTION. Sec. 348. CODE REVISIONS AND WAIVERS. (1) The commission shall consider the analysis of state and federal laws that would need to be repealed, amended, or waived to implement chapter . . . , Laws of 1993 (this act), and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor, and appropriate committees of the legislature by January 1, 1994.

(2) The governor, in consultation with the commission, shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement chapter . . . , Laws of 1993 (this act) to include, but not be limited to:

(a) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicaid statute, Title XIX of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for low-income residents of Washington state. Such waivers shall include any waiver needed to implement managed care programs. Waived provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; administrative requirements regarding single state agencies, choice of providers, and fee for service reimbursement programs; and other limitations on health services provider payment methods.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute,

Title XVIII of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . ., Laws of 1993 (this act) related to access to health services for elderly and disabled residents of Washington state. Such waivers shall include any waivers needed to implement managed care programs. Waived provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services; and limitations on health services provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to ensure integration of federally funded community and migrant health clinics and other health services funded through the public health services act into the health services system established pursuant to chapter . . ., Laws of 1993 (this act). The commission shall request in the waiver that funds from these sources continue to be allocated to federally funded community and migrant health clinics to the extent that such clinics' patients are not yet enrolled in certified health plans.

(3) On or before December 1, 1995, the commission shall report the following to the governor and appropriate committees of the legislature:

(a) The status of its efforts to obtain the waivers provided in subsection (2) of this section;

(b) The extent to which chapter . . ., Laws of 1993 (this act) can be implemented, given the status of waivers requested or granted.

H. WORKERS' COMPENSATION

NEW SECTION. Sec. 349. WORKERS' COMPENSATION MEDICAL BENEFITS. (1) On or before January 1, 1995, the department of labor and industries, in coordination with the commission, and the workers' compensation advisory committee, shall complete a study related to the medical services component of the workers' compensation program of the department of labor and industries. The goal of the study shall be to determine whether and how the medical services component of the workers' compensation program can be modified to provide appropriate medical services to injured workers in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Workers' choice of health care providers, twenty-four hour coverage, the required benefits structure, necessary statute changes, the use of managed care to provide medical services to injured workers, the quasi-judicial system that overlays treatment, and the relationship between return to work efforts, medical services, and disability prevention. The study shall evaluate at least the following options:

(a) Whether the medical services component of the workers' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to injured workers;

(b) Whether the medical services component of the workers' compensation program should be administered by the health care authority;

(c) Whether the medical services component of the workers' compensation program should be included in the services offered by certified health plans through employer sponsorship as provided in chapter . . ., Laws of 1993 (this act). Any recommendation proposing the inclusion of workers' compensation medical services in the services offered by certified health plans shall assure that (i) no less than ninety-seven percent of state residents have access to the uniform benefits package as required in chapter . . ., Laws of 1993 (this act), (ii) the uniform benefits package provides benefits which are medically necessary under the workers' compensation program in 1993, including payment for medical determinations of disability under Title 51 RCW, (iii) time loss benefits and rehabilitative services will not be reduced as a result of the transfer, and (iv) the employees' share of the workers' compensation medical aid fund contribution will be returned to employees as increased wages.

(2) The department of labor and industries may immediately implement pilot projects to assess the effects of purchasing the medical aid component of workers' compensation through managed care arrangements on the cost, quality comparability, and employer/employee satisfaction with various consolidation proposals. In completing these pilot projects, the department shall be granted exemptions from the requirements of Title 51 RCW which may prohibit implementation of the pilot projects. The projects shall conclude no later than January 1, 1995.

(3) The department of labor and industries shall present the recommendations to the governor and the appropriate committees of the legislature by January 1, 1995.

I. MISCELLANEOUS

NEW SECTION. Sec. 350. SHORT TITLE. This act may be known and cited as the Washington health services act of 1993.

Sec. 351. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:
For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges (~~(education)~~), state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage (~~(commissioners)~~) commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, (~~(state)~~) public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 352. RCW 43.20.050 and 1992 c 34 s 4 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the (~~(health)~~) forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by (~~(June)~~) January 1 of each even-numbered year for adoption by the governor. The governor, no later than (~~(September)~~) March 1 of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board (~~(shall)~~) may create ad hoc committees or other such committees of limited duration as necessary. (~~Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.~~)

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 353. RCW 18.32.675 and 1935 c 112 s 19 are each repealed.

NEW SECTION. Sec. 354. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 355. SAVINGS CLAUSE. The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

NEW SECTION. Sec. 356. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 357. CODIFICATION. Sections 301 through 306, 327 through 345, and 347 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 358. RESERVATION OF LEGISLATIVE AUTHORITY. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 359. EFFECTIVE DATE CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Dyer and Vance spoke in favor of adoption of the amendment and Representative Dellwo spoke against it.

Representative Fuhrman an demanded electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the striking amendment to the committee amendment to Engrossed Second Substitute Senate Bill No. 5304 and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

The committee amendment as amended was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flemming, Dellwo, L. Johnson, Appelwick, Karahalios, Ogden, Veloria, Jones and Conway spoke in favor of passage of the bill.

POINT OF PERSONAL PRIVILEGE

Representative Dyer: My compliments to the Representative from the third district. No one can say that he hasn't suffered sling and arrows of outrageous fortune and continued to work very hard on this process. We have our philosophical differences in the legislation, but we can not argue that the staff and the chairman under his direction has maintained a fair and equitable process for the hearing of even opposing views and I thank you for that.

Representatives Dyer, Brough, Forner and Edmondson spoke against passage of the bill.

Representative Vance demanded an oral roll call vote and the demand was sustained.

Representative Zellinsky demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5304.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5304 and the bill as amended by the House and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 42.

Engrossed Second Substitute Senate Bill No. 5304, as amended by the House, having received the constitutional majority, was declared passed.

On motion of Representative Peery, the call of the House was dissolved.

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

MOTION

On motion of Representative Peery, the House adjourned until 12:00 p.m., Friday April 9, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTY-EIGHTH DAY, APRIL 8, 1993

JOURNAL OF THE HOUSE

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

EIGHTY-NINTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, April 9, 1993

The House was called to order at 12:00 p.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages April Riley and Nick Johnson. Inspirational Message was offered by Representative Miller.

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

MESSAGE FROM THE SENATE

April 8, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1017,
HOUSE BILL NO. 1041,
HOUSE BILL NO. 1062,
ENGROSSED HOUSE BILL NO. 1152,
HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1266,
HOUSE BILL NO. 1477,
SUBSTITUTE HOUSE BILL NO. 1504,
ENGROSSED HOUSE BILL NO. 1621,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670,
SUBSTITUTE HOUSE BILL NO. 1767,
HOUSE BILL NO. 1884,
HOUSE BILL NO. 1943,
SUBSTITUTE HOUSE BILL NO. 1978,
HOUSE BILL NO. 2069,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2128 by Representatives Locke, Karahalios, Sommers, J. Kohl and Cothorn

AN ACT Relating to providing a postretirement adjustment based on years of service for plan I of the teachers' retirement system and the public employees' retirement system; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2129 by Representatives Mastin, Finkbeiner, Locke, Patterson, Linville, Foreman, Forner and J. Kohl

AN ACT Relating to state agency purchasing; amending RCW 43.19.190 and 43.19.1905; and creating new sections.

Referred to Committee on Appropriations.

HB 2130 by Representatives Locke, Dellwo and Miller; by request of Department of Social and Health Services

AN ACT Relating to the acquired human immunodeficiency syndrome insurance program; amending RCW 70.24.440; adding a new section to chapter 74.09 RCW; and recodifying RCW 70.24.440.

Referred to Committee on Appropriations.

HB 2131 by Representatives Leonard, Dyer, Dellwo, Cooke, G. Cole, Locke, Appelwick, Bray, Johanson, Ballasiotes, Rayburn, Miller, H. Myers, Schmidt, Anderson, Forner, Orr, Wineberry, King, Jones, Cothorn, Karahalios and Talcott

AN ACT Relating to childhood vaccines; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Human Services.

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

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

REPORTS OF STANDING COMMITTEES

April 8, 1993

HB 2098 Prime Sponsor, Representative Valle: Enhancing community options long-term care program. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Mielke; Morris; Thibaudeau; and Veloria.

Excused: Representatives Ballasiotes, Assistant Ranking Minority, and Appelwick.

Referred to Committee on Appropriations.

On motion of Representative Sheldon, the bill listed on today's committee reports under the fifth order of business was referred to the committee so designated.

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

SECOND READING

MOTION

Representative Sheldon moved that the House immediately consider Substitute Senate Bill No. 5088 on today's second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5088, by Senate Committee on Government Operations (originally sponsored by Senators McCaslin and Barr)

Authorizing flexible approaches to developing administrative rules.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment see Journal, 75th Day, March 25, 1993.)

Representative Veloria moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Veloria and Dyer spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Scott, Locke and Anderson were excused.

On motion of Representative Wood, Representative Schmidt was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5088 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5088 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 3, Excused - 4.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Absent: Representatives Chappell, Dellwo and Fisher, G. - 3.

Excused: Representatives Anderson, Locke, Schmidt and Scott - 4.

Substitute Senate Bill No. 5088 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: Senate Bill No. 5597, Substitute Senate Bill No. 5606 and Senate Bill No. 5875. The motion was carried.

SENATE BILL NO. 5597, by Senators A. Smith, Spanel and Rinehart; by request of Attorney General

Limiting the use of documentary materials.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sheldon and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5597.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5597, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Locke - 1.

Senate Bill No. 5597, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5606, by Senate Committee on Ways & Means (originally sponsored by Senators Prince, Vognild, Cantu, Fraser, Newhouse, Prentice, McAuliffe, Sutherland, Moore and Winsley)

Directing the state auditor to scrutinize funds and accounts under the control of state agencies.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Anderson moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5606 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5605, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5606, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5875, by Senators Gaspard, von Reichbauer, A. Smith, Winsley and M. Rasmussen; by request of Military Department

Enacting the national guard mutual assistance counter-drug activities compact.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 31, 1993.)

Representative Appelwick moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

With the consent of the House, Representative Jones withdrew amendment No. 333.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5875 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5875 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5875, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of Senate Bill No. 5925.

ENGROSSED SENATE BILL NO. 5101, by Senator Vognild

Adjusting certain motorcycle-related fees.

The bill was read the second time.

On motion of Representative Jones, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jones and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5101.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5101, and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Voting nay: Representatives Casada, Fuhrman, Kremen, Morton, Padden, Pruitt, Schoesler, Sheahan, Tate, Thomas and Vance - 11.

Engrossed Senate Bill No. 5101, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5139, by Senators Fraser, Wojahn, Prentice, Haugen, von Reichbauer, Williams, Winsley, Roach and McAuliffe; by request of Office of Financial Management, Washington State Historical Society and State Capital Historical Association

Consolidating the state capital historical association and the state historical society.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Valle, Basich and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5139.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5139, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5139, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Ecology & Parks (originally sponsored by Senators Owen, Barr, Fraser, Rinehart and Sutherland)

Promoting vessel safety.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments see Journal, 73rd Day, March 24, 1993.)

Representative Rust moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Rust spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5179 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5179 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5179 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: Senate Bill No. 5799 and Senate Bill No. 5925. The motion was carried.

SENATE BILL NO. 5799, by Senators Nelson and Sutherland

Providing address designations on subdivision approvals for improved utility placements.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative H. Myers moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5799 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5799 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Heavey and Rust - 2.

Senate Bill No. 5799 as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of Senate Bill No. 5925.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, by Senate Committee on Law & Justice (originally sponsored by Senators von Reichbauer, A. Smith, McCaslin, Prentice, Gaspard, Hargrove, Quigley, Winsley and Erwin)

Prohibiting the luring of minors or incompetent persons into vehicles or structures.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1992.)

Representative Appelwick moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5186 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Heavey and Wang - 2.

Engrossed Substitute Senate Bill No. 5186 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5270, by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Prentice and Amondson)

Creating a department of financial institutions.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day April 5, 1993.)

Representative Zellinsky moved adoption of the committee amendment.

Representatives Zellinsky and Dyer spoke in favor of adoption of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Silver spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5270 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5270 as amended by the House and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Casada, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson,

R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Tate, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 77.

Voting nay: Representatives Ballasiotes, Carlson, Chandler, Cooke, Dyer, Edmondson, Forner, Fuhrman, Lisk, Morton, Padden, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Thomas, Van Luven and Wood - 21.

Substitute Senate Bill No. 5270 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: Substitute Senate Bill No. 5625 and Substitute Senate Bill No. 5332. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5625, by Senate Committee on Law & Justice (originally sponsored by Senators Prentice, Hargrove, Rinehart, A. Smith, Williams, Moyer, Drew, Prince, Erwin, Skratek and McAuliffe)

Prohibiting the death penalty for the mentally retarded.

The bill was read the second time.

Representative Foreman moved adoption of the following amendment by Representatives Foreman, Appelwick and R. Meyers:

On page 2, line 27, after "for" strike "age and cultural group" and insert "his or her age"

Representative Foreman spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick, Anderson, Heavey and Foreman spoke in favor of passage of the bill.

Representatives Schmidt and Padden spoke against the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5625 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5625 as amended by the House and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Silver, Sommers, Springer, Thibaudeau, Thomas, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Edmondson, Forner, Fuhrman, Hansen, Horn, Johanson, Lisk, Long, Mielke, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Stevens, Talcott, Tate, Vance and Van Luven - 28.

Substitute Senate Bill No. 5625 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Ecology & Parks (originally sponsored by Senators West, Oke, Nelson, Owen, Pelz, Sutherland, Hargrove, Winsley, von Reichbauer, Erwin and Sheldon)

Permitting the establishment of an underwater parks system.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Pruitt moved adoption of the committee amendment.

Representatives Pruitt and Morton spoke in favor of adoption of the amendment. The committee amendment was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Pruitt spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Pruitt yielded to a question by Representative Carlson.

Representative Carlson: What would be the cost involved in constructing the underwater facilities. Are there going to be additional costs to the state?

Representative Pruitt: There would be no additional cost to the state. Actually the amendment we put on in committee provided that there could be fees established to cover the cost of underwater parks, but the fees would come back to the Legislature for review once that fee schedule was established.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5332 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5332 as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Lisk, Orr and Van Luven - 4.

Substitute Senate Bill No. 5332 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5349, by Senators Pelz and Moyer

Renaming educational clinics.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 81st Day, April 1, 1993.)

Representative Cothorn moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Cothorn spoke in favor of passage of the bill and Representative Brough spoke against it.

Representative Cothorn again spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5349 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5349 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Brough and Chappell - 2.

Senate Bill No. 5349 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5357, by Senate Committee on Education (originally sponsored by Senators Pelz, Sutherland, Jesernig, Snyder, Gaspard, Fraser, Moore and Quigley)

Requiring contractors for school employment service contracts to provide health care and retirement benefits commensurate with those provided for classified employees providing similar services.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal 85th Day, April 5, 1993.)

Representative Zellinsky moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Valle and Dorn spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5357 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5357 as amended by the House and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlín, Shin, Sommers, Springer, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 85.

Voting nay: Representatives Brumsickle, Forner, Fuhrman, Hansen, Horn, Morton, Padden, Schoesler, Sheahan, Sheldon, Silver, Stevens and Talcott - 13.

Substitute Senate Bill No. 5357 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, by Senate Committee on Law & Justice (originally sponsored by Senators Hargrove, Deccio, Oke and Hochstatter)

Requiring misdemeanor to pay jail costs.

The bill was read the second time. Committee on Corrections recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative Mastin moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Mastin and Long spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5452 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Peery - 1.

Engrossed Substitute Senate Bill No. 5452 as amended by the House, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

The wrong button was pushed on Engrossed Substitute Senate Bill No. 5452. My vote should have been "YEA" instead of "NAY".

KIM PEERY, 17th District

MOTION

Representative Sheldon moved that the House defer consideration of Senate Bill No. 5474 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5503, by Senate Committee on Labor & Commerce (originally sponsored by Senators Vognild, Newhouse, Sutherland, Moore, Amondson, McAuliffe, Fraser, Pelz, Cantu, Snyder, Deccio and Hochstatter)

Providing injured workers with an increased incentive to return to work.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Heavey moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5503 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5503 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5503 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5515, by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice and Sutherland)

Changing provisions relating to industrial insurance claims.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5515.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5515, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5515, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5535, by Senate Committee on Transportation (originally sponsored by Senators Vognild, Prince and M. Rasmussen)

Taxing large trucks.

The bill was read the second time.

On motion of Representative Jones, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5535.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5535, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Finkbeiner - 1.

Substitute Senate Bill No. 5535, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House defer consideration of Senate Bill No. 5578 and Senate Bill No. 5584 and they hold their place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5612, by Senate Committee on Transportation (originally sponsored by Senators Erwin, Skratek, Prentice, von Reichbauer, M. Rasmussen, Nelson, Sellar, Vognild, Winsley, Hochstatter, Barr and Oke)

Reorganizing the transportation improvement board.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Brown moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Brown spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5612 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5612 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5612, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5660, by Senators M. Rasmussen, Barr, Deccio, Loveland, Snyder, Fraser, Skratek, Sheldon, Drew, Prince, Winsley, Erwin, Bluechel, Amondson and Franklin

Developing the Washington state citizens' exchange program.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Valle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5660.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5660, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5660, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House defer consideration of Senate Bill No. 5675 and the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5699, by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Bluechel, Snyder, Cantu, Gaspard, Jesernig, Skratek, Erwin and M. Rasmussen; by request of Governor Lowry)

Changing the organizational structure of the Pacific Northwest Economic Region.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wineberry and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5699.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5699, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5699, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5736, by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore, Pelz and Fraser)

Regulating chiropractic care for industrial insurance.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 1, 1993.)

Representative G. Cole moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Lemmon spoke in favor of passage of the bill and Representative Horn spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5736 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5736 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Horn and Lisk - 2.

Substitute Senate Bill No. 5736 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5744, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Loveland, Vognild, Winsley and M. Rasmussen)

Changing provisions concerning streets that are part of the state highway system.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 1, 1993.)

Representative R. Fisher moved the committee amendment not be adopted and Representative Schmidt moved that the committee amendment do be adopted.

The Speaker stated the question before the House to be Representative Schmidt's motion to adopt the committee amendment.

Representative Quall spoke against adoption of the committee amendment. The committee amendment was not adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Quall spoke in favor of passage of the bill and Representative Schmidt spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5744.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5744, and the bill passed the House by the following vote: Yeas - 79, Nays - 19, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 79.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Chappell, Dunshee, Dyer, Foreman, Fuhrman, Horn, Lisk, Mielke, Miller, Padden, Schmidt, Silver, Stevens, Thomas, Vance and Wood - 19.

Engrossed Substitute Senate Bill No. 5744, having received the constitutional majority, was declared passed.

MOTIONS

Representative Sheldon moved the House defer consideration of Second Substitute Senate Bill No. 5781. The motion was carried.

Representative Sheldon moved the House immediately consider Engrossed Substitute Senate Bill No. 5320. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5320, by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Talmadge, Winsley, Deccio, Moore and Sutherland)

Adopting limits on phosphorus contents in certain detergents.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust, Dunshee, Dyer, Romero and Van Luven spoke in favor of passage of the bill and Representatives Horn and Edmondson spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5320.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5320, and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Sommers, Talcott, Thibaudeau, Thomas, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Brumsickle, Casada, Chandler, Edmondson, Foreman, Fuhrman, Hansen, Horn, Lisk, Mielke, Miller, Morton, Orr, Padden, Schoesler, Sehlín, Sheahan, Silver, Springer, Stevens, Tate, Vance and Wood - 24.

Engrossed Substitute Senate Bill No. 5320, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Monday April 12, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTY-NINTH DAY, APRIL 9, 1993

JOURNAL OF THE HOUSE

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

NINETY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 12, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Breen Eddinger and Katie Kessler. Inspirational Message was offered by Representative Ogden.

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

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

Representative Zellinsky moved the House recess until 1:00 p.m. The motion was carried.

AFTERNOON SESSION

The Speaker (Representative Zellinsky presiding) called the House to order at 1:00 p.m.

The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5026,
SENATE BILL NO. 5053,
SENATE BILL NO. 5077,
SENATE BILL NO. 5082,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5112,
SENATE BILL NO. 5125,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SENATE BILL NO. 5205,
ENGROSSED SENATE BILL NO. 5217,
SENATE BILL NO. 5229,
SENATE BILL NO. 5233,
SUBSTITUTE SENATE BILL NO. 5255,
SUBSTITUTE SENATE BILL NO. 5262,

SENATE BILL NO. 5275,
SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5313,
SENATE BILL NO. 5324,
SENATE BILL NO. 5358,
SUBSTITUTE SENATE BILL NO. 5368,
ENGROSSED SENATE BILL NO. 5378,
SENATE BILL NO. 5384,
SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SENATE BILL NO. 5411,
ENGROSSED SENATE BILL NO. 5423,
SENATE BILL NO. 5426,
ENGROSSED SENATE BILL NO. 5427,
SUBSTITUTE SENATE BILL NO. 5432,
ENGROSSED SENATE BILL NO. 5442,
SENATE BILL NO. 5444,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5482,
SUBSTITUTE SENATE BILL NO. 5487,
SENATE BILL NO. 5546,
SENATE BILL NO. 5572,
ENGROSSED SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5678,
SENATE BILL NO. 5693,
SENATE BILL NO. 5696,
SENATE BILL NO. 5703,
ENGROSSED SENATE BILL NO. 5729,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5778,
SUBSTITUTE SENATE BILL NO. 5821,
ENGROSSED SENATE BILL NO. 5831,
SENATE BILL NO. 5841,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5896,
SENATE BILL NO. 5905,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009,

MESSAGES FROM THE SENATE

April 9, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1343, HOUSE BILL NO. 1346,
SUBSTITUTE HOUSE BILL NO. 1367,
HOUSE BILL NO. 1495,
HOUSE BILL NO. 1832,
SUBSTITUTE HOUSE BILL NO. 1893,
ENGROSSED HOUSE BILL NO. 2111, ENGROSSED SENATE BILL NO. 5342,
SUBSTITUTE SENATE BILL NO. 5717,
ENGROSSED SENATE BILL NO. 5719,
SUBSTITUTE SENATE BILL NO. 5963,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5112,
ENGROSSED SENATE BILL NO. 5205,
SUBSTITUTE SENATE BILL NO. 5255,
SUBSTITUTE SENATE BILL NO. 5262,
SENATE BILL NO. 5275,
SENATE BILL NO. 5324,
SENATE BILL NO. 5358,
SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SENATE BILL NO. 5411,
ENGROSSED SENATE BILL NO. 5423,
ENGROSSED SENATE BILL NO. 5427,
SENATE BILL NO. 5444,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5482,
SENATE BILL NO. 5572,
ENGROSSED SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5678,
SENATE BILL NO. 5693,
SENATE BILL NO. 5696,
SENATE BILL NO. 5703,
ENGROSSED SENATE BILL NO. 5729,
SUBSTITUTE SENATE BILL NO. 5821,
SENATE BILL NO. 5841,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5896,
SENATE BILL NO. 5905,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009,

and the same are herewith transmitted.

Marty Brown, Secretary

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, and asks the House for a Conference thereon. The President has appointed the following members as conferees:

Senators Talmadge, Moyer and Niemi

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative J. Kohl moved that the House grant the request of the Senate for a conference on Engrossed Second Substitute Senate Bill No. 5304. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Dellwo, Appelwick and Dyer as conferees on Engrossed Second Substitute Senate Bill No. 5304.

The Speaker called on Representative R. Meyers to preside.

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

INTRODUCTIONS AND FIRST READING

SSB 5717 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management)

Adopting the capital budget.

Referred to Committee on Capital Budget.

On motion of Representative Sheldon, the bill listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

MOTION

Representative Sheldon moved the House consider the following bills in the following order: Senate Bill No. 5578, Senate Bill No. 5675, Senate Bill No. 5835 and Senate Bill No. 5838. The motion was carried.

SECOND READING

SENATE BILL NO. 5578, by Senators Fraser, Owen, Oke, Hargrove, Haugen and Winsley

Clarifying the areas where a personal use fishing license is not required.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orr and Fuhrman spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Ludwig, Dellwo, Appelwick and Anderson were excused.

On motion of Representative Wood, Representative Dyer was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5578.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5578 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 1, Excused - 5.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Absent: Representative Fisher, G. - 1.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer and Ludwig - 5.

Senate Bill No. 5578, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5675, by Senators Drew, Loveland, Skratek and Haugen

Concerning the financing of bonds for storm water facilities.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendment see Journal, 75th Day, March 25, 1993.)

Representative Bray moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

On motion of Representative J. Kohl, Representatives Locke and G. Fisher were excused.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5675 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5675 and the bill as amended by the House passed the House by the following vote: Yeas - 89, Nays - 2, Absent - 0, Excused - 7.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Fuhrman and Padden - 2.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Fisher, G., Locke and Ludwig - 7.

Senate Bill No. 5675, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5835, by Senators McAuliffe, Bluechel and McDonald

Exempting certain public authority property from taxation.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Holm spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5835.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5835 and the bill passed the House by the following vote: Yeas - 87, Nays - 5, Absent - 0, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams,

Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Voting nay: Representatives Casada, Chappell, Fuhrman, Padden and Tate - 5.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Locke and Ludwig - 6.

Senate Bill No. 5835, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1017,
HOUSE BILL NO. 1062,
SUBSTITUTE HOUSE BILL NO. 1064,
HOUSE BILL NO. 1075,
HOUSE BILL NO. 1143,
ENGROSSED HOUSE BILL NO. 1152,
HOUSE BILL NO. 1174,
HOUSE BILL NO. 1184,
SUBSTITUTE HOUSE BILL NO. 1258,
ENGROSSED HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1266,
HOUSE BILL NO. 1324,
HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1476,
ENGROSSED HOUSE BILL NO. 1484,
SUBSTITUTE HOUSE BILL NO. 1544,
SUBSTITUTE HOUSE BILL NO. 1612,
HOUSE BILL NO. 1651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
SUBSTITUTE HOUSE BILL NO. 1707,
SUBSTITUTE HOUSE BILL NO. 1767,
SUBSTITUTE HOUSE BILL NO. 1787,
SUBSTITUTE HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1839,
HOUSE BILL NO. 1857,
HOUSE BILL NO. 1884,
HOUSE BILL NO. 1943,
SUBSTITUTE HOUSE BILL NO. 1973,
SUBSTITUTE HOUSE BILL NO. 1977,
SUBSTITUTE HOUSE BILL NO. 1978,
ENGROSSED HOUSE BILL NO. 2061,
HOUSE JOINT MEMORIAL NO. 4007,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015,

The Speaker called on Representative R. Meyers to preside.

SENATE BILL NO. 5838, by Senators Sutherland, Williams and Roach

Creating an energy siting process review committee.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative Grant moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Grant and Casada spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5838 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5838 and the bill as amended by the House passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Locke and Ludwig - 6.

Senate Bill No. 5838, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5849, by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Erwin, McAuliffe, Roach, Anderson, Bauer, Barr, Amondson and Loveland)

Revising dairy management.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative King moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

With the consent of the House, further consideration of Substitute Senate Bill No. 5849 was deferred and the bill held its place on the second reading calendar.

SENATE BILL NO. 5856, by Senators Vognild, Nelson and Skratek

Authorizing certain real property transactions.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Brown moved adoption of the committee amendment.

Representative Wang moved adoption of the following amendment to the committee amendment:

On page 1, line 5, after "new" strike "chapter" and insert "section"

On page 1, line 12, after "account" insert ", PROVIDED: that if accounts or funds other than the state patrol highway account have contributed to the purchase or improvement of the real property, the office of financial management shall determine the proportional equity of each account or fund in the property and improvements, and shall direct the proceeds to be deposited proportionally therein."

Representative Wang spoke in favor of adoption of the amendment to the committee amendment and it was adopted.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Brown spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5856 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5856 and the bill as amended by the House passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Locke and Ludwig - 6.

Senate Bill No. 5856, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration of Substitute Senate Bill No. 5849.

POINT OF INQUIRY

Representative Rayburn yielded to a question by Representative Chandler.

Representative Chandler: What impact will removal of section 12 have on the possible funding of the Conservation Commission?

Representative Rayburn: The section could have been construed as barring funding from sources other than Referendum 39 grants by the Department of Ecology. Deletion of the section is intended to provide for more flexibility in the manner in which the commission is funded and to permit funding from other sources, should they become available.

Representative Chandler spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5849 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5849 and the bill as amended by the House passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Locke and Ludwig - 6.

Substitute Senate Bill No. 5849, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5858, by Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Forbidding requiring financial security devices for permits for local government units' construction projects.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative Bray moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Bray and Edmondson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5858 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5858 and the bill as amended by the House passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Dunshee and Romero - 2.

Excused: Representatives Anderson, Locke and Ludwig - 3.

Substitute Senate Bill No. 5858, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5876, by Senate Committee on Transportation (originally sponsored by Senators Prentice, Skratek, Sellar, M. Rasmussen and Winsley)

Extending incentives for ride sharing and vanpools.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Brown moved adoption of the committee amendment.

Representative Schmidt moved adoption of the following amendment by Representative Schmidt to the committee amendment:

On page 5, following line 12 of the committee amendment, insert:

"NEW SECTION. Sec. 6. The department shall adopt by rule a process requiring annual recertification upon renewal for vehicles registered under RCW 46.16.023 to discourage abuse of tax exemptions under RCW 82.08.0287, 82.12.0282, and 82.44.015. The department of licensing in consultation with the department of

transportation shall submit a report to the legislative transportation committee and the house and senate standing committees on transportation by July 1, 1996, assessing the effectiveness of the department of licensing at limiting tax exemptions to bona fide ride-sharing vehicles."

Representatives Schmidt and Brown spoke in favor of adoption of the amendment to the committee amendment and it was adopted.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Brown and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5876 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5876 and the bill as amended by the House passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Anderson, Locke and Ludwig - 3.

Substitute Senate Bill No. 5876, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5903, by Senators Bauer, Winsley and von Reichbauer; by request of State Board for Community and Technical Colleges

Allocating basic education funding to community and technical colleges for students enrolled in community or technical colleges.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative Dorn moved adoption of the committee amendment. The committee amendment was adopted.

Representative Dorn moved adoption of the following amendment by Representative Dorn:

On page 1, line 10, after "enrolled in a" strike "community or"

Representatives Dorn and Thomas spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representative Dorn spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5903 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5903 and the bill as amended by the House passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Anderson, Locke and Ludwig - 3.

Senate Bill No. 5903, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 1993

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5937 and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

With the consent of the House, the House considered Substitute Senate Bill No. 5405 on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5405, by Senate Committee on Education (originally sponsored by Senators Pelz, Oke, McAuliffe and Winsley)

Raising the minimum dollar amount requiring competitive bidding by school districts.

The bill was read the second time.

Representative Dorn moved adoption of the following amendment by Representative Dorn:

On page 1, line 9, after "~~(twenty)~~" strike "thirty-five" and insert "fifty"

On page 1, beginning on line 19, after "repair" strike everything through "dollars" on page 2, line 1 and insert "~~((does not exceed the sum of seventy-five hundred dollars))~~ will not exceed fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or nine thousand dollars if a single craft or trade is involved with the school district improvement or repair. The restriction in this subsection does not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by employees on a single project"

On page 2, line 15, after "~~(twenty)~~" strike "thirty-five" and insert "fifty"

On page 2, line 18, after "~~(twenty)~~" strike "thirty-five" and insert "fifty"

On page 2, beginning on line 22, after "excess of" strike everything through "process" on line 24 and insert "~~((seventy-five hundred dollars, shall be on a competitive bid process))~~ fifteen thousand dollars if more than one craft or trade is involved with the school district improvement or repair, or nine thousand dollars if a single craft or trade is involved with the school district improvement or repair, shall be on a competitive basis. The restriction in this

subsection does not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by employees on a single project"

On page 2, at the beginning of line 25, strike "thirty-five" and insert "fifty"

On page 3, line 2, after "~~((twenty))~~" strike "thirty-five" and insert "fifty"

Representatives Dorn, Carlson, Orr, Brough and Campbell spoke in favor of adoption of the amendment and Representatives G. Cole, Dunshee, G. Fisher, Jones and Ballard spoke against it.

Representative Dorn again spoke in favor of adoption of the amendment.

The Speaker (Representative R. Meyers presiding) called upon the House to divide.

The result of the division was: YEAS-63; NAYS-32. The amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5405 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5405 as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Anderson, Locke and Ludwig - 3.

Substitute Senate Bill No. 5405, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

INTRODUCTIONS AND FIRST READING (SUPPLEMENTAL)

ESB 5342 by Senators Vognild and Skratek; by request of Department of Transportation

Repealing the tax credit and exemption for alcohol used as fuel.

Referred to Committee on Transportation.

ESB 5719 by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management

Authorizing general obligation bonds for costs incidental to the 1993-95 biennium.

Referred to Committee on Capital Budget.

SSB 5963 by Senate Committee on Transportation (originally sponsored by Senators Vognild, Loveland, Newhouse and Nelson; by request of Department of Transportation)

Providing for priority programming of multimodal solutions to address state highway deficiencies.

Referred to Committee on Transportation.

ESSB 5972 by Senate Committee on Transportation (originally sponsored by Senator Vognild; by request of Office of Financial Management)

Adopting the transportation budget.

Referred to Committee on Transportation.

On motion of Representative Peery, the bills listed on today's supplemental introduction sheet, were referred to the committees so designated.

MESSAGE FROM THE SENATE

April 12, 1993

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1587,
HOUSE BILL NO. 1637,
HOUSE BILL NO. 2073,

and the same are herewith transmitted .

Brad Hendrickson, Deputy Secretary

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Tuesday April 12, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETY-SECOND DAY, APRIL 12, 1993

JOURNAL OF THE HOUSE

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

NINETY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 13, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Eide presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sara Christensen and Jay Griffith. Inspirational Message was offered by Representative Jacobsen.

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

MESSAGES FROM THE SENATE

April 12, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1017,
HOUSE BILL NO. 1062,
SUBSTITUTE HOUSE BILL NO. 1064,
HOUSE BILL NO. 1075,
HOUSE BILL NO. 1143,
ENGROSSED HOUSE BILL NO. 1152,
HOUSE BILL NO. 1174,
HOUSE BILL NO. 1184,
SUBSTITUTE HOUSE BILL NO. 1258,
ENGROSSED HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1266,
HOUSE BILL NO. 1324,
HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1476,
ENGROSSED HOUSE BILL NO. 1484,
SUBSTITUTE HOUSE BILL NO. 1544,
SUBSTITUTE HOUSE BILL NO. 1612,
ENGROSSED HOUSE BILL NO. 1621,
HOUSE BILL NO. 1651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1670,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
SUBSTITUTE HOUSE BILL NO. 1707,
SUBSTITUTE HOUSE BILL NO. 1767,
SUBSTITUTE HOUSE BILL NO. 1787,
SUBSTITUTE HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1839,
HOUSE BILL NO. 1857,
HOUSE BILL NO. 1884,
HOUSE BILL NO. 1943,

SUBSTITUTE HOUSE BILL NO. 1973,
SUBSTITUTE HOUSE BILL NO. 1977,
SUBSTITUTE HOUSE BILL NO. 1978,
ENGROSSED HOUSE BILL NO. 2061,
HOUSE JOINT MEMORIAL NO. 4007,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4015,

and the same are herewith transmitted.

Marty Brown, Secretary

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1218,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,
SUBSTITUTE HOUSE BILL NO. 1454,
SUBSTITUTE HOUSE BILL NO. 1543,
HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1595,
HOUSE BILL NO. 1618,
SUBSTITUTE HOUSE BILL NO. 1678,
SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1865,
HOUSE BILL NO. 2001,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2132 by Representative Dellwo

AN ACT Relating to nurse delegation; adding new sections to chapter 74.04 RCW; and adding a new section to chapter 18.88A RCW.

Referred to Committee on Health Care.

HB 2133 by Representative Dellwo

AN ACT Relating to nurse delegation; adding new sections to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Health Care.

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

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

REPORTS OF STANDING COMMITTEES

HB 1753 Prime Sponsor, Representative Leonard: Modifying provisions for juvenile structured transition services.
Reported by Committee on Appropriations

April 9, 1993

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sehlin; Sommers; Talcott; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes; Basich; Morton; Sheahan; and Stevens.

Excused: Representatives Silver, Ranking Minority Member and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2053 Prime Sponsor, Representative Morris: Revising provisions relating to sentencing of offenders. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill with the following amendment by Committee on Appropriations do pass:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120(7) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Day fine" means a fine imposed by the sentencing judge which equals the difference between the offender's net daily income and the reasonable obligations which the offender has for the support of the offender and any dependents.

(14) "Day reporting" means reporting at least once per day to a specific location designated by the department of corrections or the sentencing judge together with the requirement that the offender's location throughout each day be reported to the department of corrections.

(15) "Department" means the department of corrections.

~~((44))~~ (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((45))~~ (17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((46))~~ (18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((47))~~ (19) "Drug or alcohol monitoring" means the obligation to remain free of any nonprescribed controlled substance or of any alcoholic beverage and to submit to periodic testing in a program to monitor that status as directed by the department of corrections, such as drug monitoring under a treatment alternatives to street crime (TASC) or comparable program.

(20) "Education or training" means participation in a formal program of education or training which has state certification.

(21) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((48))~~ (22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((49))~~ (23) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((20))~~ (24)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit ~~((f))~~ of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

~~((21))~~ (25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance or other state of the art electronic monitoring technology. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of a violation of chapter 69.50 or 69.52 RCW, that relates to the possession, manufacture, or delivery of a controlled substance or imitation controlled substance, if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, or having successfully completed a sentence in a work ethic camp, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

(26) "Inpatient treatment" means participation in a treatment program certified by the state which requires the offender to be present at least twelve hours per day.

(27) "Nonviolent offense" means an offense which is not a violent offense.

~~((22))~~ (28) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((23))~~ (29) "Outpatient treatment" means participation in a treatment program certified by the state or recommended by the department of corrections which does not require the offender to be present for more than twelve hours per day.

(30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

~~((24))~~ (31) "Persistent offender" is any person who:

(a) Is convicted in this state of any felony with a seriousness level of X or above, as provided in RCW 9.94A.320, except for the crime of aggravated murder in the first degree; and

(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would have a seriousness level of X or above. Of these two or more previous convictions, at least one conviction must have occurred before the commission of any of the other offenses with a seriousness level of X or above for which the offender was previously convicted.

(32) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((25))~~ (33) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((26))~~ (34) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((27))~~ (35) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((28))~~ (36) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((29))~~ (37) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((30))~~ (38) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((31))~~ (39) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((32))~~ (40) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((33))~~ (41) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((34))~~ (42) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. ~~((The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property.))~~ The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection ~~((29))~~ (37) of this section are not eligible for the work crew program.

~~((35))~~ (43) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the costs of corrections by requiring offenders to complete a comprehensive array of job and vocational experiences, character-building work ethics training, life management skills development, drug rehabilitation, literacy training, and basic adult education.

(44) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((36))~~ "Home detention" means ~~a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.~~

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the

~~preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.~~

~~(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.)~~

Sec. 2. RCW 9.94A.120 and 1992 c 145 s 7, 1992 c 75 s 2, and 1992 c 45 s 5 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), ~~(4)~~, (5), ~~((and))~~ (6), (7), and (9) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for the statutory maximum for the offense, but if the statutory maximum for the offense is life imprisonment, then to a term of ninety-nine years. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender with a sentence range of more than ninety days the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to ~~((two))~~ one year~~((s))~~ of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to ~~((two))~~ one year~~((s))~~, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) When sentencing an offender who is not a violent offender or a sex offender and whose presumptive sentence is twelve months or less, the court shall first determine if it is appropriate that such sentence be served primarily or exclusively under one or more of the sentencing options set forth in (c) of this subsection. If the court determines that a period of total confinement is appropriate in order to adequately punish the offender and to serve the best interest of society, the court shall order total confinement for the minimum time necessary to carry out the goals of this chapter.

(b) To impose a sentence consisting of sentencing options, the court shall determine the standard range for the offender and then convert that amount of total confinement as is necessary into the sentencing options the court finds appropriate for the offender. Sentencing options that are imposed under this section may be used in any combination and may also be combined with total confinement. Conversions of total confinement to sentencing options shall be clearly indicated on the judgment and sentence.

(c) Sentencing options available to a court include:

(i) Approved adult education;

(ii) Approved vocational-technical training;

(iii) Community service;

(iv) Day fines;

(v) Day reporting;

(vi) Drug or alcohol monitoring;

(vii) Home detention;

(viii) Inpatient treatment;

(ix) Outpatient treatment;

(x) Partial confinement;

(xi) Work crews;

(xii) Work release; and

(xiii) Any other nonincarcerative option that is consistent with the purposes of this chapter.

(d) An offender may also be placed on a term of community supervision not to exceed one year. At any time after the successful completion of sentencing options and other conditions imposed, the offender or the department may petition the court to terminate community supervision.

(7)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug and the violation does not involve a sentence enhancement under RCW 9.94A.310(3);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States;

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, the offender must be involved in substance abuse treatment provided by the department. No more than three months of the sentence may be served in a work release status. The court shall also impose one year of community custody that must include crime-related prohibitions, a condition to not use illegal controlled substances, and to submit to urinalysis or other testing to monitor that status. The department may require the offender to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Participate in outpatient substance abuse treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iv) Report as directed to a community corrections officer;

(v) Pay all court-ordered legal financial obligations;

(vi) Perform community service work;

(vii) Pay a day fine;

(viii) Stay out of areas designated by the sentencing judge;

(ix) Undergo day supervision.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department of corrections, or as a result of a violation found by the court.

(8) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. All or any part of the confinement may be converted to community service, work crew, work release, home detention, day reporting, day fine, or education or training, at the rates provided in RCW 9.94A.380. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

((7)) (9)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony

sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection ~~((7))~~ (9) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection ~~((7))~~ (9) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

~~((9))~~ (10)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) or (7) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances;

(v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol; or

(v) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

~~((9))~~ (11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

~~((40))~~ (12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

~~((14))~~ (13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

~~((12))~~ (14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

~~((13))~~ (15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((14))~~ (16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((15))~~ (17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

~~((16))~~ (18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((17))~~ (19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((18))~~ (20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((19))~~ (21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 3. RCW 9.94A.040 and 1986 c 257 s 18 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements;
and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) ~~(In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines.)~~ The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) ~~((This))~~ The commission shall biennially conduct a study to determine the capacity of correctional facilities and programs which are or will be available. ~~((While the commission need not consider such capacity in arriving at its recommendations,))~~ The commission shall project whether the implementation of ~~((its recommendations))~~ the standard sentence ranges would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentence~~((s))~~ ranges which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. ~~((If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity))~~ The commission shall prepare a report that updates the most recent capacity study of correctional facilities and programs, and includes projections on whether the implementation of the standard sentence ranges will exceed this capacity. This report shall be submitted to the legislature by December 1, 1993.

(8) The sentencing reform act has been in effect since July 1, 1984, and several modifications to sentences have occurred. The sentencing guidelines commission shall reevaluate the proportionality and fairness of sentences contained in RCW 9.94A.120, as well as practical workability of sentences and ranges. The commission shall evaluate the impact of revisions to RCW 9.94A.120 (6) and (7). The commission shall submit preliminary findings to the legislature by December 1, 1994, and shall submit the final report to the legislature by December 1, 1995. The report shall describe the changes in sentencing practices related to the use of alternatives to total confinement for nonviolent offenders and include the impact of sentencing alternatives on state prisons and county jail population, the savings in state and local resources, and the impact on recidivism rates. The commission shall establish a baseline for evaluating recidivism of all felony offenders whether under the jurisdiction of the department or counties.

(9) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

~~((4))~~ (10) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW, as now existing or hereafter amended.

Sec. 4. RCW 9.94A.190 and 1991 c 181 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) or (4) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

(4) For sentences imposed pursuant to RCW 9.94A.120(7) which are over one year before converting all or part of the sentence to authorized sentencing options, notwithstanding any other provision of this section, all such sentences regardless of length shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 5. RCW 9.94A.200 and 1989 c 252 s 7 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation~~((, and))~~. The total amount of confinement time the court may order for all violations that occur during a term of community supervision shall not exceed the high end of the sentence range for the offense. The court may (i)

convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, ((~~or~~)) (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service, or (iv) convert to other sentencing alternatives as authorized in RCW 9.94A.380. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 6. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)
Homicide by Abuse (RCW 9A.32.055)

XIII Murder 2 (RCW 9A.32.050)

XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)

XI Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)

X Kidnapping 1 (RCW 9A.40.020)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
Child Molestation 1 (RCW 9A.44.083)
Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
Leading Organized Crime (RCW 9A.82.060(1)(a))

IX Assault of a Child 2 (RCW 9A.36.130)
Robbery 1 (RCW 9A.56.200)
Manslaughter 1 (RCW 9A.32.060)
Explosive devices prohibited (RCW 70.74.180)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Endangering life and property by explosives with threat to human being (RCW 70.74.270)
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Controlled Substance Homicide (RCW 69.50.415)
Sexual Exploitation (RCW 9.68A.040)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

VIII Arson 1 (RCW 9A.48.020)

Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
Introducing Contraband 1 (RCW 9A.76.140)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Involving a minor in drug dealing (RCW 69.50.401(f))

VI Bribery (RCW 9A.68.010)

Manslaughter 2 (RCW 9A.32.070)
Rape of a Child 3 (RCW 9A.44.079)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
Incest 1 (RCW 9A.64.020(1))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Money Laundering, with attempt to conceal or avoid reporting (RCW 9A.83.020(1)(b) and (c))

V Criminal Mistreatment 1 (RCW 9A.42.020)

Rape 3 (RCW 9A.44.060)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Child Molestation 3 (RCW 9A.44.089)
Kidnapping 2 (RCW 9A.40.030)
Extortion 1 (RCW 9A.56.120)
Incest 2 (RCW 9A.64.020(2))
Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Rendering Criminal Assistance 1 (RCW 9A.76.070)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Delivery of imitation controlled substance by person eighteen
or over to person under eighteen (RCW 69.52.030(2))

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)
Robbery 2 (RCW 9A.56.210)
Assault 2 (RCW 9A.36.021)
Escape 1 (RCW 9A.76.110)
Arson 2 (RCW 9A.48.030)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Malicious Harassment (RCW 9A.36.080)
Threats to Bomb (RCW 9.61.160)
Willful Failure to Return from Furlough (RCW 72.66.060)
Hit and Run — Injury Accident (RCW 46.52.020(4))
Vehicular Assault (RCW 46.61.522)
Manufacture, deliver, or possess with intent to deliver narcotics
from Schedule III, IV, or V or nonnarcotics from Schedule I-V
(except marijuana or methamphetamines) (RCW
69.50.401(a)(1) (ii) through (iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1)
and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Money Laundering, Spending (RCW 9A.83.020(1)(a))

III Criminal Mistreatment 2 (RCW 9A.42.030)

Extortion 2 (RCW 9A.56.130)
Unlawful Imprisonment (RCW 9A.40.040)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Custodial Assault (RCW 9A.36.100)
Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
Harassment (RCW 9A.46.020)
Promoting Prostitution 2 (RCW 9A.88.080)
Willful Failure to Return from Work Release (RCW 72.65.070)
Burglary 2 (RCW 9A.52.030)
Introducing Contraband 2 (RCW 9A.76.150)
Communication with a Minor for Immoral Purposes (RCW
9.68A.090)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Escape 2 (RCW 9A.76.120)
Perjury 2 (RCW 9A.72.030)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Intimidating a Public Servant (RCW 9A.76.180)
Tampering with a Witness (RCW 9A.72.120)
Manufacture, deliver, or possess with intent to deliver
marijuana (RCW 69.50.401(a)(1)(ii))
Delivery of a material in lieu of a controlled substance (RCW
69.50.401(c))
Manufacture, distribute, or possess with intent to distribute an
imitation controlled substance (RCW 69.52.030(1))

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Theft of Livestock 2 (RCW 9A.56.080)
Securities Act violation (RCW 21.20.400)

II Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Motor Vehicle Theft (section 9 of this act)
Possession of controlled substance that is either heroin or
narcotics from Schedule I or II (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Create, deliver, or possess a counterfeit controlled substance
(RCW 69.50.401(b))
Computer Trespass 1 (RCW 9A.52.110)
Reckless Endangerment 1 (RCW 9A.36.045)
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

Possession of Stolen Property 2 (RCW 9A.56.160)
Forgery (RCW 9A.60.020)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Vehicle Prowl 1 (RCW 9A.52.095)
Attempting to Elude a Pursuing Police Vehicle (RCW
46.61.024)
Malicious Mischief 2 (RCW 9A.48.080)
Reckless Burning 1 (RCW 9A.48.040)
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW
69.50.403)
Possess controlled substance that is a narcotic from Schedule
III, IV, or V or non-narcotic from Schedule I-V (except
phencyclidine) (RCW 69.50.401(d))

Sec. 7. RCW 9.94A.360 and 1992 c 145 s 10 and 1992 c 75 s 4 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions

shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Always include juvenile convictions for sex offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (8) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

(19) If the present conviction is for motor vehicle theft, count two points for each prior adult conviction for motor vehicle theft, and one point for each juvenile prior conviction for motor vehicle theft.

Sec. 8. RCW 9.94A.380 and 1988 c 157 s 4 and 1988 c 155 s 3 are each reenacted and amended to read as follows:

(1) Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: ~~((4))~~ (a) One day of partial confinement may be substituted for one day of total confinement; ~~((2))~~ (b) in addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

Offenders sentenced under RCW 9.94A.120(6)(a) to a term of one year or less may be sentenced to authorized sentencing options as provided in RCW 9.94A.120(6)(a).

(2) "Authorized sentencing options" means:

(a) Partial confinement as defined in RCW 9.94A.030 at the rate of one day of partial confinement for one day of total confinement;

(b) Community service as defined in RCW 9.94A.030 at the rate of eight hours of community service for one day of total confinement;

(c) Work crew as defined in RCW 9.94A.030 at the rate of seven hours of work crew for one day of total confinement;

(d) Work release as defined in RCW 9.94A.030 at the rate of one day of work release for one day of total confinement;

(e) Home detention as defined in RCW 9.94A.030 at the rate of one day of home detention for one day of total confinement;

(f) Day reporting as defined in RCW 9.94A.030 at the rate of two days of day reporting for one day of total confinement;

(g) Drug or alcohol monitoring as defined in RCW 9.94A.030 at the rate of five days of drug or alcohol monitoring for one day of total confinement;

(h) Inpatient treatment as defined in RCW 9.94A.030 at the rate of one day of inpatient treatment for one day of total confinement;

(i) Day fine as defined in RCW 9.94A.030 at the rate of one day of day fine for one day of total confinement;

(j) Education or training as defined in RCW 9.94A.030 at the rate of five hours of education or training for one day of total confinement; or

(k) Outpatient treatment as defined in RCW 9.94A.030 at the rate of two days of outpatient treatment for one day of total confinement.

(3) Sentencing alternatives must be completed within the time period specified by the court, pursuant to a schedule determined by the department.

(4) Options under subsection (2) of this section may also be imposed by the court as sanctions resulting from violations of sentence requirements.

(5) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents.

These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the sentencing guidelines commission.

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

(1) A person is guilty of motor vehicle theft if the person commits theft of a motor vehicle, regardless of its value.

(2) Motor vehicle theft is a class B felony.

Sec. 10. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

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

(c) An access device; or

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

~~(e))) A firearm, of a value less than one thousand five hundred dollars.~~

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

Sec. 11. RCW 72.09.300 and 1991 c 363 s 148 are each amended to read as follows:

(1) A county legislative authority ~~((may)) shall~~ by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, district, and municipal courts, the county jail administrator, the county clerk, ~~((the county risk manager, and))~~ a representative of school districts within the county, a representative of social service programs within the county, a representative of juvenile court services, and a representative of the secretary of corrections. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The ~~((general intent of the))~~ plan shall include seeking means to maximize local resources, reduce duplication of services, and share resources between local and state government. The plan ~~((shall also)) may~~ include a section on jail management. This section may include the following elements:

~~(a) ((A description of current jail conditions, including whether the jail is overcrowded;~~

~~(b))) A description of potential alternatives to incarceration;~~

~~((c) A description of current jail resources;~~

~~(d))) (b) A description of the jail population as it presently exists and how it is projected to change in the future;~~

~~((e))) (c) A description of projected future resource requirements;~~

~~((f))) (d) A proposed action plan, which shall include recommendations to maximize ((resources, maximize)) the use of intermediate sanctions, ((minimize overcrowding,)) and avoid duplication of services~~((, and effectively manage the jail and the offender population;~~~~

~~(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;~~

~~(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;~~

~~(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services)).~~

The plan may include a section in accordance with chapter 9.94A RCW regarding alternatives to incarceration in jail and prison to be submitted to the department for funding. This section shall include: Identification of the target offender population; description of services to be provided; strategies to be employed to use the

sentencing alternative service to reduce jail and prison populations; and evaluation procedures to determine impact of alternatives in managing jail and prison populations.

Units of local government may develop and operate an alternative, contract with a for profit, or nonprofit organization to provide the service, or may contract with the department to provide the service.

The plan may request up to seventy-five percent of the cost of alternatives to confinement without replacing or supplanting existing funding for current level services provided by either local jurisdictions or the department. Counties shall be responsible for funding at least twenty-five percent of the costs of alternatives to confinement that serve county offenders and may assume fines, fees, and recoveries of cost from offenders who participate in these programs. Counties may provide services to state offenders as part of their match funds.

The plan may include a section that identifies state policies that have resulted in implementation difficulties in the county. The plan may also include a section regarding local problems that require state policy changes to solve.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan. A copy of the plan shall be shared with the partnership advisory board.

(5) The county legislative authority may request technical assistance to organize, collect, and analyze data, analyze policies, guide the process, help write the plan, assess outcomes, or otherwise assist in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

~~(6) ((Upon receiving a request for assistance from a county, the department may provide the requested assistance.~~

~~(7) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department.)~~ The secretary ~~((may))~~ shall also appoint ~~((an))~~ a partnership advisory ~~((committee))~~ board of local and state government officials to recommend policies and procedures relating to the state and local correctional systems ~~((and)),~~ to assist and advise the department in providing technical assistance to local governments, to advise regarding funding and/or implementing alternatives to incarceration under chapter 9.94A RCW for local jurisdictions, and to review criminal justice plans for issues which have state-wide implications. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

(7) The department, in conjunction with the office of financial management, shall establish a pool of funding for grants to counties for offender placement in alternatives to incarceration. This pool of funding shall only be used by the department for alternatives to incarceration and the planning for these alternatives, as requested by counties via local law and justice councils. Alternatives to incarceration provided through this fund may provide services to felons, nontraffic misdemeanor offenders and pretrial offenders. However, a minimum of fifty percent of the funds must serve felons. In addition, alternatives that are multijurisdictional and/or that serve multiple categories of offenders shall receive a higher priority.

State funding for implementation of the proposals approved by the department is subject to the availability of funds appropriated to the department. Moneys distributed under this section shall not be used to replace or supplant existing funding for current level services provided by either local jurisdictions or the department.

~~(8) The department ((shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services)),~~ in conjunction with the office of financial management, with the advice of the partnership advisory board, shall develop guidelines and criteria in addition to subsection (7) of this section for counties to develop plans for alternative sentence placements that may be implemented by the county or by the department. The partnership advisory board shall establish guidelines for monitoring and evaluating the impact of such alternative programs.

The guidelines and criteria shall be in effect by October 1, 1993, and counties may submit their plans immediately thereafter.

NEW SECTION. Sec. 12. (1) The Washington council on justice policy is hereby established. The council shall consist of twenty-four members appointed by the governor. Membership shall include:

- (a) One representative of city governments;
- (b) One representative of county governments;

- (c) One representative of sheriffs and police;
 - (d) One representative of jail managers;
 - (e) One representative of criminal defense attorneys;
 - (f) One representative of prosecuting attorneys;
 - (g) One representative of the judiciary;
 - (h) One representative of juvenile court administrators;
 - (i) One representative of community providers for juvenile offenders;
 - (j) Two representatives of business;
 - (k) Two representatives of labor;
 - (l) One representative of higher education;
 - (m) One representative of common schools;
 - (n) One representative from crime victims' organizations;
 - (o) Six legislators, two from each of the majority caucuses in the house of representatives and senate, and one from each of the minority caucuses in the house of representatives and senate; and
 - (p) Two citizen representatives, one from eastern Washington and one from western Washington.
- (2) Nonlegislative members may receive reimbursement for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.
- (3) Administrative and staff support of the council shall be determined by the office of the governor.
- (4) The council shall review and evaluate the state's long-range strategy regarding criminal justice policies. The scope of deliberations shall include, but not be limited to, crime prevention, juvenile and adult criminal justice, substance abuse and treatment, and criminal justice information reporting. The council shall consult with state and local entities involved in the criminal justice system such as the sentencing guidelines commission, the juvenile disposition standards board, the office of financial management, the administrator for the courts, the Washington state association of counties, the Washington state association of county officials, the association of Washington cities, the public defenders association, and the Washington association of sheriffs and police chiefs, and may consult with other organizations involved with or that have an interest in criminal justice programs or services, as required.
- (5) The council shall report to the governor and the legislature by January 15, 1995. The council shall expire July 1, 1995.

NEW SECTION. Sec. 13. A new section is added to chapter 72.02 RCW to read as follows:

The secretary shall review the classification structure for establishing the custody levels of inmates in state correctional facilities. The review shall take place every three years beginning in 1993. As part of the review, the secretary shall seek technical assistance from the national institute of corrections. The national institute of corrections is encouraged to evaluate and provide written comments regarding the classification structure for the appropriate placement of inmates in state correctional facilities. The secretary shall report on the inmate classification system to the house of representatives committee on corrections and the senate committee on law and justice, every third legislative session beginning with the 1997 legislature.

Sec. 14. RCW 9.94A.160 and 1984 c 246 s 1 are each amended to read as follows:

~~((If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:~~

~~(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.05 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;~~

~~(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners under its jurisdiction. The board shall adopt guidelines for the reduction of inmate population to be used in the event the governor calls the board into an emergency meeting under this section. The board shall not, under this subsection,~~

~~reduce the prison term of an inmate serving a mandatory minimum term under RCW 9.95.040, an inmate confined for treason, an inmate confined for any violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW. In establishing these guidelines, the board shall give priority to sentence reductions for inmates confined for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement. The board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources. Guidelines adopted under this subsection shall be submitted to the senate institutions and house of representatives social and health services committees for their review. This subsection does not require the board to reduce inmate population to or below any certain number. The board may also take any other action authorized by law to modify the terms of prisoners under its jurisdiction;~~

~~(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.))~~

The sentencing guidelines commission shall ensure that the inmate population of the state's residential correctional facilities does not exceed the reasonable operational capacity.

(1) When the population of state residential correctional facilities exceeds reasonable operational capacity for sixty or more consecutive days, the governor may declare that an emergency exists.

(2) Upon certification by the director of financial management that emergency conditions exist, the sentencing guidelines commission shall convene into an emergency meeting for the purpose of adopting sentencing adjustments that will reduce the inmate population to reasonable operational capacity. Sentence reductions shall be restricted to nonviolent offenders, shall not exceed four months, and shall be effective at the end of the term of confinement. Sentence reductions shall be applied to offenders who have been previously sentenced.

(3) Sentence adjustments made under subsection (2) of this section shall be adopted in conformity with chapter 34.05 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the sentencing adjustments take effect. Failure of the legislature to act shall be deemed as approval of the sentencing adjustments.

Sec. 15. RCW 9.92.151 and 1990 c 3 s 201 are each amended to read as follows:

The sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence.

(1) In the case of an offender convicted of a violent offense committed on or after July 1, 1993, or an offender sentenced pursuant to RCW 9.94A.120(7), the aggregate earned early release time may not exceed one-third of the sentence. In no other case may the aggregate earned early release time exceed ((one-third)) forty-five percent of the total sentence. This subsection applies to an offender convicted of an offense before July 1, 1996.

(2) In the case of an offender convicted of an offense on or after July 1, 1996, the aggregate earned early release time may not exceed one-third of the total sentence.

Sec. 16. RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an

offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence.

(a) In the case of an offender convicted of a violent offense committed on or after July 1, 1993, or an offender sentenced pursuant to RCW 9.94A.120(7), the aggregate earned early release time may not exceed one-third of the sentence. In no other case shall the aggregate earned early release time exceed ~~((one-third))~~ forty-five percent of the total sentence. This subsection (1)(a) applies to an offender convicted of an offense before July 1, 1996;

(b) In the case of an offender convicted of an offense on or after July 1, 1996, the aggregate earned early release time may not exceed one-third of the total sentence;

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

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

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

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

(6) The governor may pardon any offender;

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

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

Sec. 17. RCW 70.48.210 and 1990 c 3 s 203 are each amended to read as follows:

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes, unless the court directs otherwise.

(d) Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any remaining balance shall be returned to the prisoner.

(e) The prisoner's sentence may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the work release facility. The earned early release time shall be for good behavior and good performance as determined by the facility. The facility shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence.

(i) In the case of an offender convicted of a violent offense committed on or after July 1, 1993, or an offender sentenced pursuant to RCW 9.94A.120(7), the aggregate earned early release time may not exceed one-third of the sentence. In no other case may the aggregate earned early release time exceed ~~((one-third))~~ forty-five percent of the total sentence. This subsection (3)(e)(i) applies to an offender convicted of an offense before July 1, 1996:

(ii) In the case of an offender convicted of an offense on or after July 1, 1996, the aggregate earned early release time may not exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by noncorrectional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay.

NEW SECTION. Sec. 18. The legislature finds that high crime rates and a heightened sense of vulnerability have led to increased public pressure on criminal justice officials to increase offender punishment and remove the most dangerous criminals from the streets. As a result, there is unprecedented growth in the corrections populations and overcrowding of prisons and local jails. Skyrocketing costs and high rates of recidivism have become issues of major public concern. Attention must be directed towards implementing a long-range corrections strategy that focuses on inmate responsibility through intensive work ethic training.

The legislature finds that many offenders lack basic life skills and have been largely unaffected by traditional correctional philosophies and programs. In addition, many first-time offenders who enter the prison system learn more about how to be criminals than the important qualities, values, and skills needed to successfully adapt to a life without crime.

The legislature finds that opportunities for offenders to improve themselves are extremely limited and there has not been adequate emphasis on alternatives to total confinement for nonviolent offenders.

The legislature finds that the explosion of drug crimes since the inception of the sentencing reform act and the response of the criminal justice system have resulted in a much higher proportion of substance abuse-affected offenders in the state's prisons and jails. The needs of this population differ from those of other offenders and present a great challenge to the system. The problems are exacerbated by the shortage of drug treatment and counseling programs both in and outside of prisons.

The legislature finds that the concept of a work ethic camp that requires the offender to complete an appropriate and balanced combination of highly structured and goal-oriented work programs such as correctional industries based work camps and/or class I and class II work projects, drug rehabilitation, and intensive life management work ethic training, can successfully reduce offender recidivism and lower the overall cost of incarceration.

It is the purpose and intent of sections 18 through 23 of this act to implement a regimented work ethic camp that is designed to directly address the high rate of recidivism, reduce upwardly spiraling prison costs, preserve

scarce and high cost prison space for the most dangerous offenders, and provide judges with a tough and sound alternative to traditional incarceration without compromising public safety.

NEW SECTION. Sec. 19. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 18 through 23 of this act.

(1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of corrections.

(3) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of postrelease supervision.

(4) "First-time drug offender" means any person who is convicted of a felony for the first time in violation of chapter 69.50 RCW, or of any offense defined as a felony under federal law that relates to the possession, manufacture, or delivery of a controlled substance, or any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under current statute.

(5) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(6) "Incarceration program" means the work ethic camp.

NEW SECTION. Sec. 20. The department of corrections shall establish one work ethic camp. The secretary shall locate the incarceration program within an already existing department compound or facility, or in a facility that is scheduled to come on line within the initial implementation date outlined in this section. The facility selected for an incarceration program shall appropriately accommodate the logistical and cost-effective objectives contained in sections 18 through 23 of this act. The department shall be ready to assign inmates to the incarceration program one hundred twenty days after the effective date of this act. The department shall establish the work ethic program cycle to last from one hundred twenty to one hundred eighty days. The department shall develop all aspects of the incarceration program including, but not limited to, program standards, conduct standards, educational components including general education development test achievement, offender incentives, drug rehabilitation program parameters, individual and team work goals, techniques for improving the offender's self-esteem, citizenship skills for successful living in the community, measures to hold the offender accountable for his or her behavior, and the successful completion of the incarceration program granted to the offender based on successful attendance, participation, and performance as defined by the secretary. The work ethic camp shall be designed and implemented so that offenders are continually engaged in meaningful activities and unstructured time is kept to a minimum. In addition, the department is encouraged to explore the integration and overlay of a military style approach to the work ethic camp.

NEW SECTION. Sec. 21. (1) Offenders shall be recommended for consideration to participate in the incarceration program at the time of their sentencing by the sentencing judge. Upon sentencing an offender to work ethic camp, the sentencing judge shall convert the period of work ethic camp confinement at a rate of one day of work ethic camp confinement to three days of total standard confinement. Only those offenders who successfully complete their sentence in work ethic camp, as defined by the department, shall be eligible to convert their sentence at this ratio. The court shall, as a component of any sentence regarding work ethic camp, also impose a term of community placement. The total time spent in the work ethic program and community placement shall not exceed the initial sentence imposed. During the last two weeks prior to release from work ethic camp the department shall provide the offender with comprehensive transition training. The court shall send a copy of the offender's sentence to the department within five working days of sentencing. The department shall arrange to take custody of the offender within its established customary time frame after the documents have been provided to the department by the court. The department shall then be responsible for determining if the offender is eligible for the incarceration program based on the following criteria:

(a) The offender is between the ages of eighteen and twenty-eight years.

(b) The offender has no known physical or mental impairments that would prevent his or her ability to perform the challenging physical and mental activities associated with this program.

(c) The offender is a first-time drug offender or an offender who is sentenced for not more than thirty-six months or less than twenty-two months.

(d) The offender has not been convicted of any sex offenses or violent offenses.

(e) The offender agrees to and signs the terms and conditions of the program designated by the secretary.

The department shall develop written incarceration program offender eligibility criteria and make the information available to the appropriate sentencing courts.

(2) The secretary shall prescribe the form and content of the agreement to be signed by the eligible offender before entering the incarceration program.

(3) The department may place inmates eligible for the work ethic camp incarceration program in program beds that have not been utilized by the court. The secretary shall ensure that court-referred inmates receive priority placement in the program.

(4) An inmate who fails to complete the incarceration program, who is administratively terminated from the incarceration program, or who otherwise violates any conditions of community placement, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and subject to all rules relating to earned early release time.

(5) An inmate who is sentenced or transferred to the incarceration program shall serve no less than one hundred twenty or more than one hundred eighty days as defined by the department to be considered a successful graduate of the incarceration program. Because of the conversion ratio, earned early release time shall not accrue to offenders sentenced to the work ethic camp.

NEW SECTION. Sec. 22. The department work ethic program facility shall employ one hundred percent of all inmates. The employment options available for inmates shall include meaningful work opportunities that provide the offender with real-world skills that help the offender find employment when he or she successfully completes the incarceration program. The department shall include in the incarceration program, without limitation, class I, class II, and class IV correctional programs. No more than thirty-five percent of the total inmate population in the facility shall be employed in class III correctional industries programs in the first year and thereafter ten percent less per year until a maximum of ten percent of the inmates are working in this employment class. In addition, work options shall also include department-supervised work crews as defined by the department. These work crews shall have the ability to work on public roads conducting litter control, minor emergency repair or other minor tasks that do not negatively impact employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385, or have a negative impact on the local labor market or local business community as assessed by the department correctional industries advisory board of directors. The department shall establish, to the extent possible, programs that will positively impact our natural environment such as, but not limited to, recycling programs and minor environmental cleanup programs. If the department is directed by the legislature to increase the percentage of inmates employed in correctional industries programs, inmates employed through work ethic camps shall not be counted towards this total percentage.

NEW SECTION. Sec. 23. The incarceration program established in sections 18 through 23 of this act shall be considered a pilot alternative incarceration program and remain in effect until July 1, 1998. The department and the office of financial management shall monitor and analyze the effectiveness of the incarceration program and complete a final outcome evaluation study by January 15, 1998. Based on the findings of this final outcome evaluation study, the legislature may extend the program. The study shall include: The recidivism rates of successful program graduates, analysis of the overall program costs, the ability to maintain public safety, and any other pertinent data established by the department. The department may encourage interested universities to participate in studies that will enhance the effectiveness of the program.

The department of corrections shall seek the availability of federal funds for the planning, implementation, evaluation, and training of staff for work ethic camp programs, substance abuse programs, and offender education programs.

NEW SECTION. Sec. 24. Sections 18 through 23 of this act are each added to chapter 72.09 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 27. The sum of two million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending July 1, 1995, from the state general fund to the department of corrections for the purposes of RCW 72.09.300. Expenditure of each three dollars from this appropriation shall be matched by at least one dollar from other funding sources available to counties."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Talcott; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes; Cooke; Morton; Sehlin; Sheahan; and Stevens.

Excused: Representatives Silver, Ranking Minority Member, Sommers and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2098 Prime Sponsor, Representative Valle: Enhancing community options long-term care program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sheldon; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Silver, Ranking Minority Member, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2119 Prime Sponsor, Representative Dunshee: Abolishing the state professional athletic commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Silver, Ranking Minority Member, Dellwo, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2122 Prime Sponsor, Representative Linville: Authorizing early retirement for certain employees of PERS and TRS. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 21, after "section" insert "who is employed by a school district"

On page 2, line 23, after "1993." insert "A member employed by any employer other than a school district shall submit the required notification and application form no later than August 31, 1993, setting forth that the member shall be retired no later than December 31, 1993."

Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Sehlin; Sheahan; Stevens; Talcott; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Rust and Sommers.

Excused: Representatives Silver, Ranking Minority Member and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2123 Prime Sponsor, Representative Jacobsen: Allowing insurance benefits for graduate service appointments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15, strike "health and health care insurance" and insert, "health care benefits"

Signed by Representatives Locke, Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Valle, Vice Chair, Silver, Ranking Minority Member, Leonard, Sommers and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2124 Prime Sponsor, Representative Patterson: Changing notice and verification procedures for initiatives, referendums, and other ballot measures. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; and Wolfe.

Excused: Representatives Silver, Ranking Minority Member, Dellwo, Leonard and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2129 Prime Sponsor, Representative Mastin: Allowing state agencies to make purchases based on the lowest cost. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sheahan; Sommers; Stevens; Talcott; and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Wolfe.

Excused: Representatives Silver, Ranking Minority Member, Dellwo, Dorn, Leonard, Sehlin, and Wineberry.

Passed to Committee on Rules for second reading.

April 9, 1993

HB 2130 Prime Sponsor, Representative Locke: Modifying requirements for the acquired human immunodeficiency syndrome insurance program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; G. Fisher; Jacobsen; Lemmon; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Wang; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Talcott.

Excused: Representatives Silver, Ranking Minority Member, Dellwo, Dunshee, Leonard, Stevens and Wineberry.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

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

SECOND READING

MOTION

Representative Sheldon moved the House immediately consider Senate Bill No. 5906 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5906, by Senators Moore, Newhouse, Wojahn, Amondson and Hochstatter

Modifying electrical inspection standards.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle and Silver spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Wineberry was excused.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5906.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5906 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 3, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Absent: Representatives Appelwick, Dellwo and Fisher, G. - 3.

Excused: Representative Wineberry - 1.

Senate Bill No. 5906, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5911, by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Cantu, Skratek, Bluechel and Winsley)

Promoting economic development.

The bill was read the second time.

Representative Shin moved adoption of the following amendment by Representative Wineberry:

On page 1, line 14, after "~~ninety~~" strike "fifty" and insert "seventy-five"

Representative Shin spoke in favor of adoption of the amendment and Representative Forner spoke against it. The amendment was not adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shin and Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5911.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5911 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representatives Appelwick and Dellwo - 2.

Excused: Representative Wineberry - 1.

Engrossed Substitute Senate Bill No. 5911, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5025, by Senate Committee on Natural Resources (originally sponsored by Senator Owen)

Clarifying forest fire fighting duties.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Pruitt moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pruitt spoke in favor of passage of the bill and Representative Morton spoke against it.

POINT OF INQUIRY

Representative Pruitt yielded to a question by Representative Morton.

Representative Morton: Thank you, Mr. Speaker. Does this bill remove the liability of this state acting through the Department of Natural Resources as a land owner and a fire fighter.

Representative Pruitt: No. The Department of Natural Resources would continue that responsibility as the land owner to prevent the spread of a fire from its land on to lands of another. As a fire fighter D&R would be liable for damages caused by negligent fighting a fire in fire suppressant effort to the same extent of all other fire departments. The intent of this bill is to direct the departments efforts to fighting a fire for the common good of the resources and citizens in general rather than determined who is paying for the fire protection assessments. The bill establishes that the assessments do not establish a special relationship to a particular forest land owner amongst specific promise that has been made for that individual.

Representative Morton: Does the department now intend to take major pieces of equipment that could impact the livelihood of its owners?

Representative Pruitt: No. This bill would not change the way the department collects evidence related to large equipment, such as trains or farm equipment. The Department of Natural Resources has never confiscated such equipment and does not plan to. However, the Department needs to be able to take parts of equipment that may be related to the cause of the fire such as a faulty spark arrestor from a tractor.

The Speaker called upon Representative R. Meyers to preside.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5025.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5025 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville,

Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wolfe, Zellinsky and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Absent: Representative Appelwick - 1.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5025, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5035, by Senate Committee on Government Operations (originally sponsored by Senator Haugen)

Authorizing cities to use the hotel-motel tax for public restroom facilities.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 5, 1993.)

Representative H. Myers moved adoption of the committee amendment by Committee on Local Government. The committee amendment was adopted.

Representative G. Fisher moved adoption of the committee amendment by Committee on Revenue. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Karahalios and Foreman spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5035 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5035 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5035, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, Senate Bill No. 5044 was deferred and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5048, by Senate Committee on Government Operations (originally sponsored by Senator Haugen)

Revising bidding practices of municipalities.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 2, 1993.)

Representative H. Myers moved adoption of the committee amendment and the committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5048 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5048 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5048, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5056, by Senate Committee on Natural Resources (originally sponsored by Senator Haugen)

Regulating seaweed harvesting.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments see Journal, 85th Day, April 5, 1993.)

Representative King moved that the committee amendment by Fisheries & Wildlife not be adopted.

Representative King spoke in favor of the motion and the amendment was not adopted.

Representative Valle moved that the committee amendments by Committee on Appropriations not be adopted.

Representative Valle spoke in favor of the motion and the amendment was not adopted.

Representative King moved adoption of the following amendment by Representatives King and Sehlin:

On page 1, beginning on line 10, strike the remainder of the bill and insert:

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Marine aquatic plants" means saltwater marine plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free-floating state. Marine aquatic plants include but are not limited to seaweed of the classes Chlorophyta, Phaeophyta, and Rhodophyta.

NEW SECTION. Sec. 3. The maximum daily wet weight harvest or possession of seaweed for personal use from all private and public tidelands and state bedlands is ten pounds per person. The department of natural resources in cooperation with the department of fisheries may establish seaweed harvest limits of less than ten pounds for conservation purposes. This section shall in no way affect the ability of any state agency to prevent harvest of any species of marine aquatic plant from lands under its control, ownership, or management.

NEW SECTION. Sec. 4. A violation of section 3 of this act is an infraction under chapter 7.84 RCW, punishable by a penalty of one hundred dollars.

NEW SECTION. Sec. 5. The department of fisheries may enforce the provisions of sections 3 and 4 of this act.

NEW SECTION. Sec. 6. Section 3 of this act does not apply to commercial harvest of marine aquatic plants.

Sec. 7. RCW 75.10.010 and 1985 c 155 s 1 are amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers within their respective jurisdictions, shall enforce this title, rules of the director, and other statutes as prescribed by the legislature.

(2) When acting within the scope of subsection (1) of this section and when an offense occurs in the presence of the fisheries patrol officer who is not an ex officio fisheries patrol officer, the fisheries patrol officer may enforce all criminal laws of the state. The fisheries patrol officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a fisheries patrol officer rests with the department of fisheries unless the fisheries patrol officer acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of fisheries and another agency.

(4) Fisheries patrol officers may serve and execute warrants and processes issued by the courts.

(5) Fisheries patrol officers may enforce the provisions of sections 3 and 4 of this act.

NEW SECTION. Sec. 8. By December 31, 1993, the department of natural resources in cooperation with the department of fisheries shall develop and report to the appropriate committees of the legislature on a process and budget necessary to accomplish the following:

(1) Inventory and monitor the seaweed resource for seaweed species that are or have the potential to be harvested for recreational or tribal ceremonial and subsistence purposes;

(2) Develop a management plan that will address the appropriate level of recreational harvest of seaweed while conserving the seaweed resource;

(3) Identify the respective state and tribal roles in managing the seaweed resource; and

(4) Involve interested parties in development of the inventory and management plan, including the state parks and recreation commission, affected counties, private tideland owners, the tribes, and representatives of those who harvest seaweed for personal use. The department of natural resources shall also involve these interested parties in development of the process and budget.

NEW SECTION. Sec. 9. Sections 2 through 6 of this act are each added to chapter 79.01 RCW."

Representative King spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle, Sehlin and Karahalios spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5056 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5056 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representatives Fuhrman and Padden - 2.

Substitute Senate Bill No. 5056, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5066, by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, McCaslin and Nelson)

Limiting powers of trustees.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5066.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5066 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate,

Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5066, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5075, by Senate Committee on Higher Education (originally sponsored by Senators Winsley, Fraser and Erwin)

Prohibiting hazing at institutions of higher education.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative Jacobsen moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5075 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5075 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5075, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5159, by Senate Committee on Ecology & Parks (originally sponsored by Senators Talmadge, Owen and Fraser)

Encouraging landscaping for energy conservation.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pruitt and Basich spoke in favor of passage of the bill and Representatives Thomas, Chandler, Morton and Long spoke against it.

Representative Pruitt again spoke in favor of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5159.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5159 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Johanson, Karahalios, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance and Van Luven - 35.

Substitute Senate Bill No. 5159, having received the constitutional majority, was declared passed.

RESOLUTIONS

HOUSE RESOLUTION NO. 93-4645, by Representatives Carlson and Ogden

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Fort Vancouver High School's Mock-Trial Team has exhibited the highest level of excellence in winning the 1993 Washington State Mock-Trial Championship in Olympia on Sunday, March 28, 1993; and

WHEREAS, Thirty-two schools from around the state competed in the 1993 Washington State Mock-Trial Championships and half the remaining teams were eliminated each round; and

WHEREAS, Each school fielded its own student prosecution team, defense team, and brought its own witnesses, defendant, and bailiff; and

WHEREAS, The Fort Vancouver High School's Mock-Trial Team won the Washington State Mock-Trial Championship by defeating their opponent, University Prep, a private, Seattle-area school in the final round, the first time in the mock-trial contest's seven years that the winning team was not from a Seattle school; and

WHEREAS, The Fort Vancouver High School's Mock-Trial Team had to argue a case in which their client, a member of a Nazi organization, was accused of the malicious harassment and murder of a Jewish person; and

WHEREAS, The Fort Vancouver High School's Mock-Trial Team successfully argued in the semifinals to Washington State Supreme Court Justice, Robert Utter, that their client had killed the victim in self-defense and, therefore, was not guilty of the crime of second-degree murder; and

WHEREAS, The Fort Vancouver High School's Mock-Trial Team won the Washington State Mock-Trial Championship finals by convincing Justice Utter that the malicious harassment charge against their client should be thrown out; and

WHEREAS, Mike Joshua and Tyler Ramberg were named outstanding witnesses; and

WHEREAS, These accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, and community members, who backed them all the way; and

WHEREAS, The Fort Vancouver High School's Mock-Trial Team advisor Chris Gourley, and all the team members, defense attorneys Ryan Spear and Brent Weinstein, prosecutors Karey Flowers and Andy Rosales, witnesses Brandon Jacobs, Mike Joshua, Graham Files, Tyler Ramberg, Meredith Boyden, Scott Rigney, and Anitha Reagan, defendant Shani Combs, and bailiff Allison Eldridge, share in the Fort Vancouver High School's Mock-Trial Team's success by combining outstanding advising with outstanding professionalism and legal knowledge; and

WHEREAS, The individual and team achievements of the 1993 Fort Vancouver High School's Mock-Trial Team will always be remembered when commemorating their winning year, and are a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1993 Fort Vancouver High School's Mock-Trial Team; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Advisor Chris Gourley, Fort Vancouver High School Principal Ralph Riden, Vancouver School District Superintendent Dr. James Parsley, and President of the Board, Paul Gutierrez.

Representative Carlson moved adoption of the resolution.

Representatives Carlson and Ogden spoke in favor of the resolution.

House Resolution No. 4645 was adopted.

HOUSE RESOLUTION NO. 93-4648, by Representatives J. Kohl, Miller, Wineberry, Basich, G. Cole, Patterson, Heavey, Riley, Flemming, Locke, Brough, Foreman, Wood, Thomas and Anderson

WHEREAS, Opera singer Marian Anderson was born in Philadelphia on February 27, 1897, and died at the age of 96 in Portland on April 8, 1993; and

WHEREAS, Marian Anderson's father was an ice and coal dealer who operated a small liquor business and her mother was forced to scrub floors when her teaching certificate was destroyed in a fire; and

WHEREAS, Marian Anderson began singing at the age of six in a Baptist Church whose members later helped pay for formal voice lessons; and

WHEREAS, Marian Anderson was spurned by the Philadelphia School of Music because she was an African American, even though she had already won audiences in Europe; and

WHEREAS, The Daughters of the American Revolution banned Marian Anderson from performing in Constitution Hall in 1939, prompting Eleanor Roosevelt to quit the club and arrange for a concert at the Lincoln Memorial; and

WHEREAS, Marian Anderson mesmerized over seventy-five thousand Americans of all colors by singing "My Country Tis of Thee" and spirituals on the steps of the Lincoln Memorial on a cold Easter Sunday in 1939; and

WHEREAS, Marian Anderson was the first African American singer to sing in the White House and to sing a leading role at the Metropolitan Opera in New York; and

WHEREAS, In 1963 President John F. Kennedy awarded Marian Anderson the Presidential Medal of Freedom, the nation's highest civilian honor; and

WHEREAS, Marian Anderson lifted her mother from poverty while changing the impoverished beliefs of racism; and

WHEREAS, Marian Anderson's glorious voice struck a resounding chord in millions of people and helped lift the soul of a divided nation;

NOW, THEREFORE, BE IT RESOLVED, That the 53rd Legislature of the State of Washington recognize Marian Anderson as a spiritual beacon whose voice will forever be heard in the heart of our nation.

Representative J. Kohl moved adoption of the resolution.

Representatives J. Kohl, Basich, Carlson, Miller, Stevens and Wineberry spoke in favor of the resolution.

House Resolution No. 4648 was adopted.

MESSAGE FROM THE SENATE

April 12, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5101,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5320,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5515,
SUBSTITUTE SENATE BILL NO. 5535,
SENATE BILL NO. 5597,
SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5744,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1119,
ENGROSSED SENATE BILL NO. 5101,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5320,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5515,
SUBSTITUTE SENATE BILL NO. 5535,
SENATE BILL NO. 5597,
SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5744,

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

SUBSTITUTE SENATE BILL NO. 5261, by Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio and Talmadge)

Modifying the background check requirement on persons providing services for physically disabled or mentally impaired persons.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Leonard moved adoption of the committee amendment.

Representatives Leonard and Cooke spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5261 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5261 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5261, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5290, by Senators Wojahn, Snyder, Moyer, Sellar, Bauer, McCaslin, Deccio, Vognild and Winsley

Reducing the tax burden on free hospitals.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Holm, Foreman, Padden, Dellwo, Schoesler and Dyer spoke in favor of passage of the bill and Representative Rust spoke against it.

On motion of Representative King, Representative Locke was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5290.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5290 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Vloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Voting nay: Representatives Dunshee, Johanson, King, Meyers, R., Romero, Rust, Sommers, Valle and Wang - 9.

Excused: Representative Locke - 1.

Senate Bill No. 5290, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

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

MOTION

On motion of Representative Peery, the House adjourned until 10:00 a.m., Wednesday April 14, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETY-THIRD DAY, APRIL 13, 1993

JOURNAL OF THE HOUSE

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

NINETY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 14, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Karahalios presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Phillips and Bernard Lynch. Inspirational Message was offered by Representative Talcott.

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

MESSAGE FROM THE SENATE

April 13, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1119,
SENATE BILL NO. 5578,
SENATE BILL NO. 5835,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,

MESSAGE FROM THE SENATE

April 13, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1063,
HOUSE BILL NO. 1111,
HOUSE BILL NO. 1142,

SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1150,
HOUSE BILL NO. 1212,
HOUSE BILL NO. 1263,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
HOUSE BILL NO. 1317,
HOUSE BILL NO. 1355,
HOUSE BILL NO. 1401,
HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1686,
HOUSE BILL NO. 1864,
HOUSE BILL NO. 1993,
ENGROSSED HOUSE BILL NO. 2009,
HOUSE BILL NO. 2048,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5888,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

Mr. Speaker:

April 13, 1993

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

RESOLUTIONS

HOUSE RESOLUTION NO. 93-4644, by Representatives Flemming, Wang, Conway, Campbell, Roland, Eide, Hansen, R. Fisher and Talcott

WHEREAS, Clover Park Technical College has been enriching and bolstering the economy of Washington state for fifty years, by offering technical and vocational training to the young people and workers of the state; and

WHEREAS, Clover Park Technical College has been contributing to their students achieving self-sufficiency so they are able to provide for themselves and their families; and

WHEREAS, Clover Park Technical College is a public job training institution located in the Lakewood area of southwest Tacoma, and traces its history to 1942-43 when the Clover Park School District began to provide civilian war production training for nearby military installations; and

WHEREAS, In 1941 Mt. Rainier Ordinance Depot and McChord contracted with Clover Park High School to do war production training in the areas of aircraft service mechanics, auto mechanics, shipfitting, blueprint reading, and welding; and

WHEREAS, In 1941 three bays and a hangar were built at the new Clover Park High School to house the machine shop and automotive shop, and an aviation air strip was cleared to allow aircraft to fly in for maintenance; and

WHEREAS, During 1942 and 1943 war production training began and vocational training at Clover Park Vocational Technical Institute was born; and

WHEREAS, During that time more than three thousand students were trained, many of them women whose husbands were overseas; and

WHEREAS, In September 1991 Clover Park Vocational Technical Institute became Clover Park Technical College; and

WHEREAS, Clover Park Technical College now offers seventy-three training programs; and

WHEREAS, Over three thousand five hundred students attend full-time training programs annually and fifty thousand students attend part-time continuing education classes annually; and

WHEREAS, On April 22, 1993, Clover Park Technical College will be celebrating "50 years of Quality Training";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the 50th anniversary of Clover Park Technical College providing quality training for the workers of the state, and that the House of Representatives recognize the College's efforts to create a productive work force for a competitive economy.

Representative Flemming moved adoption of the resolution.

Representatives Flemming and Talcott spoke in favor of the adoption of the resolution.

House Resolution No. 4644 was adopted.

HOUSE RESOLUTION NO. 93-4640, by Representatives Chappell, Brumsickle, Springer and Morris

WHEREAS, Children need a safe, accessible place to play, grow, and interact; and

WHEREAS, Traditional sources of local, state, and federal government funding for recreational facilities is inadequate in the current economic climate; and

WHEREAS, Lewis County is an economically depressed timber community; and

WHEREAS, People from throughout the Lewis County area come to Centralia and Chehalis periodically to shop and conduct business; and

WHEREAS, Friends and neighbors from throughout Lewis County have determined that a new park is needed; and

WHEREAS, The Community Playground Association was formed, and under the leadership of project manager Connie Small, this association began work to secure hundreds of private community donations; and

WHEREAS, Children most certainly enjoy and take pride in a playground that is designed and created from their own thoughts and imagination; and

WHEREAS, It would cost in excess of two hundred thousand dollars to have such a park designed and constructed commercially; and

WHEREAS, The cost to construct the park could be reduced to eighty thousand dollars with the labor and materials to be provided by the community itself without any public funding; and

WHEREAS, The people of Lewis County responded with their donations, materials, donated labor, and the power of working together through hard times; and

WHEREAS, The "Penny Playground" at Recreation Park in Chehalis, Washington will be constructed from April 28th to May 2nd, and will provide enjoyment and enrichment for the children of Lewis County and all others who visit the area;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the Community Playground Association, and all of the hardworking citizens of Lewis County who are giving their time, their materials, their money, and their energies, accept our gratitude and appreciation for their efforts, and for demonstrating that citizens with vision and cooperation can truly accomplish great tasks when they work together.

Representative Chappell moved adoption of the resolution.

Representatives Chappell and Brumsickle spoke in favor of the adoption of the resolution.

House Resolution No. 4640 was adopted.

HOUSE RESOLUTION NO. 93-4639, by Representatives Rayburn, Kremen, Chandler, Foreman, Sheldon, Wineberry, Holm, Ballard, Schmidt, Forner, Morton, Kessler, Johanson, Thibaudeau, Lemmon, Bray, Basich and Thomas

WHEREAS, Arbor Day is traditionally a day for tree planting; and

WHEREAS, The State of Washington is called the Evergreen State because of its abundant trees and plants; and

WHEREAS, Washington state can boast of numerous industries and jobs related to trees; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, horticulturists, and home orchards and gardens all add to the beauty and vigor of our state; and

WHEREAS, The heritage of our state was built from the hardworking ethics of the families who helped harvest our rich forests to provide wood products and homes for our citizens; and

WHEREAS, Reforesting our land plays a vital role in the continued economic well-being of the State of Washington; and

WHEREAS, Pears, apples, cherries, prunes, plums, apricots, peaches, and nuts are products produced abundantly in this state; and

WHEREAS, We enjoy the beauty trees bring to our environment; and

WHEREAS, Growing trees are part of a clean environment, adding oxygen to the air we breathe; and

WHEREAS, These modern times emphasize growth and change and the accompanying removal of the vegetative landscape, yet trees are a renewable resource that can be planted in concert with growth activities; and

WHEREAS, The Washington State House of Representatives wishes to encourage our citizens to practice conservation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby proclaim the celebration of Arbor Day on April 14, 1993, and asks that each resident of this great state plant a tree on this fine day.

Representative Rayburn moved adoption of the resolution.

Representatives Rayburn, Chandler, Leonard, J. Kohl and Brumsickle spoke in favor of the adoption of the resolution.

House Resolution No. 4639 was adopted.

HOUSE RESOLUTION NO. 93-4641, by Representatives Ogden, H. Myers, Morris and Carlson

WHEREAS, The House of Representatives endeavors to recognize all types of outstanding accomplishments; and

WHEREAS, The Knowledge Master Open challenges students from around the world, as well as all fifty states, with a rigorous academic competition that tests the students' knowledge, comprehension, application, and analytical skills; and

WHEREAS, A team of students from Shumway Middle School accepted the challenge of this difficult, two and one-half hour, two hundred question academic event; and

WHEREAS, The average middle school team could only hope to score 1342 points out of a possible 2000 points; and

WHEREAS, The Shumway Middle School Knowledge Master Open Team, consisting of seventh grade students Matt Cameron, Megan Denny, Clay Hanson, Rowan Kaiser, Chris Rich, and Lindsay Nelson, and eighth grade students April Beckwith, Amanda Peachy, Bobby Jacky, Regi Jones, Jon Marshall, Adrian Rice, Aaron Rose, Andy Sullivan, Court Tisdale, and Noah Magram, was far superior to the average middle school team, and obtained a score of 1626; and

WHEREAS, This score was the best among all of the competing middle schools in Washington state, and was 32nd out of 1379 middle schools across the nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the victorious Shumway Middle School Knowledge Master Open Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Shumway Middle School Knowledge Master Open Team; to Karen Landerholm, the Knowledge Bowl adviser; to Terry Nelson, Shumway Middle School principal; and to the student body president of Shumway Middle School.

Representative Ogden moved adoption of the resolution.

Representatives Ogden, Carlson and Edmondson spoke in favor of the adoption of the resolution.

House Resolution No. 4641 was adopted.

MESSAGE FROM THE SENATE

April 14, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5066,
SUBSTITUTE SENATE BILL NO. 5159,

SENATE BILL NO. 5290,
SENATE BILL NO. 5906,
SUBSTITUTE SENATE BILL NO. 5937,

and the same are herewith transmitted.

Marty Brown, Secretary

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

SECOND READING

MOTION

Representative Sheldon moved the House consider the following bills in the following order: Senate Bill No. 5309, Substitute Senate Bill No. 5310 and Substitute Senate Bill No. 5360. The motion was carried.

SENATE BILL NO. 5309, by Senator Owen

Modifying provisions relating to exchange of urban land for land bank land.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pruitt spoke in favor of passage of the bill and Representative Stevens spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5309.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5309 and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 32.

Senate Bill No. 5309, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5310, by Senate Committee on Natural Resources (originally sponsored by Senator Owen)

Modifying prosecutions for trespass or waste of public lands.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5310.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5310 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5310, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5937

SUBSTITUTE SENATE BILL NO. 5360, by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Roach, Spanel, M. Rasmussen, Winsley and von Reichbauer)

Creating new procedures for reporting domestic violence.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. Committee on Judiciary recommendation: Majority, do pass as amended by Committee on Appropriations. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Appelwick moved adoption of the committee amendments by the Committee on Judiciary and spoke in favor of them. The committee amendments were adopted.

Representative Valle moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

Representative R. Johnson moved adoption of the following amendment by Representative R. Johnson and Ballasiotes:

On page 5, after line 37, insert the following:

"Sec. 4. RCW 7.69.020 and 1985 c 443 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Survivor" or "survivors" of a victim of crime means a spouse, child, parent, legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

(3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.

(4) "Victim impact statement" means a statement submitted to the court by the victim or a survivor, individually or with the assistance of the prosecuting attorney if assistance is requested by the victim or survivor, which may include but is not limited to information assessing the financial, medical, social, and psychological impact of the offense upon the victim or survivors.

(5) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

(6) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.

Sec. 5. RCW 7.69.030 and 1985 c 443 s 3 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

~~((2))~~ (3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

~~((3))~~ (4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

~~((4))~~ (5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

~~((5))~~ (6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

~~((6))~~ (7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

~~((7))~~ (8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

~~((8))~~ (9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

~~((9))~~ (10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

~~((10))~~ (12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

~~((11))~~ (13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

~~((12))~~ (14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; and

~~((13))~~ (15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment.

Sec. 6. RCW 7.69A.020 and 1992 c 188 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Crime" means an act punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law.

(2) "Child" means any living child under the age of eighteen years.

(3) "Victim" means a living person against whom a crime has been committed.

(4) "Witness" means a person who has been or is expected to be summoned to testify for the prosecution in a criminal action, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding has been commenced.

(5) "Family member" means child, parent, or legal guardian.

(6) "Advocate" means any person, including a family member not accused of a crime, who provides support to a child victim or child witness during any legal proceeding.

(7) "Court proceedings" means any court proceeding conducted during the course of the prosecution of a crime committed against a child victim, including pretrial hearings, trial, sentencing, or appellate proceedings.

(8) "Identifying information" means the child's name, address, location, and photograph, and in cases in which the child is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

(9) "Crime victim/witness program" means any crime victim and witness program of a county or local law enforcement agency or prosecutor's office, any rape crisis center's sexual assault victim advocacy program as provided in chapter 70.125 RCW, any domestic violence program's legal and community advocate program for domestic violence victims as provided in chapter 70.123 RCW, or any other crime victim advocacy program which provides trained advocates to assist crime victims during the investigation and prosecution of the crime.

Sec. 7. RCW 7.69A.030 and 1985 c 394 s 3 are each amended to read as follows:

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. The enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights:

(1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.

(2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.

(3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.

~~((3))~~ (4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.

~~((4))~~ (5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.

~~((5))~~ (6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.

~~((6))~~ (7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

~~((7))~~ (8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.

~~((8))~~ (9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.

~~((9))~~ (10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.

(11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county."

Representatives R. Johnson and Ballasiotes spoke in favor of adoption of the amendment. The amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Padden, Valle and Lemmon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5360 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5360 as amended by the House and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5360, as amended by the House, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4643, by Representatives J. Kohl, Mielke, Sommers, Padden, Dellwo, Silver, Brown and Orr

WHEREAS, The State of Washington applauds those educators who promote and encourage an interest in science by providing quality science experiences for students and teachers; and

WHEREAS, Scott Stowell and Rosemary Sweet have been named to the 1993 Honor Roll of Teachers by the Association of Science-Technology Centers and Pacific Science Center for their exemplary use of community resources to enhance and expand the science enrichment opportunities available to students and teachers; and

WHEREAS, Scott Stowell, science coordinator for the Spokane school district, has developed a district-wide training program in science education for elementary teachers, serves on the Advisory Committee for the Washington Systemic Initiative in Mathematics, Science, and Technology Education, and serves on the Spokane Park Board Advisory Committee working to develop a permanent science center in Spokane; and

WHEREAS, Rosemary Sweet teaches 6th, 7th, and 8th grade science at St. Alphonsus School in Seattle, serves as a resource for kindergarten through 5th grade teachers by modifying her curriculum for their grade levels, spent a year as a Science Education Associate at Pacific Science Center, and builds on her own knowledge and skills by participating in teacher workshops frequently; and

WHEREAS, Scott Stowell and Rosemary Sweet, along with approximately forty other educators being named to the 1993 Honor Roll of Teachers, will be honored in Washington, D.C., on April 29 and 30, 1993, before members of Congress; and

WHEREAS, The National Science Foundation has declared April 25 through May 1, 1993, National Science and Technology Week to convey the importance of science to the nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Scott Stowell and Rosemary Sweet for their outstanding efforts as science educators; and

BE IT FURTHER RESOLVED, That the House of Representatives commend Pacific Science Center for its dedication to providing interactive science, mathematics, and technology education to students and teachers throughout the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Scott Stowell, Rosemary Sweet, and the Directors of the Association of Science-Technology Centers and Pacific Science Center.

Representative J. Kohl moved adoption of the resolution and spoke in favor of it.

House Resolution No. 4643 was adopted.

MOTION

Representative Peery moved that the House immediately consider Engrossed Substitute Senate Bill No. 5702. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5702, by Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Wojahn and Franklin; by request of Employment Security Department)

Regulating unemployment insurance.

The bill was read the second time.

Representative Mastin moved adoption of the following amendment by Representative Mastin and others:

On page 1, beginning on line 9, strike all of section 1 and renumber the sections consecutively, correcting internal references accordingly.

On page 29, line 36, after "Sections" strike "1 and"

Representatives Mastin, Springer, Lisk, King and Lemmon spoke in favor of adoption of the amendment.

Representatives Heavey, Campbell, G. Cole, and Jones spoke against it.

Representative Heavey again spoke against the adoption of the amendment.

Representative Springer again spoke in favor of adoption of the amendment.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1, beginning on line 9 by Representative Mastin and others to Engrossed Substitute Senate Bill No. 5702, and the amendment was not adopted by the following vote: Yeas - 49, Nays - 49, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Linville, Lisk, Long, Mastin, Mielke, Miller, Morris, Morton, Padden, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 49.

Voting nay: Representatives Anderson, Appelwick, Basich, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Locke, Ludwig, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 49.

Representative Rayburn moved adoption of the following amendment by Representative Rayburn and others:

On page 7, beginning on line 25, after "left" strike "the most recent"

On page 8, beginning on line 3, after "left" strike "the most recent"

On page 8, line 22, after "left" strike "the most recent"

On page 9, line 14, after "left" strike "the most recent"

On page 9, beginning on line 30, after "her" strike "most recent"

On page 10, line 24, after "her" strike "most recent"

Representative Rayburn spoke in favor of adoption of the amendment and Representative Heavey spoke against it.

Representative J. Kohl demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of amendment on page 7, beginning on line 25 by Representative Rayburn and others to Engrossed Substitute Senate Bill No. 5702 and the amendment was adopted by the following vote: Yeas - 53, Nays - 45, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Cothorn, Dorn, Dyer, Edmondson, Finkbeiner, Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Kremen, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Padden, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 53.

Voting nay: Representatives Anderson, Appelwick, Basich, Brown, Campbell, Cole, G., Conway, Dellwo, Dunshee, Eide, Fisher, G., Fisher, R., Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Locke, Ludwig, Ogden, Orr, Patterson, Peery, Pruitt, Quall, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 45.

Representative Rayburn moved adoption of the following amendment by Representative Rayburn and others:

On page 8, beginning on line 18, after "relocate" strike all material through "spouse" on line 19, and insert "for the spouse's employment that is outside the existing labor market area"

Representatives Rayburn and Heavey spoke in favor of adoption of the amendment.

The Speaker called upon the House to divide and the results of the division was 84-YEAS; 16-NAYS. The amendment was adopted.

Representative Springer moved adoption of the following amendment by Representative Springer and others:

On page 8, beginning on line 21, strike all of subsection (3) and insert the following:

"(3) In determining under this section whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment."

Representatives Springer, Lisk and Horn spoke in favor of adoption of the amendment and Representatives Heavey, G. Cole, Conway, Brown spoke against it.

Representative Springer again spoke in favor of the amendment.

Representative Heavey again spoke against the amendment.

Representative J. Kohl demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk call the roll on adoption of the amendment on page 8, beginning on line 21 by Representative Springer to Engrossed Substitute Senate Bill No. 5702 and the amendment was adopted by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Cothorn, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Horn, Johnson, R., Kremen, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Padden,

Pruitt, Rayburn, Reams, Riley, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 54.

Voting nay: Representatives Anderson, Appelwick, Brown, Cole, G., Conway, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Holm, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Locke, Ludwig, Myers, H., Ogden, Orr, Patterson, Peery, Quall, Roland, Romero, Scott, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 44.

NOTICE OF RECONSIDERATION

Representative Heavey, having voted on the prevailing side, gave notice of intent to move that the House reconsider the vote by which amendment number 371 to Engrossed Substitute Senate Bill No. 5702 passed the House.

Representative Springer moved adoption of the following amendment by Representative Springer and others:

On page 9, beginning on line 14, after "work" strike "without good cause"

On page 9, line 25, after "(2)" insert "(b) or"

On page 11, beginning on line 32, after "wage" strike all material through "dollars" on line 36 and insert "-
The computation for this ratio shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded: PROVIDED FURTHER, That for benefit years beginning before July 7, 1985, the maximum amount payable weekly shall not exceed one hundred eighty five dollars)"

On page 15, line 6, after "contingency" strike "account" and insert "fund"

On page 15, line 7, after "RCW" strike "50.20.190(3)" and insert "50.20.190(6)"

On page 23, line 27, after "(f)" strike all material through "(g)" on line 34 and insert "((i) Benefits paid to an individual as the result of a determination by the commissioner that no stoppage of work exists, pursuant to RCW 50.20.090, shall not be charged to the experience rating account of any contribution paying employer.

(ii) Benefits paid to an individual under RCW 50.20.090(1) for weeks of unemployment ending before February 20, 1987, shall not be charged to the experience rating account of any base year employer.
(g))"

On page 24, line 1, strike "(h)" and insert "((h)) (g)"

On page 24, line 6, strike "(i)" and insert "(3)(a)"

On page 25, beginning on line 10, after "between" strike all material through "granted" on line 20 and insert "the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer ((petitions for)) requesting relief of charges((; and

(ii) The commissioner approves granting relief of charges)) under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted"

On page 30, line 11, after "effect" strike "July 3, 1993" and insert "immediately"

On page 30, line 18, after "effective" insert "as"

On page 30, line 22, after "4," strike "5, and 13" and insert "and 5"

Representative Springer spoke in favor of adoption of the amendment and the amendment was adopted.

NOTICE OF RECONSIDERATION

Representative Kremen, having voted on the prevailing side, gave notice of intent to move that the House reconsider the vote by which amendment number 404 to Engrossed Substitute Senate Bill No. 5702 failed to pass the House.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon and others:

On page 11, beginning on line 16, strike all of subsection (2) and insert the following:

"(2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest. The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. The maximum amount payable weekly shall be ~~((fifty-five))~~ sixty percent of the "average weekly wage" for the calendar year preceding such June 30th(~~(: PROVIDED, That if as of the first December 31st on which the ratio of the balance in the unemployment compensation fund to total remuneration paid by all employers subject to contributions during the calendar year ending on such December 31st and reported to the department by the following March 31st is 0.024 or more, the maximum amount payable weekly for benefit years beginning with the first full calendar week in July next following, and thereafter, shall be sixty percent of the "average weekly wage". The computation for this ratio shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded: PROVIDED FURTHER, That for benefit years beginning before July 7, 1985, the maximum amount payable weekly shall not exceed one hundred eighty-five dollars))~~), except that if a determination is made under RCW 50.29.025 that tax schedule AA will be in effect for the following rate year, then the maximum amount payable weekly shall be sixty-six and two-thirds percent of the average weekly wage. The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th. If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar."

On page 30, line 11, after "effect" strike "July 3, 1993" and insert "immediately"

Representative Miller demanded an oral roll call vote and the demand was sustained.

Representatives Sheldon, Springer, Horn, Forner and Lisk spoke in favor of adoption of the amendment.

Representatives Heavey, King, Jones, Conway, Brown and Veloria spoke against the amendment.

Representative Sheldon again spoke in favor of the amendment.

Representatives Heavey and King again spoke against the amendment.

POINT OF PARLIAMENTARY INQUIRY

Representative Vance: Mr. Speaker, rule 20 of the House states that notice of reconsideration on final passage may be given and then deferred, however, it does not have specific language on an amendment and seems to imply, and I believe that its always been the custom of this house, that a motion to reconsider an amendment must be immediate. Is that not the understanding of the Speaker?

SPEAKER'S RULING

Representative Vance: The operative rule here, which is rule number 20, says a motion to reconsider an amendment may be made at anytime the bill remains on second reading. It also says a member who voted on the prevailing side may move for reconsideration or give notice thereof.

The Clerk called the oral roll call on adoption of amendment number 427 to Engrossed Substitute Senate Bill No. 5702 and the amendment passed the House by the following vote: 46-YEAS; 52-NAYS.

With the consent of the House, Representative Sheldon withdrew amendment number 343.

Representative Grant moved adoption of the following amendment by Representatives Grant and others:

On page 15, beginning on line 8, strike all of sections 15 through 18 and renumber the remaining sections consecutively and correct internal references.

On page 30, beginning on line 18, strike all of subsection (5) and renumber the remaining subsections consecutively and correct internal references.

On page 30, beginning on line 26, strike all of subsection (9)

Representatives Grant, Springer, Lisk, King and Jones spoke in favor of the amendment.

Representative Heavey asked Representative Grant to yield to a question and the request was denied.

Representative J. Kohl demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 15, beginning on line 8 by Representatives Grant and others on Engrossed Substitute Senate Bill No. 5702 and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Linville, Lisk, Long, Mastin, Mielke, Miller, Morris, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehnlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 45.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Locke, Ludwig, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 53.

STATEMENT FOR THE JOURNAL

I wish to change my vote on Engrossed Substitute Senate Bill No. 5702, amendment number 372. I voted "yea" by accident. I meant to vote "nay".

TOM CAMPBELL, 2nd District

NOTICE OF RECONSIDERATION

Representative Karraholis, having voted on the prevailing side, gave notice of intent to move that the House reconsider the vote by which amendment number 346 to Engrossed Substitute Senate Bill No. 5702 failed to pass the House.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5702 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5702 as amended by the House and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Karahalios, Lisk, Long, Mastin, Mielke, Miller, Morris, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehnlin, Sheahan, Sheldon, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 42.

Engrossed Substitute Senate Bill No. 5702 as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to change my vote from a "NAY" to a "YEA" on Engrossed Substitute Senate Bill No. 5702.
SUE KARAHALIOS, 10th District

The Speaker declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

MOTION

On motion of Representative Heavey, the House adjourned until 9:00 a.m., Thursday, April 15, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETY-FOURTH DAY, APRIL 14, 1993

JOURNAL OF THE HOUSE

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

NINETY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 15, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative Sheldon presiding). The Clerk called the roll and a quorum was present.

Representative R. Meyers assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Jenkins and Devon Jenkins. Prayer was offered by Representative Chandler.

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

MESSAGES FROM THE SENATE

April 14, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,

and the same is herewith transmitted.

Marty Brown, Secretary

Mr. Speaker:

The Senate has passed:

April 14, 1993

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5451,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,
SENATE BILL NO. 5723,
SUBSTITUTE SENATE BILL NO. 5727,
SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 5966,
SUBSTITUTE SENATE BILL NO. 5971,
SENATE BILL NO. 5973,
SENATE BILL NO. 5975,
ENGROSSED SENATE BILL NO. 5978,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,
SENATE BILL NO. 5984,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2134 by Representatives G. Fisher and Karahalios

AN ACT Relating to property tax relief.

Referred to Committee on Rules.

EHB 2135 by Representative G. Fisher

AN ACT Relating to revenue.

Referred to Committee on Rules.

ESSB 5888 by Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Rinehart, Bauer, Snyder and Anderson)

Improving retirement system benefits.

SCR 8409 by Senators Owen, Erwin, Franklin and Pelz

Concerning open pit metallic ore mining.

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

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

SECOND READING

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: Engrossed Senate Bill No. 5367, Substitute Senate Bill No. 5471, Substitute Senate Bill No. 5479, Substitute Senate Bill No. 5520 and Engrossed Substitute Senate Bill No. 5615. The motion was carried.

ENGROSSED SENATE BILL NO. 5367, by Senators Hargrove, L. Smith, M. Rasmussen, Bauer, Newhouse, Loveland and Anderson

Regulating veterinary medication clerks.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 81st Day, April 1, 1993.)

Representative Rayburn moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

Engrossed Senate Bill No. 5367 was passed to the Committee on Rules for third reading.

SUBSTITUTE SENATE BILL NO. 5471, by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Quigley, Nelson and Snyder; by request of Secretary of State)

Changing provisions relating to nonprofit corporations.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Valle spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Dyer was excused.

On motion of Representative J. Kohl, Representatives Locke, Dellwo, R. Johnson, G. Fisher and Appelwick were excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5471.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5471, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Appelwick, Dellwo, Dyer, Fisher, G., Johnson, R. and Locke - 6.

Substitute Senate Bill No. 5471, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5479, by Senate Committee on Health & Human Services (originally sponsored by Senators Fraser, Deccio, Talmadge, Moyer, Franklin, M. Rasmussen and Oke)

Declaring Washington state children's day.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Fuhrman, Reams, Kremen, Schmidt, Leonard and Van Luven spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5479.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5479 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representative Fuhrman - 1.

Excused: Representatives Appelwick, Dellwo, Dyer, Johnson, R. and Locke - 5.

Substitute Senate Bill No. 5479, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5520, by Senate Committee on Health & Human Services (originally sponsored by Senators Wojahn, Moyer, Hargrove and Prentice; by request of Department of Health)

Modifying controlled substances definitions, standards, and schedule.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Johnson spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final of Substitute Senate Bill No. 5520.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5520 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Excused: Representatives Appelwick, Dellwo, Dyer, Johnson, R. and Locke - 5.

Substitute Senate Bill No. 5520, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5615, by Senate Committee on Education (originally sponsored by Senators M. Rasmussen and Oke; by request of Superintendent of Public Instruction)

Moving the teachers recruiting future teachers program from the office of the superintendent of public instruction to the professional development centers in educational service districts.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Valle spoke in favor of passage of the bill and Representative Brough spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5615.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5615 and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt,

Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Brough, Forner, Thomas and Vance - 4.

Excused: Representatives Appelwick, Dellwo, Dyer, Johnson, R. and Locke - 5.

Engrossed Substitute Senate Bill No. 5615, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5635, by Senators Niemi and Talmadge

Modifying procedures regarding disclosure of address of a health professional subject to a disciplinary complaint.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative L. Johnson moved adoption of the committee amendment.

Representative Thibaudeau moved adoption of the following amendment to the committee amendment:

On page 1, line 11 of the amendment, strike "residential address or residential" and insert "address or"

On page 1, beginning on line 13 of the amendment, after "complained" strike all material through "number" on line 14

Representatives Thibaudeau and Cooke spoke in favor of adoption of the amendment to the committee amendment. The amendment to the committee amendment was adopted.

Representative Thibaudeau moved adoption of the following amendment to the committee amendment:

On page 5, after line 20, add a new section as follows

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Thibaudeau spoke in favor of adoption of the amendment to the committee amendment. The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question to be final passage of Senate Bill No. 5635 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5635 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan,

Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Excused: Representatives Appelwick, Dellwo, Dyer, Johnson, R. and Locke - 5.

Senate Bill No. 5635 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5689, by Senators Moore, West, Vognild and McCaslin

Establishing a license to sell liquor in motels.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5689.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5689 and the bill passed the House by the following vote: Yeas - 86, Nays - 7, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 86.

Voting nay: Representatives Cole, G., Cothorn, Lemmon, Meyers, R., Patterson, Van Luven and Wang - 7.

Excused: Representatives Appelwick, Dellwo, Dyer, Johnson, R. and Locke - 5.

Senate Bill No. 5689, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider Substitute Senate Bill No. 5402 on today's second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5402, by Senate Committee on Higher Education (originally sponsored by Senators Jesernig, Sellar, Bauer and Hochstatter)

Authorizing a study of the feasibility of expanding literacy in mathematics, science, and technology.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal 81st Day, April 1, 1993.)

Representative Quall moved adoption of the committee amendment and spoke in favor of it. The amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Brumsickle, Karahalios, Edmondson and Ogden spoke in favor of passage of the bill and Representatives Casada and Padden spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5402 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5402 as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 90.

Voting nay: Representatives Casada, Fuhrman, Padden and Stevens - 4.

Excused: Representatives Appelwick, Dellwo, Dyer and Johnson, R. - 4.

Substitute Senate Bill No. 5402 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5745, by Senators Bluechel, Bauer, Skratek, Cantu, Erwin, M. Rasmussen and Sheldon

Creating the PNWER-Net working group.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 5, 1993.)

Representative Valle moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Valle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5745 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5745 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Dellwo, Dyer and Johnson, R. - 4.

Engrossed Senate Bill No. 5745 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5768, by Senators Haugen, Oke, Loveland, Nelson, Owen, Cantu and Moyer

Providing for inspection services at an emergency scene upon the request of a public official.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal 82nd Day, April 2, 1993.)

Representative Anderson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Anderson and Reams spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5768 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5768 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Dellwo, Dyer and Johnson, R. - 4.

Engrossed Senate Bill No. 5768 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Sheldon, Senate Bill No. 5791 was deferred.

SENATE BILL NO. 5828, by Senators Bauer, Prince, Sheldon and Wojahn

Changing provisions relating to vocational education.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal 81st Day, April 1, 1993.)

Representative Jacobsen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jacobsen and Wood spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5828 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5828 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Appelwick, Dellwo, Dyer and Johnson, R. - 4.

Senate Bill No. 5828 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Sheldon, Substitute Senate Bill No. 5829 was deferred.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, by Senate Committee on Government Operations (originally sponsored by Senators McAuliffe, Erwin, M. Rasmussen, Amondson, Drew, Prentice, Pelz, Niemi, Winsley, Sheldon, McDonald, Talmadge, Owen, Snyder, Haugen, Hargrove, Moyer, Quigley, Roach, Jesernig, Oke, Hochstatter and Spanel)

Allowing volunteers to assist agencies to serve at-risk children's needs.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative Leonard moved adoption of the committee amendment and spoke in favor of it . The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Leonard and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5844 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5844 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Absent: Representative Silver - 1.

Excused: Representatives Appelwick, Dellwo, Dyer and Johnson, R. - 4.

Engrossed Substitute Senate Bill No. 5844 as amended by the House, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 93-4652, by Representatives Ogden, Pruitt, Jacobsen, Wood, Edmondson, Thomas, Vance, Lisk, Carlson, J. Kohl, Chandler, Casada, Reams, Foreman, Fuhrman, Sehlin, Talcott, Stevens,

Brumsickle, Padden, Morton, Ballasiotes, Mielke, Long, Sheahan, Miller, Van Luven, Brough, Schoesler, Dyer, Horn, Forner and Anderson

WHEREAS, Fifty-eight percent of the adults and fifty-three percent of youth in Washington unselfishly give an average of two hours of their time each week to improve the quality of life in their communities; and

WHEREAS, Thousands of volunteers of all ages contribute their skills, resources, and energy, without charge, to medical, religious, cultural, environmental, and other areas of service throughout the state; and

WHEREAS, Volunteers are essential partners with government and industry in providing services to our communities; and

WHEREAS, Washington's schools benefit from volunteers who tutor, monitor, and contribute many other services to enhance the learning environment for students of all ages; and

WHEREAS, In health care and other social and human services, volunteers provide important and compassionate assistance as support for people with AIDS, crisis intervention counselors, candy strippers, foster parents, community food bank workers, and in a multitude of other ways; and

WHEREAS, Volunteers ensure public safety by serving as fire fighters, police officers, search and rescue workers, Red Cross volunteers, and mitigate crises in a variety of ways; and

WHEREAS, In the libraries, museums, theaters, and dance troupes, volunteers are involved at all levels to assure responsive, enlightened services, displays, and programs to entertain and teach all citizens; and

WHEREAS, Volunteers across the state have dedicated themselves to protecting and enhancing our environment and natural resources with community services enabling state and local parks and recreation districts to enrich the lives of millions at very low cost; and

WHEREAS, In institutions, citizens volunteer hours to provide advocacy services, friendly visitor programs, recreation, and other means of human support; and

WHEREAS, It is essential that citizens take active roles in their communities so that problems are addressed effectively, communities prosper, and all people, including families and children in difficult circumstances are afforded lives of quality; and

WHEREAS, The volunteers who give of their time and of themselves to improve the quality of life of others set an example for us all and deserve special recognition;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives declare April 18-24, 1993, to be Volunteer Recognition Week in the State of Washington, and encourage all citizens to take note of the efforts of volunteers and offer appropriate thanks for a remarkable job well done.

Representative Ogden moved adoption of the resolution.

Representatives Ogden, Wood, J. Kohl, Pruitt and Edmondson spoke in favor of adoption of the resolution.

House Resolution No. 4652 was adopted.

SUBSTITUTE SENATE BILL NO. 5878, by Senate Committee on Higher Education (originally sponsored by Senator Bauer)

Decentralizing posttenure evaluation for higher education faculty.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative Jacobsen moved that the committee amendment not be adopted. The committee amendment was not adopted.

The Speaker assumed the chair.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5878.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5878 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Dyer - 1.

Substitute Senate Bill No. 5878, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5879, by Senators A. Smith, Spanel, Deccio and Winsley

Conforming state law on child passenger restraint systems to the Uniform Vehicle Code.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal 82nd Day, April 2, 1993.)

Representative Brown moved adoption of the committee amendment.

Representative Brown moved the following amendment to the committee amendment:

On page 1, line 23 of the amendment, after "driver:" strike "(c) rental car businesses with fleets of fewer than fifteen motor vehicles; and (d)" and insert "and (c)"

On page 1, line 35 of the amendment, after "in" strike "(ii)" and insert "(i)"

Representatives Brown, Patterson, J. Kohl, G. Cole, Eide, Orr and Van Luven spoke in favor of adoption of the amendment to the committee amendment.

Representatives Schmidt, Zellinsky, Mielke and Long spoke against the amendment.

The amendment to the committee amendment was adopted.

Representative Brown spoke in favor of adoption of the committee amendment as amended.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brown spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5879 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5879 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H.,

Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Casada, Fuhrman, Lisk and Padden - 4.

Engrossed Senate Bill No. 5879 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016, by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Spanel, Haugen, Prince, Loveland, Barr, Erwin, McDonald, Roach, Bauer, Drew, Gaspard, Skratek, McAuliffe, Sheldon, Prentice, Fraser, Rinehart, Deccio, Jesernig, Winsley, Pelz, McCaslin, Sellar, von Reichbauer, Vognild, Moyer, A. Smith, West, Franklin, Wojahn, Hochstatter, Quigley, Anderson, Amondson and Oke)

Requesting investigation and reporting on the E. Coli outbreak.

The memorial was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative Rayburn moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Rayburn and Chandler spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Joint Memorial No. 8016 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Joint Memorial No. 8016 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute Senate Joint Memorial No. 8016 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease until 1:15 p.m.

Representative R. Meyers presiding called the House to order.

With the consent of the House, Substitute Senate Bill No. 5967 was deferred.

MOTION

Representative Sheldon moved that the House immediately consider Senate Bill No. 5060 and proceed down the second reading calendar. The motion was carried.

SENATE BILL NO. 5060, by Senators A. Smith, Nelson, McCaslin and Hargrove; by request of Indeterminate Sentence Review Board

Revising provisions relating to indeterminate sentencing.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and Padden spoke against the passage of the bill.

Representatives Morris and Long spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5060.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5060 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Kremen, Lisk, Mielke, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Senate Bill No. 5060, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5068, by Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, McCaslin, Nelson, Erwin, Vognild and Roach)

Changing the homestead exemption.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5068.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5068 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Dyer, Forner and Lisk - 3.

Substitute Senate Bill No. 5068, having received the constitutional majority, was declared passed.

On motion of Representative J. Kohl, Representative Dellwo was excused.

SUBSTITUTE SENATE BILL NO. 5134, by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Barr, Snyder, Oke, Winsley, Roach and Erwin)

Allowing property owned by nonprofit organizations to be used for certain activities without loss of property tax exemption.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Karahalios and Foreman spoke in favor of passage of the bill.

On motion of Representative Carlson, Representative Dyer was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5134.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5134 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Substitute Senate Bill No. 5134, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5241, by Senators Vognild, Newhouse, Moore and Prince

Making certain powers and duties of the gambling commission permissive.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 75th Day, March 25, 1993.)

Representative G. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Cole and Lisk spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5241 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5241 as amended by the House passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Senate Bill No. 5241 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5245, by Senators A. Smith, Quigley, Roach and Winsley; by request of Washington State Patrol

Regulating the analysis of blood and breath alcohol.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment see Journal, 73rd March 24, 1993.)

Representative Appelwick moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5245 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5245 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Eide, Johanson, Orr and Romero - 4.

Excused: Representatives Dellwo and Dyer - 2.

Senate Bill No. 5245 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Anderson, Barr and Bauer)

Regulating the marketing of milk.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative Rayburn moved adoption of the committee amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rayburn and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5263 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage on Substitute Senate Bill No. 5263 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Substitute Senate Bill No. 5263 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5280, by Senators Hargrove, Erwin, Owen, Sutherland and Jesernig

Creating a certification program for contractors.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal 82nd Day, April 2, 1993.)

Representative G. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative Dorn moved the following amendment by Representatives Dorn, Peery and Vance:
On page 2, after line 1 of the amendment, insert the following:

"NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 14 of this act.

(1) "Commission" means the commission appointed by the governor to develop a program to educate, test, and certify paint or coating applicators. The commission shall also advise the department on the application and administration of any regulations applicable to the paint and coating application industry as may be required by federal or state legislative or regulatory actions.

(2) "Paint or coating application" means the application of a substance in atomized, liquid, or particulate form that will adhere to or coat a surface and generally protect or preserve the surface, or the removal of paint or coatings. For the purposes of sections 2 through 14 of this act, paint and coating application includes applying or removing paints, pigments, extenders, metal primers and metal pigments, clear pigments, binders, thinners, and dryers, primers and sealers, oil paints and enamels, clear coatings, oils, stains, varnishes, lacquers, polyurethanes, chemical and epoxy coatings, emulsions, acrylic coatings, industrial coatings, and other materials commonly used in the paint and coating trade, preparation of surfaces to which paint or coatings will be applied or removed, and cleanup work in connection with painting.

(3) "Paint or coating applicator" means a person directly engaged in painting or coating application, removal, or treatment of painted or coated surfaces for compensation, including those employees directly supervising such employees. For the purposes of sections 2 through 14 of this act, paint or coating applicator means a person who offers paint or coating application or removal as his or her primary business activity or whose job description or employment activity is primarily that of paint or coating application or removal. A person primarily engaged in roofing,

printing, or the application of cosmetics is not considered a paint or coating applicator for the purpose of sections 2 through 14 of this act. A person engaged in the buying, selling, or leasing of industrial equipment, including agricultural, logging, or construction equipment, is not considered a paint or coating applicator for the purpose of sections 2 through 14 of this act and is exempted from the requirements of sections 2 through 14 of this act.

(4) "Employer" means a natural person, corporation, trust, unincorporated association or partnership that hires paint or coating applicators, contracts to provide painting services to other persons, or both. An employer engaged in the buying, selling, or leasing of industrial equipment, including agricultural, logging, or construction equipment is exempted from the requirements of sections 2 through 14 of this act.

(5) Employers of twenty-five thousand persons or more are presumed to have existing training programs at least equivalent to those which may be required under sections 2 through 14 of this act and are excluded from the provisions of sections 2 through 14 of this act.

NEW SECTION. Sec. 3. The commission shall develop and the department shall adopt a program to educate, and test paint and coating applicators in handling hazardous materials applicable to paint or coating application. The program shall include:

- (1) A certification application form;
- (2) Standards for certificates of competency;
- (3) Rules for revoking certificates of competency;
- (4) A definition of the relationship of training programs to the competency certification program;
- (5) Notification procedures to ensure that painting and coating applicators and employers are notified in a timely manner of the requirements of sections 2 through 14 of this act; and
- (6) Provisions for certificates of competency for persons who engage solely in a subspecialty of painting and coating application or removal.

A paint or coating applicator shall obtain a certificate of competency issued by the department after completing an approved training program.

NEW SECTION. Sec. 4. A paint or coating applicator's course of education shall include an understanding of materials applied, removed, or treated as they affect the applicator, the workers around the applicator, the general public, and the environment; methods of preparation, handling, and knowledge of the equipment used in painting or coating; and understanding of all pertinent federal and state safety laws and administrative rules.

It is the intent of the legislature that every effort be made to combine training requirements applicable to the application of paint and coating materials from all departments of state government in order to consolidate and reduce the regulatory burden and reduce the associated costs to the state.

NEW SECTION. Sec. 5. There is created a painting safety commission comprised of nine members:

- (1) Three from organizations or associations whose primary purpose is to represent employers of paint or coating applicators. Every effort shall be made to ensure that at least one member in this category represents employers of ten or fewer paint or coating applicators on an annual full-time equivalent basis;
- (2) Three from organizations or associations whose primary purpose is to represent paint or coating applicators;
- (3) Two representing the painting or coating industry at large; and
- (4) One representing the consumer.

The governor shall appoint the consumer representative to a three-year term, and the three paint or coating employee representatives and the three paint or coating employer representatives to one, two, and three year terms respectively. One at-large industry representative shall be appointed to a one-year term, and the other to a two-year term. Subsequent employee, employer, and at-large representatives shall serve for three years each. The governor shall consider recommendations from paint or coating organizations or associations whose primary purpose is to represent paint or coating employees and employers. The governor shall strive to make the commission appointments reflect the demographics of the state and reflect the make-up of the paint and coating industry. The director or the director's designee shall serve on the commission as an ex officio, nonvoting member. Each member of the commission shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day in which the member is actually engaged in the business of the commission. The department shall provide staff support to the commission.

NEW SECTION. Sec. 6. The department shall certify as meeting the requirements of sections 2 through 14 of this act, training programs of an employer or organization, that meet or exceed the standards established under section 3 of this act.

NEW SECTION. Sec. 7. The department shall charge fees for training and issuance, renewal, and reinstatement of all certificates of competency and examinations required by sections 2 through 14 of this act. The

department shall set the fees by rule. The fees shall cover the full cost of administering and enforcing sections 2 through 14 of this act and shall include travel, per diem, and administrative support costs.

NEW SECTION. Sec. 8. Authorized representatives of the department shall investigate alleged or apparent violations of sections 2 through 14 of this act and upon presentation of credentials may inspect a worksite for the purpose of determining compliance with sections 2 through 14 of this act. The department shall also promptly investigate alleged violations of sections 2 through 14 of this act based on a written complaint. The department shall notify the complainant, in writing, within sixty days of the action taken on all the complaints.

NEW SECTION. Sec. 9. Each day in which a paint or coating applicator works without a valid certificate of competency is a separate infraction. Each worksite at which a painting or coating applicator works in violation of sections 2 through 14 of this act is a separate infraction. Each day in which an employer employs such person is a separate infraction.

NEW SECTION. Sec. 10. An authorized representative of the department may issue a notice of an infraction if a person who is doing paint or coating application or removal fails to produce a certificate of competency issued by the department in accordance with sections 2 through 14 of this act. A notice of an infraction issued under this section must be personally served on the person named in the notice by an authorized representative of the department. However, no penalties may be assessed for notices of infraction issued for one year after the adoption of rules under section 3 of this act.

NEW SECTION. Sec. 11. The department shall establish monetary penalties for employee infractions, with the advice of the commission, not less than:

- (1) For the first offense, a sum of two hundred fifty dollars;
- (2) For the second offense, a sum of five hundred dollars;
- (3) For the third offense and subsequent offenses, a sum of one thousand dollars.

NEW SECTION. Sec. 12. The department shall establish monetary penalties for employer infractions, with the advice of the commission, not less than:

- (1) For the first offense, a sum of two hundred fifty dollars;
- (2) For the second offense, a sum of five hundred dollars;
- (3) For the third offense and subsequent offenses, a sum of one thousand dollars.

NEW SECTION. Sec. 13. An appeal by an employee or employer of a penalty set out in either section 11 or 12 of this act shall consist of an adjudicative proceeding set out in chapter 34.05 RCW.

NEW SECTION. Sec. 14. The paint and coating applicators account is created in the custody of the state treasurer. All receipts from fees and fines collected by the department under the authority of sections 2 through 14 of this act shall be deposited into the account. Expenditures from the account may be used only for the purposes of the commission and other expenditures approved by the director or the director's designee. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 15. Sections 2 through 14 of this act are each added to chapter 18.27 RCW.

NEW SECTION. Sec. 16. The director of the department of labor and industries may take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Representative Vance: Mr. Speaker, I would request a ruling on the scope and object of the amendment.

With the consent of the House, the House deferred further consideration of Engrossed Senate Bill No. 5280.

SECOND SUBSTITUTE SENATE BILL NO. 5288, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Talmadge and Haugen; by request of Department of Ecology)

Extending the expiration date of the solid waste collection tax.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rust and Horn spoke in favor of passage of the bill and Representative Sheahan spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5288.

ROLL CALL

The Clerk called the roll on final passage of Second Substitute Senate Bill No. 5288 and the bill passed the House by the following vote: Yeas - 74, Nays - 22, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Schoesler, Scott, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 74.

Voting nay: Representatives Brough, Casada, Chandler, Cooke, Forner, Fuhrman, Lisk, Mielke, Morton, Orr, Padden, Rayburn, Reams, Schmidt, Sehlín, Sheahan, Silver, Stevens, Tate, Thomas, Van Luven and Wood - 22.

Excused: Representatives Dellwo and Dyer - 2.

Second Substitute Senate Bill No. 5288, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5307 and the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5337, by Senators Sutherland and Vognild

Regulating aeronautics.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jones spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5337.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5337 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler,

Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Hansen - 1.

Excused: Representatives Dellwo and Dyer - 2.

Substitute Senate Bill No. 5337, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider Senate Bill No. 5455 on today's second reading calendar. The motion was carried.

SENATE BILL NO. 5455, by Senators Fraser, Deccio and Talmadge; by request of Law Revision Commission

Correcting the codification of a section relating to chemical dependency.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5455.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5455 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Senate Bill No. 5455, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5494, by Senators Talmadge and Deccio; by request of Department of Social and Health Services

Including certain juveniles who are the subject of proceedings under chapter 13.34 RCW in the definition of "at-risk juvenile sex offenders".

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5494.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5494 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Senate Bill No. 5494, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5541, by Senators Fraser, A. Smith, Sellar, McAuliffe, Quigley and Winsley

Revising the statute of limitations for certain sex offenses.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative H. Myers spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5541.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5541 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Senate Bill No. 5541, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5577, by Senator A. Smith

Changing sex offense provisions for perpetrators who are health care providers or persons with supervisory authority.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Appelwick moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appelwick spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5577 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage on Senate Bill No. 5577 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Senate Bill No. 5577 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the House immediately consider Substitute Senate Bill No. 5829 on second reading. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5829, by Senate Committee on Labor & Commerce (originally sponsored by Senators Moore and Prince)

Licensing mortgage brokers and loan originators.

The bill was read the second time. Committee on Financial Institutions and Insurance recommendation: Majority, do pass as amended. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 31, 1993.)

Representative Zellinsky moved the committee amendment by the committee on Financial Institutions & Insurance be adopted.

Representative Zellinsky moved adoption of the following amendment to the committee amendment:

On page 1, line 4 of the amendment, after "RCW" strike "19.48.020" and insert "19.148.020"

Representative Zellinsky spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Zellinsky moved adoption of the following amendment to the committee amendment:

On page 1, line 8 of the amendment, strike all of subsection 1 and insert the following:

"(1) "Loan closing documents" means any loan commitment, statement of loan conditions or other agreement to lend which has been reduced to writing, estimated settlement charges, deed or deed forms, legal descriptions of loan collateral, promissory notes and final loan contract. Incidental forms and statements promulgated by the lender to be executed at closing to complete loan approval shall not, for purposes of this definition, be determined loan closing documents."

On page 2, line 25 of the amendment, strike all of subsection 3 and insert the following:

"(3) The lender, or the loan originator if not the lender, shall advise the loan applicant at the time of application that upon his/her request, the applicant has the right to receive for prior review copies of loan closing document forms. The lender shall also advise the loan applicant that upon his/her timely request, he/she may

receive for his/her review copies of loan closing documents as prepared for loan closing. The lender shall provide such loan closing documents no later than one business day prior to the established date of closing."

Representatives Zellinsky and Mielke spoke in favor of adoption of the amendment and it was adopted.

The committee amendment by Committee on Financial Institutions & Insurance as amended was adopted.

Representative Zellinsky moved the committee amendment by the committee on Appropriation not be adopted. The committee amendment was not adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Zellinsky and Mielke spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5829 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage on Substitute Senate Bill No. 5829 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Substitute Senate Bill No. 5829 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the House immediately consider Engrossed Substitute Senate Bill No. 5815 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, by Senate Committee on Law & Justice (originally sponsored by Senators West and Moyer)

Concerning seizure and forfeiture.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 31, 1993.)

Representative Appelwick moved the committee amendment not be adopted. The amendment was not adopted.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

Strike everything after the enacting clause and insert the following"

Sec. 1. RCW 69.50.505 and 1992 c 211 s 1 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.401(e);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW(~~(-PROVIDED, That)~~). A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission(~~(-PROVIDED FURTHER, That)~~). No personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: (~~(PROVIDED, That)~~) However:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred

or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession ~~((of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property))~~ within ninety days, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation. A perfected security interest of a secured party may be extinguished only after a contested hearing or agreement by the secured party.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession ~~((of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property))~~ within ninety days, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. ~~((The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars.))~~ The prosecuting attorney shall file the case into a court of competent jurisdiction. The court to which the matter is ~~((to be removed))~~ filed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. ~~((A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW.))~~ In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the ~~((administrative law judge or))~~ court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g)(1) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(2) Each seizing agency shall retain records of forfeited property for at least seven years.

(3) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(4) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(h)(1) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the drug enforcement and education account under RCW 69.50.520.

(2) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (n) of this section.

(3) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(i) Forfeited property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(j) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(k) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(l) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(m) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(n) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (f)(2) of this section, only if:

(1) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(2) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

(i) Only if the funds applied under (2) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

(3) For any claim filed under (2) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(o) The landlord's claim for damages under subsection (n) of this section may not include a claim for loss of business and is limited to:

(1) Damage to tangible property and clean-up costs;

(2) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(3) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (f)(2) of this section; and

(4) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (h)(2) of this section.

(p) Subsections (n) and (o) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (n) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency."

Representative Riley moved the following amendment to the amendment by Representative Riley:

On page 11 of the amendment, after line 20 add the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) A vehicle driven by or under the actual physical control of the owner of the vehicle in violation of RCW 46.61.502 or 46.61.504 is, upon the conviction of the owner when that conviction is the second or subsequent conviction for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, subject to seizure and forfeiture and no property right exists in that vehicle.

A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the violation of RCW 46.61.502 or 46.61.504.

(2) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(3) A seizure under subsection (2) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within ninety days of the seizure, the vehicle is deemed forfeited. A perfected security interest of a secured party may be extinguished only after a contested hearing or agreement by the secured party.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within ninety days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The prosecuting attorney shall file the case into a court of competent jurisdiction. The court to which the matter is file shall be the district court when the value of the vehicle is within the jurisdictional limit of the district court. In a court hearing between two or more claimants to the vehicle involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the chief law enforcement officer, of the seizing agency, the chief law enforcement officer's designee, or the court that the claimant neither knew of nor consented to the violation leading to seizure and is the present lawful owner or is lawfully entitled to possession of the vehicle.

(6) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title.

(7) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(8) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(9) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(10) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(11) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(12) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(13) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

NEW SECTION. Sec. 3. A new section is added to chapter 46.61 RCW to read as follows:

(1) Whenever a person is charged with a violation of RCW 46.61.502 or 46.61.504 and that person has been previously convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, the court shall instruct the person charged of the provisions of section 5 of this act and shall immediately forward notice of the charge to the director.

(2) Upon the conviction or acquittal of the person charged or if a pending charge is otherwise terminated, the court shall immediately forward notice of the conviction, acquittal or other termination of charge to the director.

NEW SECTION. Sec. 4. A new section is added to chapter 46.12 RCW to read as follows:

Upon receiving notice of a charge under section 3 of this act, the director shall withhold the issuance of a certificate of ownership on a vehicle subject to section 5 of this act unless the applicant is included in the exceptions listed in that section or until receiving notice of acquittal or other termination of the charge under section 3 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 46.12 RCW to read as follows:

It is unlawful to convey, sell, or transfer the ownership of a motor vehicle that was driven by or was under the actual physical control of the owner of the vehicle who has previously been convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period and is currently charged with a violation of RCW 46.61.502 or 46.61.504, except that:

(1) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party; and

(2) A leased vehicle may be transferred to the lessor or to a person designated by the lessor.

Sec. 6. RCW 46.12.270 and 1969 ex.s. c 125 s 3 are each amended to read as follows:

Any person violating ~~((the provisions of))~~ RCW 46.12.250 ~~((or))~~, 46.12.260 ~~((shall be))~~, or section 5 of this act is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days."

Representative Riley moved adoption of the amendment to the striking amendment:

On page 11 of the amendment, after line 20 add the following:

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) A vehicle driven by or under the actual physical control of the owner of the vehicle in violation of RCW 46.61.502 or 46.61.504 is, upon the conviction of the owner when that conviction is the second or subsequent conviction for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, subject to seizure and forfeiture and no property right exists in that vehicle.

A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the violation of RCW 46.61.502 or 46.61.504.

(2) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(3) A seizure under subsection (2) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a

certificate of title shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within ninety days of the seizure, the vehicle is deemed forfeited. A perfected security interest of a secured party may be extinguished only after a contested hearing or agreement by the secured party.

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(8) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(9) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(10) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(11) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(12) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

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Sec. 6. RCW 46.12.270 and 1969 ex.s. c 125 s 3 are each amended to read as follows:

Any person violating ~~((the provisions of))~~ RCW 46.12.250 ~~((or))~~, 46.12.260 ~~((shall be))~~, or section 5 of this act is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days."

Representative Riley spoke in favor of adoption of the amendment to the amendment.

Representatives Appelwick and Padden spoke in favor of adoption of the amendment as amended.

POINT OF INQUIRY

Representative Riley yielded to a question by Representative Zellinsky.

Representative Zellinsky: Thank you, Mr. Speaker. I'm kind of a little dumb founded. Does the amendment that just passed mean that, after the second conviction your car is forfeited.

Representative Riley: After conviction, yes.

Representative Zellinsky: What happens if the car is community property.

Representative Riley: There are provisions, for judicial discretion to consider the rights of a non offending spouse or a lien holder.

The amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appelwick spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5815 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage on Engrossed Substitute Senate Bill No. 5815 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Edmondson - 1.

Excused: Representatives Dellwo and Dyer - 2.

Engrossed Substitute Senate Bill No. 5815 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the House consider the following bills in the following order: Engrossed Substitute Senate Bill No. 5307, Senate Bill No. 5649 and Engrossed Substitute Senate Bill No. 5054. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5307, by Senate Committee on Education (originally sponsored by Senators Pelz, A. Smith, McAuliffe, Bauer, Talmadge, Spanel, Haugen and Moyer; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction)

Prohibiting firearms and dangerous weapons on school premises, with limited exceptions.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments see Journal, 82nd Day, April 2, 1993.)

Representative Appelwick moved adoption of the committee striking amendment.

Representative Appelwick moved adoption of the committee amendment to the committee striking amendment. Representative Appelwick spoke in favor of the striking committee amendment and the committee amendment was adopted.

Representative Forner moved adoption of the following amendment to the committee amendment:

On page 2, line 24, strike "or"

On page 2, line 26, after "agency" insert "; or"

(j) Any person employed by the school district as a janitor or custodian who has been issued a license under RCW 9.41.070, while engaged in official duties beyond normal school hours"

Representatives Forner, Tate and, Padden spoke in favor of adoption of the amendment to the committee amendment and Representatives Cothorn, Karahalios, Appelwick, Dorn and Pruitt spoke against it.

Representative Tate again spoke in favor of the amendment to the amendment.

The Speaker called on the House to divide. The result of the division were: 34-YEAS; 62-NAYS.

The amendment to the amendment was not adopted.

Representative Appelwick moved adoption of the following amendment to the committee amendment by Representatives Appelwick and Padden:

On page 2, line 38 of the amendment, after "or in" strike "athletic facilities" and insert "areas of facilities while being used exclusively by public or private schools,"

Representative Appelwick spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Eide moved adoption of the following amendment to the committee amendment:

On page 6, after line 2 insert "For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280 (1) (c) through (e)."

Representative Eide spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick, Carlson, Pruitt, Padden and G. Cole spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5307 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage on Engrossed Substitute Senate Bill No. 5307 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Engrossed Substitute Senate Bill No. 5307 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5649, by Senators Quigley, Roach and A. Smith; by request of Department of Social and Health Services

Removing the expiration date for Washington state support registry employer reporting.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5649.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5649 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dellwo and Dyer - 2.

Senate Bill No. 5649, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5054, by Senators A. Smith, Winsley and Erwin

Requiring the sellers of sports memorabilia to authenticate the merchandise.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 31, 1993.)

Representative Appelwick moved the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative Padden moved the following amendment by Representatives Padden and Riley:

On page 4, after line 9, after "9.92.020" insert "":Provided, That a dealer who certifies a collectible as being autographed or authentic in good faith shall not be in violation of this chapter."

Representatives Padden and Riley spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Appelwick, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5054 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage on Engrossed Substitute Senate Bill No. 5054 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representative Basich - 1.

Excused: Representatives Dellwo and Dyer - 2.

Engrossed Substitute Senate Bill No. 5054 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5791, by Senators A. Smith and Rinehart; by request of Attorney General

Changing child support provisions.

The bill was read the second time.

Representative Vance moved adoption of the following amendment by Representatives Vance, Padden and R. Meyers:

On page 5, after line 12, insert the following:

"Sec. 2. RCW 26.09.225 and 1991 sp.s. c 28 s 3 are each amended to read as follows:

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to RCW 26.19.090 before the effective date of this act.

Sec. 3. RCW 26.18.210 and 1990 1st ex.s. c 2 s 22 are each amended to read as follows:

(1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

(a) The county in which the order was entered and the cause number;

(b) Whether it was a judicial or administrative order;

(c) Whether the order is an original order or from a modification;

(d) The number of children of the parties and the children's ages;

(e) The combined monthly net income of parties;

(f) The monthly net income of the father as determined by the court;

- (g) The monthly net income of the mother as determined by the court;
 - (h) The basic child support obligation for each child as determined from the economic table;
 - (i) Whether or not the court deviated from the child support for each child;
 - (j) The reason or reasons stated by the court for the deviation;
 - (k) The amount of child support after the deviation;
 - (l) Any amount awarded for day care;
 - (m) Any other extraordinary amounts in the order;
 - (n) ~~((Any amount ordered for postsecondary education;~~
 - ~~(o))~~ The total amount of support ordered;
 - ~~((p))~~ (o) In the case of a modification, the amount of support in the previous order;
 - ~~((q))~~ (p) If the change in support was in excess of thirty percent, whether the change was phased in;
 - ~~((r))~~ (q) The amount of the transfer payment ordered;
 - ~~((s))~~ (r) Which parent was ordered to make the transfer payment; and
 - ~~((t))~~ (s) The date of the entry of the order.
- (2) The administrator for the courts shall make the form available to the parties.

Sec. 4. RCW 26.19.035 and 1992 c 229 s 6 are each amended to read as follows:

(1) **Application of the child support schedule.** The child support schedule shall be applied:

- (a) In each county of the state;
- (b) In judicial and administrative proceedings under this title or Title 13 or 74 RCW;
- (c) In all proceedings in which child support is determined or modified;
- (d) In setting temporary and permanent support;
- (e) In automatic modification provisions or decrees entered pursuant to RCW 26.09.100; and
- (f) In addition to proceedings in which child support is determined for minors, to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100. However, child support shall not be made mandatory for postsecondary education of a child over eighteen years of age.

The provisions of this chapter for determining child support and reasons for deviation from the standard calculation shall be applied in the same manner by the court, presiding officers, and reviewing officers.

(2) **Written findings of fact supported by the evidence.** An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation and reasons for denial of a party's request for deviation from the standard calculation. The court shall enter written findings of fact in all cases whether or not the court: (a) Sets the support at the presumptive amount, for combined monthly net incomes below five thousand dollars; (b) sets the support at an advisory amount, for combined monthly net incomes between five thousand and seven thousand dollars; or (c) deviates from the presumptive or advisory amounts.

(3) **Completion of worksheets.** Worksheets in the form developed by the office of the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the office of the administrator for the courts.

(4) **Court review of the worksheets and order.** The court shall review the worksheets and the order setting support for the adequacy of the reasons set forth for any deviation or denial of any request for deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Worksheets shall be attached to the decree or order or if filed separately shall be initialed or signed by the judge and filed with the order.

Sec. 5. RCW 26.19.075 and 1991 sp.s. c 28 s 6 are each amended to read as follows:

(1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) **Sources of income and tax planning.** The court may deviate from the standard calculation after consideration of the following:

(i) Income of a new spouse if the parent who is married to the new spouse is asking for a deviation based on any other reason. Income of a new spouse is not, by itself, a sufficient reason for deviation;

(ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;

(iii) Child support actually received from other relationships;

(iv) Gifts;

(v) Prizes;

(vi) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;

(vii) Extraordinary income of a child; or

(viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning.

(b) **Nonrecurring income.** The court may deviate from the standard calculation based on a finding that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income. Depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses, or income from second jobs. Deviations for nonrecurring income shall be based on a review of the nonrecurring income received in the previous two calendar years.

(c) **Debt and high expenses.** The court may deviate from the standard calculation after consideration of the following expenses:

(i) Extraordinary debt not voluntarily incurred;

(ii) A significant disparity in the living costs of the parents due to conditions beyond their control;

(iii) Special needs of disabled children; or

(iv) Special medical, educational, or psychological needs of the children. Special educational needs do not include postsecondary education of a child over eighteen years of age.

(d) **Residential schedule.** The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving aid to families with dependent children. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.

(e) **Children from other relationships.** The court may deviate from the standard calculation when either or both of the parents before the court have children from other relationships to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from other relationships shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have children from other relationships, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

Sec. 6. RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows:

~~((1))~~ The child support schedule shall ~~((be advisory and not mandatory))~~ not be used for postsecondary educational support of a child over eighteen years of age.

~~((2) When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.~~

~~(3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.~~

~~(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.~~

~~(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.~~

~~(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.))"~~

Representative Vance spoke in favor of the amendment.

POINT OF ORDER

Representative Appelwick: Mr. Speaker, I would request a ruling on scope and object of the amendment No. 417 to Senate Bill No. 5791 .

POINT OF ORDER

Representative Tate: Mr. Speaker, the maker of the amendment had already moved and seconded, had already begun debate, then you called on Representative Appelwick for his point of order and he didn't even ask for it, I didn't hear it. The debate had already begun.

With the consent of the House, the House deferred further consideration of Senate Bill No. 5791.

MOTION

Representative Sheldon moved that the House immediately consider Substitute Senate Bill No. 5528 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5528, by Senate Committee on Law & Justice (originally sponsored by Senator Quigley)

Altering court fees.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Appelwick moved adoption of the committee amendment.

Representative Appelwick moved adoption of the following amendment to the committee amendment:

On page 3, after line 29, insert the following section:

"NEW SECTION. Sec. 2. A new section is added to chapter 26.12 RCW to read as follows:

A county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to ten dollars on only those superior court cases filed under Title 26 RCW, or both, to pay for the expenses of the courthouse facilitator program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section."

Representative Appelwick spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appelwick spoke in favor of the passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5528 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage on Substitute Senate Bill No. 5528 as amended by the House, and the bill passed the House by the following vote: Yeas - 87, Nays - 9, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Voting nay: Representatives Casada, Finkbeiner, Heavey, Lisk, Roland, Tate, Thomas, Vance and Van Luven - 9.

Excused: Representatives Dellwo and Dyer - 2.

Substitute Senate Bill No. 5528 as amended by the House, having received the constitutional majority, was declared passed.

On motion of Representative J. Kohl, Representative Appelwick was excused.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

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

INTRODUCTIONS AND FIRST READING (SUPPLEMENTAL)

E2SSB 5451 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Revising sentencing and corrections for felons.

E2SSB 5502 by Senate Committee on Ways & Means (originally sponsored by Senators Sutherland and Prentice)

Revising mining reclamation laws.

E2SSB 5521 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder)

Concerning criminal justice programs.

ESSB 5605 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Prentice and Prince)

Funding roadside improvements.

SB 5723 by Senator Rinehart

Providing for revenue collection for the department of social and health services.

SSB 5727 by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Office of Financial Management)

Financing school district health services.

SSB 5957 by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Department of Social and Health Services)

Changing the tax rate for intermediate care facilities for the mentally retarded.

SSB 5966 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Haugen and M. Rasmussen; by request of Department of Veterans Affairs)

Concerning the state veterans' homes.

SSB 5971 by Senate Committee on Ways & Means (originally sponsored by Senators Pelz, Talmadge and Bauer; by request of Governor Lowry)

Expanding school breakfast and lunch programs.

SB 5973 by Senators Gaspard and Rinehart; by request of Office of Financial Management

Requiring the secretary of state to provide a copy of the state-wide computer file of registered voters to persons requesting a copy.

SB 5975 by Senator Rinehart; by request of Office of Financial Management

Regulating extradition agents' duties and payments.

ESB 5978 by Senator Rinehart; by request of Office of Financial Management

Modifying disposition of motor vehicle excise tax revenue.

ESSB 5982 by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Office of Financial Management)

Changing higher education tuition provisions.

SB 5984

by Senators Sheldon and Rinehart

Using the business enterprises revolving account.

MOTIONS

On motion of Representative Peery, the rules were suspended, and the bills listed on the supplemental introduction sheet under the fourth order of business were advanced to the second reading calendar.

On motion of Representative Peery, Senate Bill No. 5888 from the Introduction sheet under the fourth order of business was advanced to the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

April 13, 1993

HB 2114 Prime Sponsor, Representative G. Fisher: Crediting earnings on balances of certain treasury accounts.
Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Talcott; and Van Luven.

Excused: Representative Silver.

April 13, 1993

HB 2116 Prime Sponsor, Representative G. Fisher: Requiring the secretary of state to provide a copy of the state-wide computer file of registered voters to persons requesting a copy. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Talcott; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Assistant Ranking Minority Member and Van Luven.

Passed to Committee on Rules for second reading.

April 13, 1993

ESB 5342 Prime Sponsor, Senator Vognild: Repealing the tax credit and exemption for alcohol used as fuel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 1, at the beginning of line 9, insert "(1)"

On page 1, line 14, after "year." insert the following:
"(2)"

On page 1, line 16, after "alcohol" insert "receiving the exemption under subsection (1) of this section and"

On page 2, at the beginning of line 3, insert "(3)"

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Excused: Representative Fuhrman.

April 14, 1993

SSB 5717 Prime Sponsor, Committee on Ways & Means: Adopting the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1995, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Fruit Comm Fac Acct" means Fruit Commission Facility Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account-- Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dairy Prod Comm Fac Acct" means Washington State Dairy Products Commission Facilities Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS

Division III: Vault enlargement (93-2-001)

Appropriation:

St Bldg Constr Acct \$ 65,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000 -----

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATE

Central Washington Regional Archives--Central Washington University Campus (93-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 3,934,000

Prior Biennia (Expenditures) \$ 259,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,343,000 -----

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE

Northwest Washington Regional Branch Archives (90-1-003)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 3,199,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,399,000 -----

NEW SECTION. Sec. 104. FOR THE SECRETARY OF STATE

Puget Sound Regional Branch Archives predesign and maintenance (94-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of this appropriation shall be used to conduct a predesign study to determine if the agency should remodel the existing facility, build a new structure, or relocate to a new leased or other state-owned facility. The study shall determine the availability of existing state land and cost of adapting an existing regional archives design.

(2) \$100,000 of this appropriation is for critical deferred maintenance at the existing Puget Sound Regional Archives.

Appropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,839,000

TOTAL \$ 3,979,000 -----

NEW SECTION. Sec. 105. FOR THE SECRETARY OF STATE

Eastern Washington Regional Archives predesign (94-2-002)

Appropriation:

St Bldg Constr Acct \$ 58,200

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,058,200

NEW SECTION. Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT
To purchase land for new higher education institution

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the higher education coordinating board has completed its study and has recommended an organizational model that requires additional land for an institution of higher education for meeting the higher education needs of the north King and south Snohomish county area;

(2) The appropriation in this section shall not be expended to purchase property unless the office of financial management has determined that potential storm water and flood water will not damage property or buildings to be constructed on the proposed site, interrupt the operation of a higher education institution or institutions located on the property, or result in mitigation actions that cost more than comparable property in the general area;

(3) The appropriation in this section shall not be expended until the higher education coordinating board has a site development plan for the proposed site that accommodates all proposed buildings outside of any potential flood plain; and

(4) The legislature recognizes that additional appropriations may be required in future biennia.

Appropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Underground storage tank pool (94-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Reappropriation:

St Bldg Constr Acct \$ 1,748,146

CEP & RI Acct \$ 150,000

Subtotal Reappropriation \$ 1,898,146

Appropriation:

St Bldg Constr Acct \$ 3,120,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 11,018,146

NEW SECTION. Sec. 108. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Asbestos removal or abatement pool (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for asbestos removal or abatement projects.

(2) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(3) Subsection (2) of this section does not apply to moneys reappropriated in this act for projects for which the design has been completed, bids have been requested, or a contract has been entered into before the effective date of this act.

Reappropriation:

St Bldg Constr Acct \$ 2,338,088

CEP & RI Acct \$ 268,500

Subtotal Reappropriation \$ 2,606,588

Appropriation:

St Bldg Constr Acct \$ 7,020,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 23,626,588

NEW SECTION. Sec. 109. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Americans with disabilities act modifications pool (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 9,360,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 40,360,000

NEW SECTION. Sec. 110. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Capital budget system improvements (94-2-002)

Reappropriation:

St Bldg Constr Acct \$ 100,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,600,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Cherberg Building remodel (88-2-040)

The reappropriation in this section is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:

St Bldg Constr Acct \$ 2,960,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:

East Cap Constr Acct \$ 750,000

Prior Biennia (Expenditures) \$ 72,250,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Highways-Licenses Building: To complete the construction to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall not be expended until the capital project review requirements of section 1015 of this act have been met; and

(2) The department of general administration shall develop a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the renovation, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

Reappropriation:

St Bldg Constr Acct \$ 18,000,000
Prior Biennia (Expenditures) \$ 4,938,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,938,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus minor works: Boiler plant structural repairs (92-5-901)

Reappropriation:

Cap Bldg Constr Acct \$ 75,000
Prior Biennia (Expenditures) \$ 2,790,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,865,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Condition assessment: By December 31, 1993, develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance **(92-2-007)**

Reappropriation:

St Bldg Constr Acct \$ 500,000
Cap Bldg Constr Acct \$ 340,000

Subtotal Reappropriation \$ 840,000
Prior Biennia (Expenditures) \$ 251,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,091,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Inadequate building systems and Northern State multiservice center repairs (92-5-900)

Reappropriation:

St Bldg Constr Acct \$ 270,000
Prior Biennia (Expenditures) \$ 8,559,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,829,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza garage: Elevator repairs (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 1,500,000
Prior Biennia (Expenditures) \$ 133,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus control system improvements: Phase 2 (92-2-014)

Reappropriation:

Cap Bldg Constr Acct \$ 850,000
Prior Biennia (Expenditures) \$ 521,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,371,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Capitol Campus voltage improvements (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 9,484,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,484,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-2-015)

Reappropriation:

St Bldg Constr Acct \$ 1,100,000
Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Utilities and grounds (92-2-016)

Reappropriation:

Cap Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 1,287,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,487,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Satellite Campus Land Acquisition: To purchase in fee simple real property for future state development in the city of Tumwater (92-5-000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for land acquisition, and do not represent a commitment to any specific plan for development of the Tumwater satellite campus.

(2) Before expending any moneys from the appropriations, the department shall obtain a written agreement from the city of Tumwater, the port of Olympia, and the Tumwater school district requiring the consent of the office of

financial management for any state responsibility or liability associated with general infrastructure development or facility relocation within the Tumwater campus planning area.

Reappropriation:

St Bldg Constr Acct \$ 890,000

Appropriation:

St Bldg Constr Acct \$ 3,600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,490,000 -----

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Cap Bldg Constr Acct \$ 300,000

Subtotal Reappropriation \$ 500,000

Prior Biennia (Expenditures) \$ 1,485,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,985,000 -----

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building interior repairs (92-2-018)

Reappropriation:

Cap Bldg Constr Acct \$ 160,000

St Bldg Constr Acct \$ 450,000

Subtotal Reappropriation \$ 610,000

Prior Biennia (Expenditures) \$ 1,917,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,527,000 -----

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building mechanical system improvements (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Collocation and consolidation of state facilities: To identify the current locations of major concentrations of state facilities within the state and determine where state facilities can be collocated and consolidated **(92-5-004)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall prepare policy recommendations and cost estimates for opportunities to collocate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts.

(2) The appropriations shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

(3) The reappropriation is provided solely to complete phase one of the project, begun in the 1991-93 biennium.

Reappropriation:

St Bldg Constr Acct \$ 105,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 120,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 525,000 -----

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake: To develop a dredging plan and to dredge Capitol Lake (92-3-019)

\$200,000 of the appropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000 -----

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State facilities--Thurston county: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100)

This appropriation is provided solely to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for collocation with other agencies, and an organizational process for developing specific project proposals and establishing implementation timeliness.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Capitol satellite campuses: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-101)

The appropriation in this section is provided to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater, and a facility plan, developed in consultation with the city of Olympia, which includes mixed use in the downtown Olympia area. The plans shall provide for the siting of consumer services within walking distance of the major areas of concentration of state employees.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 650,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000 -----

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Business park facilities: Master plan (92-5-102)

Reappropriation:

St Bldg Constr Acct \$ 175,000
Prior Biennia (Expenditures) \$ 75,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 131. TO THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park: Acquisition. To complete the purchase of property for Heritage Park (92-5-105)

The appropriations in this section are provided solely to complete acquisition of the property forming the southern boundary of the park, to exchange and acquire property to create a pedestrian linkage approximately one hundred feet wide connecting Percival Landing with the northern boundary of the park, and to update the predesign for the park to reflect the reduced size of the park. The appropriations shall not be used to purchase the two residential properties along Columbia street.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Appropriation:

St Bldg Constr Acct \$ 330,000
Prior Biennia (Expenditures) \$ 2,200,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,030,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus geotechnical and hydrologic survey (92-5-108)

Reappropriation:

St Bldg Constr Acct \$ 185,000
Prior Biennia (Expenditures) \$ 15,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2: To upgrade the air supply system by rebuilding the existing system, changing the emergency diesel exhaust system and investigating energy savings to reduce operating and maintenance costs (93-2-025)

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Small and emergency repairs (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 275,000
Cap Bldg Constr Acct \$ 671,000

Subtotal Appropriation \$ 946,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,373,380

TOTAL \$ 5,319,380

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multiservice center (94-1-007)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 90,000

CEP & RI Acct \$ 60,000

Subtotal Appropriation \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

CFC/Halon fire control systems: Removal and replacement (94-1-009)

Appropriation:

Cap Bldg Constr Acct \$ 464,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,534,000

TOTAL \$ 1,998,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus preservation (94-1-010)

Appropriation:

St Bldg Constr Acct \$ 3,037,000

Cap Bldg Constr Acct \$ 388,000

Subtotal Appropriation \$ 3,425,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 27,259,550

TOTAL \$ 30,684,550

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building preservation (94-1-011)

Appropriation:

St Bldg Constr Acct \$ 304,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 304,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Temple of Justice preservation (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 147,000

Cap Bldg Constr Acct \$ 277,000

Subtotal Appropriation \$ 424,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 424,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life and safety repair projects (94-1-014)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall report to the legislature by September 1, 1993, with options for the future disposition of the campus after the closure of state programs.

(2) The appropriation is provided solely for critical life and safety repair projects pending a decision on future disposition and ownership of the campus.

Appropriation:

CEP & RI Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2 preservation (94-1-015)

Appropriation:

St Bldg Constr Acct \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,339,000

TOTAL \$ 2,589,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Modular Building preservation (94-1-016)

Appropriation:

St Bldg Constr Acct \$ 251,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,051,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Employment Security Building preservation (94-1-017)

Appropriation:

St Bldg Constr Acct \$ 74,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 575,000

TOTAL \$ 649,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza garage: Repair and study (94-1-023)

Appropriation:

St Bldg Constr Acct \$ 235,000
Motor Vehicle Acct \$ 26,000

Subtotal Appropriation \$ 261,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,627,000

TOTAL \$ 3,888,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Old Capitol Building preservation (94-1-025)**

Appropriation:

St Bldg Constr Acct \$ 1,179,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,179,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Burien conference center preservation (94-1-026)**

Appropriation:

St Bldg Constr Acct \$ 238,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,675,000

TOTAL \$ 1,913,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Lacey light industrial park acquisition (94-2-003)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,200,000

TOTAL \$ 19,300,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
General Administration Engineering and Architectural Services Division: Project management (94-2-010)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or projects that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize standard accounting procedures to track expenditures from the appropriation, and expenditures from any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall track expenditures at the project level for projects valued over \$500,000.

(3) The appropriation in this section is contingent on the submission of the final report on phase one of the collocation and consolidation study (project number 92-5-004) to the office of financial management by December 31, 1993. If the final report is not submitted to the office of financial management by December 31, 1993, the appropriation in this section shall lapse.

Appropriation:

St Bldg Constr Acct \$ 8,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 38,563,092

TOTAL \$ 46,563,092

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Library for the Blind and Physically Handicapped: To acquire space for the Washington library for the blind and physically handicapped (92-5-001)

Reappropriation:

St Bldg Constr Acct \$ 1,900,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,900,000

NEW SECTION. Sec. 150. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Floor voids and wall repair (94-1-002)

Appropriation:

Liquor Revolving Acct \$ 50,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000

NEW SECTION. Sec. 151. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Appropriation:

Liquor Revolving Acct \$ 28,800
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800

NEW SECTION. Sec. 152. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Receiving dock cut-outs (94-1-004)

Appropriation:

Liquor Revolving Acct \$ 40,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000

NEW SECTION. Sec. 153. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Warehouse reroof (94-1-005)

Appropriation:

Liquor Revolving Acct \$ 3,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT

Armory life and safety code compliance projects (88-1-005)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 260,000
Prior Biennia (Expenditures) \$ 1,025,000
Future Biennia (Projected Costs) \$ 1,535,000

TOTAL \$ 2,820,000

NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT

Minor works (92-5-900)

In support of federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-004) (86-2-004)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 288,624
General Fund--Federal \$ 615,000

Subtotal Reappropriation \$ 903,624
Prior Biennia (Expenditures) \$ 9,305,376
Future Biennia (Projected Costs) \$ 8,691,000

TOTAL \$ 18,900,000

NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT

Minors works: Support of federal construction projects (93-1-007)

Appropriation:

St Bldg Constr Acct \$ 406,200
General Fund--Federal \$ 3,998,000

Subtotal Appropriation \$ 4,404,200
Prior Biennia (Expenditures) \$ 8,456,500
Future Biennia (Projected Costs) \$ 17,777,000

TOTAL \$ 30,637,700

NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT

State-wide preservation (93-1-008)

Appropriation:

St Bldg Constr Acct \$ 2,518,400
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 1,766,000

TOTAL \$ 5,084,400

NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT

Buckley Armory construction (93-2-001)

Reappropriation:

St Bldg Constr Acct \$ 1,127,000
General Fund--Federal \$ 1,728,000

Subtotal Reappropriation \$ 2,855,000

Appropriation:

General Fund--Federal \$ 311,000

Prior Biennia (Expenditures) \$ 170,245
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,336,245

**NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT
Grandview Armory construction (93-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 1,102,000
General Fund--Federal \$ 1,602,000

Subtotal Reappropriation \$ 2,704,000

Appropriation:

General Fund--Federal \$ 225,000
Prior Biennia (Expenditures) \$ 162,130
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,091,130

**NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT
Moses Lake Armory construction (93-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 1,206,000
General Fund--Federal \$ 1,804,000

Subtotal Reappropriation \$ 3,010,000

Appropriation:

General Fund--Federal \$ 229,000
Prior Biennia (Expenditures) \$ 177,245
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,416,245

**NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT
Camp Murray--Agency Headquarters predesign (93-2-004)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1994.

(2) The department shall ensure the continued preservation of the exterior appearance of building number one at Camp Murray.

Appropriation:

St Bldg Constr Acct \$ 102,948
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,579,000

TOTAL \$ 8,681,948

NEW SECTION. Sec. 162. FOR THE WASHINGTON HORSE RACING COMMISSION

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) No expenditure from this appropriation may be made to construct horse race or related facilities until the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Appropriation:

**Washington Thoroughbred
Racing Fund \$ 8,200,000**
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,200,000

(End of part)

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Development loan fund recapitalization (88-2-002)

The appropriations in this section are subject to the following conditions and limitations: One million dollars of the state building construction account appropriation is provided solely for loans to minority and women-owned businesses under Engrossed Substitute House Bill No. 1493.

Appropriation:

St Bldg Constr Acct \$ 2,000,000
WA St Dev Loan Acct \$ 2,000,000

Subtotal Appropriation \$ 4,000,000
Prior Biennia (Expenditures) \$ 5,429,699
Future Biennia (Projected Costs) \$ 17,000,000

TOTAL \$ 26,429,699

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any

resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct \$ 5,688,000
Prior Biennia (Expenditures) \$ 4,312,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Housing assistance program (88-5-015)

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$2,000,000 appropriation from the charitable, educational, penal, and reformatory institutions account is provided to promote development of at least 120 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall convene an advisory group of developmental disabilities service agencies and family members to plan implementation of this initiative.

(2) The department of community development shall conduct a study on the feasibility of providing financial guarantees to housing authorities. The department shall submit its findings to the appropriate legislative committees by December 15, 1993.

(3) It is the intent of the legislature that, in addition to the moneys provided under subsection (1) of this section, a portion of the state building construction account appropriation be used to develop safe and affordable housing for the developmentally disabled.

Reappropriation:

St Bldg Constr Acct \$ 22,000,000

Appropriation:

St Bldg Constr Acct \$ 34,000,000
CEP & RI Acct \$ 2,000,000

Subtotal Appropriation \$ 36,000,000
Prior Biennia (Expenditures) \$ 35,449,197
Future Biennia (Projected Costs) \$ 136,000,000

TOTAL \$ 229,449,197

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
A Contemporary Theatre, Seattle (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation is provided solely for the construction or renovation of a new theater in Seattle.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct \$ 6,525,000
Prior Biennia (Expenditures) \$ 1,975,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Mystic Lake Flood Assistance: For mitigation of development-induced flooding of the lake (92-2-000)

Reappropriation:

St Bldg Constr Acct \$ 39,000
Prior Biennia (Expenditures) \$ 14,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 53,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.
- (2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Resource Center: To construct an Asian Resource Center in Seattle (92-2-002)

This reappropriation shall be matched by at least \$600,000 cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 50,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income weatherization: For the low-income weatherization program under chapter 70.164 RCW (92-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,500,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000
Prior Biennia (Expenditures) \$ 4,500,000
Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 48,000,000

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency Management Building: Minor works (92-2-009)**

Reappropriation:

St Bldg Constr Acct \$ 120,000
General Fund--Federal \$ 69,000

Subtotal Reappropriation \$ 189,000
Prior Biennia (Expenditures) \$ 97,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands **(92-2-011)**

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Meeker Mansion (92-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be matched by at least \$100,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(2) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tacoma Educational Enrichment Center (92-2-999)**

The reappropriation in this section shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this section is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000
Prior Biennia (Expenditures) \$ 700,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Resource center for the handicapped: To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: No expenditure shall be made until an equal amount of nonstate moneys dedicated to the purchase of the facility have been raised. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Reappropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000 -----

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia river dredging feasibility study: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tears of Joy Theatre (92-5-018)

The reappropriation in this section shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 1,850,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,950,000 -----

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Carolyn Downs Family Medical Center (92-5-021)

The reappropriation in this section shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Columbia River Renaissance (93-5-001)

The reappropriation in this section shall be matched by an equal amount of money from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 900,000
Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Pacific Science Center (93-5-002)

Each dollar expended from the reappropriation in this section shall be matched by at least three dollars from nonstate sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 1,061,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,061,000 -----

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. This appropriation shall be matched by at least one million eight hundred thousand dollars provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 1,800,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Whatcom Museum (93-5-004)

Expenditures from the reappropriation in this section shall not exceed fifteen percent of the total estimated capital costs of the project. The remaining portions of the project costs shall be a match from nonstate sources. The match may include cash and land value received after January 1, 1990.

Reappropriation:

St Bldg Constr Acct \$ 6,750
Prior Biennia (Expenditures) \$ 293,250
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Science Hall, Walla Walla (93-5-007)**

The reappropriation in this section is provided solely for a grant to the Downtown Walla Walla Foundation for facade restoration and preservation of Science Hall, the site of the 1878 constitutional convention. The appropriation in this section shall be matched by an equal amount of nonstate moneys.

Reappropriation:

St Bldg Constr Acct \$ 75,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Fire Training Academy preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 1,350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,639,904

TOTAL \$ 4,989,904

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building preservation (94-1-018)**

Appropriation:

St Bldg Constr Acct \$ 85,084
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 285,084

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund loans (94-2-001)

The appropriation in this section is subject to the following conditions and limitations: \$7,000,000 of the reappropriation is provided solely for the purposes of chapter 314, Laws of 1991.

Reappropriation:

Public Works Assistance Acct \$ 76,357,632

Appropriation:

Public Works Assistance Acct \$ 93,876,640

Prior Biennia (Expenditures) \$ 81,376,520

Future Biennia (Projected Costs) \$ 583,400,000

TOTAL \$ 835,010,792 -----

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Affordable housing program (94-2-019)

Reappropriation:

St Bldg Constr Acct \$ 6,000,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 2,000,000

Future Biennia (Projected Costs) \$ 24,000,000 -----

TOTAL \$ 40,000,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Building for the arts-Phases 1 and 2 (92-5-100) (94-2-021)

For grants to local performing arts and art museum organizations for facility improvements or additions.

The appropriation in this section is subject to the following conditions and limitations:

(1) Grants are limited to the following projects:

Phase 1 (92-5-100)

Estimated Total State State

Capital Cost Grant Share

@ 15%

Seattle Children's Theatre \$ 8,000,000 \$ 1,200,000 15%

Admiral Theatre (Bremerton) \$ 4,261,000 \$ 639,000 15%

Pacific Northwest Ballet \$ 7,500,000 \$ 1,125,000 15%

Seattle Symphony \$ 54,000,000 \$ 8,100,000 15%

Seattle Repertory Theatre

(Phase 1) \$ 4,000,000 \$ 600,000 15%

Intiman Theatre \$ 800,000 \$ 120,000 15%

Broadway Theatre District

(Tacoma) \$ 11,800,000 \$ 1,770,000 15%

Allied Arts of Yakima \$ 500,000 \$ 75,000 15%

Spokane Art School \$ 454,000 \$ 68,000 15%

Seattle Art Museum \$ 4,862,500 \$ 729,000 15%

Total \$ 96,177,500 \$ 14,426,000

Phase 2 (94-2-021)

Estimated Total State State

Capital Cost Grant Share

@ 15%

Bainbridge Performing

Arts Center \$ 1,200,000 \$ 180,000 15%

The Children's Museum \$ 2,850,000 \$ 427,500 15%

Everett Community Theatre \$ 12,119,063 \$ 1,817,859 15%

Kirkland Center for
the Performing Arts \$ 2,500,000 \$ 375,000 15%
Makah Cultural and
Research Center \$ 1,600,000 \$ 240,000 15%
Mount Baker Theatre Center \$ 1,581,000 \$ 237,150 15%
Seattle Group Theatre \$ 334,751 \$ 50,213 15%
Seattle Opera Association \$ 985,000 \$ 147,750 15%
Seattle Repertory Theatre
(Phase 2) \$ 4,000,000 \$ 600,000 15%
Tacoma Little Theatre \$ 1,250,000 \$ 187,500 15%
Valley Museum of Northwest
Art \$ 1,100,000 \$ 165,000 15%
Village Theatre \$ 6,000,000 \$ 900,000 15%
The Washington Center
for the Performing Arts \$ 400,000 \$ 60,000 15%
Whidbey Island Center
for the Arts \$ 1,200,000 \$ 180,000 15%
Olympia Children's Museum \$ 2,000,000 \$ 300,000 15%
Enumclaw Performing
Arts Center \$ 4,000,000 \$ 600,000 15%

Total \$ 44,119,814 \$ 6,467,972

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1995-97 capital budget. The list shall result from a competitive grants program developed by the department providing for:

(a) A maximum state funding amount of \$4 million in the 1995-97 biennium for new projects not previously authorized by the legislature. Maximum state grant awards shall be limited to fifteen percent of the total cost of each qualified project;

(b) Uniform criteria for the selection of projects and awarding of grants. The criteria shall address, at a minimum: The administrative and financial capability of the organization to complete and operate the project; local community support for the project; the contribution the project makes to the diversity of performing arts, museum, and cultural organizations operating in the state; and the geographic distribution of projects; and

(c) A process to provide information describing application procedures to performing arts, museum, and cultural organizations state-wide.

The department may consult with and utilize existing arts organizations to assist with developing the grant criteria and administering the grant program.

Reappropriation:

St Bldg Constr Acct \$ 9,475,000

Appropriation:

St Bldg Constr Acct \$ 6,411,086

Prior Biennia (Expenditures) \$ 1,773,900

Future Biennia (Projected Costs) \$ 3,233,986

TOTAL \$ 20,893,972

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building replacement predesign (94-2-026)**

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 53,425
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,900,000

TOTAL \$ 8,953,425

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tall ships tourist attraction (86-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(2) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(3) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

(4) The reappropriation in this subsection is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Historic community theaters (90-5-014)

The reappropriation in this section is provided solely for grants to preserve historic community theaters. No portion of the reappropriation in this section may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the total amount shall be expended for renovation of the Admiral Theatre in West Seattle.

Reappropriation:

St Bldg Constr Acct \$ 25,000
Prior Biennia (Expenditures) \$ 475,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Community Development Block Grant Federal Stimulus Funding

Appropriation:

General Fund--Federal \$ 7,830,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,830,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Daybreak Star Center Remodel (94-2-100)

Appropriation:

St Bldg Constr Acct \$ 227,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sisters of Visitation Monastery and Retreat Center: For the City of Federal Way to provide up to fifteen percent of the cost of acquiring the Sisters of Visitation Monastery and Retreat Center.

Appropriation:

St Bldg Constr Acct \$ 405,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sand Point Naval Station Planning: For the city of Seattle for community liaison committee planning related to future use of the Sand Point Naval Station on Lake Washington. No more than one percent of the appropriation may be expended by the department of community and development and the city of Seattle for administrative costs.

Appropriation:

St Bldg Constr Acct \$ 30,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors. The appropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Appropriation:

St Bldg Constr Acct \$ 308,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Camp North Bend: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center.

The appropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Olympic Peninsula Natural History Museum: For development of the museum.
It is the intent of the legislature that this appropriation represents a one time grant for this project.

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access.

The appropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Appropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 30,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Complete Labor and Industries Headquarters Building in Tumwater (90-4-004)

Reappropriation:

L&I Constr Acct \$ 900,000
Prior Biennia (Expenditures) \$ 62,100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 63,000,000

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Construct a child development center at the Tumwater Labor and Industries Headquarters site (94-2-

005)

Appropriation:

Accident Acct \$ 480,000
Medical Aid Acct \$ 480,000

Subtotal Appropriation \$ 960,000
Prior Biennia (Expenditures) \$ 70,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,030,000

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects for Division of Alcohol and Substance Abuse (90-3-010)

Reappropriation:

CEP & RI Acct \$ 336,728
Prior Biennia (Expenditures) \$ 13,272
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Childrens' Center: Security improvements (90-5-002)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 475,000
Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital--Ward phase 5 remodel (92-1-314)**

Reappropriation:

St Bldg Constr Acct \$ 12,669,000
Prior Biennia (Expenditures) \$ 1,000,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,669,000 -----

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital--Ward phase 3 remodel (92-1-340)**

Reappropriation:

St Bldg Constr Acct \$ 6,328,000
Prior Biennia (Expenditures) \$ 1,250,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,578,000 -----

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Alcohol and Substance Abuse Division (92-2-010)**

Reappropriation:

CEP & RI Acct \$ 375,000
Prior Biennia (Expenditures) \$ 102,840
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 477,840 -----

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Construct a 64-bed, level one security facility (92-2-225)**

Reappropriation:

St Bldg Constr Acct \$ 6,215,800
Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,715,800 -----

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Construct 48-bed, level 2 security facility (92-2-230)**

Reappropriation:

St Bldg Constr Acct \$ 1,553,500
Prior Biennia (Expenditures) \$ 1,553,500
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,107,000 -----

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Study and Treatment Center: Design and construct high school (92-2-319)**

Reappropriation:

St Bldg Constr Acct \$ 3,825,000
Prior Biennia (Expenditures) \$ 617,300
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,442,300

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child care facilities for state employees, including higher education employees (92-4-050)**

Reappropriation:

St Bldg Constr Acct \$ 1,700,000

Appropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor capital preservation (94-1-004)**

Reappropriation:

CEP & RI Acct \$ 1,261,951

Appropriation:

St Bldg Constr Acct \$ 928,000
CEP & RI Acct \$ 3,000,000

Subtotal Appropriation \$ 3,928,000
Prior Biennia (Expenditures) \$ 3,735,931
Future Biennia (Projected Costs) \$ 22,727,750

TOTAL \$ 31,653,632

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Environmental management and planning (94-1-005)**

Reappropriation:

CEP & RI Acct \$ 137,576
Prior Biennia (Expenditures) \$ 221,424
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 359,000

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Energy conservation management and planning (94-1-006)**

Reappropriation:

CEP & RI Acct \$ 230,476
Prior Biennia (Expenditures) \$ 330,624
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 561,100

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency repairs (94-1-007)**

Appropriation:

CEP & RI Acct \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,266,250

TOTAL \$ 1,516,250

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Chlorofluorocarbon abatement (94-1-008)**

Appropriation:

CEP & RI Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 350,000

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Predesign for future projects (94-1-009)**

The agency shall conduct a predesign of future projects in accordance with the predesign manual published by the office of financial management. Future appropriations for these projects are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Juvenile Rehabilitation Division (94-1-020)**

Reappropriation:

CEP & RI Acct \$ 245,719

Appropriation:

St Bldg Constr Acct \$ 2,079,600
Prior Biennia (Expenditures) \$ 1,177,843
Future Biennia (Projected Costs) \$ 11,237,000

TOTAL \$ 14,740,162

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Mental Health Division (94-1-030)**

Reappropriation:

CEP & RI Acct \$ 621,164

Appropriation:

St Bldg Constr Acct \$ 1,845,300
Prior Biennia (Expenditures) \$ 74,872
Future Biennia (Projected Costs) \$ 15,338,000

TOTAL \$ 17,879,336

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Developmental Disabilities Division (94-1-040)**

Reappropriation:

CEP & RI Acct \$ 203,902

Appropriation:

CEP & RI Acct \$ 1,361,500
Prior Biennia (Expenditures) \$ 504,596
Future Biennia (Projected Costs) \$ 14,389,000

TOTAL \$ 16,458,998

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Removal of underground storage tanks (94-1-060)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 40,290

Appropriation:

CEP & RI Acct \$ 410,000
Prior Biennia (Expenditures) \$ 104,710
Future Biennia (Projected Costs) \$ 350,000

TOTAL \$ 905,000

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Remodel of administrative building (94-1-127)

The appropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Appropriation:

St Bldg Constr Acct \$ 3,273,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,273,500

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Fircrest School: Remodel apartment building (94-1-142)

Appropriation:

CEP & RI Acct \$ 2,133,112
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maintenance management and planning (94-1-150)

Reappropriation:

CEP & RI Acct \$ 109,947

Appropriation:

CEP & RI Acct \$ 309,500
Prior Biennia (Expenditures) \$ 182,853
Future Biennia (Projected Costs) \$ 518,000

TOTAL \$ 1,120,300

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Design and construct a wastewater treatment plant (94-1-201)

Appropriation:

St Bldg Constr Acct \$ 772,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Naselle Youth Camp: Design and construct a wastewater treatment plant (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 1,165,694
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center: Remodel and construct addition to clinic (94-1-207)

Appropriation:

St Bldg Constr Acct \$ 1,086,614
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Medical Lake: Replace wastewater treatment plant (94-1-301)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 750,444
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,250,000

TOTAL \$ 8,000,444

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Study and Treatment Center: Remodel administration building (94-1-306)

Appropriation:

CEP & RI Acct \$ 777,600
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Remodel ward, phase 6 (94-1-316)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,151,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,151,000

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Remodel ward, phase 4 (94-1-341)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 9,266,900

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,266,900

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances H. Morgan Center: Remodel facility (94-1-402)

Appropriation:

St Bldg Constr Acct \$ 1,721,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Sanitary sewer (88-2-400)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 190,000

Prior Biennia (Expenditures) \$ 2,119,238

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,309,238

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)

Reappropriation:

St Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 46,927

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 121,927

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Eagle Lodge Replacement

Appropriation:

St Bldg Constr Acct \$ 2,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF HEALTH

Referendum 38 water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac \$ 5,366,855

Prior Biennia (Expenditures) \$ 3,742,099

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF HEALTH
Laboratory expansion, phase 2 (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 780,000

Appropriation:

St Bldg Constr Acct \$ 12,583,468

Prior Biennia (Expenditures) \$ 420,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,783,468

NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF HEALTH
Fircrest Campus: Preservation of health laboratory (94-1-001)

Reappropriation:

CEP & RI Acct \$ 251,318

Appropriation:

CEP & RI Acct \$ 615,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,043,460

TOTAL \$ 2,909,778

NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF HEALTH
Remodel regional office in Wenatchee (94-1-002)

Appropriation:

CEP & RI Acct \$ 91,947

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 91,947

NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Complete facility improvements on building nine at Soldiers' Home (90-1-009)

Reappropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Minor works at veterans' homes (92-2-008)

Reappropriation:

CEP & RI Acct \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

**NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Underground storage tank replacement (92-1-001)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 88,280
Prior Biennia (Expenditures) \$ 11,720
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

**NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Emergency repairs (94-1-018)**

Appropriation:

CEP & RI Acct \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000 -----

**NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To replace underground storage tanks (94-1-019)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

CEP & RI Acct \$ 155,902
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 293,320

TOTAL \$ 449,222 -----

**NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair mechanical, electrical, and heating, ventilation, and air conditioning systems at Soldiers' Home (94-1-100)**

Appropriation:

CEP & RI Acct \$ 837,057
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,821,835

TOTAL \$ 2,658,892 -----

**NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair building exterior at Soldiers' Home (94-1-101)**

Appropriation:

CEP & RI Acct \$ 541,570
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 937,546

TOTAL \$ 1,479,116 -----

**NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interior at Soldiers' Home (94-1-102)**

Appropriation:

CEP & RI Acct \$ 162,659

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,659

NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To make grounds improvements at Soldiers' Home (94-4-103)

Appropriation:

CEP & RI Acct \$ 275,595
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,446,123

TOTAL \$ 1,721,718

NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair mechanical, electrical and heating, ventilation, and air conditioning systems at Veterans' Home (94-1-200)

Appropriation:

CEP & RI Acct \$ 1,246,611
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 726,722

TOTAL \$ 1,973,333

NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair building exterior at Veterans' Home (94-1-201)

Appropriation:

CEP & RI Acct \$ 377,895
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 605,939

TOTAL \$ 983,834

NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To remodel building interiors at Veterans' Home (94-1-202)

Appropriation:

CEP & RI Acct \$ 135,084
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 188,464

TOTAL \$ 323,548

NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To make grounds improvements at Veterans' Home (94-1-203)

Appropriation:

CEP & RI Acct \$ 139,485
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 949,612

TOTAL \$ 1,089,097

NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Korean War Memorial: To complete the erection of the memorial on the capitol campus

Appropriation:

St Bldg Constr Acct \$ 20,000
Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS

To make regulatory and code compliance improvements for the preservation of correctional facilities (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 4,183,000
CEP & RI Acct \$ 160,000

Subtotal Reappropriation \$ 4,343,000

Appropriation:

St Bldg Constr Acct \$ 10,736,573
CEP & RI Acct \$ 1,225,953

Subtotal Appropriation \$ 11,962,526

Prior Biennia (Expenditures) \$ 26,210,968
Future Biennia (Projected Costs) \$ 61,726,068

TOTAL \$ 104,242,562

NEW SECTION. Sec. 296. FOR THE DEPARTMENT OF CORRECTIONS

To make small repairs and improvements to correctional facilities (94-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,234,000

Appropriation:

St Bldg Constr Acct \$ 9,697,577
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 44,652,002

TOTAL \$ 63,583,579

NEW SECTION. Sec. 297. FOR THE DEPARTMENT OF CORRECTIONS

To replace roofs and associated building improvements for the preservation of correctional facilities (94-1-003)

Reappropriation:

St Bldg Constr Acct \$ 680,000

Appropriation:

St Bldg Constr Acct \$ 4,938,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 35,037,216

TOTAL \$ 40,655,216

NEW SECTION. Sec. 298. FOR THE DEPARTMENT OF CORRECTIONS

To repair internal building systems for the preservation of correctional facilities (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 8,779,445

CEP & RI Acct \$ 431,568

Subtotal Appropriation \$ 9,211,013
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 65,561,403

TOTAL \$ 74,772,416

**NEW SECTION. Sec. 299. FOR THE DEPARTMENT OF CORRECTIONS
Underground storage tanks (90-1-001)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 256,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,500

**NEW SECTION. Sec. 300. FOR THE DEPARTMENT OF CORRECTIONS
To repair or replace leaking underground storage tanks (94-1-005)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 513,848
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 989,089

TOTAL \$ 1,502,937

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF CORRECTIONS
To continue to implement the master plan for capital improvements to McNeil Island Correctional Facility (94-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 7,936,000

Appropriation:

St Bldg Constr Acct \$ 12,878,689
Prior Biennia (Expenditures) \$ 36,153,201
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 56,967,890

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF CORRECTIONS
For state-wide repairs and improvements (94-2-002)**

The reappropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,177,965

Appropriation:

St Bldg Constr Acct \$ 17,767,557
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 110,387,730

TOTAL \$ 137,333,252

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF CORRECTIONS

Western Washington prerelease: For the acquisition and design of the replacement facility and necessary repairs at the current facility at Western State Hospital (94-2-003)

The appropriations in this section shall not be expended for a replacement facility until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,839,510

Prior Biennia (Expenditures) \$ 249,091

Future Biennia (Projected Costs) \$ 14,780,396

TOTAL \$ 18,868,997

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF CORRECTIONS

Dayton: 300-bed minimum security facility (94-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 2,783,000

Future Biennia (Projected Costs) \$ 19,388,011

TOTAL \$ 22,471,011

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF CORRECTIONS

Develop a predesign for a 500-bed reception center at the Washington Corrections Center (94-2-008)

The appropriation in this section shall be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 266,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 39,851,000

TOTAL \$ 40,117,400

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF CORRECTIONS

Continuation of master plan implementation at the Washington Corrections Center for Women (94-2-015)

Reappropriation:

St Bldg Constr Acct \$ 4,574,500

Prior Biennia (Expenditures) \$ 8,265,443

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,839,943

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF CORRECTIONS

Continue construction of Airway Heights (94-2-016)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 13,901,500

Prior Biennia (Expenditures) \$ 80,236,493
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,137,993

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF CORRECTIONS

New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds **(90-2-001)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,512,000
Prior Biennia (Expenditures) \$ 50,570,052
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 54,082,052

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: For initiation of a feasibility for relocation of program and living space at the honor farm **(92-2-029)**

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 30,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights: 512 Bed Special Needs Facility

To design and construct a 512 bed addition to the Airway Heights Corrections Center for medically fragile and other inmates with special needs. The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 30,971,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,971,000

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF CORRECTIONS

Green Hill Predesign and Management Plan: To study the feasibility of developing a state correctional facility at Green Hill, and to prepare a predesign and management plan.

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF CORRECTIONS

1,936-Bed Multi-Custody Facility: Predesign and Site Selection (94-2-007)

To predesign and begin site selection for a 1,936-bed multi-custody facility. The predesign shall be conducted in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 100,620,760

TOTAL \$ 101,020,760

PART 3
NATURAL RESOURCES

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy partnership: Conservation capital projects for schools and state agencies (92-1-003) (92-1-004)

Reappropriation:

St Bldg Constr Acct \$ 358,000
Energy Eff Constr Acct \$ 3,000,000

Subtotal Appropriation \$ 3,358,000
Prior Biennia (Expenditures) \$ 620,424
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,978,424

NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE ENERGY OFFICE

Provide planning support and contract review for the development of cogeneration projects at major state facilities (94-1-002)

Appropriation:

Energy Eff Svcs Acct \$ 150,000
Prior Biennia (Expenditures) \$ 643,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 793,000

NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE ENERGY OFFICE

Development of energy conservation projects for schools and state government facilities (92-1-001)

Appropriation:

Energy Eff Svcs Acct \$ 850,000
Prior Biennia (Expenditures) \$ 2,407,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,257,000

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA, Waste Disp Fac \$ 8,236,396

Appropriation:

LIRA, Waste Disp Fac \$ 104,186
Prior Biennia (Expenditures) \$ 228,031,960

Future Biennia (Projected Costs) \$ 863,843

TOTAL \$ 237,236,385

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF ECOLOGY
Referendum 38 water supply facilities (74-2-006)**

Reappropriation:

LIRA, Water Sup Fac \$ 11,300,000

Prior Biennia (Expenditures) \$ 57,081,346

Future Biennia (Projected Costs) \$ 13,824,661

TOTAL \$ 82,206,007

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF ECOLOGY
State emergency water project revolving account (76-2-003)**

Reappropriation:

Emergency Water Proj \$ 8,835,351

Appropriation:

Emergency Water Proj \$ 636,879

Prior Biennia (Expenditures) \$ 17,395,945

Future Biennia (Projected Costs) \$ 223,290

TOTAL \$ 27,091,465

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF ECOLOGY
Referendum 39 waste disposal facilities 1980 bond issue (82-2-005)**

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac \$ 29,116,174

Appropriation:

LIRA, Waste Disp Fac \$ 42,000

Prior Biennia (Expenditures) \$ 426,649,138

Future Biennia (Projected Costs) \$ 28,000

TOTAL \$ 455,835,312

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF ECOLOGY
Centennial Clean Water Fund: Water Quality Account (86-2-007)**

The appropriations in this section are subject to the following conditions and limitations:

(1) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both subsections (1) and (2) of this section.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;
(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities that control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(4) The department shall develop and implement a strategy for increasing the percentage of loans from the centennial clean water program.

(5) The appropriation in this section from the water pollution control revolving account shall be used in a manner consistent with chapter 70.146 RCW.

(6) No later than December 1, 1993, the department of ecology shall provide to the appropriate committees of the legislature an implementation plan for making administrative efficiencies and service improvements to the grant and loan programs currently administered by the department. The plan shall include but not be limited to actions which: (a) Simplify application and funding cycle procedures; (b) eliminate duplicative oversight functions; (c) consolidate planning requirements as appropriate to be consistent with the growth management act; (d) reduce state and local administrative costs; (e) encourage demand management strategies; and (f) develop watershed or regional mechanisms for solving as completely as possible a community's environmental needs through coordinated cross program prioritization and administration of funding programs. The plan shall identify actions which the department has taken to implement administrative efficiencies and service improvements to the grant and loan programs. At the same time the implementation plan is submitted to the legislature, the department shall provide recommendations for any statutory changes that are needed to implement the plan. Recommendations may include a new method for distributing water quality account money after the current statutory allocation formula expires.

Reappropriation:

Water Quality Acct \$ 95,280,000

Appropriation:

Water Quality Acct \$ 64,445,000

Water Pollution Cont--Federal \$ 6,291,000

Subtotal Appropriation \$ 70,736,000
Prior Biennia (Expenditures) \$ 183,982,825
Future Biennia (Projected Costs) \$ 305,676,000

TOTAL \$ 655,674,825

NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF ECOLOGY

Local toxics control account (88-2-008)

Reappropriation:

Local Toxics Control Acct \$ 55,848,951

Appropriation:

Local Toxics Control Acct \$ 41,167,432

Prior Biennia (Expenditures) \$ 49,584,365

Future Biennia (Projected Costs) \$ 192,012,768

TOTAL \$ 337,613,516

NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF ECOLOGY

Water pollution control facility loans (90-2-002)

Reappropriation:

Water Pollution Cont Rev
Fund--State \$ 13,044,335
Water Pollution Cont Rev
Fund--Federal \$ 65,206,025

Subtotal Reappropriation \$ 78,250,360

Appropriation:

Water Pollution Cont Rev Fund--
State \$ 19,961,601
Water Pollution Cont--Federal \$ 78,689,866

Subtotal Appropriation \$ 98,651,467
Prior Biennia (Expenditures) \$ 54,871,279
Future Biennia (Projected Costs) \$ 283,370,816

TOTAL \$ 515,143,921

NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF ECOLOGY

Improved water drainage and repair access roads, walks, and parking lots at the Padilla Bay Interpretive Center (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide potable water system improvements (88-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

LIRA, Water Sup Fac \$ 42,488
St Bldg Constr Acct \$ 85,000

Subtotal Reappropriation \$ 127,488
Prior Biennia (Expenditures) \$ 53,563
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 181,051 -----

NEW SECTION. Sec. 414. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sewer facility remodel (92-5-900)

Reappropriation:

LIRA, Waste Fac 1980 \$ 118,226
St Bldg Constr Acct \$ 40,000

Subtotal Reappropriation \$ 158,226
Prior Biennia (Expenditures) \$ 35,458
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 193,684 -----

NEW SECTION. Sec. 415. FOR THE STATE PARKS AND RECREATION COMMISSION
Construct state-wide boat pumpout facilities (92-5-901)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 96,131
ORA--State \$ 203,419

Subtotal Reappropriation \$ 299,550
Prior Biennia (Expenditures) \$ 128,275
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 427,825 -----

NEW SECTION. Sec. 416. FOR THE STATE PARKS AND RECREATION COMMISSION
Maryhill State Park development (88-5-035)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 829,563
Prior Biennia (Expenditures) \$ 83,413
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 912,976 -----

NEW SECTION. Sec. 417. FOR THE STATE PARKS AND RECREATION COMMISSION
Crystal Falls: Acquisition and development (88-5-057)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 24,761
Prior Biennia (Expenditures) \$ 239
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 25,000 -----

NEW SECTION. Sec. 418. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide water supply facilities remodel (89-1-101)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 127,516
Prior Biennia (Expenditures) \$ 33,387
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 160,903

NEW SECTION. Sec. 419. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sanitary facilities renovation (89-1-102)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 87,460
Prior Biennia (Expenditures) \$ 60,692
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 148,152

NEW SECTION. Sec. 420. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide electrical wiring and hookups (89-1-103)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 48,716
Prior Biennia (Expenditures) \$ 28,172
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 76,888

NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide Clean Water Act code compliance (89-1-116)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 125,000
Prior Biennia (Expenditures) \$ 316,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 441,000

NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION
Sacajawea: Launch, pilings, and float repair (89-1-129)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 180,000
Prior Biennia (Expenditures) \$ 10,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000

NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide general construction (89-2-107)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 208,320
Prior Biennia (Expenditures) \$ 188,948
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 397,268

NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide special construction (89-2-109)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 114,782
Prior Biennia (Expenditures) \$ 65,898
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 180,680

NEW SECTION. Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven: Comfort station and parking construction (89-2-119)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 311,349
Prior Biennia (Expenditures) \$ 85,448
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 396,797

NEW SECTION. Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish: Boat launch repairs (89-2-139)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 51,387
Prior Biennia (Expenditures) \$ 62,613
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 114,000

NEW SECTION. Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide site/environmental protection (89-3-104)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 150,475
Prior Biennia (Expenditures) \$ 104,917
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 255,392

**NEW SECTION. Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide acquisition (92-5-904)**

Reappropriation:

St Bldg Constr Acct \$ 50,256
General Fund--Federal \$ 450,000

Subtotal Reappropriation \$ 500,256
Prior Biennia (Expenditures) \$ 7,950,930
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,451,186

**NEW SECTION. Sec. 429. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden: Rebuild boat launch (89-3-135)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 275,219
Prior Biennia (Expenditures) \$ 13,639
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 288,858

**NEW SECTION. Sec. 430. FOR THE STATE PARKS AND RECREATION COMMISSION
Larrabee development (89-5-002)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 275,000
ORA--State \$ 140,540

Subtotal Reappropriation \$ 415,540
Prior Biennia (Expenditures) \$ 65,350
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 480,890

**NEW SECTION. Sec. 431. FOR THE STATE PARKS AND RECREATION COMMISSION
Blake Island fire protection (89-1-050)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 29,312
Prior Biennia (Expenditures) \$ 73,386
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 102,698

**NEW SECTION. Sec. 432. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Canby initial development (89-5-115)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 232,813

Prior Biennia (Expenditures) \$ 26,774
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 259,587

**NEW SECTION. Sec. 433. FOR THE STATE PARKS AND RECREATION COMMISSION
Ocean beach access (89-5-120)**

Reappropriation:

ORA--State \$ 286,195
St Bldg Constr Acct \$ 250,000

Subtotal Reappropriation \$ 536,195
Prior Biennia (Expenditures) \$ 27,191
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 563,386

**NEW SECTION. Sec. 434. FOR THE STATE PARKS AND RECREATION COMMISSION
Spokane Centennial Trail (89-5-166)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 223,507
Prior Biennia (Expenditures) \$ 3,456
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 226,963

**NEW SECTION. Sec. 435. FOR THE STATE PARKS AND RECREATION COMMISSION
Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)**

Reappropriation:

St Bldg Constr Acct \$ 40,000
Prior Biennia (Expenditures) \$ 725,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 765,000

**NEW SECTION. Sec. 436. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide facilities preservation (90-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 352,835
Prior Biennia (Expenditures) \$ 7,165
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 360,000

**NEW SECTION. Sec. 437. FOR THE STATE PARKS AND RECREATION COMMISSION
Dougs Beach initial development (90-1-171)**

Reappropriation:

St Bldg Constr Acct \$ 62,206
Prior Biennia (Expenditures) \$ 57,440
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 119,646

**NEW SECTION. Sec. 438. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide--Omnibus facility contingency (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 89,400
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 239,400

**NEW SECTION. Sec. 439. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tanks removal (90-2-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,445,725
Prior Biennia (Expenditures) \$ 454,275
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 440. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide minor works preservation (92-5-905)**

Reappropriation:

St Bldg Constr Acct \$ 2,814,016
Prior Biennia (Expenditures) \$ 922,284
Future Biennia (Projected Costs) \$ 6,698,000

TOTAL \$ 10,434,300

**NEW SECTION. Sec. 441. FOR THE STATE PARKS AND RECREATION COMMISSION
Deception Pass repairs (91-2-006)**

Reappropriation:

St Bldg Constr Acct \$ 1,179,216
Prior Biennia (Expenditures) \$ 72,464
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,251,680

**NEW SECTION. Sec. 442. FOR THE STATE PARKS AND RECREATION COMMISSION
Triton Cove remodel (91-2-008)**

Reappropriation:

ORA--State \$ 572,000
Prior Biennia (Expenditures) \$ 10,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 582,000

**NEW SECTION. Sec. 443. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (91-2-009)**

Reappropriation:

ORA--State \$ 274,221
Prior Biennia (Expenditures) \$ 104,779
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 379,000

**NEW SECTION. Sec. 444. FOR THE STATE PARKS AND RECREATION COMMISSION
St. Edwards--Gym remodel (92-2-501)**

Reappropriation:

St Bldg Constr Acct \$ 575,079
Prior Biennia (Expenditures) \$ 89,921
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 665,000 -----

**NEW SECTION. Sec. 445. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark Equestrian Center predesign (92-5-502)**

Reappropriation:

St Bldg Constr Acct \$ 140,000
Prior Biennia (Expenditures) \$ 60,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 446. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sewer facilities improvements (93-2-001)**

Reappropriation:

LIRA, Waste Fac 1980 \$ 1,313,681
Prior Biennia (Expenditures) \$ 272,139
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820 -----

**NEW SECTION. Sec. 447. FOR THE STATE PARKS AND RECREATION COMMISSION
Saltwater State Park flood control (93-2-091)**

Reappropriation:

St Bldg Constr Acct \$ 399,269
Prior Biennia (Expenditures) \$ 97,731
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 497,000 -----

**NEW SECTION. Sec. 448. FOR THE STATE PARKS AND RECREATION COMMISSION
Chuckanut Hill: Planning and acquisition for addition to Larrabee state park (93-5-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for property acquisition, may not be used to acquire development rights, and is subject to chapter 43.99 RCW.

(2) Before the expenditure of any funds provided from this section, Whatcom county shall have acquired under forest board ownership a majority of the 1200-acre parcel of privately owned land adjacent and to the north of Larrabee state park. The county shall also have entered into an agreement with the board of natural resources committing the county to manage these lands, adjacent to Larrabee state park, as county park land under RCW 76.12.072.

(3) Before the expenditure of any funds provided from this section, either the city of Bellingham or Whatcom county shall have made application to the interagency committee for outdoor recreation for funding available through the wildlife and recreation program so that the city or county may acquire park lands adjacent to Larrabee state park. The application may provide for management of the lands by the state parks and recreation commission.

(4) No additional state funds may be expended for this acquisition unless authorized by the interagency committee for outdoor recreation in accordance with chapter 43.98A RCW.

Reappropriation:

ORA--State \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 449. FOR THE STATE PARKS AND RECREATION COMMISSION
Olmstead Place Interpretive Center (93-5-002)

Reappropriation:

St Bldg Constr Acct \$ 92,000
Prior Biennia (Expenditures) \$ 1,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,000

NEW SECTION. Sec. 450. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide emergency and unforeseen needs (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 1,900,000

NEW SECTION. Sec. 451. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tank remediation (94-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 800,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 452. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide building systems preservation (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 3,400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,969,800

TOTAL \$ 17,369,800

NEW SECTION. Sec. 453. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 1,223,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,620,068

TOTAL \$ 15,843,568 -----

**NEW SECTION. Sec. 454. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide roadway preservation (94-1-005)**

Appropriation:

Motor Vehicle Acct \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,957,673

TOTAL \$ 17,957,673 -----

**NEW SECTION. Sec. 455. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide utility preservation (94-1-006)**

Appropriation:

St Bldg Constr Acct \$ 4,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,195,890

TOTAL \$ 20,695,890 -----

**NEW SECTION. Sec. 456. FOR THE STATE PARKS AND RECREATION COMMISSION
San Juan Islands--Phase 1 and 2 boating facilities (94-1-055)**

Appropriation:

ORA--State \$ 1,212,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,212,500 -----

**NEW SECTION. Sec. 457. FOR THE STATE PARKS AND RECREATION COMMISSION
Puget Sound/Northwest Washington--Phase 1 and 2 boating facilities (94-1-056)**

Appropriation:

ORA--State \$ 1,080,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,080,400 -----

**NEW SECTION. Sec. 458. FOR THE STATE PARKS AND RECREATION COMMISSION
Hood Canal to the coast--Phase 1 boating facilities (94-1-057)**

Appropriation:

ORA--State \$ 488,100
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 488,100 -----

**NEW SECTION. Sec. 459. FOR THE STATE PARKS AND RECREATION COMMISSION
Steamboat Rock remodel (95-2-182)**

Reappropriation:

St Bldg Constr Acct \$ 120,000
Prior Biennia (Expenditures) \$ 19,060
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 139,060

NEW SECTION. Sec. 460. FOR SPECIAL LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

Special land purchases and common school construction (94-2-000)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$27,424,000 of this appropriation is provided to the state parks and recreation commission ("commission") solely to acquire the following trust lands that have been identified by the department of natural resources and the commission as appropriate for state park use:

- (i) Squak mountain, King county;
- (ii) Miller peninsula, Clallam county;
- (iii) Hoko river, Clallam county;
- (iv) Cascade island, Skagit county;
- (v) Leadbetter point, Pacific county;
- (vi) Square lake, Kitsap county;
- (vii) Iron Horse/Ragner, King county;
- (viii) Robe gorge, Snohomish county.

(b) \$4,975,000 of this appropriation is provided to the department of wildlife solely to acquire the following trust lands that have been identified by the department of natural resources and the department of wildlife as appropriate for wildlife habitat:

- (i) Cabin creek, Kittitas county;
- (ii) Riffe lake, Lewis county;
- (iii) Divide ridge, Yakima county.

(c) \$17,953,000 of this appropriation is provided to the department of natural resources solely to acquire the following trust lands appropriate for natural area preserve, natural resource conservation area, and/or recreation use:

- (i) Mount Pilchuck, Snohomish county;
- (ii) Mt. Si, King county.

(2) Lands acquired under this section shall be transferred in fee simple. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Property transferred under this section shall be appraised and transferred at fair market value. The proceeds from the value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the value of the land transferred shall be used by the department of natural resources to acquire real property of equal value to be managed as common school trust land.

(4) The proceeds from the value of the land transferred under this section shall be deposited in the park land trust revolving account to be utilized by the department of natural resources for the exclusive purpose of acquiring replacement common school trust land.

(5) The department of natural resources shall attempt to maintain an aggregate ratio of 85:15 timber-to-land value in these transactions.

(6) Intergrant exchanges between common school and noncommon school trust lands of equal value may occur if the noncommon school trust land meets the criteria established by the commission and the departments of natural resources and wildlife for selection of sites and if the exchange is in the interest of both trusts.

(7) Lands and timber purchased under subsection (1)(c) of this section shall be managed under chapter 79.68, 79.70, or 79.71 RCW as determined by the department of natural resources.

(8) The state parks and recreation commission shall identify appropriate sites for a new marine state park in south Puget Sound as an alternative to the Squaxin Island state park. Moneys provided under subsection (1)(a) of this section may be expended to acquire the alternative site pursuant to subsections (2) through (6) of this section.

(9) Once a state park is developed by the state parks and recreation commission on lands in subsection (1)(a)(ii) of this section Miller peninsula, Clallam county, the commission shall charge camping fees comparable with other private camp grounds in the area.

Appropriation:

St Bldg Constr Acct \$ 45,798,000
Aquatic Lands Acct \$ 4,554,000

Subtotal Appropriation \$ 50,352,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,352,000

**NEW SECTION. Sec. 461. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms range program and grants to public agencies (90-2-001)**

Reappropriation:

Firearms Range Acct \$ 389,875
ORA--Federal \$ 43,634

Subtotal Reappropriation \$ 433,509

Appropriation:

Firearms Range Acct \$ 245,000
Prior Biennia (Expenditures) \$ 608,501
Future Biennia (Projected Costs) \$ 1,050,000

TOTAL \$ 2,337,010

**NEW SECTION. Sec. 462. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (90-5-002)**

Reappropriation:

ORA--State \$ 1,265,227
Habitat Conservation Acct \$ 1,426,962

Subtotal Reappropriation \$ 2,692,189
Prior Biennia (Expenditures) \$ 32,425,345
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,117,53

**NEW SECTION. Sec. 463. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (92-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 6,048,754
ORA--Federal \$ 700,000
ORA--State \$ 3,715,970
Firearms Range Acct \$ 136,892

Subtotal Reappropriation \$ 10,601,616
Prior Biennia (Expenditures) \$ 5,979,136
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,580,752

**NEW SECTION. Sec. 464. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (92-5-002)**

Reappropriation:

ORA--State \$ 14,152,287
Habitat Conservation Acct \$ 5,738,486

Subtotal Reappropriation \$ 19,890,773
Prior Biennia (Expenditures) \$ 30,109,227
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000,000

NEW SECTION. Sec. 465. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Clear creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation (93-2-002)

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources. The state shall not be obligated for project costs that exceed this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,550,000

NEW SECTION. Sec. 466. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies (94-3-001) (94-3-005)

Appropriation:

ORA--Federal \$ 1,000,000
ORA--State \$ 5,653,614

Subtotal Appropriation \$ 6,653,614
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,653,614

NEW SECTION. Sec. 467. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Initiative 215 (94-3-003)

Appropriation:

ORA--State \$ 3,694,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,400,000

TOTAL \$ 19,094,000

NEW SECTION. Sec. 468. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

NOVA projects (94-3-004)

Appropriation:

ORA--State \$ 4,996,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 30,496,000

NEW SECTION. Sec. 469. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington wildlife and recreation program (94-5-002)

(1) \$25,000,000 of the state building construction account appropriation in this section shall be deposited into and is hereby appropriated from the habitat conservation account. \$20,525,800 of the state building construction account appropriation and all of the outdoor recreation account appropriation and aquatic lands enhancement

account appropriation shall be deposited into and is hereby appropriated from the state outdoor recreation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW.

(2) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) A minimum of \$1,000,000 from the habitat conservation account must be used for wetland acquisition as identified by the Puget Sound water quality management plan.

(4) The following project is deleted from the approved list of projects established under chapter 43.98A RCW: Mule deer winter range (project number 92-638A).

Appropriation:

St Bldg Constr Acct \$ 45,525,800
ORA--State \$ 4,028,200
Aquatic Lands Acct \$ 446,000

Subtotal Appropriation \$ 50,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 250,000,000

NEW SECTION. Sec. 470. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Sunnyside Beach (92-261D): For rebuilding and enhancing the recreation facilities at the existing community park.

The appropriation in this section shall be matched by an equal amount of money from nonstate sources for the project.

Appropriation:

St Bldg Constr Acct \$ 158,857
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 158,857

NEW SECTION. Sec. 471. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Community economic revitalization board (86-1-001)

\$2,000,000 of the public works assistance account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-impact areas under chapter 314, Laws of 1991. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Reappropriation:

St Bldg Constr Acct \$ 5,911,000
Public Fac Constr Loan Rev Acct \$ 2,940,000

Subtotal Reappropriation \$ 8,851,000

Appropriation:

Public Works Assistance Acct \$ 4,000,000
Public Fac Constr Loan Rev Acct \$ 1,195,000

Subtotal Appropriation \$ 5,195,000
Prior Biennia (Expenditures) \$ 7,460,462
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,506,462

NEW SECTION. Sec. 472. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Washington Technology Center (88-1-003) (92-5-001) (94-2-002)

The appropriation in this subsection is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct \$ 3,158,144

Appropriation:

St Bldg Constr Acct \$ 1,266,000

Prior Biennia (Expenditures) \$ 7,243,571

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,667,715

**NEW SECTION. Sec. 473. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Timber ports capital asset improvement (94-2-004)**

To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities.

The appropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this appropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

<u>Port</u>	<u>Amount</u>
Port of Grays Harbor	\$ 564,000
Port of Port Angeles	\$ 1,500,000
Port of Longview	\$ 1,855,400

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 474. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Johnson Observatory--Mt. St. Helens National Volcanic Monument (94-2-010)**

Funds provided by the state to assist in accelerating the project are subject to restoration by the federal government when the total federal appropriation for the project is made available.

Appropriation:

St Bldg Constr Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 475. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects: Provides grants to local conservation districts for resource conservation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

Reappropriation:

Water Quality Acct--State \$ 348,652

Appropriation:

Water Quality Acct--State \$ 5,224,000

Prior Biennia (Expenditures) \$ 1,791,348

Future Biennia (Projected Costs) \$ 9,120,000

TOTAL \$ 13,484,000

NEW SECTION. Sec. 476. FOR THE DEPARTMENT OF FISHERIES
Towhead Island public access renovation (86-3-028)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 190,000

Prior Biennia (Expenditures) \$ 21,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000

NEW SECTION. Sec. 477. FOR THE DEPARTMENT OF FISHERIES
Shorefishing access (88-5-018)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 671,946

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,071,946

NEW SECTION. Sec. 478. FOR THE DEPARTMENT OF FISHERIES
Illwaco boat access expansion (90-2-023)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 479. FOR THE DEPARTMENT OF FISHERIES
Minter Creek hatchery phase 1 reconstruction (92-2-016)

Reappropriation:

St Bldg Constr Acct \$ 2,700,000

Appropriation:

St Bldg Constr Acct \$ 1,400,000

Prior Biennia (Expenditures) \$ 600,000

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 5,700,000

NEW SECTION. Sec. 480. FOR THE DEPARTMENT OF FISHERIES
Willapa Interpretive Center construction (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 481. FOR THE DEPARTMENT OF FISHERIES
Strait of Juan de Fuca shoreline acquisition (92-5-901)

Reappropriation:

ORA--State \$ 350,000
Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 430,000 -----

NEW SECTION. Sec. 482. FOR THE DEPARTMENT OF FISHERIES
Minor works: Code compliance (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 300,000

Appropriation:

St Bldg Constr Acct \$ 1,500,000
Prior Biennia (Expenditures) \$ 2,128,887
Future Biennia (Projected Costs) \$ 5,200,000

TOTAL \$ 9,128,887 -----

NEW SECTION. Sec. 483. FOR THE DEPARTMENT OF FISHERIES
Facilities rehabilitation and acquisition (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditure of funds for the acquisition of property for the replacement of the Seattle Boat Shop is contingent upon the office of financial management review and approval of a preplanning and feasibility study for the project.

(2) \$100,000 of the appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of wildlife. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

Reappropriation:

St Bldg Constr Acct \$ 650,000

Appropriation:

St Bldg Constr Acct \$ 2,285,000
Prior Biennia (Expenditures) \$ 1,127,200
Future Biennia (Projected Costs) \$ 22,000,000

TOTAL \$ 26,062,200 -----

NEW SECTION. Sec. 484. FOR THE DEPARTMENT OF FISHERIES
Sunset Falls fishway remodel (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 690,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 690,000 -----

NEW SECTION. Sec. 485. FOR THE DEPARTMENT OF FISHERIES
Skagit salmon hatchery facility upgrade (94-1-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) Subject to the passage of Substitute Senate Bill No. 5940 or substantially similar legislation, combining the Departments of Fisheries and Wildlife, the appropriation in this section shall not be expended until July 1, 1994.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 722,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 722,000 -----

NEW SECTION. Sec. 486. FOR THE DEPARTMENT OF FISHERIES
Dungeness hatchery facility upgrade (94-1-005)

Appropriation:

St Bldg Constr Acct \$ 837,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 610,000

TOTAL \$ 1,447,000 -----

NEW SECTION. Sec. 487. FOR THE DEPARTMENT OF FISHERIES
Fishing reef marker buoys replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct \$ 15,000

Appropriation:

St Bldg Constr Acct \$ 50,000
Prior Biennia (Expenditures) \$ 60,000
Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 275,000 -----

NEW SECTION. Sec. 488. FOR THE DEPARTMENT OF FISHERIES
Underground storage tanks: Removal and replacement (94-1-008)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 225,000
Future Biennia (Projected Costs) \$ 720,000

TOTAL \$ 1,145,000 -----

NEW SECTION. Sec. 489. FOR THE DEPARTMENT OF FISHERIES
Pathogen-free water and incubation isolation systems development (94-2-001)

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 2,400,000 -----

NEW SECTION. Sec. 490. FOR THE DEPARTMENT OF FISHERIES
Tidelands acquisition (94-2-003)

Appropriation:

General Fund--Federal \$ 5,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 491. FOR THE DEPARTMENT OF FISHERIES
Fish protection facilities replacement (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 5,000

Appropriation:

General Fund--Federal \$ 1,000,000
St Bldg Constr Acct \$ 600,000

Subtotal Appropriation \$ 1,600,000
Prior Biennia (Expenditures) \$ 445,894
Future Biennia (Projected Costs) \$ 9,270,100

TOTAL \$ 11,320,994

NEW SECTION. Sec. 492. FOR THE DEPARTMENT OF FISHERIES
Habitat and salmon enhancement program (94-2-006)

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 1,565,000
General Fund--Federal \$ 800,000
General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 3,165,000
Prior Biennia (Expenditures) \$ 2,021,243
Future Biennia (Projected Costs) \$ 13,510,000

TOTAL \$ 18,716,243

NEW SECTION. Sec. 493. FOR THE DEPARTMENT OF FISHERIES
Habitat management shop building construction (94-3-007)

Appropriation:

St Bldg Constr Acct \$ 415,000
Prior Biennia (Expenditures) \$ 432,041
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 847,041

NEW SECTION. Sec. 494. FOR THE DEPARTMENT OF FISHERIES
Coast and Puget Sound wild stock restoration (94-2-008)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,480,397

Appropriation:

St Bldg Constr Acct \$ 2,800,000

Prior Biennia (Expenditures) \$ 2,144,411
Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 10,924,808

NEW SECTION. Sec. 495. FOR THE DEPARTMENT OF FISHERIES

Field services storage units acquisition (94-2-012)

Reappropriation:

St Bldg Constr Acct \$ 94,500

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 225,500

Future Biennia (Projected Costs) \$ 220,000

TOTAL \$ 690,000

NEW SECTION. Sec. 496. FOR THE DEPARTMENT OF FISHERIES

Clam and Oyster Beach enhancement (95-2-004)

Reappropriation:

St Bldg Constr Acct \$ 30,000

Prior Biennia (Expenditures) \$ 2,005,699

Future Biennia (Projected Costs) \$ 3,300,000

TOTAL \$ 5,335,699

NEW SECTION. Sec. 497. FOR THE DEPARTMENT OF FISHERIES

Ringold water--John Day Dam mitigation (95-2-015)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 498. FOR THE DEPARTMENT OF FISHERIES

Klickitat acclimation pond (95-2-016)

Appropriation:

General Fund--Federal \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 499. FOR THE DEPARTMENT OF FISHERIES

Water access and development (95-2-017)

Reappropriation:

ORA--State \$ 1,200,000

Appropriation:

General Fund--Federal \$ 480,000

ORA--State \$ 150,000

Subtotal Appropriation \$ 630,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,080,000 -----

NEW SECTION. Sec. 500. FOR THE DEPARTMENT OF WILDLIFE
Aberdeen hatchery expansion (89-5-017)

Reappropriation:

Game Spec Wildlife Acct \$ 8,554
Prior Biennia (Expenditures) \$ 731,446
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 740,000 -----

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF WILDLIFE
Skagit wildlife area dike repair (93-3-008)

Reappropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 21,250
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 171,250 -----

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing access flood repair (92-5-016)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 40,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000 -----

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing interpretive center (92-5-017)

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 405,029
Prior Biennia (Expenditures) \$ 44,971
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000 -----

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF WILDLIFE
Hood Canal wetlands center construction (93-5-001)

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 491,000
Prior Biennia (Expenditures) \$ 9,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF WILDLIFE
Health, safety, and code compliance (94-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 830,000

Prior Biennia (Expenditures) \$ 1,080,000

Future Biennia (Projected Costs) \$ 3,900,000

TOTAL \$ 5,830,000

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF WILDLIFE

Minor works: Emergency repair (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 349,233

Future Biennia (Projected Costs) \$ 1,625,000

TOTAL \$ 2,474,233

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF WILDLIFE

Fishing access area redevelopment (94-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

Wildlife Acct--Federal \$ 107,000

ORA--State \$ 959,000

Subtotal Reappropriation \$ 1,066,000

Appropriation:

ORA--State \$ 887,000

Wildlife Acct--Federal \$ 500,000

Subtotal Appropriation \$ 1,387,000

Prior Biennia (Expenditures) \$ 1,456,000

Future Biennia (Projected Costs) \$ 7,333,400

TOTAL \$ 10,176,400

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF WILDLIFE

Hatchery remodel (94-1-004)

(1) \$100,000 of the state building construction account appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of fisheries. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

(2) No funds are provided for increased residential capacity at state hatchery facilities.

Reappropriation:

St Bldg Constr Acct \$ 740,000

Wildlife Acct--Federal \$ 300,000

Subtotal Reappropriation \$ 1,040,000

Appropriation:

St Bldg Constr Acct \$ 2,275,000

Wildlife Acct--Federal \$ 1,000,000

Subtotal Appropriation \$ 3,275,000
Prior Biennia (Expenditures) \$ 1,672,155
Future Biennia (Projected Costs) \$ 12,600,000

TOTAL \$ 18,587,155

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence repair (94-1-005)

Reappropriation:

Wildlife Acct--State \$ 92,000

Appropriation:

St Bldg Constr Acct \$ 122,500
Prior Biennia (Expenditures) \$ 1,375,000
Future Biennia (Projected Costs) \$ 1,100,000

TOTAL \$ 2,687,500

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF WILDLIFE
Wildlife area repair (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 574,000
Wildlife Acct--Federal \$ 50,000

Subtotal Appropriation \$ 624,000
Prior Biennia (Expenditures) \$ 265,000
Future Biennia (Projected Costs) \$ 2,900,000

TOTAL \$ 3,789,000

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF WILDLIFE
Sprague Lake access area development (94-2-008)

Appropriation:

Wildlife Acct--Federal \$ 55,000
ORA--State \$ 118,000

Subtotal Appropriation \$ 173,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000

NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence construction (94-2-009)

Appropriation:

St Bldg Constr Acct \$ 627,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,500,000

TOTAL \$ 2,127,500

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF WILDLIFE
Habitat acquisition (94-2-011)

Reappropriation:

Wildlife Acct--State \$ 599,920

Appropriation:

Wildlife Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 996,562

Future Biennia (Projected Costs) \$ 7,800,000

TOTAL \$ 10,696,482

NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat acquisition (94-2-013)

Appropriation:

Wildlife Acct--State \$ 350,000

Prior Biennia (Expenditures) \$ 949,335

Future Biennia (Projected Costs) \$ 1,700,000

TOTAL \$ 2,999,335

NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF WILDLIFE
Mitigation and dedicated fund projects (94-2-013)

Appropriation:

Wildlife--Federal \$ 6,000,000

Wildlife--Priv/Loc \$ 5,000,000

Game Spec Wildlife Acct--State \$ 50,000

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 44,800,000

TOTAL \$ 55,850,000

NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF WILDLIFE
Game farm remodel (95-1-007)

Appropriation:

St Bldg Constr Acct \$ 275,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF WILDLIFE
Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this section is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 184,166

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,684,166

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF WILDLIFE

Gloyd Seeps Fish Hatchery: For the purchase of the property by the Department of Wildlife

The appropriation in this section shall not be expended until the Department of Wildlife has made a determination that:

(1) The water rights to the property being transferred to the Department of Wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and

(2) The operation of a warm water fish hatchery on the property is feasible.

Appropriation:

St Bldg Constr Acct \$ 1,870,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,870,000 -----

NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (86-3-030)

Reappropriation:

Aquatic Lands Acct \$ 1,123,000

Prior Biennia (Expenditures) \$ 6,124,236

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,247,236 -----

NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES

Seattle waterfront phase 1 development (90-5-202)

Reappropriation:

ORA--State \$ 747,600

Prior Biennia (Expenditures) \$ 2,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000 -----

NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (92-2-410)

Reappropriation:

Res Mgmt Cost Acct \$ 569,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 609,000 -----

NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mountains to Sound acquisition (92-2-550)

The appropriation in this section shall be matched by \$3,500,000 in cash, land, or other consideration from nonstate moneys provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

Reappropriation:

St Bldg Constr Acct \$ 999,000

Prior Biennia (Expenditures) \$ 1,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES

Cedar River dredging (92-3-000)

The appropriation in this section is contingent upon a match of at least \$500,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 700,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic land enhancement grants (93-3-501)

Reappropriation:

Aquatic Lands Acct \$ 1,762,000
Prior Biennia (Expenditures) \$ 4,798,884
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,560,884

NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites construction (92-5-201)

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 144,000
ORA--State \$ 200,000

Subtotal Reappropriation \$ 344,000
Prior Biennia (Expenditures) \$ 506,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES
Americans with Disabilities Act modifications (94-1-101)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 500,000

NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES
Underground storage tanks removal (94-1-103)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 20,000
Res Mgmt Cost Acct \$ 15,600
For Dev Acct \$ 14,400

Subtotal Appropriation \$ 50,000
Prior Biennia (Expenditures) \$ 581,500

Future Biennia (Projected Costs) \$ 408,000

TOTAL \$ 1,039,500

NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (94-1-104)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,000

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
Environmental protection: Design and construction (94-1-105)

Appropriation:

St Bldg Constr Acct \$ 33,800
Res Mgmt Cost Acct \$ 25,100
For Dev Acct \$ 23,600

Subtotal Appropriation \$ 82,500
Prior Biennia (Expenditures) \$ 208,600
Future Biennia (Projected Costs) \$ 945,100

TOTAL \$ 1,236,200

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
Snowbird: Well plug (94-1-106)

Appropriation:

St Bldg Constr Acct \$ 179,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 179,500

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repair (94-1-107)

Appropriation:

St Bldg Constr Acct \$ 391,200
Res Mgmt Cost Acct \$ 384,700
For Dev Acct \$ 146,100

Subtotal Appropriation \$ 922,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,445,200

TOTAL \$ 5,267,200

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
Small repairs and improvements (94-1-108)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct--State \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000
Prior Biennia (Expenditures) \$ 100,100
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,100

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites: Emergency repairs (94-4-201)

Appropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 800,000

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural resource conservation areas: Emergency repairs (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,000,000

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural area preserve management (94-1-203)

Appropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation: Health and safety (94-1-204)

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,300,000

NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate property: Small repairs and improvements (94-1-401)

Appropriation:

Res Mgmt Cost Acct \$ 200,000
Prior Biennia (Expenditures) \$ 181,000
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,381,000

**NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation: Emergency repairs (94-1-402)**

Appropriation:

Res Mgmt Cost Acct \$ 100,000
Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 500,000

TOTAL \$ 680,000

**NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate tenant improvements (94-1-403)**

Appropriation:

Res Mgmt Cost Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 3,400,000

**NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication site repair (94-1-404)**

Appropriation:

Res Mgmt Cost Acct \$ 190,000
For Dev Acct \$ 110,000

Subtotal Appropriation \$ 300,000
Prior Biennia (Expenditures) \$ 480,000
Future Biennia (Projected Costs) \$ 385,000

TOTAL \$ 1,165,000

**NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation system replacement (94-1-405)**

Appropriation:

Res Mgmt Cost Acct \$ 300,000
Prior Biennia (Expenditures) \$ 682,000
Future Biennia (Projected Costs) \$ 1,175,000

TOTAL \$ 2,157,000

**NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous waste cleanup on state lands (94-1-406)**

Appropriation:

Res Mgmt Cost Acct \$ 100,000
For Dev Acct \$ 50,000

Subtotal Appropriation \$ 150,000
Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 1,585,000

TOTAL \$ 1,885,000

NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Road maintenance (94-1-801)

Appropriation:

ORV Acct \$ 126,500
Access Road Revolving Acct \$ 802,000

Subtotal Appropriation \$ 928,500
Prior Biennia (Expenditures) \$ 89,000
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 1,417,500

NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF NATURAL RESOURCES
Fire control facilities upgrades (94-2-102)

Appropriation:

St Bldg Constr Acct \$ 170,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 126,200

TOTAL \$ 296,200

NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repairs (94-2-103)

Appropriation:

St Bldg Constr Acct \$ 66,500
Res Mgmt Cost Acct \$ 63,500
For Dev Acct \$ 36,000

Subtotal Appropriation \$ 166,000
Prior Biennia (Expenditures) \$ 412,400
Future Biennia (Projected Costs) \$ 2,822,000

TOTAL \$ 3,400,400

NEW SECTION. Sec. 546. FOR THE DEPARTMENT OF NATURAL RESOURCES
Long Lake phase 3 development (94-2-201)

Appropriation:

ORA--State \$ 223,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 223,000

NEW SECTION. Sec. 547. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 2 development (94-2-202)

Appropriation:

ORA--State \$ 900,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

NEW SECTION. Sec. 548. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development: Local improvement district (94-2-401)

Appropriation:

Res Mgmt Cost Acct \$ 920,000
Prior Biennia (Expenditures) \$ 1,284,000
Future Biennia (Projected Costs) \$ 2,840,000

TOTAL \$ 5,044,000

**NEW SECTION. Sec. 549. FOR THE DEPARTMENT OF NATURAL RESOURCES
Rights of way acquisition (94-2-402)**

Appropriation:

Res Mgmt Cost Acct \$ 582,000
For Dev Acct \$ 611,000

Subtotal Appropriation \$ 1,193,000
Prior Biennia (Expenditures) \$ 1,048,000
Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,641,000

**NEW SECTION. Sec. 550. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication sites construction (94-2-403)**

Appropriation:

Res Mgmt Cost Acct \$ 160,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 735,000

TOTAL \$ 895,000

**NEW SECTION. Sec. 551. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (94-2-404)**

Appropriation:

Res Mgmt Cost Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,150,000

TOTAL \$ 5,250,000

**NEW SECTION. Sec. 552. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Resources Real Property Replacement Account (94-2-405)**

Appropriation:

Nat Res Prop Repl Acct \$ 25,000,000
Prior Biennia (Expenditures) \$ 10,000,000
Future Biennia (Projected Costs) \$ 125,000,000

TOTAL \$ 160,000,000

**NEW SECTION. Sec. 553. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land bank acquisition (94-2-406)**

Appropriation:

Res Mgmt Cost Acct \$ 18,000,000
Prior Biennia (Expenditures) \$ 21,176,000
Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 99,176,000

**NEW SECTION. Sec. 554. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mineral resource testing (94-2-407)**

Appropriation:

Res Mgmt Cost Acct \$ 10,000
For Dev Acct \$ 10,000

Subtotal Appropriation \$ 20,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 104,000

TOTAL \$ 124,000

**NEW SECTION. Sec. 555. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic lands enhancement grants (94-2-501)**

Appropriation:

Aquatic Lands Acct \$ 2,776,000
Prior Biennia (Expenditures) \$ 3,541,000
Future Biennia (Projected Costs) \$ 32,885,000

TOTAL \$ 39,202,000

**NEW SECTION. Sec. 556. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road construction and improvement (94-2-801)**

Appropriation:

Res Mgmt Cost Acct \$ 641,500
For Dev Acct \$ 172,500

Subtotal Appropriation \$ 814,000
Prior Biennia (Expenditures) \$ 232,000
Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 5,546,000

**NEW SECTION. Sec. 557. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center construction (89-5-001)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 348,250
Prior Biennia (Expenditures) \$ 2,651,750
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 558. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center conversion (89-5-002)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,900,000
Prior Biennia (Expenditures) \$ 9,897,364
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,797,364

**NEW SECTION. Sec. 559. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center expansion (89-5-003)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 461,190
Prior Biennia (Expenditures) \$ 11,755,390
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,216,580

NEW SECTION. Sec. 560. FOR THE STATE CONVENTION AND TRADE CENTER
Eagles Building exterior cleanup (89-5-005)

Reappropriation:

St Conv & Trade Ctr Acct \$ 267,360
Prior Biennia (Expenditures) \$ 32,640
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 561. FOR THE STATE CONVENTION AND TRADE CENTER
Refunding of parking garage note

Reappropriation:

St Conv & Trade Ctr Acct \$ 387,076
Prior Biennia (Expenditures) \$ 1,912,924
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,300,000

NEW SECTION. Sec. 562. FOR THE STATE CONVENTION AND TRADE CENTER
Minor works (93-2-001)

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,010,000
Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,050,000

NEW SECTION. Sec. 563. FOR THE STATE CONVENTION AND TRADE CENTER

The appropriation in this section is subject to the following conditions and limitations:

- (1) The state convention and trade center shall assist in the rehabilitation of the Eagles building by transferring the state's right and title to the land and building as is, at no cost, to A Contemporary Theatre (ACT) and the Seattle Housing Resource Group (SHRG) subject to and following final action by the city of Seattle to grant a new contract rezone for not less than ten years, on terms deemed acceptable to the state convention and trade center for the site rezoned under city ordinance 115663;
- (2) \$2,700,000 is provided solely for payments to ACT and SHRG for the purchase by the state convention and trade center of a minimum of 225,000 square feet of theatre and housing floor area ratio bonuses to be generated by the restoration and development of the Eagles land and building by ACT and SHRG;
- (3) \$11,598,000 is provided solely for repayment to the state treasury of moneys previously advanced to the state convention and trade center for purchase of the McKay parcel; and
- (4) A maximum of \$2,000,000 is provided for feasibility studies and options to purchase property.

Appropriation:

St Conv & Trade Ctr Acct \$ 16,298,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,298,000

NEW SECTION. Sec. 564. FOR THE WASHINGTON STATE FRUIT COMMISSION

For land acquisition, design, construction, furnishing, equipping, and other costs related to the acquisition of a new headquarters and visitor center facility

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation may be spent only after the director of financial management has: (a) Certified that, based on the future income from the assessments levied under chapter 15.28 RCW, and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments on the bonds issued for the project; and (b) approved the plans for the facility.

(2) The appropriation shall be matched by at least \$200,000 from the commission's general operating fund provided for the capital costs of the project.

Appropriation:

Fruit Comm Fac Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000 -----

NEW SECTION. Sec. 565. FOR THE WASHINGTON STATE DAIRY PRODUCTS COMMISSION

Acquire permanent facility: To acquire a permanent facility to house the offices and operations of the commission (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations: At least one dollar from the commission's operating funds shall be spent for each three dollars spent from this appropriation.

Reappropriation:

Wa St Dairy Prod Comm Fac Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000 -----

PART 4
TRANSPORTATION

NEW SECTION. Sec. 601. FOR THE WASHINGTON STATE PATROL

To construct a new district headquarters building in Everett (90-2-018)

Reappropriation:

St Bldg Constr Acct \$ 90,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,000 -----

NEW SECTION. Sec. 602. FOR THE WASHINGTON STATE PATROL

To construct a new crime lab in Tacoma (92-2-003)

Reappropriation:

St Bldg Constr Acct \$ 1,940,000

Prior Biennia (Expenditures) \$ 77,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,017,000 -----

NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF TRANSPORTATION

Funds to continue Mt. St. Helens recovery program (87-1-001)

Reappropriation:

St Bldg Constr Acct \$ 370,000

Prior Biennia (Expenditures) \$ 5,579,161
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,949,161

**PART 5
EDUCATION**

**NEW SECTION. Sec. 701. FOR THE STATE BOARD OF EDUCATION
Public school building construction (83-2-001)**

Reappropriation:

Common School Constr Fund \$ 110,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000

**NEW SECTION. Sec. 702. FOR THE STATE BOARD OF EDUCATION
Public school building construction (85-2-001)**

Reappropriation:

Common School Constr Fund \$ 830,000
Prior Biennia (Expenditures) \$ 270,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000

**NEW SECTION. Sec. 703. FOR THE STATE BOARD OF EDUCATION
Public school building construction (87-2-001)**

Reappropriation:

Common School Constr Fund \$ 2,346,000
Prior Biennia (Expenditures) \$ 1,654,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 704. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-001)**

Reappropriation:

Common School Constr Fund \$ 7,294,260
Prior Biennia (Expenditures) \$ 21,712,889
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,007,159

**NEW SECTION. Sec. 705. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-002)**

Reappropriation:

Common School Constr Fund \$ 4,266,450
Prior Biennia (Expenditures) \$ 16,734,725
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,001,175

**NEW SECTION. Sec. 706. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-003)**

Reappropriation:

Common School Constr Fund \$ 15,000,000
Prior Biennia (Expenditures) \$ 64,708,899
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 79,708,899

**NEW SECTION. Sec. 707. FOR THE STATE BOARD OF EDUCATION
Public school building construction (91-2-001)**

Reappropriation:

Common School Reimb Constr Acct \$ 124,101,800
Common School Constr Fund \$ 85,817,008

Subtotal Reappropriation \$ 209,918,808
Prior Biennia (Expenditures) \$ 198,435,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 408,353,808

**NEW SECTION. Sec. 708. FOR THE STATE BOARD OF EDUCATION
Common schools: Design and construction (94-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$106,000,000 of this appropriation may be obligated in fiscal year 1994 for school district project design and construction.

(2) A maximum of \$1,250,000 may be expended for direct costs of state administration of school construction funding.

(3) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction or architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(4) A maximum of \$75,000 is provided solely for development of an automated state inventory and facility condition management database. This database shall utilize information obtained through implementation of the new priority system developed in the 1991-93 biennium and periodic updating.

(5) Projects approved for state assistance by the state board after the effective date of this section, in which new construction will be in lieu of modernization of an existing instructional facility or space, shall receive state assistance only if the district certifies that the existing facility or space will not be used for instructional purposes, and that the facility or space will be ineligible for any future state financial assistance. The state board shall adopt regulations to implement this subsection.

Appropriation:

Common School Constr Fund \$ 233,179,000
St Bldg Constr Acct \$ 6,221,000

Subtotal Appropriation \$ 239,400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 823,000,000

TOTAL \$ 1,062,400,000

**NEW SECTION. Sec. 709. FOR THE STATE SCHOOL FOR THE BLIND
Demolish museum building (92-1-002)**

Reappropriation:

St Bldg Constr Acct \$ 237,051
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 237,051

NEW SECTION. Sec. 710. FOR THE STATE SCHOOL FOR THE BLIND
Elevator in administration building (92-1-003)

Reappropriation:

St Bldg Constr Acct \$ 234,745

Prior Biennia (Expenditures) \$ 149,716

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 384,461

NEW SECTION. Sec. 711. FOR THE STATE SCHOOL FOR THE BLIND
Campus preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 2,688,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,520,781

TOTAL \$ 19,209,181

NEW SECTION. Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND
Demolish commissary building (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 547,455

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 547,455

NEW SECTION. Sec. 713. FOR THE STATE SCHOOL FOR THE DEAF
Campus heating system repairs (92-2-008)

Reappropriation:

St Bldg Constr Acct \$ 16,500

Prior Biennia (Expenditures) \$ 15,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,345

NEW SECTION. Sec. 714. FOR THE STATE SCHOOL FOR THE DEAF
Campus preservation (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Appropriation:

St Bldg Constr Acct \$ 1,553,415

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,518,336

TOTAL \$ 15,271,751

NEW SECTION. Sec. 715. FOR THE STATE SCHOOL FOR THE DEAF
Building demolition of Mary Roberts Hospital (94-1-008)

Appropriation:

St Bldg Constr Acct \$ 59,566
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 59,566

NEW SECTION. Sec. 716. FOR THE HIGHER EDUCATION COORDINATING BOARD
Campus Planning

Appropriation:

St Bldg Constr Acct \$ 170,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 170,000

The higher education coordinating board shall evaluate a variety of organizational models for meeting the higher education and work force training needs of the people in the North King/South Snohomish county area. The goal of the new higher education structure is to design the most effective delivery system of education opportunities for students and the region's population. By November 30, 1993, the board shall determine the preferred organizational model, and report its decision to the governor, appropriate legislative committees, and affected institutions of higher education.

(1) In developing the model, the board shall consider, but need not be limited to, the following:

- (a) Recommend short and long-range higher education needs, including upper and lower division, graduate programs, work force training, and basic skills;
- (b) Stress teaching as the primary mission;
- (c) Ensure the student a smooth and convenient transfer, as appropriate, between lower and upper division programs and courses;
- (d) Utilize the capacity of nearby existing public institutions;
- (e) Consider transportation and growth management principles; and
- (f) Facilitate access and consolidate capital investment through a single campus, at least in the short range.

Consider potential future need for an additional site.

(2) In developing the model, the board shall consider but need not be limited to the following alternative organizational arrangements:

- (a) The present university branch and the proposed new community college;
- (b) A new four-year institution;
- (c) A branch campus of an existing four-year regional university;
- (d) A new community college;
- (e) Additional program and enrollments at nearby institutions; and
- (f) Alternative delivery methods, e.g., telecommunications.

NEW SECTION. Sec. 717. FOR THE UNIVERSITY OF WASHINGTON
H Wing addition (86-2-021)

Reappropriation:

St Bldg Constr Acct \$ 24,500,000
UW Building Acct--State \$ 1,500,000

Subtotal Reappropriation \$ 26,000,000
Prior Biennia (Expenditures) \$ 25,000,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,000,000

NEW SECTION. Sec. 718. FOR THE UNIVERSITY OF WASHINGTON
Health Sciences Center H Wing remodel (88-2-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 632,999
Future Biennia (Projected Costs) \$ 16,518,000

TOTAL \$ 17,250,999

NEW SECTION. Sec. 719. FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (88-2-022)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 16,500,000
Prior Biennia (Expenditures) \$ 4,357,491
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,857,491

NEW SECTION. Sec. 720. FOR THE UNIVERSITY OF WASHINGTON

Biomedical Sciences Research Building financing (90-1-001)

The appropriations in this section are provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:

H Ed Constr Acct \$ 24,500,000

Appropriation:

H Ed Constr Acct \$ 20,000,000
Prior Biennia (Expenditures) \$ 20,500,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000,000

NEW SECTION. Sec. 721. FOR THE UNIVERSITY OF WASHINGTON

Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct \$ 5,440,000
Prior Biennia (Expenditures) \$ 11,457,222
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,897,222

NEW SECTION. Sec. 722. FOR THE UNIVERSITY OF WASHINGTON

Physics/Astronomy Building construction (90-2-009)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

H Ed Reimb Constr Acct \$ 32,000,000
Prior Biennia (Expenditures) \$ 40,564,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000

NEW SECTION. Sec. 723. FOR THE UNIVERSITY OF WASHINGTON

Chemistry Building construction (90-2-011)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 28,500,000

Prior Biennia (Expenditures) \$ 10,652,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000

NEW SECTION. Sec. 724. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering/Computer Sciences Engineering Building construction (90-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,547,000

Appropriation:

St Bldg Constr Acct \$ 89,997,000

UW Bldg Acct \$ 536,000

Subtotal Appropriation \$ 90,533,000

Prior Biennia (Expenditures) \$ 2,711,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 95,791,000

NEW SECTION. Sec. 725. FOR THE UNIVERSITY OF WASHINGTON

Nuclear reactor decommissioning (92-1-022)

Reappropriation:

St Bldg Constr Acct \$ 230,000

Prior Biennia (Expenditures) \$ 5,000

Future Biennia (Projected Costs) \$ 2,551,000

TOTAL \$ 2,786,000

NEW SECTION. Sec. 726. FOR THE UNIVERSITY OF WASHINGTON

Kincaid basement (zoology) (92-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 1,814,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,314,000

NEW SECTION. Sec. 727. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall design and construction (92-2-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Appropriation:

St Bldg Constr Acct \$ 30,914,000

UW Bldg Acct \$ 1,650,000

Subtotal Appropriation \$ 32,564,000

Prior Biennia (Expenditures) \$ 143,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000

NEW SECTION. Sec. 728. FOR THE UNIVERSITY OF WASHINGTON
Comparative medicine facility (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 729. FOR THE UNIVERSITY OF WASHINGTON
Ocean and Fishery Sciences II predesign (92-2-027)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management and for infrastructure improvements in the southwest campus. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 70,531,000

TOTAL \$ 72,381,000

NEW SECTION. Sec. 730. FOR THE UNIVERSITY OF WASHINGTON
Olympic Natural Resource Center design and construction (92-2-202)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 5,450,000

Prior Biennia (Expenditures) \$ 225,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,675,000

NEW SECTION. Sec. 731. FOR THE UNIVERSITY OF WASHINGTON
Parrington Hall exterior (92-3-018)

Reappropriation:

UW Bldg Acct \$ 1,675,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,759,000

NEW SECTION. Sec. 732. FOR THE UNIVERSITY OF WASHINGTON

Meany Hall exterior renovation (92-3-019)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

UW Bldg Acct \$ 7,200,000
Prior Biennia (Expenditures) \$ 38,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,238,000

**NEW SECTION. Sec. 733. FOR THE UNIVERSITY OF WASHINGTON
Denny Hall exterior repair (92-3-020)**

Reappropriation:

UW Bldg Acct \$ 1,550,000
Prior Biennia (Expenditures) \$ 835,508
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,385,508

**NEW SECTION. Sec. 734. FOR THE UNIVERSITY OF WASHINGTON
Underground storage tanks (92-5-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000

**NEW SECTION. Sec. 735. FOR THE UNIVERSITY OF WASHINGTON
Henry Gallery addition (93-2-001)**

The appropriation in this section shall be matched by at least \$1,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 250,000
Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 736. FOR THE UNIVERSITY OF WASHINGTON
Burke Museum (93-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 2,175,000
Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 737. FOR THE UNIVERSITY OF WASHINGTON
Business Administration expansion (93-2-006)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

(2) The appropriations in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Appropriation:

St Bldg Constr Acct \$ 6,850,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 738. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs preservation (94-1-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 10,000,000

UW Bldg Acct \$ 6,300,000

Subtotal Reappropriation \$ 16,300,000

Appropriation:

St Bldg Constr Acct \$ 3,148,000

UW Bldg Acct \$ 299,000

Subtotal Appropriation \$ 3,447,000

Prior Biennia (Expenditures) \$ 4,942,625

Future Biennia (Projected Costs) \$ 20,981,375

TOTAL \$ 45,671,000

NEW SECTION. Sec. 739. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 4,500,000

Subtotal Reappropriation \$ 7,500,000

Appropriation:

UW Bldg Acct \$ 8,250,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 33,221,000

TOTAL \$ 49,996,000

NEW SECTION. Sec. 740. FOR THE UNIVERSITY OF WASHINGTON

Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct \$ 420,000

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 31,347,000

TOTAL \$ 34,807,000

NEW SECTION. Sec. 741. FOR THE UNIVERSITY OF WASHINGTON
Suzzallo Library predesign (94-1-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 196,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,684,000

TOTAL \$ 25,880,000

NEW SECTION. Sec. 742. FOR THE UNIVERSITY OF WASHINGTON
Oceanography Building predesign (94-1-020)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 107,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,702,000

TOTAL \$ 8,809,000

NEW SECTION. Sec. 743. FOR THE UNIVERSITY OF WASHINGTON
Minor repairs (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 3,300,000

Subtotal Reappropriation \$ 6,300,000

Appropriation:

UW Bldg Acct \$ 7,071,000

Prior Biennia (Expenditures) \$ 4,403,000

Future Biennia (Projected Costs) \$ 46,204,000

TOTAL \$ 63,978,000

NEW SECTION. Sec. 744. FOR THE UNIVERSITY OF WASHINGTON
Harborview Medical Center Research and Training Building--Design (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 3,620,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 63,283,000

TOTAL \$ 66,903,000

**NEW SECTION. Sec. 745. FOR THE UNIVERSITY OF WASHINGTON
Branch campuses (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

- (1) No money from this appropriation may be expended that would be inconsistent with the organization model recommended by the higher education coordinating board for the King-Snohomish county area.
- (2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.
- (3) Of the appropriation in this section, \$23,000,000 is provided for the Bothell branch campus. The remaining \$30,983,320 is provided for the Tacoma branch campus.

Reappropriation:

St Bldg Constr Acct \$ 8,741,680

Appropriation:

St Bldg Constr Acct \$ 53,983,320

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 106,000,000

TOTAL \$ 168,725,000

NEW SECTION. Sec. 746. FOR THE UNIVERSITY OF WASHINGTON

Thomas Burke Memorial Washington State Museum: For a study of the museum's space needs, long-term physical facility needs, and options for future expansion

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 200,000

**NEW SECTION. Sec. 747. FOR THE UNIVERSITY OF WASHINGTON
Infrastructure projects savings (94-1-999)**

Projects that are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes:

- (1) Road and sidewalk repair;
- (2) roof repair;
- (3) electrical system repair;
- (4) steam/utility distribution system repair;
- (5) plumbing system repair;
- (6) heating, ventilation and air conditioning repairs;
- and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

**NEW SECTION. Sec. 748. FOR WASHINGTON STATE UNIVERSITY
Branch campus acquisition (90-5-002)**

Reappropriation:

St Bldg Constr Acct \$ 933,731

Prior Biennia (Expenditures) \$ 896,469

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,830,200

NEW SECTION. Sec. 749. FOR WASHINGTON STATE UNIVERSITY

East campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

Reappropriation:

WSU Bldg Acct \$ 235,625
Prior Biennia (Expenditures) \$ 434,375
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 670,000

NEW SECTION. Sec. 750. FOR WASHINGTON STATE UNIVERSITY

Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

Reappropriation:

WSU Bldg Acct \$ 713,645
Prior Biennia (Expenditures) \$ 405,708
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,119,353

NEW SECTION. Sec. 751. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct \$ 1,241,524
Prior Biennia (Expenditures) \$ 101,476
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,343,000

NEW SECTION. Sec. 752. FOR WASHINGTON STATE UNIVERSITY

Coliseum asbestos removal (92-1-020)

Reappropriation:

WSU Bldg Acct \$ 675,444
Prior Biennia (Expenditures) \$ 837,556
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,513,000

NEW SECTION. Sec. 753. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 673,109

Appropriation:

St Bldg Constr Acct \$ 12,162,400
WSU Bldg Acct \$ 3,478,000

Subtotal Appropriation \$ 15,640,400
Prior Biennia (Expenditures) \$ 688,891
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,002,400

NEW SECTION. Sec. 754. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall/Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space **(92-1-022)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 655,590

Appropriation:

St Bldg Constr Acct \$ 12,511,500

Prior Biennia (Expenditures) \$ 301,410

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,468,500

NEW SECTION. Sec. 755. FOR WASHINGTON STATE UNIVERSITY

Holland Library renewal predesign (92-2-003)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

WSU Bldg Acct \$ 98,553

Prior Biennia (Expenditures) \$ 770,447

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 869,000

NEW SECTION. Sec. 756. FOR WASHINGTON STATE UNIVERSITY

Holland Library addition (90-2-013)

Reappropriation:

St Bldg Constr Acct \$ 8,535,913

Prior Biennia (Expenditures) \$ 21,955,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,491,733

NEW SECTION. Sec. 757. FOR WASHINGTON STATE UNIVERSITY

Veterinary teaching hospital construction: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery **(92-2-013)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 32,310

H Ed Reimb Constr Acct \$ 24,947,571

Subtotal Reappropriation \$ 24,979,881

Prior Biennia (Expenditures) \$ 2,430,703

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,442,894

NEW SECTION. Sec. 758. FOR WASHINGTON STATE UNIVERSITY

Child care facility: Design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall **(92-2-014)**

Reappropriation:

St Bldg Constr Acct \$ 1,806,825
Prior Biennia (Expenditures) \$ 364,175
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,171,000

NEW SECTION. Sec. 759. FOR WASHINGTON STATE UNIVERSITY

Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 15,000,000
WSU Bldg Acct \$ 789,353

Subtotal Reappropriation \$ 15,534,772
Prior Biennia (Expenditures) \$ 177,647
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,967,000

NEW SECTION. Sec. 760. FOR WASHINGTON STATE UNIVERSITY

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Reappropriation:

WSU Bldg Acct \$ 1,657,046

Prior Biennia (Expenditures) \$ 103,954
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,761,000

NEW SECTION. Sec. 761. FOR WASHINGTON STATE UNIVERSITY

WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at Wenatchee Valley College in Wenatchee (92-2-908)

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Reappropriation:

WSU Bldg Acct \$ 1,331,176

Prior Biennia (Expenditures) \$ 989,824
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,321,000

NEW SECTION. Sec. 762. FOR WASHINGTON STATE UNIVERSITY

Dairy and forage facility: Design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

Reappropriation:

WSU Bldg Acct \$ 2,269,663

Prior Biennia (Expenditures) \$ 444,337
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,714,000

NEW SECTION. Sec. 763. FOR WASHINGTON STATE UNIVERSITY

022) Chilled water storage facility: Design and construct a 2,820,000-gallon chilled water storage tank (92-4-

Reappropriation:

St Bldg Constr Acct \$ 818,728

Prior Biennia (Expenditures) \$ 2,031,272

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,850,000

NEW SECTION. Sec. 764. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 1,485,000

Appropriation:

St Bldg Constr Acct \$ 6,000,000

Prior Biennia (Expenditures) \$ 4,015,000

Future Biennia (Projected Costs) \$ 23,000,000

TOTAL \$ 34,500,000

NEW SECTION. Sec. 765. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym predesign (94-1-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 49,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,000,000

TOTAL \$ 5,049,000

NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY

Thompson Hall design (94-1-024)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 697,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 8,485,000

TOTAL \$ 9,262,000

NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY

Prosser: Septic system (94-1-500)

Appropriation:

WSU Bldg Acct \$ 1,250,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

NEW SECTION. Sec. 768. FOR WASHINGTON STATE UNIVERSITY

Minor works (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,420,000

TOTAL \$ 19,420,000

NEW SECTION. Sec. 769. FOR WASHINGTON STATE UNIVERSITY

Chemical storage building predesign (94-2-005)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 56,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,934,000

TOTAL \$ 4,990,000

NEW SECTION. Sec. 770. FOR WASHINGTON STATE UNIVERSITY

Hazardous waste facilities predesign (94-2-006)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 211,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,603,000

TOTAL \$ 15,814,000

NEW SECTION. Sec. 771. FOR WASHINGTON STATE UNIVERSITY

Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct \$ 2,412,890

Appropriation:

WSU Bldg Acct \$ 6,000,000
Prior Biennia (Expenditures) \$ 4,087,110
Future Biennia (Projected Costs) \$ 24,500,000

TOTAL \$ 37,000,000

NEW SECTION. Sec. 772. FOR WASHINGTON STATE UNIVERSITY

Pathological and biomedical incinerator: Design and construction (94-2-012)

Appropriation:

St Bldg Constr Acct \$ 3,443,000
Prior Biennia (Expenditures) \$ 455,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,898,000

NEW SECTION. Sec. 773. FOR WASHINGTON STATE UNIVERSITY

Communication infrastructure renewal: Campus network system (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,104,101

Appropriation:

WSU Bldg Acct \$ 5,000,000

St Bldg Constr Acct \$ 7,000,000

Subtotal Appropriation \$ 12,000,000
Prior Biennia (Expenditures) \$ 1,895,899
Future Biennia (Projected Costs) \$ 3,000,000

TOTAL \$ 25,000,000

NEW SECTION. Sec. 774. FOR WASHINGTON STATE UNIVERSITY

Engineering teaching and research lab building design (94-2-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

WSU Bldg Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 170,000

Future Biennia (Projected Costs) \$ 17,061,000

TOTAL \$ 18,431,000

NEW SECTION. Sec. 775. FOR WASHINGTON STATE UNIVERSITY

Chemical waste collection facilities: Design and construction (94-2-016)

Appropriation:

WSU Bldg Acct \$ 2,523,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 3,523,000

NEW SECTION. Sec. 776. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym addition: Design (94-2-017)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 94,000

Future Biennia (Projected Costs) \$ 8,630,000

TOTAL \$ 9,624,000

NEW SECTION. Sec. 777. FOR WASHINGTON STATE UNIVERSITY

Animal science laboratory building design (94-2-018)

Appropriation:

WSU Bldg Acct \$ 515,000
Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 6,643,000

TOTAL \$ 7,238,000

NEW SECTION. Sec. 778. FOR WASHINGTON STATE UNIVERSITY

WSU-Vancouver: New campus construction (94-2-902)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 4,917,900

Appropriation:

St Bldg Constr Acct \$ 29,656,462
Prior Biennia (Expenditures) \$ 1,448,000
Future Biennia (Projected Costs) \$ 54,843,091

TOTAL \$ 90,865,453

NEW SECTION. Sec. 779. FOR WASHINGTON STATE UNIVERSITY

Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act which have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 780. FOR WASHINGTON STATE UNIVERSITY

Carpenter Hall equipment (94-2-020)

Appropriation:

WSU Bldg Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 781. FOR WASHINGTON STATE UNIVERSITY

Consolidated Information Center: For design of a new facility on the Tri-Cities campus

It is the intent of the legislature that future appropriations for construction of this project will be matched by an additional \$7,724,500 from nonstate sources and that, prior to requesting construction funds, Washington State University will have an agreement that includes a commitment from state, federal, and private scientific organizations that all future operating costs of the project, exceeding Washington State University's present operating costs, will be provided from nonstate general fund sources.

Appropriation:

St Bldg Constr Acct \$ 1,224,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,724,500

TOTAL \$ 8,948,500

NEW SECTION. Sec. 782. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: For constructing and equipping a new nursing education facility at Yakima

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Appropriation:

St Bldg Constr Acct \$ 3,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 783. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall design and construction: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 275,337

Appropriation:

St Bldg Constr Acct \$ 4,875,000
Prior Biennia (Expenditures) \$ 13,655
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,163,992

NEW SECTION. Sec. 784. FOR EASTERN WASHINGTON UNIVERSITY

Science Building Addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 9,000,000
Prior Biennia (Expenditures) \$ 12,035,472
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,472

NEW SECTION. Sec. 785. FOR EASTERN WASHINGTON UNIVERSITY

Electrical system renewal (86-1-002)

Reappropriation:

St Bldg Constr Acct \$ 279,000
Prior Biennia (Expenditures) \$ 551,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 830,506

NEW SECTION. Sec. 786. FOR EASTERN WASHINGTON UNIVERSITY

Roof replacement and preservation: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 787. FOR EASTERN WASHINGTON UNIVERSITY

Energy conservation (86-2-006)

Reappropriation:

St H Ed Constr Acct \$ 124,000

Prior Biennia (Expenditures) \$ 630,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 754,000

NEW SECTION. Sec. 788. FOR EASTERN WASHINGTON UNIVERSITY

Life and safety code compliance asbestos (88-1-001)

Reappropriation:

EWU Cap Proj Acct \$ 597,180

Prior Biennia (Expenditures) \$ 252,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 789. FOR EASTERN WASHINGTON UNIVERSITY

Telecommunications: Cable replacement (90-2-004)

Reappropriation:

St Bldg Constr Acct \$ 1,400,000

EWU Acct \$ 97,000

Subtotal Reappropriation \$ 1,497,000

Appropriation:

EWU Cap Proj Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 1,087,392

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,584,392

NEW SECTION. Sec. 790. FOR EASTERN WASHINGTON UNIVERSITY

Seventh Street replacement (90-3-001)

Reappropriation:

EWU Cap Proj Acct \$ 26,000

Prior Biennia (Expenditures) \$ 312,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 338,000

**NEW SECTION. Sec. 791. FOR EASTERN WASHINGTON UNIVERSITY
Minor capital renewal (90-3-002)**

Reappropriation:

EWU Cap Proj Acct \$ 304,000
Prior Biennia (Expenditures) \$ 846,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000

**NEW SECTION. Sec. 792. FOR EASTERN WASHINGTON UNIVERSITY
JFK Library remodel and addition design (90-5-003)**

Reappropriation:

EWU Cap Proj Acct \$ 24,000

Appropriation:

St Bldg Constr Acct \$ 2,050,000
Prior Biennia (Expenditures) \$ 165,000
Future Biennia (Projected Costs) \$ 19,950,000

TOTAL \$ 22,189,000

**NEW SECTION. Sec. 793. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-1-001)**

Reappropriation:

EWU Cap Proj Acct \$ 1,330,000
Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 794. FOR EASTERN WASHINGTON UNIVERSITY
Small repair projects (92-1-002)**

Reappropriation:

EWU Cap Proj Acct \$ 660,000
Prior Biennia (Expenditures) \$ 340,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 795. FOR EASTERN WASHINGTON UNIVERSITY
Underground storage tank code compliance (92-1-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

EWU Cap Proj Acct \$ 243,000
Prior Biennia (Expenditures) \$ 7,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

**NEW SECTION. Sec. 796. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-3-004)**

Reappropriation:

St Bldg Constr Acct \$ 1,800,000
Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

**NEW SECTION. Sec. 797. FOR EASTERN WASHINGTON UNIVERSITY
EWU Spokane Center: Fire egress and remodel (92-5-008)**

Reappropriation:

EWU Cap Proj Acct \$ 183,000

Prior Biennia (Expenditures) \$ 1,617,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000

NEW SECTION. Sec. 798. FOR EASTERN WASHINGTON UNIVERSITY

Property acquisition: To acquire property within the campus boundary from the Department of Natural Resources (92-5-001)

The reappropriation in this section is in addition to the appropriation for same purpose in section 36, chapter 14, Laws of 1991 sp.s.

Reappropriation:

EWU Cap Proj Acct \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 175,000

NEW SECTION. Sec. 799. FOR EASTERN WASHINGTON UNIVERSITY

Utility expansion joints and utility lines replacement (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,753,000

TOTAL \$ 3,253,000

NEW SECTION. Sec. 800. FOR EASTERN WASHINGTON UNIVERSITY

Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 2,410,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 4,310,000

NEW SECTION. Sec. 801. FOR EASTERN WASHINGTON UNIVERSITY

Building exterior preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 255,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,255,000

NEW SECTION. Sec. 802. FOR EASTERN WASHINGTON UNIVERSITY

Electrical systems and transformers and emergency lighting (94-1-010)

Appropriation:

EWU Cap Proj Acct \$ 900,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 849,000

TOTAL \$ 1,749,000

**NEW SECTION. Sec. 803. FOR EASTERN WASHINGTON UNIVERSITY
Minor works preservation projects (94-1-014)**

Appropriation:

EWU Cap Proj Acct \$ 2,924,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 23,970,800

TOTAL \$ 26,894,800

**NEW SECTION. Sec. 804. FOR EASTERN WASHINGTON UNIVERSITY
Minor works program projects (94-2-012)**

Appropriation:

EWU Cap Proj Acct \$ 3,700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 23,900,000

TOTAL \$ 27,600,000

**NEW SECTION. Sec. 805. FOR CENTRAL WASHINGTON UNIVERSITY
Handicap modifications (88-1-007)**

Reappropriation:

CWU Cap Proj Acct \$ 50,000
Prior Biennia (Expenditures) \$ 554,300
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 604,300

**NEW SECTION. Sec. 806. FOR CENTRAL WASHINGTON UNIVERSITY
Psychology animal research facility (90-1-060)**

Reappropriation:

St Bldg Constr Acct \$ 80,000
Prior Biennia (Expenditures) \$ 1,620,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000

**NEW SECTION. Sec. 807. FOR CENTRAL WASHINGTON UNIVERSITY
Telecommunications phase II (90-2-003)**

Reappropriation:

CWU Cap Proj Acct \$ 300,000
Prior Biennia (Expenditures) \$ 1,143,600
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,443,600

**NEW SECTION. Sec. 808. FOR CENTRAL WASHINGTON UNIVERSITY
Shaw/Smyser Hall remodel (90-2-005)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
H Ed Reimb Constr Acct \$ 7,027,000
CWU Cap Proj Acct \$ 250,000

Subtotal Reappropriation \$ 8,277,000
Prior Biennia (Expenditures) \$ 5,008,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000

NEW SECTION. Sec. 809. FOR CENTRAL WASHINGTON UNIVERSITY
Life safety (92-1-030)

Reappropriation:

CWU Cap Proj Acct \$ 335,000
Prior Biennia (Expenditures) \$ 165,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 810. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (92-1-040)

Reappropriation:

CWU Cap Proj Acct \$ 350,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 811. FOR CENTRAL WASHINGTON UNIVERSITY
Barge Hall remodel (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,550,000
Prior Biennia (Expenditures) \$ 9,031,970
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970

NEW SECTION. Sec. 812. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 2,750,000
Prior Biennia (Expenditures) \$ 3,572,595
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,322,595

NEW SECTION. Sec. 813. FOR CENTRAL WASHINGTON UNIVERSITY
Bouillon Hall asbestos abatement (94-1-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 4,950,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,950,000

**NEW SECTION. Sec. 814. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (94-1-003)**

Reappropriation:

CWU Cap Proj Acct \$ 100,000

Prior Biennia (Expenditures) \$ 1,605,388

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,705,388

**NEW SECTION. Sec. 815. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-1-005)**

Appropriation:

CWU Cap Proj Acct \$ 3,562,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,432,000

TOTAL \$ 29,994,000

**NEW SECTION. Sec. 816. FOR CENTRAL WASHINGTON UNIVERSITY
Underground storage tank replacement (94-1-007)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 276,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000

**NEW SECTION. Sec. 817. FOR CENTRAL WASHINGTON UNIVERSITY
Electrical cable replacement (94-1-008)**

Reappropriation:

CWU Cap Proj Acct \$ 600,000

Appropriation:

St Bldg Constr Acct \$ 950,000

Prior Biennia (Expenditures) \$ 400,000

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 3,850,000

**NEW SECTION. Sec. 818. FOR CENTRAL WASHINGTON UNIVERSITY
Steamline replacement (94-1-009)**

Appropriation:

St Bldg Constr Acct \$ 850,000

Prior Biennia (Expenditures) \$ 819,924

Future Biennia (Projected Costs) \$ 850,000

TOTAL \$ 2,519,924

**NEW SECTION. Sec. 819. FOR CENTRAL WASHINGTON UNIVERSITY
Chilled water expansion (94-1-011)**

Reappropriation:

St Bldg Constr Acct \$ 600,000
Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 820. FOR CENTRAL WASHINGTON UNIVERSITY
Science facility design and construction (94-2-002)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 54,200,000
CWU Cap Proj Acct \$ 4,000,000

Subtotal Appropriation \$ 58,200,000
Prior Biennia (Expenditures) \$ 193,500
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,393,500

**NEW SECTION. Sec. 821. FOR CENTRAL WASHINGTON UNIVERSITY
Computing infrastructure (94-2-004)**

Appropriation:

CWU Cap Proj Acct \$ 950,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 950,000

**NEW SECTION. Sec. 822. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-2-006)**

Reappropriation:

CWU Cap Proj Acct \$ 400,000

Appropriation:

St Bldg Constr Acct \$ 65,000
CWU Cap Proj Acct \$ 2,507,000

Subtotal Appropriation \$ 2,572,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,174,000

TOTAL \$ 20,146,000

**NEW SECTION. Sec. 823. FOR CENTRAL WASHINGTON UNIVERSITY
Black Hall predesign (94-2-010)**

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future

appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

CWU Cap Proj Acct \$ 159,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 13,159,000

NEW SECTION. Sec. 824. FOR THE EVERGREEN STATE COLLEGE
Lab annex: Metal and wood shops (90-5-008)

Reappropriation:

St Bldg Constr Acct \$ 320,000
Prior Biennia (Expenditures) \$ 652,100
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 972,100

NEW SECTION. Sec. 825. FOR THE EVERGREEN STATE COLLEGE
Life safety and code compliance (92-1-001)

Reappropriation:

St Bldg Constr Acct \$ 119,000
Prior Biennia (Expenditures) \$ 1,647,500
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,766,500

NEW SECTION. Sec. 826. FOR THE EVERGREEN STATE COLLEGE
Minor works: Failed systems (92-2-004)

Reappropriation:

St Bldg Constr Acct \$ 50,000
Prior Biennia (Expenditures) \$ 917,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 967,000

NEW SECTION. Sec. 827. FOR THE EVERGREEN STATE COLLEGE
Campus preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 1,749,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,749,000

NEW SECTION. Sec. 828. FOR THE EVERGREEN STATE COLLEGE
Failed systems (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 955,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 5,655,000

**NEW SECTION. Sec. 829. FOR THE EVERGREEN STATE COLLEGE
Emergency repairs (94-1-007)**

Appropriation:

TESC Cap Proj Acct \$ 264,499
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,014,000

TOTAL \$ 1,278,499

**NEW SECTION. Sec. 830. FOR THE EVERGREEN STATE COLLEGE
Small repairs and improvements (94-1-010)**

Appropriation:

TESC Cap Proj Acct \$ 272,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 966,000

TOTAL \$ 1,238,500

**NEW SECTION. Sec. 831. FOR THE EVERGREEN STATE COLLEGE
Capital renewal (94-1-012)**

Appropriation:

St Bldg Constr Acct \$ 306,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,320,000

TOTAL \$ 3,626,000

**NEW SECTION. Sec. 832. FOR THE EVERGREEN STATE COLLEGE
Longhouse classroom facility (94-2-008)**

Appropriation:

St Bldg Constr Acct \$ 2,200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 833. FOR THE EVERGREEN STATE COLLEGE
Campus computer network phase II (94-2-009)**

Appropriation:

St Bldg Constr Acct \$ 390,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 162,000

TOTAL \$ 552,000

**NEW SECTION. Sec. 834. FOR THE JOINT CENTER FOR HIGHER EDUCATION
Riverpoint Campus: Design and construction (94-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,200,000

Appropriation:

St Bldg Constr Acct \$ 17,000,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 49,000,000

TOTAL \$ 74,200,000

NEW SECTION. Sec. 835. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase I construction (90-1-001)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 836. FOR WESTERN WASHINGTON UNIVERSITY
Institute of Wildlife Toxicology (90-2-003)

Reappropriation:

WWU Cap Proj Acct \$ 650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 650,000

NEW SECTION. Sec. 837. FOR WESTERN WASHINGTON UNIVERSITY
Wilson Library asbestos abatement (92-1-002)

Reappropriation:

St Bldg Constr Acct \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 838. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase II construction (92-1-007)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 20,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,500,000

NEW SECTION. Sec. 839. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III design (92-1-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 840. FOR WESTERN WASHINGTON UNIVERSITY

Minor works (94-2-028)

Reappropriation:

WWU Cap Proj Acct \$ 4,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,300,000

NEW SECTION. Sec. 841. FOR WESTERN WASHINGTON UNIVERSITY

Fire detection systems preservation (94-1-030)

Appropriation:

St Bldg Constr Acct \$ 743,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,300,000

TOTAL \$ 3,043,000

NEW SECTION. Sec. 842. FOR WESTERN WASHINGTON UNIVERSITY

Underground storage tank removal (94-1-032)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000

NEW SECTION. Sec. 843. FOR WESTERN WASHINGTON UNIVERSITY

Pool chlorine gas system replacement (94-1-033)

Appropriation:

WWU Cap Proj Acct \$ 35,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000

NEW SECTION. Sec. 844. FOR WESTERN WASHINGTON UNIVERSITY

Exterior envelope and roofing (94-1-034)

Appropriation:

St Bldg Constr Acct \$ 601,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,400,000

TOTAL \$ 3,001,000

NEW SECTION. Sec. 845. FOR WESTERN WASHINGTON UNIVERSITY

Electrical preservation (94-1-035)

Appropriation:

WWU Cap Proj Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

**NEW SECTION. Sec. 846. FOR WESTERN WASHINGTON UNIVERSITY
Utility upgrade (94-1-037)**

Appropriation:

St Bldg Constr Acct \$ 405,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,405,000

**NEW SECTION. Sec. 847. FOR WESTERN WASHINGTON UNIVERSITY
Interior renewal (94-1-038)**

Appropriation:

WWU Cap Proj Acct \$ 98,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 898,000

**NEW SECTION. Sec. 848. FOR WESTERN WASHINGTON UNIVERSITY
Flooring (94-1-039)**

Appropriation:

WWU Cap Proj Acct \$ 410,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,410,000

**NEW SECTION. Sec. 849. FOR WESTERN WASHINGTON UNIVERSITY
Interior painting (94-1-041)**

Appropriation:

WWU Cap Proj Acct \$ 401,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,950,000

TOTAL \$ 2,351,000

**NEW SECTION. Sec. 850. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III construction (94-2-014)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,263,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,263,000

**NEW SECTION. Sec. 851. FOR WESTERN WASHINGTON UNIVERSITY
Haggard Hall renovation and abatement design (94-2-015)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,116,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,197,000

TOTAL \$ 17,313,000

**NEW SECTION. Sec. 852. FOR WESTERN WASHINGTON UNIVERSITY
Minor works (92-1-022)**

Appropriation:

WWU Cap Proj Acct \$ 6,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 37,100,000

**NEW SECTION. Sec. 853. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Stadium Way facility preservation (94-1-002)**

Appropriation:

St Bldg Constr Acct \$ 632,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,075,692

TOTAL \$ 3,707,692

**NEW SECTION. Sec. 854. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Union Station Museum design and construction (94-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met. A portion of the appropriation may be used by the Washington State Historical Society as a match toward a challenge grant from the National Endowment for the Humanities.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 27,551,867

Prior Biennia (Expenditures) \$ 5,698,000

Future Biennia (Projected Costs) \$ 280,000

TOTAL \$ 33,679,867

**NEW SECTION. Sec. 855. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Capital Museum: Replacement of building systems (92-1-003)**

Reappropriation:

St Bldg Constr Acct \$ 14,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,000

**NEW SECTION. Sec. 856. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Coach House preservation (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 107,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 533,994

TOTAL \$ 641,494

**NEW SECTION. Sec. 857. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
State Capital Museum preservation (94-1-013)**

Appropriation:

St Bldg Constr Acct \$ 265,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 210,800

TOTAL \$ 475,800

**NEW SECTION. Sec. 858. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel Tech Building at Skagit Valley (86-3-022)**

Reappropriation:

St Bldg Constr Acct \$ 27,458
Prior Biennia (Expenditures) \$ 1,811
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,269

**NEW SECTION. Sec. 859. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior walls (88-3-003)**

Reappropriation:

St Bldg Constr Acct \$ 95,762
Prior Biennia (Expenditures) \$ 16,263
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 112,025

**NEW SECTION. Sec. 860. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair mechanical, ventilation, and air conditioning systems (88-3-004)**

Reappropriation:

St Bldg Constr Acct \$ 45,672
Prior Biennia (Expenditures) \$ 179,294
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,966

**NEW SECTION. Sec. 861. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Clark College (88-3-012)**

Reappropriation:

St Bldg Constr Acct \$ 50,740
Prior Biennia (Expenditures) \$ 248,184
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 298,924

**NEW SECTION. Sec. 862. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct extension center at Yakima Valley (88-3-013)**

Reappropriation:

St Bldg Constr Acct \$ 86,507
Prior Biennia (Expenditures) \$ 7,111
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,618

**NEW SECTION. Sec. 863. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct math and science building at Spokane Falls (88-3-015)**

Reappropriation:

St Bldg Constr Acct \$ 57,192
Prior Biennia (Expenditures) \$ 161,650
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 218,842

**NEW SECTION. Sec. 864. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Spokane (88-3-016)**

Reappropriation:

St Bldg Constr Acct \$ 31,780
Prior Biennia (Expenditures) \$ 243,224
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,004

**NEW SECTION. Sec. 865. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct Whidbey Island learning resource center for Skagit Valley (88-5-020)**

Reappropriation:

St Bldg Constr Acct \$ 781,285
Prior Biennia (Expenditures) \$ 1,341,714
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999

**NEW SECTION. Sec. 866. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct science and fine arts building at South Puget Sound (88-5-021)**

Reappropriation:

St Bldg Constr Acct \$ 238,424
Prior Biennia (Expenditures) \$ 5,759,575
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999

**NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an early childhood education facility at Shoreline (88-5-022)**

Reappropriation:

St Bldg Constr Acct \$ 1,247,598
Prior Biennia (Expenditures) \$ 77,936
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,325,534

**NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library at Columbia Basin (88-5-023)**

Reappropriation:

St Bldg Constr Acct \$ 113,307
Prior Biennia (Expenditures) \$ 1,869,398
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705

NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational shop building at Centralia (88-5-024)

Reappropriation:

St Bldg Constr Acct \$ 216,393
Prior Biennia (Expenditures) \$ 1,855,432
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825

NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library resource center at Tacoma (88-5-025)

Reappropriation:

St Bldg Constr Acct \$ 366,605
Prior Biennia (Expenditures) \$ 1,382,293
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,748,898

NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational food addition at Lower Columbia (88-5-026)

Reappropriation:

St Bldg Constr Acct \$ 1,591,782
Prior Biennia (Expenditures) \$ 1,402,254
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033

NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct business education building at Spokane (88-5-027)

Reappropriation:

St Bldg Constr Acct \$ 819,778
Prior Biennia (Expenditures) \$ 5,492,190
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968

NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct student activity center and physical education facility at Seattle Central (88-5-028)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 10,520,500
Prior Biennia (Expenditures) \$ 680,399
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899

NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs at various colleges (90-1-004)

Reappropriation:

St Bldg Constr Acct \$ 220,194
Prior Biennia (Expenditures) \$ 150,747
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941

**NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remove minor asbestos problems at various colleges (90-1-008)**

Reappropriation:

St Bldg Constr Acct \$ 2,625,390
Prior Biennia (Expenditures) \$ 566,394
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,784

**NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs and structures at various colleges (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 318,665
Prior Biennia (Expenditures) \$ 396,628
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293

**NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair air conditioning, heating, and ventilation systems at various colleges (90-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 421,926
Prior Biennia (Expenditures) \$ 576,457
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383

**NEW SECTION. Sec. 878. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair electrical systems (90-2-005)**

Reappropriation:

St Bldg Constr Acct \$ 14,355
Prior Biennia (Expenditures) \$ 55,399
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 69,754

**NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make small repairs and improvements at various colleges (90-3-001)**

Reappropriation:

St Bldg Constr Acct \$ 138,013
Prior Biennia (Expenditures) \$ 690,756
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 828,769

**NEW SECTION. Sec. 880. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning assistance resource center at Centralia (90-3-006)**

Reappropriation:

St Bldg Constr Acct \$ 4,410
Prior Biennia (Expenditures) \$ 13,566
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,976

**NEW SECTION. Sec. 881. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make minor repairs at various facilities (90-3-007)**

Reappropriation:

St Bldg Constr Acct \$ 57,314
Prior Biennia (Expenditures) \$ 470,702
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016

**NEW SECTION. Sec. 882. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To perform minor works for the preservation of community college facilities (90-5-009)**

Reappropriation:

St Bldg Constr Acct \$ 447,631
Prior Biennia (Expenditures) \$ 2,577,893
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524

**NEW SECTION. Sec. 883. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire site and construct technology center building at Whatcom (90-5-010)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 247,562

Appropriation:

St Bldg Constr Acct \$ 4,913,000
Prior Biennia (Expenditures) \$ 29,868
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,190,430

**NEW SECTION. Sec. 884. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct physical education facility at North Seattle (90-5-011)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 104,673

Appropriation:

St Bldg Constr Acct \$ 8,352,000
Prior Biennia (Expenditures) \$ 97,327
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,000

**NEW SECTION. Sec. 885. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct applied arts facility at Spokane Falls (90-5-012)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 291,510

Appropriation:

St Bldg Constr Acct \$ 5,191,000

Prior Biennia (Expenditures) \$ 9,579
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089

**NEW SECTION. Sec. 886. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct an industrial technology facility at Spokane (90-5-013)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 296,143

Appropriation:

St Bldg Constr Acct \$ 6,625,000

Prior Biennia (Expenditures) \$ 10,932

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,075

**NEW SECTION. Sec. 887. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct vocational arts facility at Shoreline (90-5-014)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 88,719

Appropriation:

St Bldg Constr Acct \$ 2,886,000

Prior Biennia (Expenditures) \$ 90,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405

**NEW SECTION. Sec. 888. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a business education facility at Clark (90-5-015)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 250,836

Appropriation:

St Bldg Constr Acct \$ 5,953,000

Prior Biennia (Expenditures) \$ 87,430

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266

**NEW SECTION. Sec. 889. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a student center at South Seattle (90-5-016)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 248,817

Appropriation:

St Bldg Constr Acct \$ 5,122,000

Prior Biennia (Expenditures) \$ 11,276

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093 -----

**NEW SECTION. Sec. 890. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design a library addition at Skagit Valley (90-5-017)**

Reappropriation:

St Bldg Constr Acct \$ 43,627
Prior Biennia (Expenditures) \$ 72,372
Future Biennia (Projected Costs) \$ 1,890,000

TOTAL \$ 2,005,999 -----

**NEW SECTION. Sec. 891. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel business complex at Clover Park (91-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 2,427,982
Prior Biennia (Expenditures) \$ 72,017
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,499,999 -----

**NEW SECTION. Sec. 892. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign vocational technical institute at Bellingham (91-3-002)**

The college shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,561,287
Prior Biennia (Expenditures) \$ 50,713
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000 -----

**NEW SECTION. Sec. 893. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for child care facility in Centralia (92-1-602)**

Reappropriation:

St Bldg Constr Acct \$ 390
Prior Biennia (Expenditures) \$ 77,610
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 78,000 -----

**NEW SECTION. Sec. 894. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire auto shop at Olympic (92-1-604)**

Reappropriation:

St Bldg Constr Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

**NEW SECTION. Sec. 895. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property and construct graphic arts building at Skagit (92-1-605)**

Reappropriation:

St Bldg Constr Acct \$ 27,172
Prior Biennia (Expenditures) \$ 252,828
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 280,000

NEW SECTION. Sec. 896. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To renovate or replace underground storage tanks (92-2-102)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 765,978
Prior Biennia (Expenditures) \$ 630,874
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852

NEW SECTION. Sec. 897. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair campus facilities to meet legal and code requirements (92-2-103)

Reappropriation:

St Bldg Constr Acct \$ 506,163
Prior Biennia (Expenditures) \$ 665,837
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000

NEW SECTION. Sec. 898. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs at various colleges (92-2-104)

Reappropriation:

St Bldg Constr Acct \$ 2,629,340
Prior Biennia (Expenditures) \$ 4,827,660
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000

NEW SECTION. Sec. 899. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior structures at various colleges (92-2-105)

Reappropriation:

St Bldg Constr Acct \$ 454,837
Prior Biennia (Expenditures) \$ 362,163
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000

NEW SECTION. Sec. 900. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating, ventilation, and air conditioning systems at various colleges (92-2-106)

Reappropriation:

St Bldg Constr Acct \$ 2,727,942
Prior Biennia (Expenditures) \$ 346,057
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999

NEW SECTION. Sec. 901. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair electrical systems at various colleges (92-2-107)

Reappropriation:

St Bldg Constr Acct \$ 1,524,807
Prior Biennia (Expenditures) \$ 782,193
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000

**NEW SECTION. Sec. 902. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make mechanical repairs at various colleges (92-2-108)**

Reappropriation:

St Bldg Constr Acct \$ 1,991,612
Prior Biennia (Expenditures) \$ 516,388
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000

**NEW SECTION. Sec. 903. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs (92-2-109)**

Reappropriation:

St Bldg Constr Acct \$ 665,234
Prior Biennia (Expenditures) \$ 26,765
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999

**NEW SECTION. Sec. 904. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair interiors at various community colleges (92-2-110)**

Reappropriation:

St Bldg Constr Acct \$ 860,557
Prior Biennia (Expenditures) \$ 579,442
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999

**NEW SECTION. Sec. 905. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make site repairs at various colleges (92-2-111)**

Reappropriation:

St Bldg Constr Acct \$ 626,461
Prior Biennia (Expenditures) \$ 702,538
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999

**NEW SECTION. Sec. 906. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair pool at Pierce College (92-2-112)**

Reappropriation:

St Bldg Constr Acct \$ 100,562
Prior Biennia (Expenditures) \$ 499,438
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

NEW SECTION. Sec. 907. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To provide funding for emergency and unforeseen repairs at various colleges (92-5-001)

Reappropriation:

St Bldg Constr Acct \$ 3,715,444

Prior Biennia (Expenditures) \$ 2,540,556

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,256,000

**NEW SECTION. Sec. 908. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an addition to administration building at Lake Washington (92-5-003)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,337,110

Prior Biennia (Expenditures) \$ 6,805,089

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199

**NEW SECTION. Sec. 909. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct a business technology building in Renton (92-5-004)**

Reappropriation:

St Bldg Constr Acct \$ 2,701,102

Prior Biennia (Expenditures) \$ 1,283,898

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,985,000

**NEW SECTION. Sec. 910. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor improvement projects at various colleges (92-5-200)**

Reappropriation:

St Bldg Constr Acct \$ 9,092,760

Prior Biennia (Expenditures) \$ 7,837,239

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999

**NEW SECTION. Sec. 911. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for new college (92-5-701)**

Reappropriation:

St Bldg Constr Acct \$ 35,130

Prior Biennia (Expenditures) \$ 264,870

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 912. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide equipment for L.H. Bates Technical College (93-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 108,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 108,000

**NEW SECTION. Sec. 913. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make roof repairs at Clover Park (93-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 174,355
Prior Biennia (Expenditures) \$ 14,644
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999

**NEW SECTION. Sec. 914. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make electrical repairs at Olympic (93-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 3,347
Prior Biennia (Expenditures) \$ 96,652
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,999

**NEW SECTION. Sec. 915. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating system at Columbia Basin (93-2-004)**

Reappropriation:

St Bldg Constr Acct \$ 29,117
Prior Biennia (Expenditures) \$ 252,483
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 281,600

**NEW SECTION. Sec. 916. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To conduct Seattle Vocational Institute study at District 6 (93-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 72,617
Prior Biennia (Expenditures) \$ 27,383
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 917. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Washington Higher Education telecommunications system (93-5-002)**

Reappropriation:

St Bldg Constr Acct \$ 241,422
Prior Biennia (Expenditures) \$ 8,578
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 918. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs: For small repairs and improvements; roof repairs; heating, ventilation, and air conditioning system repairs; mechanical repairs; electrical repairs; exterior repairs; interior repairs; site improvement repairs, and other repairs at various colleges.

Appropriation:

St Bldg Constr Acct \$ 37,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 46,000,000

TOTAL \$ 83,000,000

NEW SECTION. Sec. 919. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for removal or replacement of underground storage tanks (94-1-370)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 202,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000

NEW SECTION. Sec. 920. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funds for asbestos abatement (94-1-390)

Appropriation:

St Bldg Constr Acct \$ 451,327
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327

NEW SECTION. Sec. 921. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for facility upgrades at Seattle Vocational Institute, including acquisition of property for parking (94-1-733)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 7,583,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000

NEW SECTION. Sec. 922. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor project enhancements (94-2-400)

Appropriation:

St Bldg Constr Acct \$ 11,478,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 83,740,000

TOTAL \$ 95,218,000

NEW SECTION. Sec. 923. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor work projects (94-2-500)

Appropriation:

St Bldg Constr Acct \$ 629,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000

NEW SECTION. Sec. 924. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for Puyallup Campus phase II at Pierce College (94-2-601)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,650

Appropriation:

St Bldg Constr Acct \$ 969,920

Prior Biennia (Expenditures) \$ 55,350

Future Biennia (Projected Costs) \$ 11,742,847

TOTAL \$ 12,769,767

NEW SECTION. Sec. 925. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for vocational building at Skagit Valley (94-2-602)

Reappropriation:

St Bldg Constr Acct \$ 110

Appropriation:

St Bldg Constr Acct \$ 169,044

Prior Biennia (Expenditures) \$ 24,890

Future Biennia (Projected Costs) \$ 1,942,079

TOTAL \$ 2,136,123

NEW SECTION. Sec. 926. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for learning research center/arts/student center building at Whatcom (94-2-603)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 11,944

Appropriation:

St Bldg Constr Acct \$ 560,636

Prior Biennia (Expenditures) \$ 33,055

Future Biennia (Projected Costs) \$ 7,422,880

TOTAL \$ 8,028,515

NEW SECTION. Sec. 927. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for classroom and laboratory building at Edmonds (94-2-604)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 36,010

Appropriation:

St Bldg Constr Acct \$ 808,636

Prior Biennia (Expenditures) \$ 21,989

Future Biennia (Projected Costs) \$ 10,270,930

TOTAL \$ 11,137,565

NEW SECTION. Sec. 928. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for technical education facility at South Puget Sound (94-2-605)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,608

Appropriation:

St Bldg Constr Acct \$ 606,067

Prior Biennia (Expenditures) \$ 38,392

Future Biennia (Projected Costs) \$ 6,632,000

TOTAL \$ 7,280,067

NEW SECTION. Sec. 929. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for information technology center at Green River (94-2-606)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,124

Prior Biennia (Expenditures) \$ 54,876

Future Biennia (Projected Costs) \$ 15,944,725

TOTAL \$ 16,002,725

NEW SECTION. Sec. 930. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes:

(1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 931. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign major construction projects

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for predesign for the system's highest priority design and construction projects that will be included in the community and technical college system's 1995-97 capital budget request;

(2) The predesign documents shall be in accordance with the predesign manual published by the office of financial management; and

(3) Future appropriations for these predesigned projects are subject to submittal of completed predesign documents to the office of financial management by July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 932. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To purchase land for child care facilities at Green River College, Walla College at Clarkston, and Centralia College

Appropriation:

St Bldg Constr Acct \$ 509,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000

**PART 6
MISCELLANEOUS**

NEW SECTION. **Sec. 1001.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$16,633,000 during the 1993-95 fiscal period; \$98,409,000 during the 1995-97 fiscal period; \$139,820,000 during the 1997-99 fiscal period; \$139,730,000 during the 1999-2001 fiscal period; and \$139,647,500 during the 2001-03 fiscal period.

NEW SECTION. **Sec. 1002.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies takes place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

(1) Department of social and health services:

(a) Lease-develop with option to purchase or lease-purchase a new West Seattle customer service office to combine staff currently housed in three locations for \$6,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility;

(b) Lease-develop the remodeling and expansion of the Mt. Vernon multiservice center for \$3,000,000;

(c) Enter into a long-term lease with option to purchase the existing facility used by the office of revenue collections in Olympia for \$11,000,000;

(d) Lease-develop with option to purchase or lease-purchase expanded office space for the office of revenue collections in Olympia for \$11,000,000;

(e) Lease-develop with option to purchase or lease-purchase space for consolidation of Thurston county service delivery programs for \$13,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility. The department shall follow the established office of financial management predesign process and receive approval from the office of financial management before initiating design of the project; and

(f) Lease-develop with option to purchase or lease-purchase space for consolidation of department programs in south Grays Harbor county for \$1,800,000. The department shall consider collocation with other state agencies in this facility.

(2) Department of ecology: Lease-purchase the eastern regional office facility currently leased by the department for \$2,300,000.

(3) Department of general administration:

(a) Lease-purchase and upgrade an existing building, and purchase adjacent property and develop a new building in Yakima for a state government service center for \$24,800,000;

(b) Lease-purchase the 9th and Columbia, 13th and Jefferson, and Capital Plaza buildings in Olympia for \$11,100,000. The department shall prepare an engineering evaluation, cost-benefit study, and life-cycle cost analysis reviewing the maintenance, utility, and future renovation costs for each building. The authority to acquire the buildings is contingent on approval of these studies by the office of financial management; and

(c) Refinance and upgrade the 600 Franklin street building in Olympia for \$527,000.

- (4) Department of corrections:
 - (a) Lease-purchase property from the department of natural resources at the Cedar Creek, Indian Ridge, Larch, and Olympic correctional centers for \$1,000,000;
 - (b) Lease-develop with option to purchase or lease-purchase 296 work release beds in facilities located throughout the state for \$9,898,758.
- (5) Western Washington University: Lease-purchase property adjacent to the campus for future expansion for \$5,000,000.
- (6) Community and technical colleges:
 - (a) Lease-develop or lease-purchase off-campus program space for Clark College for \$6,000,000;
 - (b) Enter into a long-term lease for Green River Community College off-campus programs for approximately \$143,700 during the 1993-95 biennium;
 - (c) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;
 - (d) Lease-purchase a facility to provide instructional, meeting, and office space for Skagit Valley Community College on San Juan Island for \$600,000;
 - (e) Lease-purchase property on Whidbey Island for program space for Skagit Valley Community College for \$252,000;
 - (f) Lease-develop or lease-purchase space for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$250,000;
 - (g) Lease-purchase 6 acres of property contiguous to Wenatchee Valley College for \$265,000;
 - (h) Lease-develop with option to purchase or lease-purchase expanded classroom space for Yakima Valley College in Ellensburg for \$625,000;
 - (i) Lease-develop or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000; and
 - (j) Lease-purchase 55 acres adjacent to Green River Community College for \$200,000.

NEW SECTION. Sec. 1003. STUDY OF POTENTIAL FUTURE LONG-TERM LEASES, LEASE-PURCHASES, AND LEASE-DEVELOPMENTS. The department of general administration and the office of the state treasurer shall provide technical assistance to the community and technical colleges in analyzing the feasibility of entering into long-term lease, lease-purchase, or lease-development agreements in future biennia for the following projects. This section does not imply a future legislative commitment to develop these projects.

- (1) Acquisition of a building currently leased for instruction and administration purposes at Edmonds Community College;
- (2) Acquisition of land and two buildings, known as the South Annex, at Seattle Central Community College;
- (3) Acquisition of approximately 1.72 acres of land and 108,721 square feet of buildings, known as the United Graphics property, at Seattle Central Community College;
- (4) Long-term lease of aviation maintenance facilities at Boeing Field for South Seattle Community College;
- (5) Acquisition of approximately 11 acres of trust land adjacent to the Duwamish Branch of South Seattle Community College;
- (6) Acquisition of property for future expansion adjacent to Skagit Valley College;
- (7) Acquisition or development of approximately 3,600 square feet of instructional space in Sunnyside for Yakima Valley Community College;
- (8) Acquisition of approximately 12,000 square feet of space in Colville for training and retraining programs for the community colleges of Spokane;
- (9) Acquisition of approximately 6.66 acres adjacent to South Puget Sound Community College;
- (10) Acquisition of two dormitories on approximately 2.5 acres adjacent to Wenatchee Valley College; and
- (11) Lease-development or acquisition of approximately 50,000 square feet of instruction space and up to 10 acres of land at the Tacoma Narrows Airport for Clover Park Technical College.

NEW SECTION. Sec. 1004. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected

agencies. A coordinated capital plan shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by September 15, 1993, for projects included in the 1993-95 capital budget. A coordinated evaluation policy and criteria for service improvement shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by June 30, 1994.

NEW SECTION. Sec. 1005. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the superintendent of public instruction and representatives of school district boards of directors.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the state agency. For department of corrections construction projects, the Washington state arts commission shall give priority to selecting works of art produced by inmates.

(4) At least 85% of the moneys spent by the Washington state arts commission during the 1993-95 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 1006. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 1007. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1993, in the 1991-93 biennial appropriations for each project.

NEW SECTION. Sec. 1008. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 1009. As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease-development and lease-purchase projects to the office of financial management.

NEW SECTION. Sec. 1010. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 1011. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

NEW SECTION. Sec. 1012. Notwithstanding any other provisions of law, for the 1993-95 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for

community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 1013. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 1014. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 1015. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

The office of financial management shall provide to the house of representatives capital budget committee and the senate ways and means committee a list of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management.

NEW SECTION. Sec. 1016. (1) Agencies shall expedite the expenditure of reappropriations and appropriations in order to: (a) Rehabilitate infrastructure in a timely manner and prevent further deterioration of public facilities and resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(2) In order to meet the goals of this section, the following conditions apply to appropriations which reference this section:

(a) To the extent feasible, agencies are directed to manage accelerated expenditure rates at the current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(b) Reappropriations which reference this subsection (2)(b) shall lapse on June 30, 1994. In developing the 1995-97 capital budget, the office of financial management shall consider all project requests which have been an element of an appropriation which references this section as a request for a new appropriation.

(3) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 1995:

(a) A listing of reappropriations in the governor's 1995-97 capital budget recommendation that have been reappropriated one or more times and have ten percent or more of the original appropriation unexpended; and

(b) An explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 1017. The higher education coordinating board shall develop and maintain an inventory system to account for all space in the state's higher education system. The institutions of higher education shall provide to the higher education coordinating board a complete inventory of space in the form determined by the higher education coordinating board.

NEW SECTION. Sec. 1018. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute Senate Bill No. 5940 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 1019. \$1,200,000 of the state and local improvement revolving account--waste disposal facilities and \$6,300,000 of the state and local improvement revolving account--waste disposal facilities 1980 are transferred to the water quality account, and shall be used for extended grant payments for public waste disposal facilities that discharge directly into marine waters. The funds shall be subject to the conditions and limitations set forth in section 408 of this act.

NEW SECTION. Sec. 1020. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 1021. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1022. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Wang, Chair; Ogden, Vice Chair; Brough; Eide; R. Fisher; Heavey; Jacobsen; Jones; Ludwig; Romero; Silver; and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; and Thomas.

April 14, 1993

ESB 5719 Prime Sponsor, Senator Rinehart: Authorizing general obligation bonds for costs incidental to the 1993-95 biennium. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1993-95 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred twenty-eight million eight hundred fifty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Eight hundred ninety million two hundred thirty thousand dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) One million five hundred thousand dollars to the fruit commission facility account; and
- (3) One million dollars to the energy efficiency services account.

These proceeds shall be used exclusively for the purposes specified in this section, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 4. (1) On each date on which any interest or principal and interest payment is due for the purposes of section 2(2) of this act, the Washington state fruit commission shall cause the amount computed by the state finance committee in section 3 of this act for the purposes of section 2(2) of this act to be paid out of the commission's general operating fund to the state treasurer for deposit into the general fund of the state treasury.

(2) On each date on which any interest or principal and interest payment is due for the purposes of section 2(3) of this act, the state treasurer shall transfer from the energy efficiency construction account created in RCW 39.35C.100 to the general fund of the state treasury in the amount computed section 3 of this act for the purposes of section 2(3) of this act.

NEW SECTION. Sec. 5. The bonds authorized in section 2(2) of this act may be issued only after the director of financial management has: (1) Certified that, based on the future income from assessments levied under this chapter and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments due under section 4 of this act for the life of the bonds; and (2) approved the plans for facility.

NEW SECTION. Sec. 6. The fruit commission facility account is created in the state treasury. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 9. RCW 67.40.030 and 1990 c 181 s 1 are each amended to read as follows:

For the purpose of providing funds for the state convention and trade center, the state finance committee is authorized to issue, upon request of the corporation formed under RCW 67.40.020 and in one or more offerings, general obligation bonds of the state of Washington in the sum of one hundred (~~sixty~~) seventy-four million, (~~seven~~) six hundred (~~sixty-five~~) thousand dollars, or so much thereof as may be required, to finance this project and all costs incidental thereto, to capitalize all or a portion of interest during construction, to provide for expansion, renovation, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, and contingency costs of the center, purchase of the McKay Parcel as defined in the property and purchase agreement entered into by the corporation on June 12, 1986, development of low-income housing and to reimburse the general fund for expenditures in support of the project. The state finance committee may make such bond covenants as it deems necessary to carry out the purposes of this section and this chapter. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

Sec. 10. RCW 67.40.045 and 1992 c 4 s 1 are each amended to read as follows:

(1) The director of financial management, in consultation with the chairpersons of the ways and means committees of the senate and house of representatives, may authorize temporary borrowing from the state treasury for the purpose of covering cash deficiencies in the state convention and trade center account resulting from project completion costs. Subject to the conditions and limitations provided in this section, lines of credit may be authorized at times and in amounts as the director of financial management determines are advisable to meet current and/or anticipated cash deficiencies. Each authorization shall distinctly specify the maximum amount of cash deficiency which may be incurred and the maximum time period during which the cash deficiency may continue. The total amount of borrowing outstanding at any time shall never exceed the lesser of:

(a) \$58,275,000; or

(b) An amount, as determined by the director of financial management from time to time, which is necessary to provide for payment of project completion costs.

(2) Unless the due date under this subsection is extended by statute, all amounts borrowed under the authority of this section shall be repaid to the state treasury by June 30, 1995, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed. Borrowing may be authorized from any excess balances in the state treasury, except the agricultural permanent fund, the Millersylvania park permanent fund, the state university permanent fund, the normal school permanent fund, the permanent common school fund, and the scientific permanent fund.

(3) As used in this section, "project completion" means:

(a) All remaining development, construction, and administrative costs related to completion of the convention center; and

(b) Costs of the McKay building demolition, Eagles building rehabilitation, development of low-income housing, and construction of rentable retail space and an operable parking garage.

(4) It is the intent of the legislature that project completion costs be paid ultimately from the following sources:

(a) \$29,250,000 to be received by the corporation under an agreement and settlement with Industrial Indemnity Co.;

(b) \$1,070,000 to be received by the corporation as a contribution from the city of Seattle;

(c) \$20,000,000 from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(d) \$4,765,000 for contingencies and project reserves from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(e) \$13,000,000 for conversion of various retail and other space to meeting rooms, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(f) \$13,300,000 for expansion at the 900 level of the facility, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(g) (~~(\$10,400,000)~~) \$23,900,000 for purchase of the development rights, land, and building known as the McKay Parcel, for development of low-income housing, for development, construction, and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation, and for partially refunding obligations under the parking garage revenue note issued by the corporation to Industrial Indemnity Company in connection with the agreement and settlement identified in (a) of this subsection, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(h) \$300,000 for Eagles building exterior cleanup and repair, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090; and

(i) The proceeds of the sale of any properties owned by the state convention and trade center that are not planned for use for state convention and trade center operations, with the proceeds to be used for development, construction, and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation.

(5) The borrowing authority provided in this section is in addition to the authority to borrow from the general fund to meet the bond retirement and interest requirements set forth in RCW 67.40.060. To the extent the specific conditions and limitations provided in this section conflict with the general conditions and limitations provided for temporary cash deficiencies in RCW 43.88.260 (section 7, chapter 502, Laws of 1987), the specific conditions and limitations in this section shall govern.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW."

Signed by Representatives Wang, Chair; Ogden, Vice Chair; Eide; R. Fisher; Heavey; Jacobsen; Jones; Ludwig; Romero; Silver; and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Brough; and Thomas.

April 13, 1993

SSB 5963 Prime Sponsor, Committee on Transportation: Providing for priority programming of multimodal solutions to address state highway deficiencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.05.010 and 1969 ex.s. c 39 s 1 are each amended to read as follows:

The legislature finds that ~~((anticipated revenues available for state highways for the foreseeable future will fall substantially short of the amount required to satisfy all of the state highway needs. It is the purpose of this chapter to establish a policy of priority programming for highway development having as its basis the rational selection of projects according to factual need, systematically scheduled to carry out defined objectives within limits of money and manpower, and fixed in advance with reasonable flexibility to meet changed conditions)) solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.~~

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of

projects and services according to factual need and an evaluation of life cycle costs and benefits and which are systematically scheduled to carry out defined objectives within available revenue.

The priority programming system shall ensure preservation of the existing state highway system, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system shall implement the state-owned highway component of the state-wide multimodal transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions which address identified state highway system deficiencies.

The priority programming system for improvements shall incorporate a broad range of solutions that are identified in the state-wide multimodal transportation plan as appropriate to address state highway system deficiencies including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

Sec. 2. RCW 47.05.021 and 1987 c 505 s 50 are each amended to read as follows:

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

~~(2) ((Those state highways which perform no arterial or collector function, which serve only local access functions, and which lack essential state highway characteristics shall be designated "local access" highways.~~

~~(3))~~ In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The transportation commission shall designate a system of state highways that have state-wide significance. This state-wide system shall include interstate highways and other state-wide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This state-wide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight

restrictions and road closures which affect the transportation of freight and goods. The first report is due by December 15, 1993, and biennially thereafter.

Sec. 3. RCW 47.05.030 and 1987 c 179 s 2 are each amended to read as follows:

~~The transportation commission shall adopt ((and periodically revise, after consultation with the legislative transportation committee,)) a comprehensive six-year ((program and financial plan for highway improvements specifying program objectives for each of the highway categories, "A," "B," "C," and "H," defined in this section, and within the framework of estimated funds for such period. The program and plan shall be based upon the improvement needs for state highways as determined by the department from time to time.~~

~~With such reasonable deviations as may be required to effectively utilize the estimated funds and to adjust to unanticipated delays in programmed projects, the commission shall allocate the estimated funds among the following described categories of highway improvements, so as to carry out the commission's program objectives:~~

~~(1) Category A shall consist of those improvements necessary to sustain the structural, safety, and operational integrity of the existing state highway system (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations, and improvements designated in subsections (2) through (4) of this section).~~

~~(2) Category B shall consist of improvements for the continued development of the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations.~~

~~(3) Category C shall consist of the development of major transportation improvements (other than improvements to the interstate system to be funded with federal aid at the regular interstate rate under federal law and regulations) including designated but unconstructed highways which are vital to the state-wide transportation network.~~

~~(4) Category H shall consist of those improvements necessary to sustain the structural and operational integrity of existing bridges on the highway system (other than bridges on the interstate system or bridge work included in another category because of its association with a highway project in such category).~~

~~Projects which are financed one hundred percent by federal funds or other agency funds shall, if the commission determines that such work will improve the state highway system, be managed separately from the above categories)) investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The needs analysis process shall ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program shall be revised biennially, effective on July 1st of odd-numbered years. The investment program shall be based upon the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3).~~

~~(1) The preservation program shall consist of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The comprehensive six-year investment program for preservation shall identify projects for two years and an investment plan for the remaining four years.~~

~~(2) The improvement program shall consist of investments needed to address identified deficiencies on the state highway system to improve mobility, safety, support for the economy, and protection of the environment. The six-year investment program for improvements shall identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing.~~

~~The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.~~

Sec. 4. RCW 47.05.035 and 1987 c 179 s 3 are each amended to read as follows:

~~((1) The transportation commission, in preparing the comprehensive six-year program and financial plan for highway improvements, shall allocate the estimated funds among categories A, B, C, and H)) In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.~~

The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

~~((a))~~ (1) The relative needs in each of the ((categories of improvements)) programs and the system performance levels that can be achieved by meeting these needs;

~~((b))~~ (2) The need to provide adequate funding for ((category A improvements)) preservation to protect the state's investment in its existing highway system;

~~((c))~~ (3) The continuity of future ((highway)) transportation development ((of all categories of improvements)) with those improvements previously programmed; and

~~((d))~~ (4) The availability of ((special categories of federal)) dedicated funds for a specific type of work.

~~((2))~~ The commission in preparing the comprehensive six year program and financial plan shall establish program objectives for each of the highway categories, A, B, C, and H.)

Sec. 5. RCW 47.05.051 and 1987 c 179 s 5 are each amended to read as follows:

~~((1))~~ The comprehensive six-year investment program ((and financial plan for each category of highway improvements)) shall be based upon ((a)) the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection ((system within the program objectives established for each category. The commission using the criteria set forth in RCW 47.05.030, as now or hereafter amended, shall determine the category of each highway improvement.

~~(2)~~ Selection of specific category A and H projects for the six-year)) systems that incorporate the following criteria:

~~(1)~~ Priority programming for the preservation program shall take into account the ((criteria set forth in subsection (4) of this section.

~~(3)~~ Selection of specific category B projects for the six-year program shall be based on commission established priorities for completion and preservation of the interstate system.

~~(4)~~ In selecting each category A and H project as provided in subsection (2) of this section, the following criteria -)) following, not necessarily in order of importance(-) shall be taken into consideration:

~~(a)~~ Its):

~~(a)~~ Extending the service life of the existing highway system;

~~(b)~~ Ensuring the structural ability to carry loads imposed upon ((it)) highways and bridges;

~~((b))~~ Its capacity to move traffic at reasonable speeds without undue congestion;

~~(c)~~ Its adequacy of alignment and related geometrics;

~~(d)~~ Its accident experience; and

~~(e)~~ Its fatal accident experience.

~~(5))~~ and

~~(c)~~ Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select ((category A, B, and H improvements)) preservation projects to be included in the six-year program.

~~((6))~~ Selection of specific category C projects for the six-year program shall be based on the priority of each highway section proposed to be improved in relation to other highway sections within the state with full regard to the structural, geometric, safety, and operational adequacy of the existing highway section taking into account the following:

~~(a))~~ (2) Priority programming for the improvement program shall take into account the following:

~~(a)~~ Support for the state's economy, including job creation and job preservation;

~~(b)~~ The cost-effective movement of people and goods;

~~(c)~~ Accident and accident risk reduction;

~~(d)~~ Protection of the state's natural environment;

~~(e)~~ Continuity ((ef)) and systematic development of the highway transportation network;

~~((b))~~ Coordination with the development of other modes of transportation;

~~(c)~~ The stated long range goals of the local area and its transportation plan;

~~(d)~~ Its potential social, economic, and environmental impacts)) (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW;

~~(g)~~ Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((e))~~ (h) Public views concerning proposed improvements;

~~((f)) (i) The conservation of energy resources (and the capacity of the transportation corridor to move people and goods safely and at reasonable speeds); (and~~

~~(g)) (j) Feasibility of financing the full proposed improvement;~~

~~(k) Commitments established in previous legislative sessions;~~

~~(l) Relative costs and benefits of candidate programs;~~

~~(m) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; and~~

~~(n) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~((7)) (3) The commission (in selecting any project for improvement in categories A, B, C, or H) may depart from the priority (of projects so) programming established under subsections (1) and (2) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program((7)); (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations((7)); (c) as may be required to coordinate with federal, local, or other state agency construction projects((7)); (d) to take advantage of some substantial financial benefit that may be available((7)); (e) for continuity of route development((7)); or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority (of projects.~~

~~(8) The comprehensive six-year program and financial plan for highway improvements shall be revised biennially pursuant to RCW 47.05.040 as now or hereafter amended. The adopted program and plan shall be extended for an additional two years, to six years in the future, effective on July 1st of each odd-numbered year).~~

NEW SECTION. Sec. 6. A new section is added to chapter 47.05 RCW to read as follows:

The provisions of chapter ..., Laws of 1993 (this act) modifying procedures for priority programming for highway development as set forth in chapter 47.05 RCW, first apply to the comprehensive six-year state highway investment program for the periods 1995 to 2001. For the transition biennium ending June 30, 1995, the commission may deviate from the modified procedures prescribed by chapter ..., Laws of 1993 (this act).

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) RCW 47.05.040 and 1987 c 179 s 4, 1979 ex.s. c 122 s 4, 1977 ex.s. c 235 s 15, 1975 1st ex.s. c 143 s 3, 1973 2nd ex.s. c 12 s 5, 1969 ex.s. c 39 s 4, & 1963 c 173 s 4;

(2) RCW 47.05.055 and 1979 ex.s. c 122 s 6 & 1975 1st ex.s. c 143 s 6;

(3) RCW 47.05.070 and 1991 c 358 s 5, 1983 1st ex.s. c 53 s 31, 1979 ex.s. c 122 s 7, 1977 ex.s. c 151 s 45, 1973 2nd ex.s. c 12 s 7, & 1963 c 173 s 7; and

(4) RCW 47.05.085 and 1985 c 400 s 4."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brumsickle; Cothorn; Eide; Finkbeiner; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Brough.

April 14, 1993

ESSB 5967 Prime Sponsor, Committee on Ways & Means: Increasing state revenues. Reported by Committee on Revenue

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I

RETAIL SALES AND USE TAXES

Sec. 101. RCW 82.04.050 and 1988 c 253 s 1 are each amended to read as follows:

SALE AT RETAIL--SERVICES--DEFINED. (1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate as defined in RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person~~((7))~~; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person~~((7))~~; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale~~((7))~~; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon~~((7))~~; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) ~~((above))~~ of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280~~((, subsections))~~ (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects;

(b) ~~The~~ constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) ~~The~~ charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) ~~The~~ sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) ~~The~~ sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) ~~((above))~~ of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this ~~((paragraph))~~ subsection shall be construed to modify ~~((the first paragraph))~~ subsection (1) of this section and nothing contained in ~~((the first paragraph))~~ subsection (1) of this section shall be construed to modify this ~~((paragraph))~~ subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities specified in this subsection and subsection (4) of this section, other than a sale to a person who presents a resale certificate as defined in RCW 82.04.470 and who purchases or licenses for the purpose of resale in the regular course of business without substantial use by the person:

(a) Amusement and recreation ~~((businesses))~~ services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others;

(b) Abstract, title insurance, and escrow ~~((businesses))~~ services;

(c) ~~((credit bureau businesses))~~;

~~((4))~~ Automobile parking and storage garage ~~((businesses))~~ services.

(4) The term "sale at retail" or "retail sale" shall include the sale of or charge made for:

(a) Credit bureau services;

(b) Services of collection agencies;

(c) Stenographic, secretarial, and clerical services;

(d) Computer services, including but not limited to computer programming, software modification, software installation, software maintenance, and/or repair and software update services;

(e) Data processing services, including but not limited to word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. Data processing services also includes the use of a computer or computer time for data processing whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service. Data processing services does not include reservations and other computerized operations services provided to persons conducting air, rail, motor, or water commerce by transporting persons or property for hire, nor reservations systems for hotels, motels, and similar providers of transient lodging;

(f) Information services, including but not limited to electronic data retrieval or research that entails furnishing financial or legal information, data or research, general or specialized news, or current information unless such news or current information is furnished to a newspaper or to a radio or television station licensed by the federal communications commission. Information services does not include reservations and other computerized operations services provided to persons conducting air, rail, motor, or water commerce by transporting persons or property for hire, nor reservations systems for hotels, motels, and similar providers of transient lodging;

(g) Legal, arbitration, and mediation services, including but not limited to paralegal services, legal research services, and court reporting services, but not including charges made for: Representation for which no charge is made; representation provided without cost to the client by public benefit nonprofit corporations, as defined in RCW 82.04.366, or their subgrantees; representation regarding any federal, state, or local criminal action, including juvenile actions; representation regarding any claim or action arising out of or relating to a physical injury, illness, or disability of a natural person; representation regarding any action or claim under Title 26 RCW; representation regarding any claim or action for the intentional infliction of emotional distress; representation regarding the appointment of a guardian; or representation regarding any action enforcing the civil rights of a natural person under: (i) 29 U.S.C. Sec. 621, et seq., the Age Discrimination in Employment Act of 1967, as amended; (ii) 29 U.S.C. Sec. 206(d), the Equal Pay Act of 1963, as amended; (iii) 29 U.S.C. Secs. 706(7), 791, 793, 794, 794(a), the Rehabilitation Act of 1973, as amended; (iv) 42 U.S.C. Sec. 2000(e) et seq., Title VII of the Civil Rights Act of 1964, as amended; (v) 42

U.S.C. Sec. 1981, the Civil Rights Act of 1991, as amended; (vi) 42 U.S.C. Sec. 12101 et seq., the Americans With Disabilities Act of 1990, as amended; (vii) 42 U.S.C. Sec. 1988, Civil Rights Attorney's Fees Awards Act of 1976, as amended; (viii) 42 U.S.C. Sec. 1985(3), Civil Rights Acts, as amended; (ix) chapter 49.60 RCW; (x) chapter 49.44 RCW; (xi) chapter 49.46 RCW; (xii) chapter 49.48 RCW; (xiii) chapter 49.52 RCW; or similar local laws;

(h) Accounting, auditing, actuarial, bookkeeping, tax preparation, and similar services;

(i) Design services whether or not performed by persons licensed or certified, including but not limited to the following:

(i) Engineering services, including civil, electrical, mechanical, petroleum, marine, nuclear, and design engineering, machine tool designing, and sewage disposal system designing;

(ii) Architectural services, including but not limited to: Structural or landscape design or architecture; interior design; building design; building program management; and space planning;

(j) Business consulting services. Business consulting services are those primarily providing operating counsel, advice, or assistance to the management or owner of any business, private, nonprofit, or public organizations, including but not limited to those in the following areas: Administrative management, business management, construction management, motel, hotel, or resort management, office management, human resource consulting or training, management engineering consulting, management information systems consulting, manufacturing management consulting, marketing consulting, operations research consulting, personnel management consulting, physical distribution consultants, site location consultants, government affairs consulting, and lobbying;

(k) Protective services, including but not limited to detective agency services and private investigating services, armored car services, guard or protective services, lie detection or polygraph services, and security system, burglar, or fire alarm monitoring and maintenance services;

(l) Public relations or advertising services, including but not limited to layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, or production supervision, but excluding any amounts paid for broadcast or print advertising not otherwise taxable under subsection (1)(b) of this section, production charges ordinarily included within the charge made by the broadcast or print business, or any commissions retained from or received as part of the charge made for media or print advertising;

(m) The rental of equipment with an operator; and

(n) Land surveying, geological consulting, and real estate appraising.

(5) The term "retail sale" does not include:

(a) The provision of either permanent or temporary employees;

(b) Business services performed for one member of a group of affiliated business organizations by another member of the group, except business services performed by a person who is neither a member of the group nor an employee of a member, and business services performed by a member of the group that is regularly engaged in the business of selling the same kind of services involved to unaffiliated persons, are not excluded from the definition of "retail sale." "Affiliated business organizations" means: (i) An affiliated group as defined in section 1504 of the Internal Revenue Code of 1986, as amended, and (ii) affiliated corporations or partnerships, as those terms are defined in section 7701(a)(2) and (3) of the Internal Revenue Code, if the same person or persons own, directly or indirectly, at least eighty percent of the capital interest, or the profits interest, in the partnership, as the case may be;

(c) Services provided by an employee to an employer while acting in the capacity of an employee;

(d) Services donated to a public benefit nonprofit organization, as defined in RCW 82.04.366;

(e) Services donated to the state of Washington, its political subdivisions, municipal corporations, or quasi-municipal corporations;

(f) Services provided by a public benefit nonprofit organization, as defined in RCW 82.04.366, to the state of Washington, its political subdivisions, municipal corporations, or quasi-municipal corporations;

(g) Nonenterprise services provided by the state of Washington, its political subdivisions, municipal corporations, or quasi-municipal corporations;

(h) Services related to the identification, investigation, or cleanup arising out of the release, or threatened release of hazardous substances when the services are remedial or response actions performed under federal or state law, or when the services are performed to determine if a release of hazardous substances has occurred or is likely to occur;

(i) Business services provided to or performed for, on behalf of, or for the benefit of a collective investment fund such as: (i) A mutual fund or other regulated investment company as defined in section 851(a) of the Internal Revenue Code of 1986, as amended; (ii) an "investment company" as that term is used in section 3(a) of the

Investment Company Act of 1940 as well as an entity that would be an investment company under section 3(a) of the Investment Company Act of 1940 except for the section 3(c)(1) or (11) exemptions, or except that it is a foreign investment company organized under laws of a foreign country; (iii) an "employee benefit plan," which includes any plan, trust, commingled employee benefit trusts, or custodial arrangement that is subject to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., or that is described in sections 125, 401, 403, 408, 457, and 501(c)(9) and (17) through (23) of the Internal Revenue Code of 1986, as amended, or similar plan maintained by state or local governments, or plans, trusts, or custodial arrangements established to self-insure benefits required by federal, state, or local law; (iv) a fund maintained by a tax exempt organization as defined in section 501(c)(3) or 509(a) of the Internal Revenue Code of 1986, as amended, for operating, quasi-endowment, or endowment purposes; or (v) funds that are established for the benefit of such tax exempt organization such as charitable remainder trusts, charitable lead trusts, charitable annuity trusts, or other similar trusts:

(j) Research or experimental services eligible for expense treatment under section 174 of the Internal Revenue Code of 1986, as amended;

(k) Financial services provided by a financial institution. The term "financial institution" means a corporation, partnership, or other business organization chartered under Title 30, 31, 32, or 33 RCW, or under the National Bank Act, as amended, the Homeowners Loan Act, as amended, or the Federal Credit Union Act, as amended, or a holding company of any such business organization that is subject to the Bank Holding Company Act, as amended, or the Homeowners Loan Act, as amended, or a subsidiary or affiliate of a financial institution, as well as a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act, as amended. The term "financial services" means those activities directly authorized by the laws cited in this subsection (5)(k) and includes services such as mortgage servicing, contract collection servicing, finance leasing, and services provided in a fiduciary capacity to a trust or estate.

(6) The term shall also include the renting or leasing of tangible personal property to consumers.

~~((5))~~ (7) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

~~((6))~~ (8) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind. The term shall also not include sales of feed, seed, seedlings, fertilizer, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture, or to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

~~((7))~~ (9) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 102. RCW 82.04.190 and 1986 c 231 s 2 are each amended to read as follows:

CONSUMER DEFINED. "Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a

new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

(2) Any person who purchases, acquires, uses, or receives the benefit of any service defined as a retail sale, unless the person presents a resale certificate as defined in RCW 82.04.470 and purchases or licenses for resale in the regular course of business without substantial use by the person. "Substantial use" does not include the use of design services or land surveying services purchased by a person engaged in selling design services, if the purchased services and the services being sold relate to a single or common project, owner, or improvement to real property;

(3) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business;

~~((3))~~ (4) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property or services, when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

~~((4))~~ (5) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

~~((5))~~ (6) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

~~((6))~~ (7) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to the receipt of the benefit of any service or to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

NEW SECTION. Sec. 103. A new section is added to chapter 82.04 RCW to read as follows:

NEWSPAPER DEFINED. "Newspaper" means a publication issued regularly at stated intervals at least once a week and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind.

Sec. 104. RCW 82.04.280 and 1986 c 226 s 2 are each amended to read as follows:

PRINTING AND PUBLISHING. Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers(~~(, periodicals or magazines)~~); (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind

and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(~~(6), as now or hereafter amended~~) (7); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance.

Sec. 105. RCW 82.04.4282 and 1989 c 392 s 1 are each amended to read as follows:

CROSS-REFERENCE. In computing tax there may be deducted from the measure of tax amounts derived from (1) bona fide initiation fees, (2) dues, (3) contributions, (4) donations, (5) tuition fees, (6) charges made by a nonprofit trade or professional organization for attending or occupying space at a trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public, (7) charges made for operation of privately operated kindergartens, and (8) endowment funds. This (~~paragraph shall~~) section may not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or services defined as a retail sale or upon providing facilities or services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction hereunder.

Sec. 106. RCW 82.04.460 and 1985 c 7 s 154 are each amended to read as follows:

BUSINESS WITHIN AND WITHOUT STATE--APPORTIONMENT. (1) Any person rendering services taxable under RCW 82.04.290 or services defined as a retail sale under RCW 82.04.050(4) and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010 (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of telephone services taxed under this chapter, if the gross proceeds of sales subject to tax under

this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.

Sec. 107. RCW 82.04.060 and 1983 2nd ex.s. c 3 s 26 are each amended to read as follows:

SALE AT WHOLESALE DEFINED. "Sale at wholesale" or "wholesale sale" means any sale of tangible personal property (~~(, or any sale of telephone service as defined in RCW 82.04.065, which)~~) that is not a sale at retail and means any sale of or charge made for labor and services rendered for persons who are not consumers, (~~(in respect to real or personal property,)~~) if such sale or charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers (~~(: PROVIDED, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100).~~).

Sec. 108. RCW 82.08.010 and 1985 c 38 s 3 are each amended to read as follows:

RETAIL SALES TAX--DEFINITIONS. For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe;

(2) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions;

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "newspaper," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

Sec. 109. RCW 82.08.020 and 1992 c 194 s 9 are each amended to read as follows:

RETAIL SALES TAX RATE. (1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and (~~(five-tenths))~~ twenty-five one-hundredths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. Ninety-one percent of the revenue collected under this subsection shall be deposited and distributed in the same manner as motor vehicle excise tax revenue collected under RCW 82.44.020(1). Nine percent of the revenue collected under this subsection shall be deposited in the transportation fund and distributed in the same manner as motor vehicle excise tax revenue collected under RCW 82.44.020(2).

(3) If authorized under section 132 of this act, an additional tax shall be imposed on each retail sale in this state of a service defined as a retail sale under RCW 82.04.050(4), equal to one percent of the selling price. The revenue collected under this subsection shall be deposited in the local sales tax on services account under section 132 of this act.

(4) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((4))~~ (5) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 110. The legislature finds that prevention is a significant element in the reduction of health care costs. The legislature further finds that taxing some physician prescriptions and not others is unfair to patients. It is, therefore, the intent of the legislature to remove the taxes from prescriptions issued for family planning purposes.

Sec. 111. RCW 82.08.0281 and 1980 c 37 s 46 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of prescription drugs, including sales to the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans, or for family planning purposes including the prevention of conception, ordered by (1) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (2) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (3) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (4) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

Sec. 112. RCW 82.12.0275 and 1980 c 37 s 73 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of prescription drugs, including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans, or for family planning purposes including the prevention of conception, ordered by (1) the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions, or (2) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist, or (3) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, or (4) physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

NEW SECTION. Sec. 113. A new section is added to chapter 82.08 RCW to read as follows:

RETAIL SALES TAX ON SERVICES--COLLECTION. (1) A seller shall collect the retail sales tax on all sales of services defined as retail sales, except sales of services defined as a retail sale under RCW 82.04.050(4) that are not made in this state. A sale is made in this state for purposes of this chapter if the benefit of the service is received in this state. The benefit of a service shall be presumed to be received in this state:

(a) If the service relates only to real property located in this state;

(b) If the service relates only to tangible personal property located in this state at the time the service is performed;

(c) If the service relates only to an individual residing in this state;

(d) If the service relates to any person doing business only in this state; or

(e) Any combination of the criteria in (a) through (d) of this subsection.

(2) If none of the provisions of subsection (1) of this section apply, the buyer may elect to remit the sales tax due on the receipt of the benefit of the service in this state after apportioning the tax in the manner provided under section 116 of this act. If the buyer makes this election, the buyer must provide the seller with a certificate stating that the buyer has made this election and remit the tax due with the buyer's next regularly scheduled return. The department shall adopt rules providing the form and information required to be on the certificates.

(3) Notwithstanding the provisions of subsection (1) or (2) of this section, the department may establish by rule the criteria by which a buyer may demonstrate that the benefit of a service is not received in this state.

(4) If a transaction involves both the sale of a service taxable under this chapter and the provision of a service not taxable under this chapter, the charges shall be separately identified and stated with respect to the

taxable and nontaxable portions of the transaction. Failure to separately state the charges shall create a presumption that the entire transaction is subject to the retail sales tax.

Sec. 114. RCW 82.12.010 and 1985 c 222 s 1 and 1985 c 132 s 1 are each reenacted and amended to read as follows:

USE TAX--DEFINITIONS. For the purposes of this chapter:

(1)(a) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property except trade-in property of like kind, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules ~~((and regulations))~~ as the department of revenue may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules ~~((and regulations))~~ as the department of revenue may prescribe ~~((: PROVIDED, That))~~. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules ~~((and regulations))~~ as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than ninety days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in ~~((the first paragraph))~~ (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: ~~((a))~~ (i) The retail selling price of such new or improved product when first offered for sale; or ~~((b))~~ (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(2) "Value of the service used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value of the service, the value of the service used shall be determined as nearly as possible according to the selling price at the place of use of similar services under rules prescribed by the department of revenue;

(3) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean:

(a) With respect to tangible personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state; and

(b) With respect to a service defined as a retail sale, the receipt in this state by the taxpayer of any part of the benefit afforded the service;

~~((3))~~ (4) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

~~((4))~~ (5) "Retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

~~((5))~~ (6) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services.

Sec. 115. RCW 82.12.020 and 1983 c 7 s 7 are each amended to read as follows:

USE TAX. (1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of receiving the benefit of any service defined as a retail sale or of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280~~((, subsections))~~ (2) or (7). ~~((This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state.))~~

(2) This tax shall apply to the receipt of any service defined as a retail sale or the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service defined as a retail sale of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service defined as a retail sale from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article or service used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020~~((, as now or hereafter amended, in the county in which the article is used)).~~

NEW SECTION. Sec. 116. A new section is added to chapter 82.12 RCW to read as follows:

USE TAX--WHERE BENEFIT OF SERVICE OCCURS. (1) The receipt of the benefit of a service in this state occurs:

- (a) If the service relates only to real property in this state; or
- (b) If the service relates only to tangible personal property in this state at the time of the service; or
- (c) If the service relates only to an individual residing in this state; or
- (d) If the service relates to any person doing business only in this state; or
- (e) Any combination of the criteria in (a) through (d) of this subsection.

(2) If the service relates to any person required to be registered to do business in this state, and the value of the service required to be apportioned to this state under subsection (3) of this section is less than the lesser of five percent of the total value of the service or twenty-five thousand dollars, the buyer shall not be required to calculate and remit the tax on that service.

(3) If subsection (1) or (2) of this section are not applicable, and the buyer of the service is doing business both inside and outside of this state, the service shall be presumed to be received in this state to the extent that the buyer is doing business in this state. The amount of the service that is taxable in this state shall be determined by multiplying the price of the service by a percentage that represents the extent of the buyer's business in this state. For purposes of determining the extent of the buyer's business in this state, the following apportionment formula shall be used:

(a) The value of the service shall be apportioned by an apportionment fraction composed of a sales factor representing fifty percent of the fraction, a property factor representing twenty-five percent of the fraction, and a payroll factor representing twenty-five percent of the fraction. If the denominator for any one of the factors is zero or are insignificant, the weighted percentage for the other denominators shall be increased proportionately; if the

denominators for any two of the factors are zero or are insignificant, the weighted percentage for the other denominator shall be one hundred percent;

(b) The property factor is a fraction the numerator of which is the average value of the buyer's real and tangible personal property owned or rented and used in this state during the taxable year or period and the denominator of which is the average value of such property owned or rented and used everywhere;

(i) Real and tangible personal property owned by the buyer shall be valued at original cost. Real and tangible personal property rented by the taxpayer shall be valued at eight times the net annual rental rate paid by the taxpayer less any annual rental rate received from subrentals;

(ii) The average value of real and tangible personal property shall be determined by averaging the value at the beginning and the end of the taxable year or period, unless the department determines that an averaging of monthly values during the taxable year or period is reasonably required to properly reflect the average value of the taxpayer's real and tangible personal property;

(c) The payroll factor is a fraction the numerator of which is the total amount paid in this state during the taxable year or period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the taxable year or period;

(i) As used in this subsection, the term "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services;

(ii) Compensation is paid in this state if:

(A) The employee's service is performed entirely within this state; or

(B) The employee's service is performed both within and without the state, but the service performed without the state is incidental to the employee's service within the state; or

(C) Some of the employee's service is performed in the state and the base of operations or the place from which the service is directed or controlled is within this state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed and the employee's residence is in any state;

(d) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(4) The department may, by rule, alter the components of the apportionment factors in subsection (3) of this section to be consistent with uniform rules for apportionment or allocation developed by the states for particular industries.

(5) The department may establish by rule the criteria by which a buyer may demonstrate that the benefit of a service is not received in this state.

NEW SECTION. Sec. 117. A new section is added to chapter 82.32 RCW to read as follows:

SALES BEFORE EFFECTIVE DATE. If a service is initially taxable as of the effective date of this section, and the service is received prior to that date, it is not subject to tax under chapter 82.08, 82.12, or 82.14 RCW, notwithstanding that compensation for the service is paid or payable on or after that date. If the service is received on or after the effective date of this section, the service shall be taxed unless it was paid in full before March 1, 1993. If the service is received over a period of time beginning prior to the effective date of this section and ending after that date, and full payment for the service has not been made before March 1, 1993, the service shall be taxed only upon that portion of the service received on or after the effective date of this section. If the service is performed under a contract signed prior to March 1, 1993, and such contract does not allow the seller to add the retail sales taxes imposed under chapter 82.08, 82.12, or 82.14 RCW to the contract price, the taxes imposed under those chapters on services may not be imposed on that contract. If the contract is signed between March 1, 1993, and July 1, 1993, and does not allow the seller to add retail sales taxes to the price or increase the price for use taxes due, and the seller can show by clear, cogent, and convincing evidence that the contract was not signed to avoid the sales and use taxes imposed by chapter . . . , Laws of 1993 (this act), no such taxes shall be imposed.

Sec. 118. RCW 82.04.480 and 1975 1st ex.s. c 278 s 44 are each amended to read as follows:

AGENT. Every consignee, bailee, factor, or auctioneer having either actual or constructive possession of tangible personal property, or having possession of the documents of title thereto, with power to sell such tangible personal property in his or its own name and actually so selling, and every agent with power to sell a service defined as a retail sale in the agent's own name and actually so selling, shall be deemed the seller of such tangible personal

property or service within the meaning of this chapter; and further, the consignor, bailor, principal, or owner shall be deemed a seller of such property or service to the consignee, bailee, factor, ~~((or))~~ auctioneer, or agent.

The burden shall be upon the taxpayer in every case to establish the fact that he or she is not engaged in the business of selling tangible personal property or service but is acting merely as broker or agent in promoting sales for a principal. Such claim will be allowed only when the taxpayer's accounting records are kept in such manner as the department of revenue shall by general ~~((regulation))~~ rule provide.

Sec. 119. RCW 82.08.090 and 1975 1st ex.s. c 278 s 49 are each amended to read as follows:

INSTALLMENT SALES AND LEASES. In the case of installment sales and leases of personal property or services defined as retail sales, the department of revenue, by ~~((regulation))~~ rule, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

Sec. 120. RCW 82.12.0252 and 1980 c 37 s 52 are each amended to read as follows:

EXEMPTIONS--TAX PAID. The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property or service defined as a retail sale purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or ~~((his))~~ the user's bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 RCW and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 RCW as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961.

Sec. 121. RCW 82.12.0255 and 1980 c 37 s 55 are each amended to read as follows:

EXEMPTIONS--NONTAXABLE SERVICE. The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property or any service defined as a retail sale which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States.

Sec. 122. RCW 82.12.0259 and 1980 c 37 s 59 are each amended to read as follows:

EXEMPTIONS--ARMED FORCES--AID AND RELIEF. The provisions of this chapter shall not apply in respect to the use of tangible personal property or services defined as retail sales by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same.

Sec. 123. RCW 82.12.035 and 1987 c 27 s 2 are each amended to read as follows:

USE TAX CREDIT--TAX PAID IN ANOTHER JURISDICTION. A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property or services defined as retail sales in the state of Washington in the amount that the present user thereof or his or her bailor or donor has paid a retail sales or use tax with respect to such property or service to any other state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, prior to the use of such property or service in Washington.

Sec. 124. RCW 82.12.060 and 1975 1st ex.s. c 278 s 54 are each amended to read as follows:

INSTALLMENT SALES AND LEASES. (1) In the case of installment sales and leases of personal property or services defined as retail sales, the department, by ~~((regulation))~~ rule, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

(2) In the case of property acquired by bailment, the department, by ~~((regulation))~~ rule, may provide for payment of the tax due in installments based on the reasonable rental for the property as determined under RCW 82.12.010(1).

Sec. 125. RCW 82.08.100 and 1982 1st ex.s. c 35 s 37 are each amended to read as follows:

REPORTING AND TAX RETURNS. (1) The department of revenue, by general (~~regulation~~) rule, shall provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his or her cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period. A taxpayer filing returns on a cash receipts basis is not required to pay such tax on debts which are deductible as worthless for federal income tax purposes. Absent regular books and records to substantiate the accounting method chosen, returns shall be reported in the same manner as reported for federal income tax purposes.

(2) The accounting method for taxes administered under this section shall be uniform for all excise taxes unless a combined method is first approved by the department.

(3) A taxpayer may convert its reporting method to a different method that has prior approval by the department if the conversion satisfies the requirement in the rules adopted by the department pertaining to adjustments necessary to account for all income. The department may not withhold its approval unless the taxpayer cannot, for whatever reason, make the necessary adjustments to account for all income. The department may permit adjustments that cause an increase in the income to be amortized over a period not to exceed twelve consecutive months.

NEW SECTION. Sec. 126. RECODIFICATION. RCW 82.08.100, as amended by this act, is recodified as a new section in chapter 82.32 RCW.

Sec. 127. RCW 82.14.030 and 1989 c 384 s 6 are each amended to read as follows:

LOCAL SALES AND USE TAX--EXEMPTIONS. (1) The governing body of any county or city while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose a sales and use tax in accordance with the terms of this chapter. Such tax shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event within the county or city as the case may be(~~(: PROVIDED, That)~~). Except as provided in RCW 82.14.230, this sales and use tax shall not apply to natural or manufactured gas. This sales and use tax shall not apply to the sales of services defined as retail sales under RCW 82.04.050(4). The rate of such tax imposed by a county shall be five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax imposed by a city shall not exceed five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax)(~~(: PROVIDED, HOWEVER, That)~~). In the event a county shall impose a sales and use tax under this subsection, the rate of such tax imposed under this subsection by any city therein shall not exceed four hundred and twenty-five one-thousandths of one percent.

(2) Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in addition to the tax authorized in subsection (1) of this section, the governing body of any county or city may by resolution or ordinance impose an additional sales and use tax in accordance with the terms of this chapter. Such additional tax shall be collected upon the same taxable events upon which the tax imposed under subsection (1) of this section is levied. The rate of such additional tax imposed by a county shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such additional tax imposed by a city shall be up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax)(~~(: PROVIDED HOWEVER, That)~~). In the event a county shall impose a sales and use tax under this subsection at a rate equal to or greater than the rate imposed under this subsection by a city within the county, the county shall receive fifteen percent of the city tax(~~(: PROVIDED FURTHER, That)~~). In the event that the county shall impose a sales and use tax under this subsection at a rate which is less than the rate imposed under this subsection by a city within the county, the county shall receive that amount of revenues from the city tax equal to fifteen percent of the rate of tax imposed by the county under this subsection. The authority to impose a tax under this subsection is intended in part to compensate local government for any losses from the phase-out of the property tax on business inventories.

Sec. 128. RCW 82.14.045 and 1991 c 363 s 158 are each amended to read as follows:

ADDITIONAL LOCAL SALES AND USE TAX--EXEMPTIONS. (1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal

corporation within a county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter(~~:- PROVIDED, That~~), No such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon(~~:- PROVIDED FURTHER, That~~). Where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be, except that no tax on services defined as retail sales under RCW 82.04.050(4) may be imposed under this section. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273.

Sec. 129. RCW 82.14.048 and 1991 c 207 s 1 are each amended to read as follows:

PUBLIC FACILITIES DISTRICT SALES AND USE TAX--EXEMPTION. The governing board of a public facilities district under chapter 36.100 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. This sales and use tax shall not apply to sales of services defined as retail sales under RCW 82.04.050(4). The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

Moneys received from any tax imposed under this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of sports or entertainment facilities and contiguous parking.

Sec. 130. RCW 82.14.340 and 1991 c 311 s 5 & 1991 c 301 s 16 are each reenacted and amended to read as follows:

LOCAL SALES AND USE TAX FOR CRIMINAL JUSTICE PURPOSES--EXEMPTIONS. The legislative authority of any county with a population of two hundred thousand or more, any county located east of the crest of the Cascade mountains with a population of one hundred fifty thousand or more, and any other county with a population of one hundred fifty thousand or more that has had its population increase by at least twenty-four percent during the preceding nine years, as certified by the office of financial management for the first day of April of each year, may and, if requested by resolution of the governing bodies of cities in the county with an aggregate population equal to or greater than fifty percent of the total population of the county, as last determined by the office of financial management, shall submit an authorizing proposition to the voters of the county and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. This sales and use tax shall not apply to the sales of services defined as retail sales under RCW 82.04.050(4). The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

Moneys received from any tax imposed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures. Moneys received by the county and the cities within the county from any tax imposed under this section may be expended for domestic violence community advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991, and prior to approval of the voters, the legislative authority of the county, which submitted an authorizing proposition to the voters of the county, adopted by ordinance a financial plan that included expenditure of a portion of the moneys received for domestic violence community advocates.

~~((This section expires January 1, 1994.))~~

Sec. 131. RCW 81.104.170 and 1992 c 101 s 28 are each amended to read as follows:

HIGH CAPACITY TRANSPORTATION SERVICES DEDICATED TAX--EXEMPTIONS. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. This sales and use tax shall not apply to the sales of services defined as retail sales under RCW 82.04.050(4). The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

NEW SECTION. **Sec. 132.** A new section is added to chapter 82.14 RCW to read as follows:

LOCAL SALES TAX ON SERVICES ACCOUNT. (1) The governing board of any county, while not required to do so, may, by resolution or ordinance, request that the state impose the additional sales tax authorized by RCW

82.08.020(3) for joint state, county, city, and regional purposes such as criminal justice, public health and safety, transportation, and any other lawful purpose. If the governing boards of at least twenty-six counties in this state, present adopted resolutions to the department of revenue before June 15, 1993, the tax shall be imposed effective July 1, 1993.

(2) There is created in the state treasury a special account to be known as the "local sales tax on services account." The moneys in this account shall be allocated by the state treasurer according to the formulas provided in this section. The department of revenue shall calculate the amount of moneys to be deposited into this account quarterly. All earnings of investments of balances in the local sales tax on services account shall be credited to that account and distributed as part of that account.

(3) This account shall be disbursed in three parts: The portion intended for criminal justice shall be referred to as "Part A;" the portion to be used for the state share of LEOFF II retirement funds for counties and cities shall be referred to as "Part B;" and the portion to be distributed to the counties and cities by agreement shall be referred to as "Part C."

NEW SECTION. Sec. 133. A new section is added to chapter 82.14 RCW to read as follows:

LOCAL DISTRIBUTION--PART A. The amount estimated by the department of licensing as the amount that would have been distributed in fiscal year 1994 under the criminal justice motor vehicle excise tax accounts authorized by RCW 82.44.110(1) (i), (j), and (k), had the tax been in effect for the entire year, shall be used for Part A of the local sales tax on services account, reduced by any distributions made during fiscal year 1994 under RCW 82.44.110(1) (i), (j), and (k).

(1) Moneys distributed under Part A of the account shall be expended exclusively for criminal justice purposes. Part A will be distributed in fiscal year 1994 to the counties and cities according to the following formula:

(a)(i) A county's funding factor is the sum of:

(A) The population of the county, divided by one thousand, and multiplied by two-tenths;

(B) The crime rate of the county, multiplied by three-tenths; and

(C) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(ii) Under this section:

(A) The population of the county or city shall be as last determined by the office of financial management;

(B) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(C) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts.

(b) The municipal criminal justice assistance funding formula for distributions based on crime rates is as follows:

(i) No city may receive a distribution under this section unless:

(A) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(B) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(3) at the maximum rate; and

(C) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(ii) Unless reduced by this subsection, thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under (b)(i) of this subsection that have a crime rate determined under (b)(i)(A) of this subsection that is greater than one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (b)(ii) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b)(iii) of this subsection.

(iii) The remainder of the moneys, including any moneys not distributed in (b)(i) of this subsection, shall be distributed to all cities eligible under (b) of this subsection ratably based on population as last determined by the office of financial management.

(iv) No city may receive more than thirty percent of all moneys distributed under (b)(iii) of this subsection.

(c) The municipal funding for criminal justice based on population shall be distributed as follows: For fiscal year 1994 and thereafter, each city with a population of under ten thousand shall receive a distribution of two thousand seven hundred fifty dollars. Any remaining moneys shall be distributed to all cities ratably on the basis of population as last determined by the office of financial management.

(2) In fiscal year 1995 and thereafter, the portion of the local sales tax on services account to be distributed as Part A will be determined according to the ratio of Part A in fiscal year 1994 to the total local sales tax on services account in fiscal year 1994.

NEW SECTION. Sec. 134. A new section is added to chapter 82.14 RCW to read as follows:

LOCAL DISTRIBUTION--PART B. The portion of the local sales tax on services account referred to as Part B shall consist of the balance of the account after the distributions required under section 133 of this act, and shall be distributed as follows:

The office of the state actuary shall annually calculate the amount that would be required to fund forty percent of each county and city employer's contribution for the law enforcement officers' and fire fighters' retirement system plan II. The calculation shall be provided to the state treasurer, who shall distribute the funds to each employer monthly.

NEW SECTION. Sec. 135. A new section is added to chapter 82.14 RCW to read as follows:

LOCAL DISTRIBUTION--PART C. The portion of the local sales tax on services account referred to as Part C shall consist of the balance of the account after the distributions required under sections 133 and 134 of this act. Distributions according to Part C shall be calculated by the department of revenue and shall be made by the state treasurer monthly as follows:

(1) One hundred thousand dollars shall be distributed to each county.

(2) An amount equal to the amount distributed to the counties in subsection (1) of this section shall be distributed to the incorporated cities and towns ratably according to population.

(3) A proportionate amount will be taken from the distributions made to counties and cities in subsections (1) and (2) of this section and shall be appropriated to the criminal justice training commission to fund the manpower replacement program for small police departments.

(4) The balance of the account shall be distributed to each county proportionately on the basis of the county's population to the state total. Forty percent of this amount shall be used to fund county-wide services. Sixty percent shall be used for local services as determined by interlocal agreement between the cities and counties. "Interlocal agreement" for purposes of this section, shall mean a written agreement between the county and at least one-half of the cities and towns representing at least seventy-five percent of the incorporated population within the county. The interlocal agreements shall include a discussion of regional services and related revenue requirements. The interlocal agreements shall be filed with the county auditor.

Sec. 136. RCW 41.26.450 and 1989 c 273 s 14 are each amended to read as follows:

PLAN II PENSION CONTRIBUTION RATES. The required contribution rates to the plan II system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.

If the employer is a city or a county, the member and the employer shall each contribute the following shares of the cost of the retirement system:

Member 50%

Employer 50%

If the employer is other than a city or a county, the member, the employer, and the state shall each contribute the following shares of the cost of the retirement system:

Member 50%

Employer 30%

State 20%

Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit.

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends. The state's contribution required by this section shall be transferred to the plan II fund from the total contributions transferred by the state treasurer under RCW 41.45.060 and 41.45.070.

Sec. 137. RCW 43.84.092 and 1993 c 4 s 9 are each amended to read as follows:

EARNINGS OF INVESTMENTS. (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the local sales tax on services account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway

account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

PART II SALES TAX DEFERRAL PROGRAMS

NEW SECTION. Sec. 201. A new section is added to chapter 43.63A RCW to read as follows:

NEIGHBORHOOD REINVESTMENT AREA--APPLICATION. (1) The department shall approve applications submitted by local governments for designation as a neighborhood reinvestment area under this section. The application shall be in the form and manner and contain such information as the department may by rule determine, provided that the application for designation shall:

(a) Contain information sufficient for the director to determine if the criteria established in section 202 of this act have been met.

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government.

(c) Contain a five-year neighborhood reinvestment plan that describes the proposed designated neighborhood reinvestment area's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.

The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(d) Certify that neighborhood residents were given the opportunity to participate in the development of the five-year neighborhood reinvestment strategy required under (c) of this subsection.

(2) No local government shall submit more than two neighborhoods to the department for possible designation as a designated neighborhood reinvestment area under this section.

(3)(a) Within ninety days after January 1, 1994, the director may designate up to six designated neighborhood reinvestment areas from among the applications eligible for designation as a designated neighborhood reinvestment area under this section. The director shall make determinations of designated neighborhood reinvestment areas on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year neighborhood reinvestment plan required under this section.

(ii) The level of private commitments by private entities of additional resources and contribution to the designated neighborhood reinvestment area.

(iii) The potential for reinvestment in the area as a result of designation as a designated neighborhood reinvestment area.

(iv) Other factors the director of the department of community development deems necessary.

(b) The determination of the director as to the areas designated as neighborhood reinvestment areas shall be final.

NEW SECTION. Sec. 202. A new section is added to chapter 43.63A RCW to read as follows:

NEIGHBORHOOD REINVESTMENT AREA--REQUIREMENTS. (1) The director may not designate an area as a designated neighborhood reinvestment area unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year neighborhood reinvestment plan for the area that meets the requirements of section 201(1)(c) of this act and as further defined by the director must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this section are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

Sec. 203. RCW 82.60.020 and 1988 c 42 s 16 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~(-- Applications under this subsection (3)(b) shall be filed by April 30, 1989))~~; or (c) a designated neighborhood reinvestment area approved under section 201 of this act.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure ~~(-- PROVIDED, That)~~. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 204. RCW 82.60.050 and 1988 c 41 s 5 are each amended to read as follows:

EXPIRATION--TAX DEFERRAL CERTIFICATE. RCW 82.60.030 and 82.60.040 shall expire July 1, ~~((1994))~~ 1998.

Sec. 205. RCW 82.61.010 and 1988 c 41 s 1 are each amended to read as follows:

DEFINITIONS--THRESHOLD DATE MODIFIED--ELIGIBLE PROJECTS MODIFIED. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means:

(a) Construction of new buildings and the acquisition of new related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ~~((1994))~~ 1998; or

(b) Acquisition prior to December 31, ~~((1994))~~ 1998, of new machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure ~~((-- PROVIDED, That))~~. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(c) Acquisition of all new or used machinery, equipment, or other personal property for use in the production or casting of aluminum at an aluminum smelter or at facilities related to an aluminum smelter, if the plant was in operation prior to 1975 and has ceased operations or is in imminent danger of ceasing operations for economic reasons, as determined by the department, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represented employees of the plant pursuant to a collective bargaining agreement that was in effect either immediately prior to the time the plant ceased operations or during the period when the plant was in imminent danger of ceasing operations, on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(d) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after May 19, 1987, and are intended to increase the operating efficiency of existing plants which are either aluminum smelters or aluminum rolling mills or of facilities related to such plants, if the plant was in operation prior to 1975, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represents employees of the plant on the proposed operation of the plant and the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(e) Acquisition of all new or used machinery, equipment, or other personal property for use in the production of pulp and paper-related products if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management; or

(f) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, that are commenced after the effective date of this section and are intended to increase the operating efficiency of existing pulp and paper mills or facilities, if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this chapter, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment may be treated as new equipment and machinery if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences.

Sec. 206. RCW 82.61.020 and 1987 c 497 s 2 are each amended to read as follows:

APPLICATION PROCESS. Application for deferral of taxes under this chapter shall be made before initiation of the construction of the investment project or acquisition of equipment or machinery or plant. Application for deferral of taxes for modernization projects as defined in RCW 82.61.010(4)(d) and (f) shall be made during the calendar year in which construction begins or acquisition of equipment or machinery occurs. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

Sec. 207. RCW 82.61.030 and 1987 c 497 s 3 are each amended to read as follows:

TAX DEFERRAL ELIGIBILITY. Except for eligible projects within the definitions in RCW 82.61.010(4) (c) (~~or (d)~~) through (f), a tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, shall also be ineligible to receive a tax deferral certificate.

Sec. 208. RCW 82.61.040 and 1988 c 41 s 2 are each amended to read as follows:

EXPIRATION--TAX DEFERRAL ELIGIBILITY. RCW 82.61.020 and 82.61.030 shall expire July 1, ~~((1994))~~ 1998.

Sec. 209. RCW 82.61.070 and 1988 c 41 s 3 are each amended to read as follows:

REPORTS. The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1 of each year through ~~((1995))~~ 1999.

Sec. 210. RCW 82.62.010 and 1988 c 42 s 17 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~((Applications under this subsection (3)(b) shall be filed by April 30, 1989))~~; or (c) a designated neighborhood reinvestment area approved under section 201 of this act.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility ~~((: PROVIDED, That))~~, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 211. RCW 82.62.040 and 1988 c 41 s 4 are each amended to read as follows:

EXPIRATION--APPLICATIONS AND ELIGIBILITY. RCW 82.62.020 ~~((and 82.62.030))~~ shall expire July 1, ~~((1994))~~ 1998.

PART III BUSINESS & OCCUPATION TAXES

Sec. 301. RCW 82.04.2904 and 1985 c 32 s 5 are each amended to read as follows:

ADDITIONAL TAX ON RETAILING--RATE CHANGED. (1) There is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.240, inclusive, RCW 82.04.250, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to ten percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, RCW 82.04.250, and RCW 82.04.260 through 82.04.280, inclusive.

~~(2) ((There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to ten percent multiplied by the tax payable on those activities under RCW 82.04.250.~~

~~(3))~~ To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

NEW SECTION. Sec. 302. ADDITIONAL TAX REPEALED. RCW 82.04.2901 and 1985 c 32 s 4 are each repealed.

Sec. 303. RCW 82.04.290 and 1985 c 32 s 3 are each amended to read as follows:

TAX ON OTHER BUSINESSES OR SERVICES--NEW RATE. Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.50 percent on persons engaging in banking, loan, security, or other financial businesses, from investments or the use of moneys as such, and by the rate of one and nine-tenths percent on all other businesses. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. Sec. 304. A new section is added to chapter 82.04 RCW to read as follows:

CREDIT. In computing the tax imposed under this chapter, a credit shall be allowed of an amount equal to the lessor of:

- (1) The amount of tax otherwise due under this chapter; or
- (2) Fifty-eight dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045, minus the tax otherwise due under this chapter, but not less than zero.

Sec. 305. RCW 82.32.030 and 1992 c 206 s 8 are each amended to read as follows:

REGISTRATION CERTIFICATES--THRESHOLD LEVEL. (1) Except as provided in subsection (2) of this section, if any person engages in any business or performs any act upon which a tax is imposed by the preceding chapters, he or she shall, under such rules as the department of revenue shall prescribe, apply for and obtain from the department a registration certificate (~~upon payment of fifteen dollars~~). Such registration certificate shall be personal and nontransferable and shall be valid as long as the taxpayer continues in business and pays the tax accrued to the state. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public shall be required (~~, but, for such additional certificates no additional payment shall be required~~). Each certificate shall be numbered and shall show the name, residence, and place and character of business of the taxpayer and such other information as the department of revenue deems necessary and shall be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the department the existing certificate, and a new certificate will be issued for the new place of business (~~free of charge~~). No person required to be registered under this section shall engage in any business taxable hereunder without first being so registered. The department, by rule, may provide for the issuance of certificates of registration (~~, without requiring payment,~~) to temporary places of business (~~or to persons who are exempt from tax under RCW 82.04.300~~).

(2) Registration under this section is not required if the following conditions are met:

(a) A person's value of products, gross proceeds of sales, or gross income of the business (~~(is below the tax reporting threshold provided in RCW 82.04.300)~~), from all business activities, is less than twelve thousand dollars per year;

(b) The person is not required to collect or pay to the department of revenue any other tax which the department is authorized to collect; and

(c) The person is not otherwise required to obtain a license subject to the master application procedure provided in chapter 19.02 RCW.

Sec. 306. RCW 70.95E.020 and 1990 c 114 s 12 are each amended to read as follows:

HAZARDOUS WASTE GENERATOR FEE EXEMPTION. A fee is imposed for the privilege of generating or potentially generating hazardous waste in the state. The annual amount of the fee shall be thirty-five dollars upon every known generator or potential generator doing business in Washington in the current calendar year or any part thereof. This fee shall be collected by the department of revenue. A potential generator shall be exempt from the fee imposed under this section if the ~~((potential generator is entitled to the exemption in RCW 82.04.300))~~ value of products, gross proceeds of sales, or gross income of the business, from all business activities of the potential generator, is less than twelve thousand dollars in the current calendar year. The department shall, subject to appropriation, use the funds collected from the fees assessed in this subsection to support the activities of the office of waste reduction as specified in RCW 70.95C.030. The fee imposed pursuant to this section shall be first due on July 31, 1990, for any generator or potential generator operating in Washington from March 21, 1990, to December 31, 1990, or any part thereof.

NEW SECTION. Sec. 307. THRESHOLD. RCW 82.04.300 and 1992 c 206 s 7, 1983 c 3 s 213, 1979 ex.s. c 196 s 4, 1975 1st ex.s. c 278 s 41, 1961 c 293 s 3, & 1961 c 15 s 82.04.300 are each repealed.

PART IV

INSURANCE PREMIUMS AND PREPAYMENTS TAXES

NEW SECTION. Sec. 401. A new section is added to chapter 48.14 RCW to read as follows:

PREPAYMENT TAX AND DUE DATES. (1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under section 432 of chapter . . . (E2SSB 5304), Laws of 1993.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. This exemption

does not apply to amounts received under a certified health plan certified under section 432 of chapter . . . (E2SSB 5304), Laws of 1993.

(7) A credit is allowed against the tax imposed in this section equal to the amount of any tax paid under section 301 of chapter . . . (E2SSB 5304), Laws of 1993 during the same calendar year.

NEW SECTION. Sec. 402. A new section is added to chapter 82.04 RCW to read as follows:

EXEMPTION. This chapter does not apply to any health maintenance organization, health care service contractor, or certified health plan in respect to premiums or prepayments that are taxable under section 401 of this act.

PART V RESALE CERTIFICATES ABUSE CURTAILED

Sec. 501. RCW 82.04.470 and 1983 2nd ex.s. c 3 s 29 are each amended to read as follows:

RESALE CERTIFICATES. (1) Unless a seller has taken from the purchaser a resale certificate ((signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide)), the burden of proving that a sale of tangible personal property, or of ((telephone)) services ((as defined in RCW 82.04.065)), was not a sale at retail shall be upon the person who made it.

(2) If a seller does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate according to rules adopted by the department of revenue that the sale was properly made without payment of sales tax.

(3) Resale certificates shall be valid for a period of four years from the date the certificate is provided to the seller.

(4) The department may provide by rule for suggested forms for resale certificates and the other documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.

(5) As used in this section, "resale certificate" means a document provided by a buyer to a seller at the time of sale stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information:

(a) The name and address of the buyer;

(b) The uniform business identifier or revenue registration number of the buyer, if the buyer is required to registered;

(c) The type of business engaged in;

(d) The categories of items or services to be purchased for resale or that are exempt, unless the buyer is in a business classification that may present a blanket resale certificate as provided by the department by rule;

(e) The date on which the certificate was provided;

(f) A statement that the items or services purchased either: (i) Are purchased for resale in the regular course of business; or (ii) are exempt from tax pursuant to statute;

(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale or exemption privilege claimed on the certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law;

(h) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(i) The signature of the authorized individual; and

(j) The name of the seller.

NEW SECTION. Sec. 502. A new section is added to chapter 82.08 RCW to read as follows:

RESALE CERTIFICATE--PURCHASE AND RESALE. If a buyer normally is engaged in both consuming and reselling certain types of articles of tangible personal property and is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a resale certificate

for the entire purchase if the buyer principally resells the articles according to the general nature of the buyer's business. The buyer shall account for the value of any articles purchased with a resale certificate that are used by the buyer and remit the sales tax on the articles to the department.

A buyer who pays a tax on all purchases and subsequently resells an article at retail, without intervening use by the buyer, shall collect the tax from the purchaser as otherwise provided by law and is entitled to a deduction on the buyer's tax return equal to the cost to the buyer of the property resold. The deduction is allowed only if the taxpayer keeps and preserves records that show the names of the persons from whom the articles were purchased, the date of the purchase, the type of articles, the amount of the purchase, and the tax that was paid. The department shall provide by rule for the refund or credit of retail sales tax paid by a buyer for purchases that are later sold at wholesale without intervening use by the buyer.

NEW SECTION. Sec. 503. A new section is added to chapter 82.32 RCW to read as follows:

PENALTY. Any person who uses a resale certificate to purchase items without payment of sales tax and who is not entitled to use the certificate for the purchase shall be assessed a penalty of fifty percent of the tax due, in addition to all other taxes, penalties, and interest due, on the improperly purchased item. The department may waive the penalty imposed under this section if it finds that the use of the certificate was due to circumstances beyond the taxpayer's control or if the certificate was used for purchases for dual purposes. The department shall define by rule what circumstances are considered to be beyond the taxpayer's control.

Sec. 504. RCW 82.08.050 and 1992 c 206 s 2 are each amended to read as follows:

SELLER TO COLLECT TAX. The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax, unless the seller has taken from the buyer in good faith a properly executed resale certificate as provided in RCW 82.04.470.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

PART VI
BUSINESS & OCCUPATION AND PUBLIC UTILITY TAX
DEDUCTIONS FOR CAPITAL CONTRIBUTIONS REPEALED

NEW SECTION. Sec. 601. EXEMPTION OF AMOUNTS PAID TO POLITICAL SUBDIVISIONS FOR CAPITAL FACILITIES. RCW 82.04.417 and 1969 ex.s. c 156 s 1 are each repealed.

**PART VII
REPEAL OF INSURANCE PREMIUMS TAX CREDIT FOR
PAYMENTS TO GUARANTY ASSOCIATIONS**

Sec. 701. RCW 48.32.145 and 1977 ex.s. c 183 s 1 are each amended to read as follows:

CREDIT AGAINST PREMIUM TAX. Every member insurer (~~(which during any calendar year)~~) that prior to April 1, 1993, shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) (~~(as now or hereafter amended)~~) shall be entitled to take, as a credit against any premium tax falling due under RCW 48.14.020, one-fifth of the aggregate amount of such aggregate assessments during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid (~~(- PROVIDED, That)~~). Whenever an assessment or uncredited portion (thereof) of an assessment is or becomes less than one thousand dollars, the entire amount may be credited against the premium tax at the next time the premium tax is paid.

This section shall expire January 1, 1999.

Sec. 702. RCW 48.32A.090 and 1990 c 51 s 6 are each amended to read as follows:

CERTIFICATES OF CONTRIBUTION. (1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution issued prior to April 1, 1993, shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve (~~(- PROVIDED, That)~~). Unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

- 100% for the calendar year of issuance;
- 80% for the first calendar year after the year of issuance;
- 60% for the second calendar year after the year of issuance;
- 40% for the third calendar year after the year of issuance;
- 20% for the fourth calendar year after the year of issuance; and
- 0% for the fifth and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and (~~(by him)~~) then deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

**PART VIII
MISCELLANEOUS**

NEW SECTION. Sec. 801. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. EFFECTIVE DATES. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect as follows:

- (1) Sections 132, 701, and 702 of this act take effect immediately.
- (2) Sections 101 through 131, 133 through 137, 201 through 211, 301 through 305, and 501 through 601 of this act shall take effect July 1, 1993.
- (3) Sections 401 and 402 of this act shall take effect January 1, 1994.

NEW SECTION. Sec. 803. PART HEADINGS AND CAPTIONS. Part headings and captions as used in this act constitute no part of the law."

Signed by Representatives G. Fisher, Chair; Holm, Vice Chair; Anderson; Brown; Cothorn; Leonard; Morris; Romero; Rust; Thibaudeau; and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Foreman, Ranking Minority Member; Fuhrman, Assistant Ranking Minority Member; Silver; Talcott; and Van Luven.

April 13, 1993

ESSB 5972 Prime Sponsor, Committee on Transportation: Adopting the transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1995.

Any bill enacted during the 1993 legislative session requiring expenditure from a transportation-related fund or account that was not heard by either of the transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 212,000
Highway Safety Fund--Federal Appropriation \$ 2,545,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 900,000
TOTAL APPROPRIATION \$ 3,657,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the public safety and education account shall be used solely to fund community DWI task forces. Funding from the public safety and education account for any community DWI task force may not exceed fifty percent of total expenditures in support of that task force.

(2) It is the intent of the legislature that the Washington traffic safety commission be abolished as of July 1, 1994. The office of the governor shall submit to the legislative transportation committee by December 15, 1993, a plan for transferring the responsibilities of the Washington traffic safety commission to an existing transportation agency. The appropriations from the highway safety fund--state and highway safety fund--federal represent funding necessary to operate the agency for fiscal year 1994 only.

(3) \$175,000 of the highway safety fund--federal appropriation may be used only to fund the law and justice program. As of July 1, 1993, the law and justice program shall be transferred from the department of licensing to the Washington traffic safety commission.

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ 218,000

NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation
Account--State Appropriation \$ 24,247,000
Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ 61,838,000
Motor Vehicle Fund--Private Local Appropriation \$ 508,000
Motor Vehicle Fund--State Appropriation \$ 1,331,000
TOTAL APPROPRIATION \$ 87,924,000

NEW SECTION. Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ 184,000,000
Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 26,322,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,500,000
TOTAL APPROPRIATION \$ 211,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement board shall present to the legislative transportation committee by December 15, 1993, proposed legislation and an action plan to address the recommendations identified in the 1992 evaluation of the transportation improvement board by the subcommittee on transportation boards and commissions of the legislative transportation committee.

(2) The transportation improvement board shall on a quarterly basis present to the legislative transportation committee and the office of financial management an analysis of project cost changes as they apply to overall project costs, for projects funded from the transportation improvement account and the urban arterial trust account. The initial report, due October 31, 1993, shall compare cost estimates at the time of project approval to present estimate or final cost for all urban arterial trust account projects selected from 1989 forward and for all transportation improvement account projects. The board shall provide an update to the report each quarter thereafter citing the amount and reason for additional changes in actual or estimated costs for any project.

(3) \$50,000,000 of the transportation improvement account--state appropriation in this section is conditioned on the enactment of Senate Bill No. 5969, authorizing bond sales for projects funded from the transportation improvement account.

NEW SECTION. Sec. 6. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 143,616,000
Motor Vehicle Fund--State Patrol Highway Account--
Federal Appropriation \$ 3,218,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 788,000
TOTAL APPROPRIATION \$ 147,622,000

The appropriations in this section are subject to the following conditions and limitations:

Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--INVESTIGATIVE SERVICES BUREAU

General Fund--Public Safety &
Education Account--State Appropriation \$ 22,757,000
General Fund--Death Investigations Account--State
Appropriations \$ 24,000
General Fund--Private/Local Appropriation \$ 184,000
General Fund--Federal Appropriation \$ 1,037,000

TOTAL APPROPRIATION \$ 24,002,000

NEW SECTION. Sec. 8. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 57,374,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 4,490,000
TOTAL APPROPRIATION \$ 61,864,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation \$ 46,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 414,000
Highway Safety Fund--State Appropriation \$ 5,523,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 96,000
Motor Vehicle Fund--State Appropriation \$ 4,379,000
TOTAL APPROPRIATION \$ 10,458,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation \$ 221,000
General Fund--Public Safety &
Education Account--State Appropriation \$ 247,000
Highway Safety Fund--State Appropriation \$ 5,131,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 50,000
Motor Vehicle Fund--State Appropriation \$ 9,869,000
TOTAL APPROPRIATION \$ 15,518,000

Contained in this appropriation is \$10,000,000 for the licensing application migration project (LAMP), of which \$6,000,000 is motor vehicle fund--state and \$4,000,000 highway safety fund--state. Of the \$10,000,000 appropriation \$500,000 is provided solely as a contingency amount. The appropriation for LAMP is conditioned upon compliance with section 51 of this act. If section 51 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ 49,076,000
General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000
General Fund--Wildlife Account--State Appropriation \$ 520,000
Department of Licensing Services Account--
State Appropriation \$ 676,000
TOTAL APPROPRIATION \$ 50,298,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety &
Education Account--State Appropriation \$ 4,396,000
Highway Safety Fund--State Appropriation \$ 51,929,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,300,000
TOTAL APPROPRIATION \$ 57,625,000

\$400,000 of the highway safety fund - motorcycle safety education account appropriation in this section is provided solely to enhance the motorcycle testing program. If Senate Bill No. 5101 is not enacted during the 1993 legislative session, the \$400,000 appropriation is null and void.

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,644,000

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 410,000

NEW SECTION. Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 373,000

NEW SECTION. Sec. 16. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,637,000

The Washington state transportation commission shall make recommendations on the facility, operations, and funding components of implementing passenger-only service from Seattle/Vashon/Southworth and Seattle/Kingston. Such recommendations shall be submitted to the governor and the legislative transportation committee on or before September 30, 1993.

NEW SECTION. Sec. 17. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 569,000

The appropriation in this section assumes that as of January 1, 1994, commission staff shall be reduced from four full-time equivalent to two full-time equivalent and that the appropriation shall expire on April 1, 1994.

Sec. 18. RCW 47.86.030 and 1992 c 190 s 3 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, ~~((1994))~~ 1993, with completed reports to be presented to the legislative transportation committee on the dates as provided in subsection (3) of this section.

(3) A report on the following work program projects by December 1, 1992:

(a) Evaluation of the importance of air transportation in the economic and social vitality of the state including costs and effects of delay of air capacity expansion;

(b) Air transportation demand, aviation industry trends, and air capacity in Washington through 2020;

(c) A review of the final draft of the Puget Sound air transportation committee's flight plan assessments of air capacity and demand.

(4) A transportation systems planning evaluation of air transportation planning options in Washington by July 1, 1993.

(5) The work program project reports as provided in subsection (3) of this section and the policy recommendations of the commission shall be transmitted to regional transportation planning organizations created pursuant to chapter 47.80 RCW. Each regional transportation planning organization shall consider the commission's project reports and policy recommendations when adopting its regional transportation plan and in its review of local comprehensive plans for consistency with the regional transportation plans.

(6) A review of the environmental, social, and economic costs associated with Washington state's air transportation system. The commission shall review and comment upon the effectiveness and reasonableness of current or planned practices to mitigate the adverse environmental effects of operating, developing, or expanding the state's air transportation system.

NEW SECTION. Sec. 19. Effective April 1, 1994, the following acts or parts of acts are each repealed:

- (1) RCW 47.86.010 and 1990 c 298 s 39;
- (2) RCW 47.86.020 and 1990 c 298 s 40;
- (3) RCW 47.86.030 and 1993 c . . . s 18 (section 18 of this act), 1992 c 190 s 3, 1991 c 231 s 7, & 1990 c 298 s 41;
- (4) RCW 47.86.035 and 1992 c 190 s 1;
- (5) RCW 47.86.040 and 1990 c 298 s 42;
- (6) RCW 47.86.050 and 1990 c 298 s 43;
- (7) RCW 47.86.060 and 1990 c 298 s 44;
- (8) RCW 47.86.900 and 1990 c 298 s 45; and
- (9) RCW 47.86.901 and 1990 c 298 s 47.

NEW SECTION. Sec. 20. FOR THE WASHINGTON STATE ENERGY OFFICE

Motor Vehicle Fund--State Appropriation \$ 210,000

The Washington state energy office shall update the petroleum data book by January 15, 1994, and shall update the state gasoline prices study by January 15, 1995.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 418,000

The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee on December 15th of each year.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 140,937,000

Motor Vehicle Fund--Federal Appropriation \$ 98,040,000

Motor Vehicle Fund--Local Appropriation \$ 3,460,000

TOTAL APPROPRIATION \$ 242,437,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(2) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(3) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation \$ 115,245,000
Motor Vehicle Fund--Federal Appropriation \$ 446,000,000
Motor Vehicle Fund--Local Appropriation \$ 4,000,000
TOTAL APPROPRIATION \$ 565,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$50,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000 as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) Up to \$60,000,000 of the motor vehicle fund--state appropriation in this section is provided to expedite high occupancy vehicle lane construction on the interstate system, of which \$30,000,000 may not be allotted by the office of financial management for fiscal year 1995 until a written progress report for the entire HOV lane construction program is submitted by the department of transportation to the house and senate transportation committees by January 1, 1994 and adopted by the legislature during the 1994 legislative session. Up to \$20,000,000 of this appropriation is provided from bond sale proceeds authorized in Senate Bill No. 5970.

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation \$ 41,805,000
Motor Vehicle Fund--Federal Appropriation \$ 66,948,000
Motor Vehicle Fund--Local Appropriation \$ 5,000,000
Transportation Fund--State Appropriation \$ 39,459,000
Special Category C--State Appropriation \$ 166,833,000
Puyallup Tribal Settlement Account--
State Appropriation \$ 44,024,000
Puyallup Tribal Settlement Account--
Private Local Appropriation \$ 6,000,000
TOTAL APPROPRIATION \$ 370,069,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$32,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$11,000,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in

lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(3) The special category C fund--state appropriation of \$166,833,000 includes \$108,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5343 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) Up to \$70,484,000 of the motor vehicle fund--state and \$14,948,000 of the motor vehicle fund--federal appropriations provided for in this section are for regular category C projects that will be advertised by June 30, 1993.

(5) Up to \$2,000,000 of the motor vehicle fund--state appropriation and \$5,000,000 of the motor vehicle fund--local appropriation contained in this section is provided solely for the construction of rest areas provided local and/or private contributions of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services. This appropriation provides for construction of the North Fork Ridge rest area on state route 504, the Sherman Pass rest area on state route 20, and the state route 12 Montesano westbound rest area, which replaces Elma westbound rest area.

NEW SECTION. **Sec. 25.** If Substitute Senate Bill No. 5963 becomes law, the department of transportation, in consultation with the legislative transportation committee, shall develop a plan to implement the requirements of such legislation that includes program performance and monitoring procedures. The implementation plan shall be submitted to the house and senate transportation committees on or before January 1, 1994.

NEW SECTION. **Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D**

Motor Vehicle Fund--State Appropriation \$ 31,221,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Transportation Capital Facilities
Account--State Appropriation \$ 40,480,000
TOTAL APPROPRIATION \$ 72,101,000

Up to \$750,000 of the motor vehicle fund--transportation capital facilities account--state appropriation is provided to implement the Americans with Disabilities Act (P.L. 101-336 42 U.S.C. Sec. 12101 et seq.).

NEW SECTION. **Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F**

General Fund--Aeronautics Account--State
Appropriation \$ 3,106,000
General Fund--Aeronautics Account--Federal
Appropriation \$ 652,000
General Fund--Search and Rescue Account--State
Appropriation \$ 130,000
TOTAL APPROPRIATION \$ 3,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The aeronautics account appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, and federal inspections.

(2) The search and rescue account--state appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. **Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G**

Motor Vehicle Fund--Economic Development Account--
State Appropriation \$ 5,020,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation \$ 51,027,000
Motor Vehicle Fund--Federal Appropriation \$ 71,000,000
Motor Vehicle Fund--Local Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 123,027,000

(1) The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program.

(2) Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided solely for rehabilitation of state-owned moveable bridges.

(3) Up to \$6,000,000 of the motor vehicle fund--state appropriation is for enhanced bridge inspections.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 239,492,000
Motor Vehicle Fund--Local Appropriation \$ 4,690,000
TOTAL APPROPRIATION \$ 244,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$300,000 of the motor vehicle fund--state appropriation is provided to develop and implement a roadside vegetation management plan to comply with the Puget Sound water quality authority management plan. Emphasis shall be placed on nonchemical vegetation control.

(2) Up to \$910,000 of the motor vehicle fund--state appropriation is provided for additional maintenance to prevent mechanical and electrical problems on floating bridges, maintenance on the Lacey V. Murrow floating bridge, and compliance with department of labor and industries maintenance regulations.

(3) Up to \$600,000 of the motor vehicle fund--state appropriation is provided for testing and disposal of hazardous materials and for interjurisdictional and/or interagency development of eight treatment facilities.

(4) Up to \$800,000 of the motor vehicle fund--state appropriation is provided for more frequent catch basin cleaning and for treatment and disposal of waste.

(5) Up to \$2,411,000 of the motor vehicle fund--state appropriation is provided to expedite and enhance traffic signal improvements.

(6) It is the intent of the legislature that the legislative transportation committee study the impact upon the department of transportation of the utilities accommodation policy, requiring the removal of power poles, guy lines, and junction boxes adjacent to state highways. The committee shall report its findings to the legislature no later than November 15, 1995. No additional moneys are appropriated in this section for the purpose of doing additional utility clear zone work.

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R

Motor Vehicle Fund--State Appropriation \$ 2,894,000
Motor Vehicle Fund--Federal Appropriation \$ 33,400,000
Motor Vehicle Fund--Local Appropriation \$ 28,892,000
TOTAL APPROPRIATION \$ 65,186,000

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 1,109,000
Motor Vehicle Fund--State Appropriation \$ 52,475,000
Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 1,105,000
Transportation Fund--State Appropriation \$ 897,000
TOTAL APPROPRIATION \$ 55,586,000

Up to \$526,000 of the transportation fund--state appropriation is provided for the implementation of Substitute House Bill No. 1006.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Motor Vehicle Fund--State Appropriation \$ 16,626,000
Motor Vehicle Fund--Federal Appropriation \$ 16,314,000
High Capacity Transportation Account--
State Appropriation \$ 17,500,000
Transportation Fund--State Appropriation \$ 44,216,000
Transportation Fund--Federal Appropriation \$ 5,852,000
Transportation Fund--Local Appropriation \$ 100,000
Central Puget Sound Public Transportation Account--
State Appropriation \$ 21,100,000
Public Transportation Systems Account--State
Appropriation \$ 5,500,000

For planning and research:

TOTAL APPROPRIATION \$ 127,208,000

The appropriations in this section are for public transportation and rail programs and are subject to the following conditions and limitations:

(1) Up to \$31,000,000 of the transportation fund--state appropriation is provided for administrative costs, operating subsidies for contracted AMTRAK 403(b) service, and for capital projects to improve train speeds and service.

(2) Up to \$9,200,000 of the transportation fund--state appropriation is provided for state participation in the planning and construction of passenger rail depots and other passenger intermodal facilities.

(3) The central Puget Sound public transportation account--state appropriation and the public transportation systems account--state appropriation shall be distributed to local transit agencies based on the allocation process defined in Substitute House Bill No. 2036. These appropriations are null and void if Substitute House Bill No. 2036 is not enacted by the legislature.

(4) Of the \$3,400,000 transportation fund--state appropriation provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) Up to \$500,000 of the motor vehicle fund--state appropriation contained in this section is provided solely for the cross Sound investment program.

(6) Up to \$1,500,000 of the transportation fund--state appropriation contained in this section is provided solely for the rural mobility program.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T--CAPITAL

Essential Rail Assistance Account--State
Appropriation \$ 1,000,000
Essential Rail Banking Account--State
Appropriation \$ 1,100,000
TOTAL APPROPRIATION \$ 2,100,000

The appropriations in this section are provided for the purposes authorized in chapter 47.76 RCW.

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation \$ 30,124,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ 32,124,000

The appropriations in this section are to provide for costs billed to the department for the services or other state agencies as follows:

- (1) Archives and records management, \$258,000 motor vehicle fund--state appropriation;
- (2) Attorney general tort claims support, \$4,692,000 motor vehicle fund--state appropriation;
- (3) Office of the state auditor, \$793,000 motor vehicle fund--state appropriation;
- (4) Department of general administration facility and services, \$3,406,000 motor vehicle fund--state appropriation;
- (5) Department of personnel, \$3,088,000 motor vehicle fund--state appropriation;
- (6) Self-insurance liability premiums and administration, \$15,824,000 motor vehicle fund--state appropriation;
- (7) Department of general administration for capital projects on the transportation Olympia headquarters building and for maintenance work on the department of transportation/plaza parking garage, \$1,704,000 motor vehicle fund--state appropriation;
- (8) Office of minority and women's business enterprises, \$359,000 motor vehicle fund--state appropriation;
- (9) Marine division self-insurance liability premiums and administration \$2,000,000 motor vehicle fund--Puget Sound ferry operations account--state appropriation.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 235,746,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 32,237,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 900,000

TOTAL APPROPRIATION \$ 268,883,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 4) for the 1993-95 budget. The department shall reconcile the 1991-93 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.
- (2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$116,126,000 in proceeds from the sale of bonds authorized by RCW 47.60.800. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.
- (3) The appropriation in this section provides for the construction, in the state of Washington, of new jumbo ferry vessels in accordance with the requirements of Substitute House Bill No. 1635. The transportation commission shall provide progress reports to the legislative transportation committee and the governor regarding the implementation of Substitute House Bill No. 1635.
- (4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Marine Operating Fund--State Appropriation \$ 237,309,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is based on the budgeted expenditure of \$27,123,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$159,183,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

(3) The appropriation in this section includes \$250,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

(4) The appropriation in this section includes \$154,000 for support of Clinton terminal agent expenses, but shall be expended only upon the construction of a new Clinton terminal.

(5) The appropriation in this section includes \$359,000 to provide, during the summer, eight hours of Issaquah vessel class service on the Edmonds/Kingston route. This amount shall be expended only if the super class vessel refurbishment program impacts super class vessel service on this route.

(6) The appropriation in this section includes \$185,000 to assess the ability of enhancing vessel maintenance for those routes that require extensive service schedules throughout the year by placing additional oiler staff hours on two routes during the 1993-94 fiscal year. The results of this maintenance approach shall be reported to the legislative transportation committee and the office of financial management by December 1, 1993.

(7) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 8,594,000
Motor Vehicle Fund--Federal Appropriation \$ 161,033,000
Motor Vehicle Fund--Local Appropriation \$ 5,086,000
Transfer Relief Account--State Appropriation \$ 3,920,000

TOTAL APPROPRIATION \$ 178,633,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$1,000,000 of the motor vehicle fund--state appropriation is provided for the completion of the cost responsibility study or other studies. The cost responsibility study shall be performed in conjunction with the office of financial management, the transportation commission, the legislative transportation committee, public transportation agencies, and cities and counties. The cost responsibility study shall include but not be limited to analysis and recommendations regarding:

(a) Damage to, use of, and benefit from the state's transportation systems;
(b) Whether the users and beneficiaries of the states' transportation systems are paying an appropriate share of the costs; and

(c) Alternative methods of cost recovery and taxation including user and beneficiary based methods.

The study shall be completed by July 1, 1994.

(2) Up to \$6,774,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$570,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--RV Account--State Appropriation
For transfer to the Motor Vehicle Fund \$ 427,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation
For transfer to the Transportation Capital Facilities
Account--State Appropriation \$ 40,480,000

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION EMERGENCY PROJECTS--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5370.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION FEDERAL MATCH PROJECTS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5371. The state finance committee shall administer the repayment of loans authorized in Senate Bill No. 5371.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation
For transfer to the Transportation Equipment Account \$ 2,600,000

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--Highway Construction
Stabilization Account
For transfer to the Motor Vehicle Fund \$ 33,000,000

The transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 45. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 46. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 47. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 48. A new section is added to chapter 46.01 RCW to read as follows:

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

NEW SECTION. Sec. 49. FOR THE WASHINGTON STATE PATROL--CAPITAL

Motor Vehicle Fund--State Patrol Highway

Account--State Appropriation \$ 9,645,000

Motor Vehicle Fund--State Appropriation \$ 740,000

Highway Safety Fund--State Appropriation \$ 740,000

TOTAL APPROPRIATION \$ 11,125,000

The appropriations in this section are provided for the following projects:

WSP/DOL/DOT Dist Office--Tacoma

Everett Dist Hdqtrs Building

Minor Works Preservation

Shelton Trng Acad Restroom Repair

Replace Underground Storage Tanks

Replace Rattlesnake Ridge Communication Site

Shelton Academy Property Acquisition

Vancouver Cve Inspection Station

Mt. Vernon Comm Site Construction

Spokane Cve Inspection Station

Replace Scale Mechanism SeaTac South

Yakima District Hdqtrs Predesign

I-90 Port of Entry Weigh Station

Smokey Point Weigh Station Design

Morton Detachment Property Acquisition

Longview Vin Lane Construction Property Acquisition

NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF LICENSING--CAPITAL

Highway Safety Fund--State Appropriation \$ 61,000

Motor Vehicle Fund--State Appropriation \$ 20,000

TOTAL APPROPRIATION \$ 81,000

The appropriations in this section are provided for the following projects:

Longview Customer Service Center

North Spokane Customer Service Center

Vancouver Customer Service Center

NEW SECTION. Sec. 51. In addition to compliance with the requirements of RCW 43.105.190, titled "Major information technology projects standards and policies," agencies shall comply with the following requirements: For projects funded through the transportation budget, the agency and the department of information services shall provide the office of financial management, the legislative transportation committee, and the information services board with a written bi-monthly project oversight and risk assessment report for designated projects. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

NEW SECTION. **Sec. 52.** The legislature supports the proposed reduction by the governor of state agency, middle management level employees and recognizes that such reduction is essential to achieve more efficient and effective delivery of state services. Further, the legislature finds that employee reductions in agencies providing state transportation programs and services are necessary to the extent such reductions do not jeopardize transportation program and service delivery.

NEW SECTION. **Sec. 53.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. **Sec. 54.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 55.** The commission for efficiency and accountability in Washington state government shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine the cost allocation for actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles and represent a pro rata share in relation to all other agencies.

NEW SECTION. **Sec. 56.** Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

- (1) Scheduled increment increases to any employee classified under chapter 41.06 RCW;
- (2) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch;
- (3) Salary increases to the agency officials listed in RCW 43.03.028 and 47.01.041.

NEW SECTION. **Sec. 57.** The department of licensing shall review the pricing of fees related to the licensing and operation of motor vehicles to determine whether any such fees should be eliminated to reduce costs, whether the pricing of any fees should be adjusted to cover costs of administration or to be more equitable, and whether any other related modifications may be justified, and make recommendations to the governor and the legislative transportation committee by October 15, 1993, as to any price-setting policies or guidelines, pricing changes, or other statutory modifications pertaining to such fees.

Sec. 58. 1991 sp.s. c 15 s 4 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ ((185,000))

202,000

((No more than \$80,000 may be expended for attorney general fees.))

Sec. 59. 1992 c 166 s 8 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ ((45,695,000))

46,089,500

General Fund--Marine Fuel Tax Refund Account--
 State Appropriation \$ 25,000

General Fund--Wildlife Account--State
 Appropriation \$ 504,000

TOTAL APPROPRIATION \$ ((46,224,000))

46,618,500

Sec. 60. 1992 c 166 s 9 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--
 State Appropriation \$ 4,394,000

Highway Safety Fund--State Appropriation \$ ((48,256,000))

48,405,078

Highway Safety Fund--Motorcycle Safety Education Account--
 State Appropriation \$ 884,000

TOTAL APPROPRIATION \$ ((53,534,000))

53,683,078

Sec. 61. 1992 c 166 s 20 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ ((217,750,000))

221,550,000

Motor Vehicle Fund--Local Appropriation \$ 750,000

TOTAL APPROPRIATION \$ ((218,500,000))

222,300,000

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner.

NEW SECTION. **Sec. 62.** Sections 1 through 18 and 20 through 61 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Eide; Finkbeiner; Hansen; Heavey; Johanson; J. Kohl; R. Meyers; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Brough; Brumsickle; Forner; Fuhrman; Horn; Miller; and Wood.

Excused: Representative Cothorn.

MOTION

On motion of Representative Peery, the rules were suspended and the bills listed on the committee report under the fifth order of business was advanced to the second reading calendar with the exception of House Bill No. 2116 which was passed to Committee on Rules for 2nd Reading.

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

SECOND READING

MOTION

On motion of Representative Peery, the House immediately considered Engrossed Substitute Senate Bill No. 5972 on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5972, by Senate Committee on Transportation (originally sponsored by Senator Vognild; by request of Office of Financial Management)

Adopting the transportation budget.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 95th Day, April 15, 1993.)

Representative R. Fisher moved adoption of the committee amendment.

Representative Wood moved adoption of the amendment to the committee amendment:

On page 1, line 21 of the striking amendment, strike "\$212,000" and insert "\$208,000"

On page 1, line 25 of the striking amendment, strike "\$3,657,000" and insert "\$3,653,000"

On page 2, line 12 of the striking amendment, strike "\$218,000" and insert "\$215,000"

On page 2, line 15 of the striking amendment, strike "\$24,247,000" and insert "\$24,244,000"

On page 2, line 17 of the striking amendment, strike "\$61,838,000" and insert "\$61,832,000"

On page 2, line 19 of the striking amendment, strike "\$1,331,000" and insert "\$1,320,000"

On page 2, line 20 of the striking amendment, strike "\$87,924,000" and insert "\$87,904,000"

On page 2, line 25 of the striking amendment, strike "\$26,322,000" and insert "\$26,308,000"

On page 2, line 28 of the striking amendment, strike "\$211,822,000" and insert "\$211,808,000"

On page 5, line 27 of the striking amendment, strike "\$2,644,000" and insert "\$2,630,000"

On page 5, line 33 of the striking amendment, strike "\$373,000" and insert "\$368,000"

On page 6, line 2 of the striking amendment, strike "\$1,637,000" and insert "\$1,582,000"

Representative Wood spoke in favor of adoption of the amendment to the committee amendment and Representative Eide spoke against it. The amendment to the committee amendment was not adopted.

Representative Miller moved adoption of the following amendment to the committee amendment:

On page 8, line 13 of the striking amendment, strike all of "NEW SECTION. Sec. 20." and renumber the remaining sections accordingly.

Representatives Miller and Mielke spoke in favor of adoption of the amendment to the committee amendment and Representatives Jones and R. Fisher spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

The Speaker assumed the chair.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 8, line 13 to Engrossed Substitute Senate Bill No. 5972 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Voting nay: Representatives Anderson, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Representative Mielke moved adoption of the following amendment to the committee amendment:
On page 8, line 27 of the striking amendment, strike "\$140,937,000" and insert "\$161,398,000"

On page 8, following line 29 of the striking amendment, insert "Transportation Fund--State Appropriation.....
\$ 539,000"

On page 8, line 30 of the striking amendment, strike "\$242,437,000" and insert "\$263,437,000"

On page 9, following line 16 of the striking amendment, insert:

"(4) Up to \$20,461,000 of the motor vehicle fund--state appropriation and \$539,000 of the transportation fund--state appropriation are provided solely for a one-time expenditure for additional category A projects. It is the intent of the legislature that the appropriations in this section do not commit the governor or the legislature to the transportation commission's proposed category A program update."

Representatives Mielke, Horn and Schmidt spoke in favor of adoption of the amendment to the committee amendment and Representative Zellinsky spoke against it.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 8 lines 27, 28, 30 and page 9 line 16 to Engrossed Substitute Senate Bill No. 5972 and the amendment was not adopted by the following vote: Yeas - 34, Nays - 64, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 64.

Representative Fuhrman moved adoption of the following amendment to the committee amendment:

On page 8, line 27 of the striking amendment, after "Motor Vehicle Fund--State Appropriation" strike "\$140,937,000" and insert "\$140,111,000"

On page 8, line 30 of the striking amendment, strike "\$242,437,000" and insert "\$241,611,000"

On page 9, line 8 of the striking amendment, after "(2) Up to" strike "\$1,326,000" and insert "\$500,000"

Representative Fuhrman spoke in favor of adoption of the amendment to the committee amendment and Representatives R. Fisher and King spoke against it. The amendment was not adopted.

Representative Forner moved adoption of the following amendment to the committee amendment:

On page 10, line 28 of the striking amendment, strike "\$41,805,000" and insert "\$59,805,000"

On page 10, line 31 of the striking amendment, strike "\$39,459,000" and insert "\$85,459,000"

On page 10, line 37 of the striking amendment, strike "\$370,069,000" and insert "\$434,069,000"

On page 12, following line 5 of the striking amendment, insert:

"(6) Up to \$18,000,000 of the motor vehicle fund--state appropriation is provided solely for continued engineering during fiscal year 94 for category C projects which will not be advertised for construction during the 1993-95 biennium.

(7) Up to \$46,000,000 of the transportation fund--state appropriation is provided solely for category C high occupancy vehicle lane construction on state highways."

Representatives Forner, Schmidt, Brough and Stevens spoke in favor of adoption of the amendment to the committee amendment and Representatives R. Fisher and Heavey spoke against it.

Representative Brough again spoke in favor of adoption of the amendment and Representative R. Fisher again spoke against it.

Representative Vance demanded an electronic roll call vote. The demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 10 lines 28, 31, 37 and page 12 line 5 to Engrossed Substitute Senate Bill No. 5972 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Eide, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Thomas, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Representative Horn moved adoption of the following amendment to the committee amendment:

On page 12, line 15 of the striking amendment, strike "\$31,221,000" and insert "\$31,021,000"

On page 12, line 19 of the striking amendment, strike "\$72,101,000" and insert "\$71,901,000"

Representatives Horn and Padden spoke in favor of adoption of the amendment to the committee amendment and Representative Brown spoke against it.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 12 lines 15, 19 to Engrossed Substitute Senate Bill No. 5972 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dunshee, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Kessler, Lisk, Long, Ludwig, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

Representative Schmidt moved adoption of the following amendment to the committee amendment:

On page 12, line 15 of the striking amendment, strike "\$31,221,000" and insert "\$30,721,000"

On page 12, line 19 of the striking amendment, strike "\$72,101,000" and insert "\$71,601,000"

Representative Schmidt spoke in favor of adoption of the amendment to the committee amendment and Representative R. Fisher spoke against it. The amendment was not adopted.

Representative Mielke moved adoption of the following amendment to the committee amendment:

On page 12, line 18 of the striking amendment, strike "\$40,480,000" and insert "\$36,226,000"

On page 12, line 19 of the striking amendment, strike "\$72,101,000" and insert "\$67,847,000"

Representative Mielke spoke in favor of adoption of the amendment to the committee amendment and Representative R. Fisher spoke against it. The amendment was not adopted.

Representative Horn moved adoption of the following amendment to the committee amendment:

On page 12, line 18 of the striking amendment, strike "\$40,480,000" and insert "\$38,980,000"

On page 12, line 19 of the striking amendment, strike "\$72,101,000" and insert "\$70,601,000"

Representative Horn spoke in favor adoption of the amendment to the committee amendment and Representative Patterson spoke against it. The amendment was not adopted.

Representative Brough moved adoption of the following amendment to the committee amendment:

On page 14, line 3 of the striking amendment, strike "\$239,492,000" and insert "\$239,192,000"

On page 14, line 5 of the striking amendment, strike "\$244,182,000" and insert "\$243,882,000"

On page 14, beginning on line 8 of the striking amendment, strike all of subsection "(1)" and renumber the remaining subsections.

Representatives Brough, Cooke, Horn and Schoesler spoke in favor of adoption of the amendment to the committee amendment and Representatives Patterson and Jones spoke against it.

Representative Brough again spoke in favor of the amendment.

The Speaker called on the House to divide. The result of the division was: 36 YEAS, 62 NAYS. The amendment was not adopted.

Representative Brough moved adoption of the following amendment to the committee amendment:

On page 14, line 3 of the striking amendment, strike "\$239,492,000" and insert "\$237,081,000"

On page 14, line 5 of the striking amendment, strike "\$244,182,000" and insert "\$241,771,000"

On page 14, beginning on line 24 of the striking amendment, strike all of subsection "(5)" and renumber the remaining subsections.

Representative Brough spoke in favor of adoption of the amendment to the committee amendment and Representative Jones spoke against it. The amendment was not adopted.

With the consent of the House, Representative Forner withdrew amendment number 493. The motion was carried.

With the consent of the House, Representative Stevens withdrew amendment number 459. The motion was carried.

Representative Forner moved adoption of the following amendment to the committee amendment:

On page 15, line 6 of the striking amendment, strike "\$52,475,000" and insert "\$52,375,000"

On page 15, line 10 of the striking amendment, strike "\$55,586,000" and insert "\$55,486,000"

Representatives Forner and Miller spoke in favor of adoption of the amendment to the committee amendment and Representatives R. Meyers, Heavey, Cothorn and J. Kohl spoke against it.

Representative Heavey again spoke against the amendment.

Representative R. Meyers demanded an electronic roll call vote and the demand was sustained.

Representative Forner again spoke in favor of the amendment.

Representative Zellinsky demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 15 lines 6, 10 to Engrossed Substitute Senate Bill No. 5972 and the amendment was not adopted by the following vote: Yeas - 33, Nays - 65, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 33.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 65.

Representative Brough moved adoption of the following amendment to the committee amendment:
On page 15, line 15 of the striking amendment, strike "\$16,626,000" and insert "\$16,226,000"

On page 15, line 27 of the striking amendment, strike "\$127,208,000" and insert "\$126,808,000"

Representative Brough spoke in favor of adoption the amendment to the committee amendment and Representative R. Fisher spoke against it.

Representative Brough again spoke in favor of adoption of the amendment. The amendment was not adopted.

Representative Brumsickle moved adoption of the following amendment to the committee amendment:

On page 15, line 6 of the striking amendment, strike "\$52,475,000" and insert "\$49,851,000"

On page 15, line 10 of the striking amendment, strike "\$55,586,000" and insert "\$52,962,000"

Representatives Brumsickle and Mielke spoke in favor of adoption of the amendment to the committee amendment and Representative Heavey spoke against it. The amendment was not adopted.

Representative Wood moved adoption of the following amendment to the committee amendment:

On page 15, line 15 of the striking amendment, strike "\$16,626,000" and insert "\$16,326,000"

On page 15, line 27 of the striking amendment, strike "\$127,208,000" and insert "\$126,908,000"

Representatives Wood and Dyer spoke in favor of adoption of the amendment to the committee amendment and Representative R. Fisher spoke against it. The amendment was not adopted.

POINT OF ORDER

Representative Heavey: Thank you, Mr. Speaker. What is the rule on reading to the body.

Mr. Speaker: The rule is that the member is suppose to ask consent to the presiding officer. The consent is granted.

Representative Schmidt moved adoption of the following amendment to the committee amendment:

On page 15, line 15 of the striking amendment, strike "\$16,626,000" and insert "\$16,126,000"

On page 15, line 27 of the striking amendment, strike "\$127,208,000" and insert "\$126,708,000"

On page 16, beginning on line 14 of the striking amendment, strike all of subsection "(5)" and renumber the remaining subsection accordingly.

Representative Schmidt spoke in favor of adoption of the amendment to the committee amendment and Representatives R. Fisher spoke against it.

Representative Schmidt again spoke in favor of the amendment.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 15 lines 15, 27 and page 16 line 14 by Representative Schmidt to Engrossed Substitute Senate Bill No. 5972 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Heavey, Horn, Kessler, Lisk, Locke, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven and Wood - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

Representative Miller moved adoption of the following amendment to the committee amendment:

On page 15, line 18 of the striking amendment, strike "\$17,500,000" and insert "\$17,372,000"

On page 15, line 27 of the striking amendment, strike "\$127,208,000" and insert "\$127,080,000"

Representative Miller spoke in favor of adoption of the amendment to the committee amendment and Representative H. Myers spoke against it. The amendment was not adopted.

Representative Mielke moved adoption of the following amendment to the committee amendment:

On page 25, following line 34 of the striking amendment, insert:

"The office of financial management shall reduce allotments to all transportation agencies to reflect the elimination of these salary increases."

Representatives Mielke and R. Fisher spoke in favor of the adoption of the amendment to the committee amendment. The amendment was adopted.

Representative Wineberry moved adoption of the following amendment to the committee amendment:

On page 26, following line 9, insert a new section as follows:

"NEW SECTION. Sec. 58. There is hereby appropriated to Seattle community college district the sum of six hundred thousand dollars for building renovation at the Seattle vocational institute, and one hundred fifty thousand dollars for the purchase of equipment, to establish the Judkins park community job skills center. The purpose of the community job skills center is to establish three programs for preparing the skilled work force anticipated to be needed to meet future transportation job openings in the Puget Sound region: apprenticeship preparation, vocational skill training, and basic skills and applied academics. It is the intent of the legislature that recruitment into the programs will focus on high school-age students; under-employed and unemployed adults, and those returning to the workforce; and people of color.

The appropriation in this section is contingent upon additional transportation revenue being available for this purpose, either from the federal intermodal surface transportation and efficiency act, or from enhanced state revenue enacted during the 1993 legislative session. Prior to actual expenditure of these funds, Seattle community college shall present a detailed expenditure plan to the legislative transportation committee for approval."

Representatives Wineberry and J. Kohl spoke in favor of adoption of the amendment to the committee amendment and Representative R. Fisher spoke against it. The amendment was not adopted.

Representative Mielke moved adoption of the following amendment to the committee amendment:

On page 26, after line 9 of the amendment, insert the following:

"Sec. 58. RCW 43.84.092 and 1992 c 235 s 4 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive ~~((eighty))~~ one hundred percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) No earnings on state transportation accounts and funds may be deposited in the state general fund.

(4) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 59. RCW 43.79A.040 and 1991 sp.s. c 13 s 82 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The American Indian scholarship endowment fund, the energy account, the game farm alternative account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service (~~(account-fund))~~ fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive ~~((eighty))~~ one hundred percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the ferry system account, the ferry system insurance claim reserve account, the ferry system operation and maintenance account, the ferry system revenue account, the ferry system revenue bond account, the high occupancy vehicle account, and the local rail service assistance account.

(3) No earnings on state transportation accounts and funds may be deposited in the state general fund.

(4) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 27, line 19 of the amendment, strike "61" and insert "63"

The Speaker called on Representative R. Meyers to preside.

Representatives Mielke, Schmidt, Brumsickle, Cooke and Horn spoke in favor of adoption of the amendment to the committee amendment and Representatives R. Fisher, Patterson and Jones spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 26 line 9 and page 27 line 19 to Engrossed Substitute Senate Bill No. 5972 and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Kessler, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 55.

Representative Pruitt moved the adoption of the following amendment to the committee amendment:

On page 27, after line 18, insert the following:

"Sec. 62. RCW 43.99.070 and 1990 c 42 s 116 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer ~~((an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the outdoor recreation account and the remainder~~

to the motor vehicle fund)) to the outdoor recreation account such of the moneys in the marine fuel tax refund account that are not required for payment of the refund claims or costs, and the state treasurer shall make the transfer.

Sec. 63. RCW 46.09.170 and 1990 c 42 s 115 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, (~~based on the tax rate in effect January 1, 1990,~~) less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the outdoor recreation account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 64. RCW 46.10.170 and 1990 c 42 s 117 are each amended to read as follows:

From time to time, but at least once each biennium, the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax, (~~based on the tax rate in effect January 1, 1990,~~) which is tax on snowmobile fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each biennium to the legislature. To offset the actual cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund a sum equal to such actual cost."

On page 27, line 19, after "62." insert "(1)"

On page 27, line 22, after "immediately." insert the following:

"(2) Sections 62 through 64 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representatives Pruitt, Chandler and Campbell spoke in favor of adoption of the amendment to the committee amendment and Representative R. Fisher spoke against it.

The Speaker (Representative R. Meyers presiding) called on the House to divide. The result of the division was: 41 YEAS; 57 NAYS. The amendment was not adopted.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative R. Fisher spoke in favor of passage of the bill and Representative Schmidt spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5972.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5972 and the bill as amended by the House was declared passed by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Engrossed Substitute Senate Bill No. 5972, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5717, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the second time. Committee on Capital Budget recommendation: Majority do pass as amended. (For committee amendments see today's Journal.)

Representative Wang moved adoption of the committee amendment:

Representative Van Luven moved the adoption of the following amendment to the committee amendment:

On page 6, line 43, strike "\$4,500,000" and insert "\$4,100,000"

On page 6, line 47, strike "\$4,500,000" and insert "\$4,100,000"

On page 160, line 47, strike "\$250,000" and insert "\$650,000"

On page 161, line 3, strike "\$250,000" and insert "\$650,000"

Representative Van Luven spoke in favor of adoption of the amendment to the committee amendment and Representatives Wang and L. Johnson spoke against it. The amendment was not adopted.

Representative Wang moved the adoption of the following amendment to the committee amendment:

On page 14, line 43, after "park" strike all material through "park," on page 15, line 1

Representatives Wang and Sehlin spoke in favor of adoption of the amendment to the committee amendment:

Representative Thomas moved the adoption of the following amendment to the committee amendment:

On page 29, beginning on line 40, strike all of section 216

On page 85, after line 41, insert:

"NEW SECTION. Sec. 500. FOR THE DEPARTMENT OF FISHERIES

Issaquah Salmon Hatchery: To develop, in consultation with interested community groups, a management plan and facility predesign for future use of the hatchery.

Appropriation

St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 150,000"

Representatives Thomas, Ogden and Dyer spoke in favor of adoption of the amendment to the committee amendment and Representatives Wang and King spoke against it.

Representatives Thomas and Dyer again spoke in favor of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

The Speaker assumed the chair.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 29 line 40 and page 85 line 41 to Substitute Senate Bill No. 5717 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 39.

Voting nay: Representatives Anderson, Appelwick, Bray, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 59.

Representative Van Luven moved the adoption of the following amendment to the committee amendment:

On page 29, beginning on line 40, strike all of section 216

On page 51, after line 29, insert the following:

"NEW SECTION. Sec 295. FOR THE DEPARTMENT OF VETERANS AFFAIRS

World War II Veterans Memorial: To design a memorial

Appropriation:

St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
Total	\$ 150,000"

Representatives Van Luven and Zellinsky spoke in favor of adoption of the amendment to the committee amendment and Representatives Wang and Heavey spoke against it.

Representative Thomas demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 29 line 40 and page 51 line 29 to Substitute Senate Bill No. 5717 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Casada, Chandler, Cooke, Dyer, Edmondson, Fisher, G., Foreman, Forner, Fuhrman, Horn, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Patterson, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

Representative Wang moved the adoption of the following amendment to the committee amendment:

On page 33, line 22, after "limitations:" insert:

"(1)"

On page 33, after line 23, insert:

"(2) \$7,500,000 of the appropriation may be used for projects authorized in HB 1790."

Representatives Wang and Sehlin spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

With the consent of the House, Representative Van Luven withdrew amendments numbers 467 and 468.

Representative Pruitt moved the adoption of the following amendment to the committee amendment:

On page 39, after line 3, insert the following new section:

"NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Kitsap Mental Health Services: To construct a new mental health facility.

Appropriation

St Bldg Constr Acct	\$ 500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 500,000"

Representatives Pruitt, Thibaudeau and Zellinsky spoke in favor of the amendment to the committee amendment and Representatives Wang and Ogden spoke against it. The amendment was not adopted.

Representative Wang moved the adoption of the following amendment to the committee amendment:

On page 39, line 17, strike "\$480,000" and insert "\$240,000"
On page 39, line 18, strike "\$480,000" and insert "\$240,000"
On page 39, line 20, strike "\$960,000" and insert "\$480,000"
On page 39, line 24, strike "\$1,030,000" and insert "\$550,000"

Representatives Wang, Sehlin and Tate spoke in favor of adoption of the amendment to the committee amendment. The amendment was adopted.

Representative Silver moved the adoption of the following amendment to the committee amendment:

On page 39, beginning on line 13, strike all of section 243

Representatives Silver, King, Sehlin, Dyer, J. Kohl, Cooke, Sheldon, Lisk, and Campbell spoke in favor of adoption of the amendment to the committee amendment.

Representatives Wang, G. Cole, Heavey, Wineberry and Ogden spoke against it.

Representative Silver again spoke in favor of the amendment.

Representative Zellinsky demanded the previous question and the demand was not sustained.

The Speaker (Representative R. Meyers) assumed the chair.

Representative Sheahan demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 39 line 13 to Substitute Senate Bill No. 5717 and the amendment was adopted by the following vote: Yeas - 53, Nays - 45, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Johanson, Jones, Kessler, Kremen, Lemmon, Linville, Lisk, Locke, Long, Mielke, Miller, Morris, Morton, Rayburn, Reams, Riley, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 53.

Voting nay: Representatives Anderson, Appelwick, Bray, Brown, Cole, G., Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johnson, L., Johnson, R., Karahalios, King, Kohl, J., Leonard, Ludwig, Mastin, Meyers, R., Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Roland, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 45.

STATEMENT FOR THE JOURNAL

Please change my vote from a "NAY" to a "YEA" on the amendment #481.

MIKE PADDEN, 4th District

Representative Basich moved adoption of the following amendment to the committee amendment:

On page 47, after line 35 insert the following:

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School Repairs:

The appropriation in this section is provided for minor repairs including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Appropriation:

St Bldg Constr Acct \$ 82,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
Total \$ 82,000 "

Representatives Morris, Chappell, Morton, and Brumsickle spoke in favor of the adoption of the amendment to the committee amendment and Representatives Wang and J. Kohl spoke against it.

The Speaker (Representative R. Meyers presiding) called upon the House to divide. The result of the division was: 45 YEAS; 53 NAYS. The amendment was not adopted.

Representative Morris moved the adoption of the following amendment to the committee amendment:

On page 56, beginning on line 7, strike all of section 311

Representatives Morris and Wang spoke in favor of adoption of the amendment to the committee amendment and it was adopted.

Representative Sehlin moved the adoption of the following amendment to the committee amendment:

On page 60, after line 2, insert the following:

"(7) The general fund appropriation is provided solely to make up any shortfall in federal funds appropriated in this section. To the extent the general fund appropriation is not used to make up such a shortfall, the appropriation shall lapse. No amount of the general fund appropriation may be expended prior to July 1, 1994."

On page 60, after line 7, insert the following:

"General Fund-State \$ 6,291,000"

Representatives Sehlin, Vance, Padden and Miller spoke in favor of adoption of the amendment and Representatives Ogden and Wang spoke against it.

Representative Sehlin again spoke in favor of the amendment.

Representative Talcott demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the following amendment to the committee amendment on page 60, line 2 to Substitute Senate Bill No. 5717 and the amendment was not adopted by the following vote: Yeas - 33, Nays - 65, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 33.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 65.

Representative Jones moved the adoption of the following amendment to the committee amendment:

On page 74, line 47, after "(9)" strike all material down through "area" on line 50 and insert "Expenditures by the state parks and recreation commission to develop utilities at a state park on the Miller peninsula in Clallam county

shall be limited such that the annual debt service payments on state bonds related to those expenditures shall not exceed the anticipated revenues to be derived from the completed park"

Representative Jones spoke in favor of adoption of the amendment and it was adopted.

Representative Wang moved the adoption of the following amendment to the committee amendment:

On page 77, line 15, after "account" insert "for the Washington wildlife and recreation program as established under chapter 43.98A RCW"

Representative Wang spoke in favor of adoption of the amendment and it was adopted.

Representative Foreman moved the adoption of the following amendment to the committee amendment:

On page 77, line 29, after "chapter 43.98A RCW:" strike all material through "(project number 92-638A)" on line 30 and insert "That portion of mule deer winter range (project number 92-638A) other than partial parts of the following sections located in township 35 north, range 21, east willamette meridian: sections 34, 28, 27, 21, 16, 15, 4, 3"

Representatives Foreman, Wang, Patterson, King, Morton and Pruitt spoke in favor of adoption of the amendment and Representative Fuhrman spoke against it. The amendment was adopted.

Representative Brough moved adoption of the following amendment to the committee amendment:

On page 77, beginning on line 41, strike all of section 470

Representatives Brough and Sehlin spoke in favor of adoption of the amendment and Representatives Flemming, Ogden and Wang spoke against it.

Representative Brough again spoke in favor of the amendment.

Representative Sheldon demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 77 line 41 to Substitute Senate Bill No. 5717 and the amendment was not adopted by the following vote: Yeas - 32, Nays - 66, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dunshee, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Tate, Thomas, Vance, Van Luven and Wood - 32.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 66.

Representative King moved adoption of the following amendment to the committee amendment:

On page 85, after line 41, insert the following:

**"NEW SECTION. Sec 500. FOR THE DEPARTMENT OF FISHERIES
South Sound net pens replacement (94-1-006)**

Appropriation:

St Bldg Constr Acct \$ 345,000
Prior Biennia (Expenditures) \$ 178,000
Future Biennia (Projected Costs) \$ 0
Total \$ 523,000"

Representatives King and Sehlín spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Heavey moved the adoption of the following amendment to the committee amendment:

On page 100, beginning on line 25, strike section 563 and insert the following:

"NEW SECTION. Sec. 563. FOR THE STATE CONVENTION AND TRADE CENTER

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the state convention and trade center's repayment to the state treasury of moneys previously advanced to the center for purchase of the McKay parcel; and
- (2) The state convention and trade center shall sell the McKay parcel by July 1, 1994 and the proceeds from the sale shall be used to redeem bonds issued by the state finance committee for construction of the convention center.

Appropriation:

St Conv & Trade Ctr Acct \$ 11,598,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
Total \$ 11,598,000 "

Representatives Heavey and Brough spoke in favor of adoption of the amendment and Representatives Cothorn, Locke, Miller, J. Kohl and Wang spoke against it.

Representative G. Fisher moved that Representative Miller's remarks be spread upon the Journal. The motion was carried.

Representative Miller: Thank you, Mr. Speaker, members of the House. Well, this is when my esteemed colleague from the 37th District is at his best. He really does know about all the financial aspects of this. It's exceptional a good business deal plus it will provide us with an opportunity to restore historic buildings, make this a kind of shining star in this particular area in Seattle, give us low-income housing which was destroyed when we did the convention center project. It just really is a very good financial deal, and it will be good for the city. It will be good for the arts community, it will be good for those who need low-and moderate-income housing.

Representative Heavey again spoke in favor of adoption of the amendment.

The amendment was not adopted.

Representative Roland moved the adoption of the following amendment to the committee amendment:

On page 150, beginning on line 9, strike all of section 890 and insert:

"NEW SECTION. Sec. 890. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To design and construct a library addition at Skagit Valley (90-5-017)

Reappropriation

St Bldg Constr Acct \$ 43,627

Appropriation

St Bldg Constr Acct \$ 1,890,000

Prior Biennia (Expenditures) \$ 72,372
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999"

On page 159, beginning on line 44, strike all of section 929 and insert:

"NEW SECTION. Sec. 929. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Design funds for information technology center at Green River (94-2-606)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation

St Bldg Constr Acct \$ 3,124

Appropriation

St Bldg Constr Acct \$ 1,335,729

Prior Biennia (Expenditures) \$ 54,876

Future Biennia (Projected Costs) \$ 14,608,996

TOTAL \$ 16,002,725"

Representatives Roland, Quall, Wang and Karahalios spoke in favor of adoption of the amendment. The amendment was adopted.

With the consent of the House, Representative Heavey withdrew amendment number 456.

Representative Wineberry moved the adoption of the following amendment to the committee amendment:

On page 157, line 33, strike "7,583,000" and insert "8,228,000"

On page 157, line 37, strike "7,583,000" and insert "8,228,000"

Representative Wineberry spoke in favor of adoption of the amendment and Representatives Silver and Wang spoke against it.

Representative Wineberry again spoke in favor of the amendment. The amendment was not adopted.

Representative Flemming moved the adoption of the following amendment to the committee amendment:

On page 161, after line 13 of the amendment, insert the following:

"NEW SECTION. Sec. 933. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To acquire parcels No. 3 and 4 of the Flett Dairy to be used as an outdoor environmental lab and education center for Clover Park Technical College

Appropriation:

St Bldg Constr Acct \$ 2,750,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,750,000" -----

Representative Flemming spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Mielke moved the adoption of the following amendment to the committee amendment:

On page 171, after line 26, insert the following:

"NEW SECTION. Sec. 1021. As of the effective date of this act, each state agency is prohibited from using any state funds, regardless of the source, for the construction, remodel, repair, maintenance, or equipping of any

recreational facilities such as gymnasiums, weight rooms, exercise rooms, swimming pools, spas, saunas, basketball courts, running tracks, or any similar type facilities, unless a specific detailed request is made in a funding request to the legislature and is specifically and expressly granted in a legislative appropriation that clearly describes and limits the authorized use."

Representatives Mielke and Wang spoke in favor of adoption of the amendment.

Representative Tate demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment on page 171 line 26 to Substitute Senate Bill No. 5717 and the amendment was adopted by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker assumed the chair.

Representative Wang spoke in favor of final passage of the bill and Representative Sehlin spoke against it.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5717.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5717 as amended by the House and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Silver, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dunshee, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Heavey, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Zellinsky - 37.

Substitute Senate Bill No. 5717, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House immediately consider Engrossed Senate Bill No. 5719 on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5719, by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management

Authorizing general obligation bonds for costs incidental to the 1993-95 biennium.

The bill was read the second time. Committee on Capital Budget recommendation: Majority do pass as amended. (For committee amendment see today's Journal)

Representative Wang moved adoption of the committee amendment.

Representative Wang spoke in favor of the amendment and Representative Sehlin spoke against it. The committee amendment was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wang spoke in favor of final passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5719.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5719 as amended by the House and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Silver, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Heavey, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Zellinsky - 36.

Engrossed Senate Bill No. 5719, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Peery, the House adjourned until 9:00 a. m., Friday, April 16, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETY-FIFTH DAY, APRIL 15, 1993

JOURNAL OF THE HOUSE

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

NINETY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 16, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative Sheldon presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John LeMieux and Eileen Crum. Prayer was offered by Reverend Richard Hart, Minister Emeritus.

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

Representative King assumed the chair.

MESSAGES FROM THE SENATE

April 15, 1993

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1041,
HOUSE BILL NO. 1346,
SUBSTITUTE HOUSE BILL NO. 1367,
SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1477,
SUBSTITUTE HOUSE BILL NO. 1555,
HOUSE BILL NO. 1838,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849,
HOUSE BILL NO. 2069,
SENATE BILL NO. 5060,
SECOND SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5337,
SENATE BILL NO. 5455,
SUBSTITUTE SENATE BILL NO. 5471,
SUBSTITUTE SENATE BILL NO. 5479,
SENATE BILL NO. 5494,
SUBSTITUTE SENATE BILL NO. 5520,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5615,
SENATE BILL NO. 5689,
SUBSTITUTE SENATE BILL NO. 5878,

and the same are herewith transmitted.

Marty Brown, Secretary

April 15, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5309,
SUBSTITUTE SENATE BILL NO. 5310,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 15, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1003,
HOUSE BILL NO. 1344,
SUBSTITUTE HOUSE BILL NO. 1370,
ENGROSSED HOUSE BILL NO. 1415,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1532,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
HOUSE BILL NO. 1923,
SUBSTITUTE HOUSE BILL NO. 1926,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 15, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1028,
SUBSTITUTE HOUSE BILL NO. 1103,
SUBSTITUTE HOUSE BILL NO. 1156,
HOUSE BILL NO. 1225,
HOUSE BILL NO. 1227,
HOUSE BILL NO. 1244,
HOUSE BILL NO. 1328,
ENGROSSED HOUSE BILL NO. 1353,
SUBSTITUTE HOUSE BILL NO. 1497,
HOUSE BILL NO. 1713,
HOUSE BILL NO. 1757,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760,
HOUSE BILL NO. 1773,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE JOINT MEMORIAL NO. 4008,
HOUSE JOINT RESOLUTION NO. 4201,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5981,
ENGROSSED SENATE BILL NO. 5983,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2136 by Representatives Jones, Fuhrman, Orr, Morton and Stevens

AN ACT Relating to time in the state of Washington; amending RCW 1.20.050; repealing RCW 1.20.051; and providing an effective date.

Referred to Committee on State Government.

HCR 4419 by Representative Peery

Extending the cutoff dates for the 1993 regular session.

ESSB 5981 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Spanel and Rinehart; by request of Office of Financial Management)

Regulating forest lands to maintain a viable forest products industry.

2ESB 5983 by Senators M. Rasmussen and Loveland; by request of Department of Agriculture

Altering fees related to agriculture.

MOTIONS

On motion of Representative Sheldon, House Bill No. 2136 on today's introduction sheet was referred to the Committee on State Government.

On motion of Representative Sheldon, the rules were suspended and Engrossed Substitute Senate Bill No. 5981 and Engrossed Senate Bill No. 5983 were advanced to the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

SSB 5968 Prime Sponsor, Committee on Ways & Means: Making appropriations. Reported by Committee on Appropriations

April 25, 1993

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1994" or "FY 1994" means the fiscal year ending June 30, 1994.

(b) "Fiscal year 1995" or "FY 1995" means the fiscal year ending June 30, 1995.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 50,119,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 35,621,000

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,085,000

The appropriation in this section is subject to the following conditions and limitations: \$18,800 is provided solely for the legislative budget committee to conduct an examination of the department of veteran's affairs, the Washington soldiers' home, and the Washington veterans' home to implement Engrossed House Bill No. 1437.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,412,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense

Fund Appropriation \$ 1,649,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$150,000 is provided solely for an actuarial study of local government liabilities for law enforcement officers' and fire fighters' retirement system medical benefits.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 9,380,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 6,415,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided for the expenses of the law revision commission under chapter 1.30 RCW.

NEW SECTION. Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation \$ 9,870,000

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,200,000

NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 17,123,000

NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 1,033,000

NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 24,327,000

Public Safety and Education Account Appropriation \$ 37,195,000

Judicial Information System Account Appropriation \$ 655,000

Drug Enforcement and Education Account Appropriation \$ 6,992,000

TOTAL APPROPRIATION \$ 69,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,107,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) The entire drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(3) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(4) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(5) \$9,820,000 of the public safety and education account appropriation is provided solely for the indigent appeals program.

NEW SECTION. Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 6,476,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$450,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION. Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 456,000

NEW SECTION. Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 2,067,000

NEW SECTION. Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,193,000

Archives and Records Management Account

Appropriation \$ 3,122,000

Department of Personnel Service Fund

Appropriation \$ 391,000

Savings Recovery Account Appropriation \$ 412,000

TOTAL APPROPRIATION \$ 12,118,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,532 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,095,465 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) \$200,000 of the department of personnel service fund appropriation is provided solely for the implementation of the citizen suggestion program. If Engrossed Substitute House Bill No. 1739 is not enacted by June 30, 1993, \$200,000 of the department of personnel service fund appropriation shall lapse.

NEW SECTION. Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 302,000

NEW SECTION. Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 340,000

NEW SECTION. Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 8,940,000

TOTAL APPROPRIATION \$ 8,984,000

The appropriations in this section are subject to the following conditions and limitations: \$284,000 of the state treasurer's service account appropriation is provided solely for the information systems project known as "upgrade mainframe." Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 120. FOR THE STATE AUDITOR

General Fund--State Appropriation \$ 174,000
General Fund--Federal Appropriation \$ 158,000
Motor Vehicle Fund Appropriation \$ 335,000
Municipal Revolving Fund Appropriation \$ 23,297,000
Auditing Services Revolving Fund Appropriation \$ 11,222,000
TOTAL APPROPRIATION \$ 35,186,000

The appropriations in this section are subject to the following conditions and limitations: \$174,000 of the general fund--state appropriation is provided solely to implement sections 3 and 4 of Engrossed Substitute House Bill No. 1372 (accountability task force). If sections 3 and 4 of Engrossed Substitute House Bill No. 1372 are not enacted by June 30, 1993, \$174,000 of the general fund--state appropriation shall lapse.

NEW SECTION. Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 67,000

NEW SECTION. Sec. 122. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation \$ 5,738,000
General Fund--Federal Appropriation \$ 1,631,000
Public Safety and Education Account Appropriation \$ 1,210,000
Health Services Account Appropriation \$ 700,000
Legal Services Revolving Fund Appropriation \$ 95,315,000
Motor Vehicle Fund Appropriation \$ 729,000
New Motor Vehicle Arbitration Account Appropriation \$ 1,744,000
TOTAL APPROPRIATION \$ 107,067,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,210,000 of the public safety and education account appropriation and \$406,000 of the general fund--state appropriation are provided solely for the attorney general's criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

NEW SECTION. Sec. 123. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 818,000

NEW SECTION. Sec. 124. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ 19,092,000
General Fund--Federal Appropriation \$ 916,000
Motor Vehicle Fund Appropriation \$ 109,000
Department of Personnel Service Fund Appropriation \$ 714,000
Health Systems Capacity Account Appropriation \$ 250,000
TOTAL APPROPRIATION \$ 21,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$714,000 of the department of personnel service fund appropriation is provided solely for labor negotiation services required by Engrossed Substitute House Bill No. 2054 (civil service reform). If Engrossed Substitute House Bill No. 2054 is not enacted by June 30, 1993, \$714,000 of the department of personnel service fund appropriation shall lapse.

(2) \$200,000 of the general fund--state appropriation is provided solely for support of the governor's task force on regulatory reform which shall report its recommendations for minimizing the impacts of state administrative and regulatory processes on small business by November 30, 1994.

(3) The office of financial management shall evaluate the extent to which state employees could receive more efficient and less expensive service, as well as increased flexibility and return on their investments, from a deferred compensation program contracted with a private organization, and shall report its findings and recommendations to the legislature by December 1, 1993.

(4) The efficiency commission shall undertake studies to determine the most effective means of delivering services currently provided by the state printer and the department of general administration's central stores.

(5) \$160,000 of the general fund--state appropriation is provided solely to implement the state-wide justice system information strategic plan.

(6) The office of financial management shall report to the fiscal committees of the house of representatives and the senate by February 15 of each year, the total number of state employees for the prior calendar year. The report shall include a summary of the highest monthly total of employees of each agency. The report shall note the number of employees of each agency paid from state general funds and from other fund sources.

NEW SECTION. Sec. 125. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund
Appropriation \$ 11,534,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ 16,100,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$600,000 of the appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.

NEW SECTION. Sec. 127. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account Appropriation \$ 382,000

NEW SECTION. Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 20,262,000

The appropriation in this section is subject to the following conditions and limitations: None of the appropriation shall be spent for out of state travel unless approved by the director of financial management.

NEW SECTION. Sec. 129. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 380,000

NEW SECTION. Sec. 130. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 290,000

NEW SECTION. Sec. 131. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation \$ 1,557,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 31,675,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,530,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project including an assessment of the savings the department is likely to achieve as a result of this project by January 15, 1994.

(2) \$1,136,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the office of financial management on the status of this project by January 15, 1995.

(3) \$404,000 is provided solely for the increased workload resulting from the Bowles decision.

(4) \$382,000 is provided solely for the temporary increase in workload resulting from 1993 legislation providing for early retirement. If House Bill No. 2122 (early retirement) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) The appropriation contains sufficient funds to implement the provisions of House Bill No. 2028 (restoration notification).

(6) The department shall adjust the retirement systems administrative rate during the 1993-95 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding of a study of LEOFF Plan I medical liabilities by the office of the state actuary.

(7) The department shall reduce its administrative charge rate from .22 percent to .17 percent for the 1993-95 biennium.

NEW SECTION. Sec. 133. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account
Appropriation \$ 7,110,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 122,034,000
Timber Tax Distribution Account Appropriation \$ 4,387,000
State Toxics Control Account Appropriation \$ 77,000
Solid Waste Management Account Appropriation \$ 90,000
Pollution Liability Reinsurance Trust Account
Appropriation \$ 237,000
Vehicle Tire Recycling Account Appropriation \$ 129,000
Air Operating Permit Account Appropriation \$ 36,000
State Oil Spill Administration Account Appropriation \$ 20,000
Litter Control Account Appropriation \$ 97,000
TOTAL APPROPRIATION \$ 127,107,000

The appropriations in this section are subject to the following conditions and limitations: \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management". Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 135. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,357,000

NEW SECTION. Sec. 136. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,943,000

NEW SECTION. Sec. 137. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 54,000

NEW SECTION. Sec. 138. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Minority and Women's Business Revolving Fund Account
Appropriation \$ 2,116,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ 393,000
General Fund--Federal Appropriation \$ 1,296,000
General Fund--Private/Local Appropriation \$ 387,000
Risk Management Account Appropriation \$ 2,229,000
State Capitol Vehicle Parking Account Appropriation \$ 739,000
Motor Transport Account Appropriation \$ 11,015,000
Air Pollution Control Account Appropriation \$ 149,000
Central Stores Revolving Account Appropriation \$ 4,248,000
General Administration Facilities and Services
Revolving Fund Appropriation \$ 20,717,000
TOTAL APPROPRIATION \$ 41,173,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.

(2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.

(4) \$35,000 of the air pollution control account appropriation is provided solely for the purpose of hiring one full-time equivalent employee to develop procurement specifications consistent with the requirements of RCW 43.19.570, the national energy policy act of 1992, and to the extent possible, with the procurement specifications of other states. If matching funds are not provided by the alternative fuels industry by July 1, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ 3,521,000

NEW SECTION. Sec. 141. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation \$ 18,190,000

General Fund--Federal Appropriation \$ 104,000

TOTAL APPROPRIATION \$ 18,294,000

The appropriations in this section are subject to the following conditions and limitations: \$890,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 142. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account Appropriation \$ 1,303,000

NEW SECTION. Sec. 143. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 13,000

NEW SECTION. Sec. 144. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,947,000

The appropriations in this section are subject to the following conditions and limitations: None of the horse racing commission fund appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION. Sec. 145. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 110,829,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The liquor control board shall conduct a study that identifies possible savings in contracting outbound freight with a single or small number of carriers. The board shall report to the director of financial management and the fiscal committees of the legislature by September 1, 1994, on the findings of the study, including documentation of cost savings.

(2) The appropriation in this section is sufficient to implement Engrossed House Bill No. 1330 (regulating liquor licenses).

NEW SECTION. Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 29,855,000

Grade Crossing Protective Fund Appropriation \$ 323,000

TOTAL APPROPRIATION \$ 30,178,000

NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension

Administrative Fund Appropriation \$ 414,000

NEW SECTION. Sec. 148. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ 8,404,000
General Fund--Federal Appropriation \$ 8,850,000
General Fund--Private/Local Appropriation \$ 186,000
TOTAL APPROPRIATION \$ 17,440,000

NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 1,782,000
Department of Personnel Service
Account Appropriation \$ 837,000
TOTAL APPROPRIATION \$ 2,619,000

NEW SECTION. Sec. 150. DEPARTMENT OF COMMUNITY AND ECONOMIC RESOURCES. On July 1, 1994, all appropriations and all conditions and limitations contained in sections 216, 301, and 308 of this act shall be provided for the department of community and economic resources. If Engrossed Substitute Senate Bill No. 5868 or substantially similar legislation creating a department of community and economic resources is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Fund Appropriation \$ 3,031,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute House Bill No. 1396, or substantially similar legislation, creating a department of financial institutions is not enacted by July 1, 1993, the securities regulation fund appropriation shall be null and void and the department of licensing general fund--state appropriation shall be increased by \$3,031,000.

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1)

Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation \$ 292,900,000
General Fund--Federal Appropriation \$ 191,403,000
Drug Enforcement and Education Account Appropriation \$ 3,998,000
TOTAL APPROPRIATION \$ 488,301,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely for the operation of one pediatric interim care program facility.

(2) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) \$6,213,000 of the general fund--state appropriation is provided solely to implement the following programs: \$400,000 of this amount is provided for the medical training project on the evaluation and care of child sexual abuse, \$4,784,000 of this amount is provided for contracts for domestic violence shelters and comprehensive domestic violence service planning, \$2,841,000 of this amount is provided for early identification and treatment of child sexual abuse, and \$782,000 of this amount is provided for sexual assault centers.

(5) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 600,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

(6) \$120,000 is provided solely for the continuation of the counseling position in the Olympia school district project.

(7) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

(8) The department shall reimburse child care providers at the 75th percentile of the 1992 market rate based on the market survey conducted by the department. The revised rate schedule shall be phased-in beginning on December 1, 1993, and shall be fully implemented by May 31, 1994.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 67,255,000
General Fund--Federal Appropriation \$ 6,641,000
Drug Enforcement and Education Account Appropriation \$ 1,762,000
TOTAL APPROPRIATION \$ 75,658,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,700,000 of the general fund--state appropriation is provided solely to expand community programs for noncommittable youth who are currently being sent to the state institutions.

(b) \$1,797,000 of the general fund--state appropriation is provided solely to increase the following transitional services provided to youths committed to the state: \$1,129,000 is provided for increasing the number of youth trackers and case managers, and \$668,000 is provided for enhanced placement services for hard to place youths.

(c) \$447,000 of the general fund--state appropriation shall be provided for additional certified drug and alcohol counselors for youths in state group homes.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 48,448,000
Drug Enforcement and Education Account Appropriation \$ 940,000
TOTAL APPROPRIATION \$ 49,388,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 2,863,000
General Fund--Federal Appropriation \$ 156,000
Drug Enforcement and Education Account Appropriation \$ 342,000
TOTAL APPROPRIATION \$ 3,361,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 1,296,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation \$ 241,919,000
General Fund--Federal Appropriation \$ 170,120,000
General Fund--Local Appropriation \$ 9,000,000
TOTAL APPROPRIATION \$ 421,039,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund--state appropriation and \$5,409,000 of the general fund--federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of

social and health services shall issue practice guidelines to assist mental health regional support networks and providers in determining the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund--state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,200,000 of the general fund--federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$ 156,395,000
General Fund--Federal Appropriation	\$ 70,111,000
General Fund--Local Appropriation	\$ 42,498,000
Charitable, Educational, Penal and Reform Institutions Appropriation	\$ 3,000,000
TOTAL APPROPRIATION	\$ 272,004,000

The appropriations in this subsection are subject to the following conditions and limitations: The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma pre-release program of the department of corrections.

(3) CIVIL COMMITMENT

General Fund Appropriation	\$ 5,634,000
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(4) SPECIAL PROJECTS

General Fund--State Appropriation	\$ 1,899,000
General Fund--Federal Appropriation	\$ 2,946,000
TOTAL APPROPRIATION	\$ 4,845,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation	\$ 4,920,000
General Fund--Federal Appropriation	\$ 1,928,000
TOTAL APPROPRIATION	\$ 6,848,000

(6) The appropriations in this section are subject to the following conditions and limitations: General fund--state amounts are provided for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$ 205,506,000
General Fund--Federal Appropriation	\$ 133,587,000
TOTAL APPROPRIATION	\$ 339,093,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,571,000 of the general fund--state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

(b) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programmatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment related work expenses (IRWE).

(c) General fund--state amounts are provided for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 122,555,000
General Fund--Federal Appropriation \$ 167,357,000
General Fund--Local Appropriation \$ 9,143,000
TOTAL APPROPRIATION \$ 299,055,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 5,951,000
General Fund--Federal Appropriation \$ 1,403,000
TOTAL APPROPRIATION \$ 7,354,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing or consolidating institutional living units, programs, and administrative functions. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual is moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund--state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

(iii) The needs of each institutional resident are assessed to identify the level of support needed to maintain the person in the most normal and least restrictive setting consistent with the person's needs. The secretary shall prioritize placement for those individuals whose needs can be addressed most cost-effectively in community-based settings;

(iv) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs.

(b) In accomplishing any reconfiguration of community residential services and costs, the secretary shall assure that:

(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers;

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level; and

(iii) Reconfigurations are planned locally, involve county developmental disability boards and county governments, and include maximum flexibility to tailor residential support arrangements to fit local resources and opportunities and the needs of individual residents and families.

(c) The secretary shall seek federal approval to expand by at least 500 the number of persons receiving services under federal medicaid home- and community-based services waivers.

(d) The general fund--state and general fund--federal appropriations provide sufficient money to implement Engrossed Substitute House Bill No. 1552 (modifying provisions regarding persons with developmental disabilities).

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation \$ 610,089,000
General Fund--Federal Appropriation \$ 725,550,000
General Fund--Local Appropriation \$ 2,004,000
Health Services Account--State Appropriation \$ 166,000
TOTAL APPROPRIATION \$ 1,337,809,000

The appropriations in this section are subject to the following conditions and limitations: At least \$2,077,000 of the general fund--state appropriation shall be used solely for the volunteer chore services program.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 652,721,000
General Fund--Federal Appropriation \$ 619,262,000
TOTAL APPROPRIATION \$ 1,271,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(2) Of the general fund--state appropriation, no more shall be expended for the state supplementary payment for supplemental security income (SSI) payments than is required to comply with 20 C.F.R. ch. III, s 416.2096(c)(1). The department shall adjust the state supplementary payment in order to comply with this subsection.

(3) \$1,000,000 of the general fund--state appropriation is provided solely to continue the general assistance - unemployable work experience program. All three project sites shall be operated consistent with the lowest cost method of operations of the existing sites.

(4) \$1,000,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1197 (public assistance).

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation \$ 9,761,000

General Fund--Federal Appropriation \$ 65,475,000

Drug Enforcement and Education Account

State Appropriation \$ 72,384,000

TOTAL APPROPRIATION \$ 147,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$304,000 of the general fund--federal appropriation is provided to implement three pilot projects involving pretreatment drug and alcohol services for high risk women of child bearing age under Engrossed Senate Bill No. 5522 (high risk pregnancies).

(2) \$10,300,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through RCW 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 1,173,906,000

General Fund--Federal Appropriation \$ 1,833,298,000

General Fund--Local Appropriation \$ 361,996,000

Health Services Account Appropriation \$ 2,337,000

TOTAL APPROPRIATION \$ 3,371,537,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons.

(2) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(3) \$148,000 of the general fund--state appropriation is provided solely to continue the DECODE program.

(4) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(5) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(6) \$1,684,000 of the health services account appropriation is provided solely to expand maternity care to women not meeting medicaid eligibility requirements.

(7) The department shall expand categorical medical eligibility for children through age eighteen to 200 percent of the federal poverty level effective January 1, 1994. Appropriations for the state funds for this expansion are contained in section 216 of this act.

(8) The department shall purchase continued insurance coverage for persons with acquired human immunodeficiency syndrome. The department shall contract to administer the program through a nonprofit entity with experience in administering an insurance continuation program.

(9) \$3,372,000 of the general fund--state appropriation and \$3,586,000 of the general fund--federal appropriation are provided solely for restoring chiropractic services.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation \$ 14,422,000
General Fund--Federal Appropriation \$ 68,994,000
TOTAL APPROPRIATION \$ 83,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,358,000 of the general fund--federal appropriation is provided solely for vocational rehabilitation services for severely handicapped individuals who complete a high school curriculum during the 1993-95 biennium.

(2) General fund--federal amounts are provided for vocational programs as match for state and local appropriations included in other sections of this act to the department of social and health services. The combined general fund--federal and general fund--state appropriations shall be used to provide employment opportunities for groups of individuals with severe disabilities, based on agreements developed with mental health regional support networks and community developmental disabilities programs.

(3) The division of vocational rehabilitation shall assure that individuals affected by reductions in the job support services (extended sheltered employment) program have access to services under the regular state and federal vocational rehabilitation program that will enable them to obtain and maintain ongoing competitive or supported employment.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation \$ 46,795,000
General Fund--Federal Appropriation \$ 37,409,000
TOTAL APPROPRIATION \$ 84,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation \$ 218,730,000
General Fund--Federal Appropriation \$ 257,681,000
TOTAL APPROPRIATION \$ 476,411,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,953,000 of the general fund--state appropriation and \$21,683,000 of the general fund--federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads.

In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation \$ 35,581,000
General Fund--Federal Appropriation \$ 178,042,000
General Fund--Local Appropriation \$ 280,000
TOTAL APPROPRIATION \$ 214,173,000

The appropriations in this section are subject to the following conditions and limitations: \$415,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation \$ 34,710,000
General Fund--Federal Appropriation \$ 15,759,000
TOTAL APPROPRIATION \$ 50,469,000

The appropriations in this section are subject to the following conditions and limitations: \$2,100,000 of the general fund--state appropriation is provided solely for increased assistant attorney general support for the office of support enforcement.

NEW SECTION. Sec. 215. FOR THE HEALTH CARE COMMISSION

Health System Capacity Account Appropriation \$ 2,720,000

NEW SECTION. Sec. 216. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation \$ 6,810,000
Health System Capacity Account Appropriation \$ 626,000
Personal Health Services Account--
State Appropriation \$ 178,900,000
State Health Care Authority Administrative Account
Appropriation \$ 12,460,000
TOTAL APPROPRIATION \$ 198,796,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$419,000 of the state health care authority administrative account appropriation is provided solely to reimburse the department of retirement systems for enrolling K-12 retirees in a state-administered health benefits plan. If legislation providing for state-administered health benefits for K-12 retirees is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(2) \$496,000 of the health system capacity account appropriation and \$466,000 of the health care authority administrative account appropriation are provided solely to implement health care reform. If Engrossed Substitute Senate Bill No. 5304 (health care reform) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund--state appropriation and \$5,000,000 of the personal health services account appropriation are provided solely to implement the transfer of funding for the community health clinics from the department of health.

(4) \$1,124,000 of the state health care authority administrative account is provided to administer health benefits for K-12 retirees. If legislation providing for state administered health benefits for K-12 retirees is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) \$173,900,000 of the personal health services account--state appropriation is provided solely for subsidized health coverage for low-income residents. In expanding access to low-income residents, the administrator shall give priority to children who become eligible for Title XIX match as a result of expanding state eligibility standards to 200 percent of the federal poverty level. The administrator shall coordinate with the department of social and health services to market the program through the basic health plan. The administrator and the division of medical assistance shall endeavor to purchase basic health services and additional Title XIX services from the same managed care provider on a capitated basis for a given child. This appropriation contains state funds for basic health plan services and for additional Title XIX services for children made eligible through expanded Title XIX coverage and for children currently covered by the basic health plan. In geographic areas not covered by the basic health plan, the administrator shall arrange to purchase services through medical assistance, until the plan becomes available in that area.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ 86,421,000
General Fund--Federal Appropriation \$ 184,967,000
General Fund--Private/Local Appropriation \$ 624,000
Public Safety and Education Account Appropriation \$ 8,391,000
Building Code Council Account Appropriation \$ 1,067,000
Fire Service Training Account Appropriation \$ 1,747,000
Public Works Assistance Account Appropriation \$ 1,192,000
Drug Enforcement and Education Account Appropriation \$ 4,200,000
Low Income Weatherization Account Appropriation \$ 6,582,000

State Toxics Control Account Appropriation \$ 467,000
Washington Housing Trust Fund Appropriation \$ 4,641,000
Oil Spill Administration Account Appropriation \$ 345,000
Enhanced 911 Account Appropriation \$ 20,050,000
Fire Service Trust Account Appropriation \$ 89,000
TOTAL APPROPRIATION \$ 320,783,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,857,832 of the general fund--state appropriation is provided solely for emergency food assistance. Of this amount, \$300,000 shall be allocated to food banks in targeted areas as determined by the timber and targeted areas policy office and \$225,000 shall be allocated for food stamp outreach.

(2) \$8,208,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:

(a) \$4,041,750 to local units of government for local drug task forces;

(b) \$1,264,600 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;

(c) \$765,000 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$100,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$300,000 to local units of government to continue urban projects;

(f) \$188,000 to the department of community development to establish the youth violence prevention and intervention project;

(g) \$275,000 to the department of community development for the state-wide drug offense indigent defense program;

(h) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$46,000 to the Washington state patrol for data collection;

(j) \$410,400 to the office of financial management for the criminal history records improvement program;

(k) \$138,250 for continuation of the high impact offender prosecution project; and

(l) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(3) \$70,000 of the general fund--state appropriation is provided solely to contract with north county emergency medical services to provide emergency medical services support to the Mt. St. Helens national volcanic monument area.

(4) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$2,400,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.

(5) \$34,390,000 of the general fund--state appropriation and \$917,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program PROVIDED, That: Beginning in September, 1994, the department shall contract for early childhood education and assistance programs on a school year basis. Prior to negotiating contracts for each school year, the department shall determine the increase in the number of children served with federal head start funding for that school year compared to the 1992-93 school year. For each school year, the department shall place general fund--state appropriations allocated in this subsection in reserve in an amount equal to the increase in the number of children served with federal head start funding multiplied by the state funding level per child for the year for the state early childhood education and assistance program. The department shall notify the governor and the fiscal committees of the house and senate that these reserve funds are available for appropriation for readiness to learn programs through the office of the superintendent of public instruction for the school year beginning the following September.

(6) \$10,000 of the general fund--state appropriation is provided solely to the developmental disabilities planning council to convene a broad-based group of stakeholders to obtain consensus on a means to achieve comprehensive reform of the service delivery system for people with developmental disabilities. The council's recommendations shall be submitted to the legislature by December 1, 1993. This appropriation is contingent on a match of \$10,000 from nonstate sources provided for this purpose.

(7) \$2,815,000 of the general fund--state appropriation is provided solely for the fire protection services division.

(8) \$450,000 of the general fund--state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities, including but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.

(9) Within the funds appropriated in this section the department shall use existing staff resources to research the availability of and apply for economic development grants from federal and private sources and to assist state and local organizations in doing the same.

(10) \$90,000 of the general fund--state appropriation is provided solely for the state center for volunteerism.

(11) \$20,000 of the general fund--state appropriation is provided solely for the children's museum.

(12) \$975,000 of the general fund--state appropriation is provided solely for the long-term care ombudsman program.

(13) \$5,268,000 of the general fund--state appropriation is provided solely for emergency shelter assistance.

(14) \$4,791,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.

NEW SECTION. Sec. 218. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation \$ 3,895,000

General Fund--Federal Appropriation \$ 1,033,000

General Fund--Private/Local Appropriation \$ 198,000

TOTAL APPROPRIATION \$ 5,126,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation provides sufficient money to implement Substitute House Bill No. 1443 (jurisdiction of the human rights commission).

(2) \$197,964 of the general fund--private/local appropriation is provided solely for the provision of technical assistance services by the commission.

(3) \$50,000 of the general fund--state appropriation is provided to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

NEW SECTION. Sec. 219. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund Appropriation \$ 111,000

Worker and Community Right-to-Know Account

Appropriation \$ 20,000

Accident Fund Appropriation \$ 10,259,000

Medical Aid Fund Appropriation \$ 10,258,000

TOTAL APPROPRIATION \$ 20,648,000

NEW SECTION. Sec. 220. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000

Public Safety and Education Account Appropriation \$ 10,918,000

Drug Enforcement and Education Account Appropriation \$ 387,000

TOTAL APPROPRIATION \$ 11,343,000

The appropriations in this section are subject to the following conditions and limitations: The public safety and education account appropriation provides sufficient money to implement Engrossed Substitute House Bill No. 1569 (malicious harassment).

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation \$ 9,637,000

Public Safety and Education Account State

Appropriation \$ 20,548,000

Public Safety and Education Account Federal

Appropriation \$ 4,783,000

Public Safety and Education Account Private/Local

Appropriation \$ 100,000

Accident Fund--State Appropriation \$ 147,671,000

Accident Fund--Federal Appropriation \$ 7,832,000

Electrical License Fund Appropriation \$ 17,359,000

Farm Labor Revolving Account Appropriation \$ 28,000

Medical Aid Fund--State Appropriation \$ 169,466,000

Medical Aid Fund--Federal Appropriation \$ 1,592,000

Plumbing Certificate Fund Appropriation \$ 226,000

Pressure Systems Safety Fund Appropriation \$ 1,984,000

Worker and Community Right-to-Know Fund

Appropriation \$ 2,174,000

TOTAL APPROPRIATION \$ 383,400,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration," "state fund information system," and "safety and health information management system" is conditioned upon compliance with section 902 of this act.

NEW SECTION. Sec. 222. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ 2,532,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation \$ 20,048,000

General Fund--Federal Appropriation \$ 15,628,000

General Fund--Private/Local Appropriation \$ 10,090,000

Industrial Insurance Premium Refund Account

Appropriation \$ 50,000

Charitable, Educational, Penal, and Reformatory

Institutions Account Appropriation \$ 4,000

TOTAL APPROPRIATION \$ 45,820,000

The appropriations in this section are subject to the following conditions and limitations: The general fund--state and general fund--federal appropriations provide sufficient money to establish a personal needs allowance of \$160 per month for nursing care clients at the Soldiers Home and Veterans Home provided that the federal medicaid program recognizes this level for federal participation. Should this level of personal needs allowance not be recognized for federal participation, the personal needs allowance shall be set at \$90 per month.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ 102,370,000

General Fund--Federal Appropriation \$ 161,097,000

General Fund--Local Appropriation \$ 21,182,000

Hospital Commission Account Appropriation \$ 3,028,000

Medical Disciplinary Account Appropriation \$ 1,806,000

Health Professions Account Appropriation \$ 26,573,000

State Toxics Control Account Appropriation \$ 3,091,000

Drug Enforcement and Education Account Appropriation \$ 502,000

Medical Test Site Licensure Account Appropriation \$ 2,584,000

Safe Drinking Water Account Appropriation \$ 1,848,000

Public Health Services Account Appropriation \$ 20,000,000

Youth Tobacco Prevention Account Appropriation \$ 1,830,000

Health Services Account Appropriation \$ 2,576,000

Health System Capacity Account \$ 7,530,000

TOTAL APPROPRIATION \$ 356,017,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,525,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this

subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$1,200,000 of the public health services account appropriation is provided solely for tuberculosis control in communities with high or increasing rates of infection.

(4) \$2,290,000 of the public health services account appropriation is provided solely for AIDS services, sexually transmitted disease programs, and pregnancy prevention services for substance abusing women.

(5) \$2,930,000 of the public health services account appropriation is provided solely for immunization programs to include: \$750,000 for Hepatitis B vaccine for fiscal year 1994, \$600,000 for provider and public education, \$280,000 for child care facility enforcement, \$300,000 for demonstration projects in low income or economically distressed areas, and \$1,000,000 for competitive challenge grants to be matched on a one to one basis by applicant communities.

(6) \$600,000 of the public health services account appropriation is provided solely for improving food handling practices.

(7) \$3,519,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.

(8) \$1,500,000 of the public health services account appropriation is provided solely for a counter message advertising campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.

(9) \$150,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.

(10) \$281,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.

(11) \$3,900,000 of the public health services account appropriation is provided for the operation of a single poison information center as required by Substitute House Bill No. 1221 (poison information). If the bill or substantially similar legislation providing for poison control activities is not enacted by June 30, 1993, this appropriation shall lapse.

(12) \$480,000 of the public health services account appropriation is provided solely for targeted maternity outreach for groups with low birth weight or infant mortality rates at least fifty percent higher than the state average.

(13) \$1,000,000 of the public health services account appropriation is provided solely to match a federal grant for outreach and screening for cervical and breast cancer. If the state is not successful in obtaining the federal grant by January 1, 1994, the amount in this subsection shall lapse.

(14) \$150,000 of the public health services account appropriation is provided solely for the Indian health services component of the public health improvement plan.

(15) \$2,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.

(16) \$1,000,000 of the health systems capacity account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.

(17) \$850,000 of the health systems capacity account appropriation is provided solely for training emergency medical service personnel.

(18) \$200,000 of the health systems capacity account appropriation is provided solely for malpractice insurance for volunteer primary care providers.

(19) \$350,000 of the health system capacity account appropriation is provided solely for development of the health personnel improvement plan.

(20) \$1,200,000 of the health systems capacity account appropriation is provided solely for special services for children from throughout the state through Children's hospital.

(21) \$3,530,000 of the health systems capacity account appropriation is provided solely for data activities associated with health care reform.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation \$ 158,634,000

Drug Enforcement and Education Account Appropriation \$ 122,000

TOTAL APPROPRIATION \$ 158,756,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$586,000 of the general fund appropriation is provided solely for an intensive drug treatment program for offenders. Whenever feasible, the department shall consider use of the TASC (treatment alternatives to street crime) program.

(b) \$4,143,000 of the general fund appropriation is provided solely for an increase in the supervision and monitoring of offenders.

(c) \$328,000 of the general fund appropriation is provided solely to establish a special program for offenders to assist them in developing more responsibility for their children's care while they are incarcerated.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 491,610,000
Drug Enforcement and Education Account Appropriation \$ 1,982,000
Transportation Account Appropriation \$ 1,075,000
TOTAL APPROPRIATION \$ 494,667,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,631,000 of the general fund appropriation is provided solely for an intensive drug treatment program for offenders.

(b) \$462,000 of the general fund appropriation is provided solely to establish a special program for offenders to assist them in developing more responsibility for their children's care while they are incarcerated.

(c) \$1,900,000 of the general fund appropriation is provided solely to develop a pilot program to expand mental health services to incarcerated inmates. The pilot project is to include an enhanced reliance on the local regional support networks and the state's mental health hospitals.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 25,693,000
Industrial Insurance Premium Refund Account
Appropriation \$ 147,000
TOTAL APPROPRIATION \$ 25,840,000

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation \$ 5,351,000

(5) REVOLVING FUNDS

General Fund Appropriation \$ 12,280,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation \$ 2,728,000
General Fund--Federal Appropriation \$ 8,773,000
General Fund--Private/Local Appropriation \$ 80,000
TOTAL APPROPRIATION \$ 11,581,000

NEW SECTION. Sec. 227. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ 690,000

NEW SECTION. Sec. 228. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$ 144,812,000
General Fund--Local Appropriation \$ 19,979,000
Employment and Training Trust Fund--State
Appropriation \$ 7,804,000
Administrative Contingency Fund--Federal
Appropriation \$ 8,978,000
Unemployment Compensation Administration Fund--Federal
Appropriation \$ 152,373,000
Employment Service Administration Account
Federal Appropriation \$ 11,261,000
TOTAL APPROPRIATION \$ 345,207,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(2) \$215,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(3) \$643,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(4) \$304,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$289,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber

areas assistance) for administration of extended unemployment benefits (Timber AB Screening - UI Benefits Extensions).

(6) \$671,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse coordinator.

(7) \$778,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse ex-offender program.

(8) \$313,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse career awareness program.

(9) \$2,490,000 of the administrative contingency fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$270,000 of the unemployment compensation account--federal appropriation is provided solely for the resource center for the handicapped.

(11) \$400,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.

(12) The employment security department shall spend no more than \$13,778,541 of general fund--federal appropriation for the general unemployment insurance development effort (GUIDE) project.

(13) \$400,000 of the administrative contingency fund--federal appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, this amount shall lapse.

(14) \$300,000 of the administrative contingency fund--federal appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, this amount shall lapse.

(15) \$275,000 of the administrative contingency fund--federal appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, this amount shall lapse.

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation	\$ 1,601,000
General Fund--Federal Appropriation	\$ 23,663,000
General Fund--Private/Local Appropriation	\$ 6,763,000
Geothermal Account--Federal Appropriation	\$ 41,000
Building Code Council Account Appropriation	\$ 93,000
Air Pollution Control Account Appropriation	\$ 6,180,000
Industrial Insurance Premium Refund Account Appropriation	\$ 4,000
Energy Efficiency Services Account Appropriation	\$ 1,088,000
TOTAL APPROPRIATION	\$ 39,433,000

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation	\$ 576,000
General Fund--Private/Local Appropriation	\$ 521,000
TOTAL APPROPRIATION	\$ 1,097,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation	\$ 51,768,000
General Fund--Federal Appropriation	\$ 44,966,000
General Fund--Private/Local Appropriation	\$ 1,118,000
Special Grass Seed Burning Research Account Appropriation	\$ 133,000
Reclamation Revolving Account Appropriation	\$ 1,249,000
Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s.	\$ 307,000
Litter Control Account Appropriation	\$ 6,275,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation	

pursuant to chapter 127, Laws of 1972
 ex.s. (Referendum 26) \$ 2,680,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 41,000
 State and Local Improvements Revolving Account--
 Water Supply Facilities: Appropriation pursuant
 to chapter 234, Laws of 1979 ex.s.
 (Referendum 38) \$ 1,347,000
 Stream Gaging Basic Data Fund Appropriation \$ 298,000
 Vehicle Tire Recycling Account Appropriation \$ 7,890,000
 Water Quality Account Appropriation \$ 2,700,000
 Wood Stove Education Account Appropriation \$ 1,392,000
 Worker and Community Right-to-Know Fund
 Appropriation \$ 408,000
 State Toxics Control Account--State Appropriation \$ 54,435,000
 Local Toxics Control Account Appropriation \$ 3,342,000
 Water Quality Permit Account Appropriation \$ 20,529,000
 Solid Waste Management Account Appropriation \$ 11,350,000
 Underground Storage Tank Account Appropriation \$ 3,006,000
 Hazardous Waste Assistance Account Appropriation \$ 4,126,000
 Air Pollution Control Account Appropriation \$ 14,316,000
 Oil Spill Response Account Appropriation \$ 8,491,000
 Oil Spill Administration Account Appropriation \$ 3,751,000
 Fresh Water Aquatic Weed Control Account
 Appropriation \$ 1,711,000
 Air Operating Permit Account Appropriation \$ 4,479,000
 Water Pollution Control Revolving Account--State
 Appropriation \$ 204,000
 Water Pollution Control Revolving Account--Federal
 Appropriation \$ 1,014,000
 Public Works Assistance Account Appropriation \$ 4,000,000
TOTAL APPROPRIATION \$ 257,326,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,222,000 of the general fund--state appropriation and \$1,071,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$7,800,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$400,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.

(4) \$4,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(5) \$4,580,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 or substantially similar legislation is not enacted by June 30, 1993, \$4,580,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.

(6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts in this subsection are null and void.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for the continued implementation of the water resources data management system.

(8) The department may expend funds appropriated in this section for administration of water rights only if water rights fees are enacted by June 30, 1993, at a level sufficient to cover the cost of administering the water rights program.

(9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 or substantially similar legislation providing for an equivalent amount of increased revenues for the well drilling program is not enacted by June 30, 1993, this amount shall lapse.

(10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.

(11) \$5,000,000 of the general fund--state appropriation is provided solely for funding labor intensive environmental and forest restoration projects in accordance with the criteria established in Engrossed Substitute House Bill No. 1785 (watershed restoration). During fiscal year 1994, in awarding funds for grant contracts the department shall give priority to projects which implement watershed action plans and are ready to proceed.

(12) \$200,000 of the general fund--state appropriation is provided solely for the Washington water resources policy commission.

(13) \$256,000 of the general fund--state appropriation is provided solely to initiate a water resource planning process in the central Puget Sound basin.

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ 915,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation \$ 54,225,000
General Fund--Federal Appropriation \$ 1,948,000
General Fund--Private/Local Appropriation \$ 1,264,000
Winter Recreation Program Account Appropriation \$ 878,000
ORV (Off-Road Vehicle) Account Appropriation \$ 243,000
Snowmobile Account Appropriation \$ 1,636,000
Public Safety and Education Account Appropriation \$ 49,000
Litter Control Account Appropriation \$ 34,000
Motor Vehicle Fund Appropriation \$ 1,170,000
Oil Spill Administration Account Appropriation \$ 63,000
TOTAL APPROPRIATION \$ 61,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$7,700,000 of the general fund--state appropriation is provided contingent upon the adoption and implementation of a fee schedule by the state parks and recreation commission that provides a like amount of revenue above the 1993-95 forecast for fees authorized under RCW 43.51.060(6) for fees in place as of January 1, 1993. Fees shall be based on the extent to which a facility is developed and maintained for year-round use. Maximum boat launch fees shall be assessed only at water access facilities where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis. Reduced fees may be assessed at water access facilities that are unimproved. Seasonal day area parking fees shall not be assessed. This subsection shall not preclude the assessment of a flat annual fee for use of all water access facilities and other state park facilities throughout the state.

(3) \$3,000,000 of the general fund--state appropriation is provided solely to address stewardship needs for state parks. Of this amount, not less than \$2,500,000 shall be expended for this purpose using the Washington conservation corps program.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation \$ 2,578,000
Outdoor Recreation Account--Federal Appropriation \$ 33,000
Firearms Range Account Appropriation \$ 27,000
TOTAL APPROPRIATION \$ 2,638,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ 1,183,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 is provided solely for the increased costs associated with a half-time administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation \$ 25,871,000
General Fund--Federal Appropriation \$ 458,000
Marketplace Account Appropriation \$ 150,000
Motor Vehicle Fund Appropriation \$ 582,000
Public Facilities Construction Loan Revolving
Account Appropriation \$ 238,000
Litter Control Account Appropriation \$ 3,310,000
State Convention/Trade Center Account Appropriation \$ 3,975,000
Solid Waste Management Account Appropriation \$ 700,000
TOTAL APPROPRIATION \$ 35,284,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund appropriation is provided solely for operation of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$160,000 from port associations for the operation of the office.

(2) The entire litter control account appropriation and the entire solid waste management account appropriation are provided solely for the purposes of operating the clean Washington center created in chapter 319, Laws of 1991.

(3) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

(4) \$6,065,000 of the general fund appropriation is provided solely for the Washington technology center.

(5) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

(6) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.

(7) \$1,500,000 of the general fund--state appropriation is provided solely to enhance the off season tourism program.

(8) \$500,000 of the general fund--state appropriation is provided solely for the components of the economic diversification initiative. Within this amount, the department shall provide training for, and promote the development of, flexible manufacturing networks.

(9) \$500,000 of the general fund--state appropriation is provided for the local economic development capacity building initiative.

(10) \$250,000 of the general fund--state appropriation is provided solely to fund the entrepreneurial training program, referenced in Engrossed Substitute House Bill No. 1493.

(11) \$50,000 of the general fund--state appropriation is provided solely for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

(12) \$150,000 of the general fund--state appropriation is provided solely for the link-deposit program established under sections 28 through 35 of the senate committee amendment (S2789.4) to Engrossed Substitute House Bill No. 1493.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ 1,690,000
Water Quality Account Appropriation \$ 202,000
TOTAL APPROPRIATION \$ 1,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$371,800 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$750,000 of the general fund appropriation is provided solely for basic operation grants to conservation districts.

(4) \$158,000 of the general fund appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1309 (wild salmonid protection).

NEW SECTION. Sec. 310. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation \$ 3,061,000
General Fund--Federal Appropriation \$ 202,000
Water Quality Account Appropriation \$ 946,000
TOTAL APPROPRIATION \$ 4,209,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$232,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$681,000 of the general fund--state appropriation is provided solely to implement additional provisions of the Puget Sound water quality management plan.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ 52,939,000
General Fund--Federal Appropriation \$ 24,947,000
General Fund--Private/Local Appropriation \$ 9,608,000
Aquatic Lands Enhancement Account Appropriation \$ 2,984,000
Oil Spill Administration Account Appropriation \$ 388,000
TOTAL APPROPRIATION \$ 90,866,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,136,418 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin consistent with the provisions of Engrossed Substitute house Bill No. 1309 (wild salmonid protection). Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.

(3) \$546,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.

(4) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

(5) \$450,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ 9,361,000
ORV (Off-Road Vehicle) Account Appropriation \$ 479,000
Aquatic Lands Enhancement Account Appropriation \$ 1,111,000
Public Safety and Education Account Appropriation \$ 589,000
Wildlife Fund--State Appropriation \$ 50,731,000
Wildlife Fund--Federal Appropriation \$ 32,200,000
Wildlife Fund--Private/Local Appropriation \$ 12,396,000
Game Special Wildlife Account Appropriation \$ 1,011,000
Oil Spill Administration Account Appropriation \$ 548,000
TOTAL APPROPRIATION \$ 108,426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) \$1,200,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, not less than \$1,000,000 shall be expended for this purpose using the Washington conservation corps program.

NEW SECTION. Sec. 313. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation	\$ 53,416,000
General Fund--Federal Appropriation	\$ 906,000
General Fund--Private/Local Appropriation	\$ 263,000
ORV (Off-Road Vehicle) Account Appropriation	\$ 3,092,000
Forest Development Account Appropriation	\$ 37,514,000
Survey and Maps Account Appropriation	\$ 1,518,000
Aquatic Lands Enhancement Account Appropriation	\$ 4,824,000
Surface Mining Reclamation Account Appropriation	\$ 900,000
Resource Management Cost Account Appropriation	\$ 81,597,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$ 829,000
Air Pollution Control Account Appropriation	\$ 1,251,000
Natural Resources Conservation Areas Stewardship Account Appropriation	\$ 1,119,000
Oil Spill Administration Account Appropriation	\$ 130,000
Litter Control Account Appropriation	\$ 406,000
Industrial Insurance Premium Refund Account Appropriation	\$ 98,000
TOTAL APPROPRIATION	\$ 187,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,072,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$993,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.

(4) \$1,300,000 of the general fund--state appropriation and \$500,000 of the aquatic lands enhancement account appropriation are provided solely to address stewardship needs on state lands. Of this amount, not less than \$1,500,000 shall be expended for this purpose using the Washington conservation corps program.

(5) \$1,119,000 of the natural resources conservation areas stewardship account appropriation is contingent upon the passage of House Bill No. 1450 or substantially similar legislation which allows expenditure of the stewardship endowment in the natural resources conservation areas stewardship account established in RCW 79.71.090.

(6) \$900,000 of the surface mining reclamation account is provided solely for surface mining regulation activities. If Substitute House Bill No. 1483 or substantially similar legislation increasing fees for surface mining permits is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$2,698,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(8) \$3,500,000 of the general fund--state appropriation and \$1,500,000 of the aquatic lands enhancement account are provided solely to fund labor intensive natural resource and forest restoration projects in accordance with the criteria established under Engrossed Substitute House Bill No. 1785 (watershed restoration). In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply.

(9) \$2,500,000 of the general fund--state appropriation is provided solely for the additional workload of watershed analysis required under rules adopted by the forest practices board on cumulative effects. If Senate Bill

No. 5981 (forest practice fees) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall be null and void.

(10) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(11) \$60,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.

(12) \$450,000 of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation \$ 14,591,000
General Fund--Federal Appropriation \$ 4,320,000
State Toxics Control Account Appropriation \$ 1,141,000
Weights and Measures Account Appropriation \$ 873,000
TOTAL APPROPRIATION \$ 20,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.

(2) \$300,000 of the general fund--state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

(3) The appropriations in this section provide sufficient funds to implement Substitute House Bill No. 1287 (agriculture employees/collective bargaining).

(4) \$140,000 of the general fund--state appropriation is provided solely for development of an aquaculture diagnostic and certification program.

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation \$ 20,109,000

The appropriation in this section is subject to the following conditions and limitations: \$810,000 of the revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3) is provided solely for marketing the facilities and services of the convention center and for promoting the locale as a convention and visitor destination, and for related activities.

NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation \$ 4,441,000
State Toxics Control Account Appropriation \$ 298,000
TOTAL APPROPRIATION \$ 4,739,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$963,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program.

The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

(2) The marine oversight board shall prepare a report that prioritizes state agencies' spill prevention and response activities on the marine waters of the state. The report shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 1994.

(3) \$237,000 of the oil spill administration account appropriation is provided solely for Columbia River field operations and may be expended only after an agreement is reached between the state of Washington and the state of Oregon regarding field operations.

NEW SECTION. Sec. 318. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund Appropriation \$ 3,038,000

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ 6,564,000
 Architects' License Account Appropriation \$ 1,061,000
 Cemetery Account Appropriation \$ 216,000
 Health Professions Account Appropriation \$ 521,000
 Funeral Directors and Embalmers Account
 Appropriation \$ 521,000
 Mortgage Broker Licensing Account
 Appropriation \$ 187,000
 Professional Engineers' Account Appropriation \$ 2,546,000
 Real Estate Commission Account Appropriation \$ 7,205,000
 Uniform Commercial Code Account Appropriation \$ 5,261,000
 Real Estate Education Account Appropriation \$ 618,000
 Master Licensing Account Appropriation \$ 6,721,000
 TOTAL APPROPRIATION \$ 30,900,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) If Senate Bill No. 5385 (uniform commercial code) is not enacted by June 30, 1993, the uniform commercial code account appropriation shall lapse and the general fund appropriation shall be increased by \$5,228,000.
- (2) If Senate Bill No. 5358 (real estate education) is not enacted by June 30, 1993, the real estate education account appropriation shall lapse and the real estate commission account appropriation shall be increased by \$618,000.
- (3) If House Bill No. 2119 (professional athletic commission) is not enacted by June 30, 1993, the general fund appropriation shall be reduced by \$54,000.
- (4) \$34,000 of the uniform commercial code account appropriation is provided solely to implement revisions to the uniform commercial code article governing bulk sales. If Substitute House Bill No. 1013 is not enacted by June 30, 1993, \$34,000 of the uniform commercial code account appropriation shall lapse.
- (5) \$8,000 of the general fund appropriation is provided solely to implement registration of employment listing agencies. If Engrossed Substitute House Bill No. 1496 is not enacted by June 30, 1993, \$8,000 of the general fund appropriation shall lapse.
- (6) \$87,000 of the general fund appropriation is provided solely to implement bail bond agent licensing. If Substitute House Bill No. 1870 is not enacted by June 30, 1993, \$87,000 of the general fund appropriation shall lapse.
- (7) If Substitute Senate Bill No. 5026 is not enacted by June 30, 1993, the entire funeral directors and embalmers account appropriation is null and void. If Substitute Senate Bill No. 5026 is enacted by June 30, 1993, the entire health professions account appropriation is null and void.
- (8) \$47,000 of the architects' license account appropriation is provided solely for implementing revised architect experience requirements. If Engrossed Senate Bill No. 5545 is not enacted by June 30, 1993, \$47,000 of the architects' license account appropriation shall lapse.
- (9) \$187,000 of the mortgage broker licensing account appropriation is provided solely to implement a temporary licensing program for mortgage brokers. If Substitute Senate Bill No. 5829 is not enacted by June 30, 1993, \$187,000 of the mortgage broker licensing account appropriation shall lapse.

PART V EDUCATION

NEW SECTION. **Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION**

General Fund--State Appropriation \$ 21,785,000
 General Fund--Federal Appropriation \$ 13,520,000
 Public Safety and Education Account Appropriation \$ 332,000
 Drug Enforcement and Education Account Appropriation \$ 158,000
 TOTAL APPROPRIATION \$ 35,795,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
- (2) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.
- (3) \$439,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.
- (4) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(5) \$750,000 of the general fund--state appropriation is provided for design, development, and implementation, including state support activities, of programs of state-wide significance, including but not limited to drug, alcohol, and child abuse prevention education, youth suicide prevention, and multicultural curriculum. This amount includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 to be dedicated to juvenile drug and alcohol prevention programs pursuant to RCW 66.08.180(4). The superintendent may provide grants to districts or organizations for these programs.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 6,006,502,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 509 of this act;

(ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;

(iii) An additional 5.3 certificated instructional staff units for grades K-3;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.

(B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and

(b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.13 percent in the 1993-94 school year and 21.13 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.86 percent in the 1993-94 school year and 18.86 percent in the 1994-95 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of \$7,468 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of \$14,231 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any

school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$4,945,000 outside the basic education formula during fiscal years 1994 and 1995 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$409,000 may be expended in fiscal year 1994 and a maximum of \$410,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of \$297,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12B, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12B.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12B" means the computerized tabulation of 1992-93, 1993-94, and 1994-95 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 5, 1993, at 04:19 hours.

(3)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1993-94 and 1994-95 school years:

1993-94 AND 1994-95 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of
Service BA BA+15 BA+30 BA+45 BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,127	22,724	23,344	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,680
4	24,361	25,036	25,710	26,490	28,597
5	25,162	25,854	26,548	27,386	29,528
6	25,997	26,687	27,418	28,317	30,491
7	26,845	27,552	28,302	29,259	31,486
8	27,706	28,452	29,219	30,255	32,513

9	29,384	30,188	31,262	33,572
10	31,170	32,320	34,662	
11	33,410	35,803		
12	34,465	36,973		
13	38,173			
14	39,379			
15 or more	40,403			
Years of				
Service BA+135	MA	MA+45	MA+90	

or PHD

0	26,374	25,687	27,616	28,858
1	27,227	26,467	28,452	29,711
2	28,113	27,282	29,300	30,597
3	29,034	28,110	30,164	31,518
4	29,988	28,974	31,081	32,472
5	30,975	29,870	32,012	33,459
6	31,974	30,801	32,975	34,458
7	33,026	31,743	33,970	35,510
8	34,109	32,739	34,997	36,593
9	35,223	33,745	36,057	37,707
10	36,367	34,804	37,146	38,851
11	37,542	35,894	38,287	40,026
12	38,766	37,027	39,458	41,250
13	40,019	38,198	40,657	42,503
14	41,319	39,405	41,942	43,803
15 or more	42,394	40,429	43,032	44,942

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(4) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1992-93 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(5) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(6) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(7) Beginning July 1, 1993, and until June 30, 1995, no school district or educational service district may provide salary increases from any fund source whatsoever to certificated administrative staff whose monthly salary on or after July 1, 1993, exceeds \$3,750.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS

General Fund Appropriation \$ 23,234,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of \$351.12 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of \$33.33 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

- (i) For pupil transportation, an increase of \$.25 per weighted pupil-mile for the 1994-95 school year;
- (ii) For learning assistance, an increase of \$6.96 per pupil for the 1994-95 school year;
- (iii) For education of highly capable students, an increase of \$2.13 per pupil for the 1994-95 school year;
- (iv) For transitional bilingual education, an increase of \$4.51 per pupil for the 1994-95 school year.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 351,326,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) A maximum of \$938,000 may be expended for regional transportation coordinators. However, to the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and \$1.80 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation \$ 6,000,000

General Fund--Federal Appropriation \$ 183,616,000

TOTAL APPROPRIATION \$ 189,616,000

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ 866,503,000

General Fund--Federal Appropriation \$ 98,682,000

General Fund--Private/Local Appropriation \$ 6,427,000

TOTAL APPROPRIATION \$ 971,612,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 6, 1993, at 13:35 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to

facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 16,979,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The public safety and education account appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$596,000 may be expended for regional traffic safety education coordinators. To the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) A maximum of \$137.16 per student completing the program may be expended in the 1993-94 and 1994-95 school years.

(4) An additional \$66.81 may be expended to provide tuition assistance for students from low-income families who complete the program in the 1993-94 and 1994-95 school years.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 9,642,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$380,000 is provided solely to implement RCW 28A.415.010 (centers for the improvement of teaching).

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 146,900,000

The appropriation in this section is provided for state matching funds pursuant to RCW 28A.500.010 as amended by this act.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation \$ 197,950,000

(1) Education Consolidation and Improvement Act \$ 197,580,000

(2) Education of Indian Children \$ 370,000

TOTAL APPROPRIATION \$

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ 24,623,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 33,171,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 8,974,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.

(3) \$435,000 of the general fund appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 41,766,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent shall distribute a maximum of \$554 per eligible bilingual student in the 1993-94 and the 1994-95 school year.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 116,150,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$56,243,000 may be expended in the 1993-94 school year. Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL PROGRAMS

(1) BLOCK GRANTS FOR LOCAL SCHOOL DISTRICTS (formerly LOCAL ENHANCEMENT FUNDS)

General Fund Appropriation \$ 52,147,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The general fund appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(b) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(c) Allocations to school districts shall be prorated and calculated on the basis of full time enrollment. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(i) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(d) Receipt by a school district of one-fourth of the district's allocation of funds under this subsection (1) for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

(e) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250 for the 1993-94 school year and on a fiscal year basis for 1994-95.

(f) The allocation to school districts shall include funding of state support activities for statutory programs.

(2) SPECIAL PROJECTS

General Fund--State Appropriation \$ 15,943,000

General Fund--Federal Appropriation \$ 12,766,000
Drug Enforcement and Education Account Appropriation \$ 3,276,000
TOTAL APPROPRIATION \$ 31,985,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$419,000 of the general fund appropriation is provided for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting.

(b) \$3,437,000 of the general fund appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(c) \$1,744,000 of the general fund appropriation is provided for small school grants to school districts of the second class under RCW 28A.315.230. Moneys for grants shall be distributed according to the formula for the program identified in Bulletin 15-92 published by the superintendent of public instruction for the 1992-93 school year, except that no grant shall be less than \$5,000 in any year.

(d) \$4,855,000 of the general fund appropriation is provided for grants distributed according to a complex need factor. Grants shall be provided according to funding ratios established in LEAP Document 30A.

(e) \$2,415,000 of the general fund appropriation is provided for inservice training and educational programs conducted by the Pacific science center.

(f) \$70,000 of the general fund appropriation is provided for operation of the Cispus environmental learning center.

(g) \$3,003,000 of the general fund appropriation is provided for educational clinics, including state support activities.

(h) The entire drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,700,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) \$62,000 of the general fund appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine School District.

(3) EDUCATIONAL REFORM PROGRAMS

General Fund Appropriation \$ 74,800,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$40,400,000 of the general fund appropriation is provided solely for resources and planning time to implement education reform under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$2,400,000 is provided solely for paraprofessional training for classified staff. Resources and planning time for classified staff will be provided through the paraprofessional training program funded in this act.

(b) \$4,000,000 of the general fund appropriation is provided solely for the operation of the commission on student learning under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(c) \$5,000,000 of the general fund appropriation is provided solely for development of assessments under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(d) \$2,000,000 of the general fund appropriation is provided for school-to-work transition projects, including state support activities, under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) and in Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(e) \$4,500,000 of the general fund appropriation is provided for mentor teacher assistance, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(f) \$1,000,000 of the general fund appropriation is provided for superintendent and principal internships, including state support activities, under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(g) \$7,000,000 of the general fund appropriation is provided for improvement of technology infrastructure, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(h) \$10,000,000 of the general fund appropriation is provided for the meals for kids program, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) and House Bill No. 2117 (school meals).

(i) \$900,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction and for review of laws and rules necessary to facilitate education reform enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) or substantially similar legislation.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation \$ 11,394,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,704,000 is provided solely to pay the increased retirement contributions resulting from House Bill No. 2128 (plan I postretirement adjustment). If House Bill No. 2128 (plan I postretirement adjustment), or substantially similar legislation providing for a postretirement adjustment of one dollar per month per year of service for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse. If such legislation is enacted, the superintendent of public instruction shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0003 for the PERS rate, and by .0004 for the TRS rate.

(2) \$8,883,000 is provided solely to pay the increased retirement contributions necessary to continue the cost of living adjustment for members of plan I of the teachers' and public employees' retirement systems that was provided in section 711, chapter 232, Laws of 1992 (uncodified). The superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0007 for the PERS rate, and by .0023 for the TRS rate.

(3) \$807,000 is provided solely to pay the increased retirement contributions resulting from House Bill No. 2122 (early retirement). If House Bill No. 2122, or substantially similar legislation providing for early retirement for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse. If such legislation is enacted, the superintendent of public instruction shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0001 for the PERS rate, and by .0002 for the TRS rate.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) The superintendent of public instruction shall reduce allocations to school districts by \$8,609,000 to reflect the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to House Bill No. 2126 (pension contribution rates). If House Bill No. 2126 (pension contribution rates) is enacted, the superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by (.0028) for the PERS rate, and by (.0017) for the TRS rate.

(2) The superintendent of public instruction shall reduce allocations to school districts by \$2,247,000 to reflect the administrative rate reduction contained in section 132 of this act. The superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by (.0005) for the department of retirement systems administration rate.

Sec. 520. RCW 28A.165.070 and 1990 c 33 s 150 are each amended to read as follows:

Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs.

(1) For the 1993-94 and 1994-95 school years, the superintendent of public instruction shall distribute funds appropriated for the learning assistance program in accordance with the biennial appropriations act.

(2) For the 1995-96 school year and thereafter and unless modified under subsection (4) of this section, the superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to RCW 28A.155.010 through 28A.155.100, in distributing state funds for learning assistance.

(3) The distribution formula in this section is for allocation purposes only.

(4) The superintendent of public instruction shall recommend to the legislature a new allocation formula for use in the 1995-97 fiscal biennium that uses additional elements consistent with performance-based education and the new assessment system developed by the commission on student learning. The superintendent may request a delay in development of the new allocation formula if the commission's assessment system is not available for use in the 1995-97 biennium.

Sec. 521. RCW 28A.500.010 and 1992 c 49 s 2 are each amended to read as follows:

(1) Commencing with taxes assessed in ~~((1988))~~ 1993 to be collected in calendar year ~~((1989))~~ 1994 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. For ~~((the first))~~ distribution of local effort assistance funds provided under this section in calendar years ~~((1989))~~ 1994 and 1995, state funds may be prorated ~~((according to the formula in this section))~~ as provided in the omnibus appropriations act.

(2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The "state-wide average ~~((ten))~~ twelve percent levy rate" shall mean ~~((ten))~~ twelve percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "~~((ten))~~ twelve percent levy rate" of a district shall mean:

(i) ~~((Ten))~~ Twelve percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) "Eligible districts" shall mean those districts with a ~~((ten))~~ twelve percent levy rate which exceeds the state-wide average ~~((ten))~~ twelve percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; to (ii) the state-wide average ~~((ten))~~ twelve percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ~~((ten))~~ twelve percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; divided by (ii) the district's ~~((ten))~~ twelve percent levy rate.

~~((a))~~ Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.

~~((b))~~ In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows:

~~((i))~~ (a) Thirty percent in April;

~~((ii))~~ (b) Twenty-three percent in May;

~~((iii))~~ (c) Two percent in June;

~~((iv))~~ (d) Twenty-six percent in October;

~~((v))~~ (e) Seventeen percent in November; and

~~((vi))~~ (f) Two percent in December.

Sec. 522. RCW 28A.310.020 and 1990 c 33 s 270 are each amended to read as follows:

The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010~~((: PROVIDED, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot))~~. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: (1) Size, population, topography, and climate of the proposed district; and (2) costs associated with the governance, administration, and operation of the educational service district system in whole or part.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

NEW SECTION. Sec. 523. A new section is added to chapter 28A.310 RCW to read as follows:

It is the intent of the legislature that the number of educational service districts in western Washington be reduced from five to four, and that the superintendent of public instruction study the desirability of reducing the number of eastern Washington districts. As soon as practicable, the superintendent of public instruction shall

develop a reorganization proposal and submit the proposal to the state board of education, together with a request under RCW 28A.310.020, that the number of western Washington educational service districts be reduced to four.

Sec. 524. RCW 84.52.0531 and 1992 c 49 s 1 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1992, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1991.

(2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(3) For excess levies for collection in calendar year 1993 and thereafter, the maximum dollar amount shall be the sum of (a) and (b) of this subsection minus (c) of this subsection:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation;

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; ((and))

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year; and

(e) For levies to be collected in calendar years 1994 and 1995, the maximum levy rate shall be the district's maximum levy percentage for 1993 plus four percent reduced by any levy reduction funds. For levies collected in 1996, the prior year shall mean 1993.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy

reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.

(2) The general fund--state appropriations in sections 602 through 608 of this act represent significant reductions in current funding levels. In order to provide each institution of higher education with the capability of effectively managing within their unique requirements, some flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources. In establishing spending plans for the next biennium, each institution shall address the needs of its students in keeping with the following directives: (a) Establishing reductions of a permanent nature by avoiding short term solutions; (b) not reducing enrollments more than two percent below budgeted levels; (c) maintaining the current resident to nonresident student proportions; (d) protecting undergraduate programs and support services; (e) protecting assessment activities; (f) protecting minority recruitment and retention efforts; (g) protecting the state's investment in facilities; (h) using institutional strategic plans as a guide for reshaping institutional expenditures; and (i) increasing efficiencies through administrative staff reductions, program consolidation, the elimination of duplication, the use of other resources, and productivity improvements. At the four-year institutions of higher education, productivity improvements shall include increased teaching loads for faculty. Each institution of higher education and the state board for community and technical colleges shall submit a report to the legislative fiscal committees by July 1, 1993, on their spending plans for the 1993-95 biennium. The report should address the approach taken with respect to each of the directives in this subsection. A second report responding to the same directives shall be submitted by November 1, 1993, which describes the implementation of the spending plan and its effects. The July 1, 1993, report submitted by each four-year institution shall include information on faculty teaching loads for the 1992-93 academic year, and the institution's plan to increase teaching loads during the 1993-95 biennium. The November 1, 1993, report submitted by each four-year institution shall include information on the implementation of its increased faculty teaching load plan.

(3) The appropriations in sections 602 through 608 of this act provide state general fund support for student full time equivalent enrollments at each institution of higher education. The state general fund budget is further premised on a level of specific student tuition revenue collected into and expended from the institutions of higher education--general local accounts. Each institution shall enroll no less than two percent below its budgeted biennial average full time equivalent enrollments. If the estimated 1993-95 average biennial full time equivalent student enrollment of an institution as estimated on April 30, 1995, by the office of financial management using spring enrollment reports submitted by the institutions, is more than two percent below the biennial budgeted amount, then an amount equal to the student quality standard, as defined in the legislative budget notes, multiplied by the number of full time equivalent students below the two percent variance shall revert to the state general fund. Listed below are the annual full time equivalent student enrollments by institution assumed in this act.

	1993-94	1994-95	1993-95
	Annual	Annual	Biennial
	Average	Average	Average
	FTE	FTE	FTE

University of Washington			
Main campus	29,766	29,866	29,816
Evening Degree Program	455	535	495
Tacoma branch	436	522	479
Bothell branch	395	395	395
Washington State University			
Main campus	15,975	16,009	15,992
Tri-Cities branch	520	554	537
Vancouver branch	499	647	573
Spokane branch	249	265	257
Eastern Washington University	7,448	7,690	7,569

Central Washington University 6,747 6,941 6,844
 The Evergreen State College 3,228 3,278 3,253
 Western Washington University 9,201 9,401 9,301
 State Board for Community and
 Technical Colleges 104,279 106,212 105,246
 Higher Education Coordinating
 Board 50 50 50

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation \$ 659,570,000
 General Fund--Federal Appropriation \$ 11,405,000
 Industrial Insurance Premium Refund
 Account Appropriation \$ 12,000
 Employment and Training Trust
 Fund Appropriation \$ 36,100,000
TOTAL APPROPRIATION \$ 707,087,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,883,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).
- (2) \$36,100,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:
 - (a) \$31,790,000 shall provide enrollment opportunity for 5,085 full time equivalent students. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 to Grays Harbor College;
 - (b) \$2,000,000 shall provide child care for the children of the student enrollments funded in (a) of this subsection;
 - (c) \$900,000 shall provide transportation funding for the student enrollments funded in (a) of this subsection;
 - (d) \$500,000 shall provide financial aid and work study assistance for the student enrollments funded in (a) of this subsection.
- If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.
- (3) \$3,425,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.
- (4) \$1,412,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.
- (5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund--state level.
- (6) The appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 28B.16 RCW except as restricted under section 913 of this act.
- (7) \$150,000 of the general fund--state appropriation is provided solely for the two-plus-two program at Olympic College.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ 512,906,000
 Medical Aid Fund Appropriation \$ 3,758,000
 Accident Fund Appropriation \$ 3,764,000
 Death Investigations Account Appropriation \$ 1,282,000
 Oil Spill Administration Account Appropriation \$ 236,000
 Health System Capacity Account Appropriation \$ 2,900,000
TOTAL APPROPRIATION \$ 524,846,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,677,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.
- (2) \$6,747,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.
- (3) The University of Washington shall prepare a plan to remedy the cause of disparate market gaps in compensation for professional/exempt employees and librarians. The plan shall be presented to the legislative fiscal and policy committees by January 1, 1994.
- (4) \$2,300,000 of the health system capacity account appropriation is provided solely for the implementation of section 276 of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(5) \$300,000 of the health system capacity account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(6) \$300,000 of the health system capacity account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 293,978,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,235,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$6,123,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$6,979,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 71,040,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 64,445,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 35,872,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 79,257,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provide solely to recruit and retain minorities.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ 4,053,000

General Fund--Federal Appropriation \$ 265,000

TOTAL APPROPRIATION \$ 4,318,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$717,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full time equivalent students per fiscal year.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation \$ 135,621,000

General Fund--Federal Appropriation \$ 6,381,000

Health System Capacity Account Appropriation \$ 1,000,000

State Education Grant Account Appropriation \$ 40,000

TOTAL APPROPRIATION \$ 143,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$1,000,000 of the health system capacity account appropriation is provided solely for implementation of section 270 of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to provide scholarships and loans and for the health personnel resources plan. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(3) \$134,527,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$96,156,000 is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income. Any state need grant moneys not awarded by April 1st of each year may be transferred to the state work study program.

(b) By January 1, 1994, the higher education coordinating board, in consultation with the house of representatives and senate higher education and fiscal committees, and the institutions of higher education, shall provide to the legislature a plan for the implementation of the comprehensive system of student assistance known as college promise that is contained in Engrossed Substitute House Bill No. 1603 (higher education financial aid).

(c) \$31,847,000 is provided solely for the state work study program.

(d) \$2,000,000 is provided solely for educational opportunity grants.

(e) A maximum of \$2,724,000 may be expended for financial aid administration.

(4) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).

(5) \$50,000 of the general fund--state appropriation is provided solely for a demonstration project that matches money raised for scholarships by new local chapters of the Citizen's Scholarship Foundation of America. To be eligible to receive a state matching grant, the new chapter must be created after June 30, 1993. Each chapter is limited to one matching grant and must raise at least \$2,000 before receiving matching funds.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation \$ 715,000

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ 3,509,000

General Fund--Federal Appropriation \$ 34,651,000

TOTAL APPROPRIATION \$ 38,160,000

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund

Appropriation \$ 2,066,000

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation \$ 14,095,000

General Fund--Federal Appropriation \$ 4,796,000

General Fund--Private/Local Appropriation \$ 46,000

TOTAL APPROPRIATION \$ 18,937,000

The appropriations in this section are subject to the following conditions and limitations: \$2,385,516 of the general fund--state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation \$ 4,314,000

General Fund--Federal Appropriation \$ 933,000

TOTAL APPROPRIATION \$ 5,247,000

The appropriations in this section are subject to the following conditions and limitations: The portion of the general fund--state appropriation provided for the institutional and organizational support programs shall be administered by the commission according to the principles of financial stabilization.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 2,322,000

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 872,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation \$ 12,563,000
General Fund--Private/Local Appropriation \$ 40,000
TOTAL APPROPRIATION \$ 12,603,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation \$ 6,868,000
General Fund--Private/Local Appropriation \$ 26,000
TOTAL APPROPRIATION \$ 6,894,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 736,118,685
This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Appropriation \$ 24,071,715
Accident Account Appropriation \$ 5,340,254
Medical Aid Account Appropriation \$ 5,340,254
TOTAL APPROPRIATION \$ 34,752,223

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 28,156,178
Community College Refunding Bond Retirement
Fund 1974 Appropriation \$ 9,856,110
Community College Capital Construction Bond
Retirement Fund 1975, 1976, 1977 Appropriation \$ 10,304,798
Higher Education Bond Retirement Fund 1979
Appropriation \$ 6,354,922
Washington State University Bond Redemption
Fund 1977 Appropriation \$ 516,452
Higher Education Refunding Bond Redemption
Fund 1977 Appropriation \$ 6,245,701
State General Obligation Bond Retirement
1979 Appropriation \$ 65,033,822
TOTAL APPROPRIATION \$ 126,467,983

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Transportation Capital Facilities Account
Appropriation \$ 536,264
Highway Bond Retirement Fund Appropriation \$ 185,753,764
Ferry Bond Retirement 1977 Appropriation \$ 33,034,077
TOTAL APPROPRIATION \$ 219,324,105

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund
1967 Appropriation \$ 6,923,625
State Building Bond Redemption Fund 1967

Appropriation \$ 654,200
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,456,980
TOTAL APPROPRIATION \$ 10,034,805

NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,258,314
Higher Education Construction Account
Appropriation \$ 185,130
State Convention and Trade Center Appropriation \$ 88,050
Excess Earnings Account Appropriation \$ 1,195,400
State Building Construction Account Appropriation \$ 35,298,012
Economic Development Account Appropriation \$ 162,000
Puget Sound Capital Construction Account
Appropriation \$ 2,716,792
Motor Vehicle Fund Appropriation \$ 2,849,751
Special Category C Account Appropriation \$ 974,359
Energy Efficiency Construction Account
Appropriation \$ 515,362
Common School Reimbursable Construction Account
Appropriation \$ 5,666,853
Higher Education Reimbursable Construction Account
Appropriation \$ 4,312,476
Energy Efficiency Services Account Appropriation \$ 51,282
TOTAL APPROPRIATION \$ 55,273,781

Total Bond Retirement and Interest
Appropriations contained in sections 701
through 706 of this act \$ 1,181,971,582

NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation \$ 5,141,000
Motor Vehicle Fund Appropriation \$ 6,234,000
Wildlife Fund Appropriation \$ 148,000
Marine Operating Account Appropriation \$ 2,206,000
Liquor Revolving Fund Appropriation \$ 114,000
Basic Data Account Appropriation \$ 16,000
Resource Management Cost Account Appropriation \$ 132,000
Public Service Revolving Account Appropriation \$ 18,000
Accident Account Appropriation \$ 110,000
TOTAL APPROPRIATION \$ 14,119,000

The appropriations in this section are subject to the following conditions and limitations: The amount of the transfer for the motor vehicle fund and the marine operating account is to be actuarially based and transferred proportionately into the tort claims revolving fund quarterly or as necessary to meet cash flow needs.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

General Fund--State Appropriation \$ 500,000
Americans with Disabilities Special Revolving
Fund Appropriation \$ 425,000
TOTAL APPROPRIATION \$ 925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall be used solely to fund requests from state agencies complying with the program requirements of the federal americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ 2,000,000
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 3,000,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation \$ 1,500,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 711. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows: King county, in settlement of a claim under RCW 43.135.060, Claim No. SCO-89-12 \$ 1,950,000

NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS--DEPARTMENT OF LABOR AND INDUSTRIES. The department of labor and industries is directed to pay, as a legislative relief claim under chapter 4.92 RCW, to Mrs. Esther A. Levang an industrial insurance death benefit, from the effective date of this act, under RCW 51.32.050 for the death of her husband following an industrial chemical exposure (L & I Claim No. F282511).

NEW SECTION. Sec. 714. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation \$ 9,070,000
General Fund--Federal Appropriation \$ 3,255,000
Special Fund Salary and Insurance Contribution
Increase Revolving Fund Appropriation \$ 6,955,000
TOTAL APPROPRIATION \$ 19,280,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) The appropriations in this section shall be distributed by the office of financial management to state agencies to fund the 1993-95 increased costs of health care benefits, administration, and margin in the self-insured medical and dental plans.

(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$317.79 per eligible employee for fiscal year 1994, and \$351.12 for fiscal year 1995.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$6.02 per eligible employee for fiscal year 1994, and \$5.62 for fiscal year 1995.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1993-95 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) A maximum of \$602,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for benefit increases for ferry workers consistent with the 1993-95 appropriations act.

NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

FY 1994 FY 1995

General Fund Appropriation. \$ 65,284,000 70,690,000
TOTAL APPROPRIATION \$ 135,974,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$600,000 is provided solely to pay the increased retirement contributions resulting from Substitute House Bill No. 1294 (LEOFF II age reduction). If Substitute House Bill No. 1294, or substantially similar legislation providing benefit enhancements for members of plan II of the law enforcement officers' and fire fighters' retirement system, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(b) The appropriations in this subsection reflect the retirement contribution rate reduction for the law enforcement officers' and fire fighters' retirement system contained in House Bill No. 2126 (pension contribution rates) and the change in funding for plan II of the law enforcement officers' and fire fighters' retirement system contained in Engrossed Substitute Senate Bill No. 5967 (revenue enhancements).

(2) There is appropriated for contributions to the judicial retirement system:

FY 1994 FY 1995

General Fund Appropriation \$ 4,450,000 4,450,000
TOTAL APPROPRIATION \$ 8,900,000

(3) There is appropriated for contributions to the judges retirement system:

FY 1994 FY 1995

General Fund Appropriation \$ 650,000 650,000
TOTAL APPROPRIATION \$ 1,300,000

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

FY 1994 FY 1995

General Fund--State Appropriation \$ 1,033,000 1,254,000
General Fund--Federal Appropriation \$ 252,000 308,000
Special Retirement Contribution Increase
Revolving Fund Appropriation \$ 839,000 870,000
TOTAL APPROPRIATION \$ 4,556,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$578,000 of the general fund--state appropriation, \$151,000 of the general fund--federal appropriation, and \$323,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from House Bill No. 2128 (plan I postretirement adjustment). If House Bill No. 2128 (plan I postretirement adjustment), or substantially similar legislation providing for a postretirement adjustment of one dollar per month per year of service for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$1,508,000 of the general fund--state appropriation, \$360,000 of the general fund--federal appropriation, and \$758,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions necessary to continue the cost of living adjustment for members of plan I of the teachers' and public employees' retirement systems that was provided in section 711, chapter 232, Laws of 1992 (uncodified).

(3) \$201,000 of the general fund--state appropriation, \$49,000 of the general fund--federal appropriation, and \$109,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from House Bill No. 2122 (early retirement). If House Bill No. 2122, or substantially similar legislation providing for early retirement for certain members of plan I of the teachers' and public employees' retirement systems, is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(4) \$519,000 of the special retirement contribution increase revolving fund appropriation is provided solely to pay the increased retirement contributions for the Washington state patrol retirement system resulting from enactment of House Bill No. 2126 (pension contribution rates), or substantially similar legislation increasing contribution rates for the state patrol retirement system. If such legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS. (1) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$5,539,000 from the general fund--state appropriations, \$1,494,000 from the general fund--federal appropriations, and \$3,211,000 from appropriations from other funds, to reflect savings realized by the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to House Bill No. 2126 (pension contribution rates).

(2) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$945,000 from the general fund--state appropriations, \$251,000 from the general fund--federal appropriations, and \$539,000 from appropriations from other funds, to reflect savings realized by the administrative rate reduction contained in section 132 of this act.

(3) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$1,056,000 from the general fund--state appropriations, \$275,000 from the general fund--federal appropriations, and \$588,000 from appropriations from other funds, to correct erroneous retirement contribution rates required for the teachers' and public employees' retirement systems that were assumed in each agency's 1993-95 budget request.

NEW SECTION. Sec. 718. The office of financial management shall reduce the appropriations for the agencies of the state by \$1,040,000 from the general fund--state appropriations and \$1,128,000 from appropriations from other funds to reflect the freeze on increment increases that would have been provided to classified state employees whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 719. The office of financial management shall reduce the appropriations for the institutions of higher education of the state by \$274,000 from the general fund--state appropriations to reflect the freeze on increment increases that would have been provided to classified employees of higher education institutions whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 720. FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the
Convention and Trade Center Operating Account \$ 4,004,000
General Fund Appropriation--For transfer to the
Community College Capital Projects Account \$ 4,550,000
TOTAL APPROPRIATION \$ 8,554,000

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation \$ 1,369,050
Water Pollution Control Facilities Bond Redemption
Fund 1967 Appropriation \$ 640,313
State Building (Expo 74) Bond Redemption Fund 1973A
Appropriation \$ 374,968
State Building Bond Redemption Fund 1973
Appropriation \$ 3,815,320
State Higher Education Bond Redemption Fund 1973
Appropriation \$ 4,395,023
State Building Authority Bond Redemption Fund
Appropriation \$ 9,397,425
Community College Capital Improvement Bond
Redemption Fund 1972 Appropriation \$ 7,528,400
State Higher Education Bond Redemption Fund 1974
Appropriation \$ 1,187,200
Waste Disposal Facilities Bond Redemption Fund
Appropriation \$ 50,473,075
Water Supply Facilities Bond Redemption Fund
Appropriation \$ 11,109,893
Recreation Improvements Bond Redemption Fund
Appropriation \$ 6,033,190
Social and Health Services Facilities 1972 Bond

Redemption Fund Appropriation \$ 3,713,865
 Outdoor Recreation Bond Redemption Fund 1967
 Appropriation \$ 1,593,098
 Indian Cultural Center Construction Bond
 Redemption Fund 1976 Appropriation \$ 127,231
 Fisheries Bond Redemption Fund 1976 Appropriation \$ 760,015
 Higher Education Bond Redemption Fund 1975
 Appropriation \$ 2,168,025
 State Building Bond Retirement Fund 1975
 Appropriation \$ 422,360
 Social and Health Services Bond Redemption Fund
 1976 Appropriation \$ 9,464,773
 Emergency Water Projects Bond Retirement Fund 1977
 Appropriation \$ 2,639,480
 Higher Education Bond Redemption Fund 1977
 Appropriation \$ 13,296,100
 Salmon Enhancement Bond Redemption Fund 1977
 Appropriation \$ 3,706,950
 Fire Service Training Center Bond Retirement Fund
 1977 Appropriation \$ 745,706
 State General Obligation Bond Retirement Bond 1979
 Appropriation \$ 601,579,585
 TOTAL APPROPRIATION \$ 736,118,685

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

State General Obligation Bond Retirement
 1979 Appropriation \$ 28,156,178

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
 premiums tax distribution \$ 4,382,550
 General Fund Appropriation for public utility
 district excise tax distribution \$ 29,254,986
 General Fund Appropriation for prosecuting
 attorneys' salaries \$ 3,300,000
 General Fund Appropriation for motor vehicle
 excise tax distribution \$ 96,445,099
 General Fund Appropriation for local mass
 transit assistance \$ 294,186,744
 General Fund Appropriation for camper and
 travel trailer excise tax distribution \$ 3,112,351
 General Fund Appropriation for boating
 safety/education and law enforcement
 distribution \$ 789,528
 Aquatic Lands Enhancement Account Appropriation
 for harbor improvement revenue distribution \$ 154,000
 Liquor Excise Tax Fund Appropriation for
 liquor excise tax distribution \$ 24,307,934
 Motor Vehicle Fund Appropriation for motor
 vehicle fuel tax and overload penalties
 distribution \$ 552,082,000
 Liquor Revolving Fund Appropriation for liquor
 profits distribution \$ 53,570,000
 Timber Tax Distribution Account Appropriation
 for distribution to "Timber" counties \$ 121,724,800
 Municipal Sales and Use Tax Equalization Account

Appropriation \$ 51,882,670
 County Sales and Use Tax Equalization Account
 Appropriation \$ 17,476,268
 Death Investigations Account Appropriation
 for distribution to counties for publicly
 funded autopsies \$ 1,400,000
 County Criminal Justice Account Appropriation \$ 15,854,547
 Municipal Criminal Justice Account Appropriation \$ 6,341,712
 TOTAL APPROPRIATION \$ 1,276,265,189

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal
 forest reserve fund distribution \$ 56,516,000
 General Fund Appropriation for federal flood
 control funds distribution \$ 46,000
 General Fund Appropriation for federal grazing
 fees distribution \$ 52,000
 General Fund Appropriation for distribution of
 federal funds to counties in conformance with
 Public Law 97-99 \$ 400,000
 TOTAL APPROPRIATION \$ 57,014,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Flood Control Assistance Account: For transfer to
 the General Fund--State \$ 300,000
 State Convention and Trade Center Account: For
 transfer to the State Convention and Trade
 Center Operations Account \$ 5,698,587
 Water Quality Account: For transfer to the water
 pollution revolving fund. Transfers shall be made
 at intervals coinciding with deposits of federal
 capitalization grant money into the revolving fund.
 The amounts transferred shall not exceed the match
 required for each federal deposit \$ 21,500,000
 Trust Land Purchase Account: For transfer to the
 General Fund \$ 24,000,000
 General Government Special Revenue Fund--State
 Treasurer's Service Account: For transfer to the
 General Fund on or before July 20, 1995, in an
 amount up to \$7,200,000 in excess of the cash
 requirements of the state treasurer's service
 account \$ 7,200,000
 Economic Development Finance Authority Account:
 For transfer to the General Fund--Federal an
 amount to include but not exceed all total
 federal equity in the account. The account
 shall be closed after this transfer is made \$ 457,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the
 Department of Retirement Systems Expense
 Fund \$ 18,000
 Motor Vehicle Fund--State Patrol Highway Account
 Appropriation: For transfer to the
 Department of Retirement Systems Expense
 Fund \$ 136,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1993-95 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems projects in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspect critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committee.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. (1) The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications

expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

(2) The office of financial management shall encourage and maximize opportunities for state agencies to use the services of the department of information services video conference centers to reduce travel-related expenditures. The office of financial management, in conjunction with the department of information services, shall report to the legislative fiscal committees by November 30, 1994, on the monthly usage volume and the respective costs and benefits of the video conference centers. The office of financial management shall document any savings, project potential savings by each agency, and incorporate the savings in development of the 1995-97 biennial budget.

NEW SECTION. Sec. 904. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS.

(1) No moneys appropriated in this act may be expended by any agency for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW or under other installment purchase agreements unless the office of financial management has determined, for each purchase, that:

- (a) The method of acquisition offers a significant financial advantage to the state; and
- (b) The term of the installment contract does not exceed the useful life of the item being purchased.

(2) The total principal value of new equipment purchased by the state, as defined in RCW 39.94.020(4), during the 1993-95 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed thirty-five million dollars. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) This section does not apply to contracts entered into prior to July 1, 1993, or to the refinancing of property purchased prior to July 1, 1993.

NEW SECTION. Sec. 905. SAVINGS RECOVERY ACCOUNT. (1) The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of the state employees' suggestion award program under chapter 41.60 RCW.

(3) Periodically during the 1993-95 fiscal biennium, and by June 30, 1995, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least \$412,000 as a result of implementation of the efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1994, and January 1, 1995, on the amounts and sources of moneys deposited into the savings recovery account.

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations,

maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1993.

NEW SECTION. Sec. 910. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 911. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 912. TRAVEL EXPENSES. The office of financial management shall reduce agency allotments from the appropriations in this act and place in reserve status 75 percent of general fund--state moneys allotted to state agencies for out-of-state travel, 10 percent of general fund--state moneys allotted to state agencies for in-state travel, and the savings resulting from the implementation of consolidated mail services by the department of general administration. The amount placed in reserve shall be at least \$14,448,000.

NEW SECTION. Sec. 913. SALARY FREEZE. (1) Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

(a) Scheduled increment increases to any employee classified under chapter 41.06 RCW.

(b) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch.

(c) Salary increases to the agency officials listed in RCW 43.03.028.

(2) Job classification revisions or class studies proposed for adoption by the state personnel board or the higher education personnel board shall not take effect unless approved by the office of financial management. The boards shall submit documentation and cost estimates to the office of financial management to justify any such proposal. The office of financial management may approve a proposal if implementation will result in net cost savings, increased efficiencies, or improved management of personnel or services.

(3) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

(a) Scheduled increment increases to any employee classified under chapter 28B.16 RCW.

(b) From the appropriations in this act, salary increases to employees who are exempt from chapter 28B.16 RCW.

(4) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. The legislature intends to freeze salaries for its own employees, and in order to maintain equity and fairness across all employee groups, encourages all state-wide elected officials and the judicial branch to freeze salaries for any of their employees not covered under subsection (1) of this section.

(5) Beginning July 1, 1993, and until June 30, 1995, no school district or educational service district may provide salary increases from any fund source whatsoever to certificated administrative staff whose monthly salary on or after July 1, 1993, exceeds \$3,750.

NEW SECTION. Sec. 914. FULL-TIME EQUIVALENTS. Agency budgeted full-time equivalent staff (FTE) levels shall be limited to the levels set in this section for the following agencies and institutions. The full-time equivalent staff level is calculated as a biennial average for all budgeted FTEs:

Board of Industrial Insurance Appeals 112

Board for Volunteer Fire Fighters 3

Board of Tax Appeals 8

Columbia River Gorge Commission 9

Commission on Asian-American Affairs 2

Commission on Judicial Conduct 6

Court of Appeals 119

Criminal Justice Training Commission 31

Department of Social and Health Services 16,241

Deferred Compensation Committee 20

Department of Agriculture 671
Department of Community Development 320
Department of Corrections 5,912
Department of Ecology 1,623
Department of Fisheries 711
Department of Health 1,053
Department of Information Services 420
Department of Labor and Industries 2,552
Department of Natural Resources 1,681
Department of Personnel 205
Department of Retirement Systems 249
Department of Revenue 1,026
Department of Veterans Affairs 429
Department of Wildlife 839
Department of Financial Institutions 73
Department of General Administration 510
Department of Services for the Blind 68
Department of Trade and Economic Development 87
Eastern Washington State Historical Society 10
Economic and Revenue Forecast Council 5
Employment Security Department 2,268
Environmental Hearings Office 6
Commission on African-American Affairs 2
Governor's Office of Indian Affairs 2
Growth Planning Hearings Office 12
Health Care Commission 15
Higher Education Coordinating Board 50
Higher Education Personnel Board 14
House of Representatives 385
Human Rights Commission 43
Indeterminate Sentence Review Board 14
Interagency Commission for Outdoor Recreation 18
Joint Legislative Systems Committee 34
LEAP Committee 10
Legislative Budget Committee 14
Military Department 155
Minority and Women's Business Enterprises 19
Office of Administrative Hearings 117
Office of Administrator for the Courts 289
Office of Financial Management 179
Office of Insurance Commissioner 144
Office of Marine Safety 25
Office of the Attorney General 797
Office of the Governor 35
Office of the Lieutenant Governor 3
Office of the Secretary of State 108
Office of the State Actuary 8
Office of the State Auditor 284
Office of the State Treasurer 68
Office of the Superintendent of Public Instruction 245
Personnel Appeals Board 10
Public Disclosure Commission 20
Public Employment Relations Commission 26
Puget Sound Water Quality Authority 19
Senate 284
Sentencing Guidelines Commission 5
State Board of Accountancy 6
State Conservation Commission 9
State Convention and Trade Center 132
State Investment Board 37
State Law Library 15
State Library 122

State Lottery Commission 151
State Parks and Recreation Commission 516
State School for the Blind 58
State School for the Deaf 133
Statute Law Committee 46
Supreme Court 69
Utilities and Transportation Commission 205
Washington Pollution Liability Insurance Program 5
Washington State Commission on Hispanic Affairs 3
Washington State Health Care Authority 181
Washington State Liquor Control Board 1,067
Washington Horse Racing Commission 31
Washington State Arts Commission 16
Washington State Energy Office 159
Washington State Gambling Commission 134
Washington State Historical Society 22
Work Force Training and Education Coordinating Board 29

Sec. 915. RCW 20.01.130 and 1986 c 178 s 8 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted hereunder or for departmental administrative expenses during the 1993-95 biennium. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 916. RCW 74.20A.030 and 1989 c 360 s 14 are each amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation.

(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

(4) ~~((No))~~ A collection action ((shall)) may be taken against parents of children ((eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7))) with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care. The child support obligation shall be calculated pursuant to chapter 26.19 RCW.

Sec. 917. RCW 43.101.200 and 1989 c 299 s 2 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 ~~((and 43.101.160))~~. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, subject to available funds, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary

replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 918. RCW 43.155.050 and 1985 c 471 s 8 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 919. RCW 70.146.080 and 1991 sp.s. c 16 s 923 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal (~~year 1992~~) years 1992 and 1993 and for fiscal year 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

For the biennium ending June 30, 1995, it is the intent of the legislature that at least thirteen million seven hundred and ninety-one thousand dollars from the appropriations or reappropriations provided in the capital appropriations act from the state and local improvement revolving account waste disposal facilities (Referendum 26), the state and local improvement revolving account waste disposal 1980 (Referendum 39), and the water pollution control account--federal be used in a manner consistent with purposes of this chapter.

Sec. 920. RCW 70.170.080 and 1991 sp.s. c 13 s 71 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under *chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

During the 1993-1995 fiscal biennium, moneys in the hospital data collection account may be expended, pursuant to appropriation, for hospital data analysis and the administration of the health information program.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 921. RCW 79.24.580 and 1987 c 350 s 1 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be distributed as follows: (1) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

During the fiscal biennium ending June 30, 1995, the funds may be appropriated for environmental and forest restoration work that improves fish habitat, shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 922. RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1995-97 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the 1993-95 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

Sec. 923. RCW 43.08.250 and 1992 c 54 s 3 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. ~~((During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services.))~~ During the fiscal biennium ending June 30, 1995, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, fire protection services, the criminal litigation unit of the attorney general's office, sexual assault treatment, and operations of the office of administrator for the courts.

NEW SECTION. Sec. 924. WATER RESOURCES POLICY COMMISSION. (1) The governor shall establish the Washington water resources policy commission. The commission shall meet at least monthly and be comprised of the following members:

- (a) The governor, or the governor's designee, who shall be the chair;
- (b) Three members of the house of representatives to be appointed by the speaker;
- (c) Three members of the senate to be appointed by the president;
- (d) No more than three members, appointed by the governor, from federally recognized Indian tribes, who are intended to provide direct input and to enhance coordination between governments; however such participation does not imply formal representation individually or collectively of those tribes;
- (e) Three members, appointed by the governor, to represent general purpose local governments; and
- (f) No more than six members, appointed by the governor, to represent the following interests: Agriculture, environmental organizations, business, fisheries and wildlife, utilities, and recreation.

(2) The governor shall designate the staff for the commission. Whenever practicable existing employees of state government shall be assigned on a temporary basis to assist in staffing the commission. The governor, the commissioner of public lands, and the attorney general shall cooperate in assuring the assignment of staff which have expertise in the matters under the review of the commission.

(3) Commission members appointed under subsections (1) (d) and (f) of this section are to be reimbursed for reasonable expenses actually incurred in accordance with chapter 43.03 RCW.

(4) The commission shall conduct a comprehensive review of water resources management in Washington that includes:

- (a) An identification of all programs governing water management, water supply delivery, water protection, instream flow and riparian protection, and other water resource management needs;
- (b) An assessment of the performance of existing programs in achieving coordinated water resource management, that identifies specific conflicting or inconsistent policies, strategies, standards, jurisdiction, or planning requirements;
- (c) Recommendations for the coordination and integration of state water resource programs, emphasizing watershed-based strategies for water resource management;
- (d) An identification and assessment of state and local water resources and funding programs and recommendations for consolidation and expansion of those programs with specific attention given to a long-term consistent and stable funding structure; and
- (e) Recommendations for state and local government coordination of water quality and resource planning consistent with the programs and objectives of the growth management act.

(5) The commission shall report to the legislature and the governor no later than December 1, 1994, on the duties enumerated in subsection (4) of this section. The report may include minority positions if any exist. Further,

the report shall make recommendations on water resource issues which the commission believes should be the focus of any succeeding commission.

NEW SECTION. Sec. 925. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 926. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

Signed by Representatives Locke, Chair; Valle, Vice Chair; Appelwick; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Peery; Rust; Sommers; Wang; Wineberry; and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Ballasiotes; Cooke; Morton; Sehlin; Sheahan; Stevens; and Talcott.

MOTION

On motion of Representative Sheldon, the rules were suspended and Substitute Senate Bill No. 5968 was advanced to the second reading calendar. The motion was carried.

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

SECOND READING

MOTION

Representative Sheldon moved that the House consider the following bills in the following order: Substitute Senate Bill No. 5837, Substitute Senate Bill No. 5044, Senate Bill No. 5300 and Engrossed Senate Bill No. 5720. The motion was carried.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4642, by Representatives R. Johnson, Karahalios, Quall and Sehlin

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and
WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and
WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and

WHEREAS, This year's tenth annual event will run from April 2 through April 18, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, and Mount Vernon; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and

WHEREAS, Highlights of the event include the Mount Vernon Street Fair, a Sousa concert, an International Volkswalk, the Tulip Pedal bicycle ride, the Paccar Open House, a 10K Slug Run, and the Great Skagit Duck Race;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives salute the five communities of the Skagit Valley and their chambers of commerce for their Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend the community leaders and corporate sponsors responsible for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That the House of Representatives issue this resolution in recognition of the Skagit Valley Tulip Festival, April 2 through 18, 1993.

Representative R. Johnson moved the adoption of the resolution.

Representatives R. Johnson, Quall and Sehlin spoke in favor of adoption of the resolution.

House Resolution No. 4642 was adopted.

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

MOTION

On motion of Representative Sheldon, Substitute Senate Bill No. 5837 was deferred and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5044, by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Revising incorporation procedures for cities and towns.

The bill was read the second time. Committee on Local Government recommendation: Majority do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative H. Myers moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Scott, Dellwo, Appelwick, R. Meyers, Wang, G. Fisher and Wineberry were excused.

The Speaker (Representative King presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5044, as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5044 as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Excused: Representatives Appelwick, Dellwo, Fisher, G., Meyers, R., Scott, Wang and Wineberry - 7.

Substitute Senate Bill No. 5044, as amended by the House, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE RESOLUTION NO. 93-4638, by Representatives Schoesler and Sheahan

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Tekoa-Oakesdale high school Nighthawks boys' basketball team exhibited the highest level of excellence in winning the Washington State high school boys' basketball "B" championship tournament on March 5, 1993, by a score of 63 to 46, an incredible margin of 17 points; and

WHEREAS, The Tekoa-Oakesdale high school Nighthawks boys' basketball team players played together for several years, developed maturity and experience, and compiled a 72-12 record over the past three years; and

WHEREAS, The Tekoa-Oakesdale high school Nighthawks boys' basketball team had an awesome 1992 season team record of twenty-five wins and only three losses; and

WHEREAS, The Tekoa-Oakesdale high school Nighthawks boys' basketball team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, Carl Crider was a unanimous Washington State high school boys basketball "B" championship all-tournament first team selection, a unanimous Washington Coaches Association all-state team selection, and an all-county team selection, a feat that epitomizes a balanced and talented athlete; and

WHEREAS, Josh Brandt was a Washington Coaches Association all-state team alternate selection, and an all-county team selection; and

WHEREAS, Dan Brown was an all-county team selection; and

WHEREAS, Head Coach Ron Cox, and Assistant Coaches Ken Lindgren and Dan Hutton, and all the players, Carl Crider, Josh Brandt, Dan Brown, Shane St. John, Jamie Cox, Casey Lawson, Shawn Middleton, Travis Fox, Chris Niles, Trevor Zehm, Nate Perrins, Joel French, and Curtis Smith, share in the Tekoa-Oakesdale high school Nighthawks boys' basketball team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, All these extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1992 Tekoa-Oakesdale high school Nighthawks boys' basketball team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Tekoa-Oakesdale high school Nighthawks boys' basketball team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1992 Tekoa-Oakesdale high school Nighthawks boys' basketball team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 1992 Tekoa-Oakesdale high school Nighthawks boys' basketball team head coach, Ron Cox; the principal of Tekoa high school, John Jaeger; and the principal of Oakesdale high school, Buddy Gibson.

Representative Sheahan moved adoption of the resolution.

Representatives Sheahan and Schoesler spoke in favor of adoption of the resolution.

House Resolution No. 4638 was adopted.

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

SECOND READING

SENATE BILL NO. 5300, by Senators Skratek, Erwin, Williams, M. Rasmussen, Sheldon and Winsley

Promoting economic development.

The bill was read the second time.

Representative Shin moved adoption of the following amendment by Representative Wineberry:
On page 2, line 9, after "appointed" insert "from the majority party"

Representative Shin spoke in favor of the amendment and it was adopted.

Representative Shin moved adoption of the following amendment by Representative Wineberry:

On page 3, line 22, after "agencies," insert "representatives of the private sector and the non-profit sector with an interest in economic development,"

Representatives Shin and Forner spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shin, Forner and Morton spoke in favor of passage of the bill.

The Speaker (Representative King presiding) stated the question before the House to be final passage of Senate Bill No. 5300, as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5300 as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Appelwick, Dellwo, Fisher, G., Meyers, R., Scott and Wineberry - 6.

Senate Bill No. 5300, as amended by the House, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Representative Sheldon, Engrossed Senate Bill No. 5720 was deferred and the bill held its place on the second reading calendar.

Representative Sheldon moved the House consider the following bills in the following order: Senate Bill No. 5759, Senate Bill No. 5441 and Senate Bill No. 5695. The motion was carried.

SENATE BILL NO. 5759, by Senators McAuliffe, Prentice, Skratek, Loveland, von Reichbauer, Haugen, Prince, McDonald, Drew, Owen, Moyer, Erwin, Winsley, Anderson and M. Rasmussen

Extending the involuntary treatment act to cover the commitment of chemically dependent adults.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

The Speaker (Representative King presiding) stated the question before the House to be final passage of Senate Bill No. 5759.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5759 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Sehlin, Sheahan,

Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Appelwick, Dellwo, Fisher, G., Meyers, R., Scott and Wineberry - 6.

Senate Bill No. 5759, having received the constitutional majority, was declared passed.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 93-4650, by Representatives Chandler and Hansen

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Cle Elum High School Girls' Basketball Team has exhibited the highest level of excellence in winning the Washington State A Basketball Championship on March 6, 1993; and

WHEREAS, The Cle Elum High School Girls' Basketball Team won the Washington State A Basketball Championship by defeating their opponent in the final playoff game, 39 to 38; and

WHEREAS, The Cle Elum High School Girls' Basketball Team had a 1993 season record of fourteen wins and six losses; and

WHEREAS, The Cle Elum High School Girls' Basketball Team placed third in conference play and second in district play for the 1993 basketball season; and

WHEREAS, One of the Cle Elum High School Girls' Basketball Team's most exciting moments was when they came from twenty points behind in the last six minutes of the game to defeat Goldendale 48 to 45; and

WHEREAS, Nikki Fields and Angela Erickson were Yakima District First Team Selections, and Melissa Glondo was a Yakima District Second Team Selection; and

WHEREAS, These accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, and community members, who backed them all the way; and

WHEREAS, The Cle Elum High School Girls' Basketball Team coaches, Head Coach Janis Kendrick, Assistant Coaches Catherine Malcomb and Tom Williams, and all the players including Dani Bator, Jocelyn Blackburn, Angela Erickson, Nikki Fields, Sarah Frederick, Lisa Fergeson, Melissa Glondo, Claire Hein, Amanda Moen, Amber Moras, Stacy Shell, Chea Simpson, and Rebecca Tucker, share in the Cle Elum High School Girls' Basketball Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, The individual and team achievements of the 1993 Cle Elum High School Girls' Basketball Team will always be remembered when commemorating their winning year; and

WHEREAS, The Cle Elum High School Girls' Basketball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1993 Cle Elum High School Girls' Basketball Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coach Janis Kendrick, and to the Principal of Cle Elum High School, Jim Stephenson.

Representative Chandler moved the adoption of the resolution.

Representative Chandler spoke in favor of adoption of the resolution.

House Resolution No. 4650 was adopted.

The Speaker assumed the chair.

HOUSE RESOLUTION NO. 93-4651, by Representatives Jacobsen, Cooke, Mielke, Brough, Dyer, Wood, Silver, Miller, Ballard, Casada, Schmidt, Carlson, Foreman and Chandler

WHEREAS, The Washington State Legislature in 1981 established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students, but as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this resolution to all of the Washington Scholars from each of the forty-nine legislative districts.

Representative Jacobsen moved the adoption of the resolution.

Representatives Jacobsen, Carlson, Basich, Mielke, Dorn, Wineberry, Wood and J. Kohl spoke in favor of adoption of the resolution.

House Resolution No. 4651 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5101,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5320,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5515,
SUBSTITUTE SENATE BILL NO. 5535,
SENATE BILL NO. 5597,
SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5744,

MOTION

Representative Peery moved that the House immediately consider Substitute Senate Bill No. 5968 on today's second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5968, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and Gaspard; by request of Office of Financial Management)

Making appropriations.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see today's Journal.)

Representative Locke moved adoption of the committee amendment.

Representative Sommers moved adoption of the following amendment to the committee amendment:

On page 2, line 9, after "1437" insert "to the extent permitted by the amount provided"

Representative Sommers spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

With the consent of the House, Representative Riley withdrew amendment number 565.

Representative R. Meyers moved adoption of the following amendment to the committee amendment:

On page 5, line 17, strike "302,000" and insert "328,000"

On page 5, line 20, strike "340,000" and insert "366,000"

On page 9, line 14, strike "380,000" and insert "404,000"

Representatives R. Meyers spoke in favor of adoption of the amendment to the committee amendment and Representative Linville spoke against it. The amendment was not adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 6, line 14, strike "5,738,000" and insert "5,840,000"

On page 6, line 16, strike "1,210,000" and insert "1,244,000"

On page 6, line 18, strike "95,315,000" and insert "96,367,000"

On page 6, line 19, strike "729,000" and insert "743,000"

On page 6, line 20, strike "1,744,000" and insert "1,780,000"

On page 6, line 21, strike "107,067,000" and insert "108,305,000"

On page 27, line 12, strike "34,710,000" and insert "34,110,000"

On page 27, line 14, strike "50,469,000" and insert "49,869,000"

On page 38, line 31, strike "12,280,000" and insert "12,380,000"

On page 97, line 10, strike "2,000,000" and insert "2,500,000"

On page 97, line 13, strike "3,000,000" and insert "3,500,000"

Representative Locke spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 8, line 25, strike "11,534,000" and insert "12,189,000"

On page 8, after line 25, insert the following:

"The appropriation in this section is subject to the following conditions and limitations: \$655,000 of the appropriation is provided to address increased workload, but may be expended only if the office works in conjunction with the attorney general and other involved agencies to improve the efficiency and cost-effectiveness of administrative appeals processing by such measures as using teleconferencing and, where parties are represented by counsel, having counsel prepare findings of fact and conclusions of law.

Representative Locke spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 9, beginning on line 9, strike all material through "management." on line 12

Representative Locke spoke in favor of adoption of the amendment to the committee and the amendment was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 10, line 29, strike "122,034,000" and insert "122,694,000"

On page 11, line 3, strike "127,107,000" and insert "127,767,000"

Representative Locke spoke in favor of adoption of the amendment to the committee amendment and Representatives Silver and Van Luven spoke against it.

A division was called. The results of the division was 63-YEAS; 35-NAYS.

The amendment was adopted.

Representative Silver moved adoption of the following amendment to the committee amendment:

On page 11, line 5, after "limitations:" insert "(1)"

On page 11, after line 8, insert the following:

"(2) No more than \$1,448,000 of the general fund--state appropriation and 8.8 full-time equivalent employees may be expended to administer and enforce Engrossed Substitute Senate Bill No. 5967."

Representative Silver spoke in favor of adoption of the amendment to the committee amendment and Representative G. Fisher spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 11, lines 5 and 8 of the committee amendment to Substitute Senate Bill No. 5968 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Johanson, Leonard, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 59.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 11, line 22, strike "1,296,000" and insert "1,307,000"

On page 11, line 23, strike "387,000" and insert "392,000"

On page 11, line 24, strike "2,229,000" and insert "2,249,000"

On page 11, line 26, strike "11,015,000" and insert "11,034,000"

On page 11, line 28, strike "4,248,000" and insert "4,281,000"

On page 11, line 30, strike "20,717,000" and insert "20,919,000"

On page 11, line 31, strike "41,173,000" and insert "41,463,000"

Representative Locke spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative G. Fisher moved adoption of the following amendment to the committee:

On page 12, after line 21, insert the following:

"(5) The department shall develop a plan for the removal and relocation of the murals in the chambers of the Washington state house of representatives and shall implement the plan by January 1, 1994. The department shall work with the Washington state arts commission to determine a new location for the murals."

On page 93, line 6, after "limitations:" insert "(1)"

On page 93, after line 9, insert the following:

"(2) The commission shall work with the department of general administration to determine a new location for the murals currently located in the chambers of the Washington state house of representatives."

Representatives G. Fisher, Campbell, Sommers, Basich, Dunshee, R. Johnson, Quall and Valle spoke in favor of adoption of the amendment to the committee amendment. Representatives Locke, Kessler, Anderson and Jones spoke against it.

Representative Zellinsky demanded the previous question and the demand was sustained.

The amendment to the committee amendment was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 13, line 11, strike "110,829,000" and insert "111,710,000"

Representative Locke spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Chappell moved adoption of the following amendment to the committee:

On page 17, line 9, strike "67,255,000" and insert "61,514,000"

On page 17, line 12, strike "75,658,000" and insert "69,917,000"

On page 17, line 27, strike "48,448,000" and insert "56,692,000"

On page 17, line 29, strike ""49,388,000" and insert "57,632,000"

Representatives Chappell, Morris, Long, Brumsickle, Conway, Campbell, R. Johnson spoke in favor of adoption of the amendment to the committee amendment.

Representatives Appelwick, Leonard, Wang and Talcott spoke against it.

Representative Morris again spoke in favor of the amendment and Representative Leonard again spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 17, lines 9, 12, 27, and 29 of the committee amendment to Substitute Senate Bill No. 5968 and the amendment was adopted by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fleming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Horn, Johanson, Johnson, L., Johnson, R., Jones,

Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Padden, Patterson, Peery, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 73.

Voting nay: Representatives Anderson, Appelwick, Brown, Cole, G., Cothorn, Fisher, G., Fisher, R., Holm, Jacobsen, King, Leonard, Locke, Orr, Pruitt, Quall, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 25.

Representative Leonard moved adoption of the following amendment to the committee amendment:

On page 17, line 16, strike "noncommittable"

Representative Leonard spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

With the consent of the House, Representative R. Johnson withdrew amendment number 525.

MOTION

Representative Peery moved that the House defer further consideration of Substitute Senate Bill No. 5968 and the bill hold its place on the second reading calendar. The motion was carried.

Representative Peery moved that the House revert to the fourth order of business.

INTRODUCTIONS AND FIRST READING (SUPPLEMENTAL)

HCR 4419 by Representative Peery

Extending the cutoff dates for the 1993 regular session.

MOTION

Representative Peery moved that House Concurrent Resolution No. 4419 be advanced to second reading and read the second time in full. The motion was carried.

HOUSE CONCURRENT RESOLUTION NO. 4419, by Representative Peery

Extending the cutoff dates for the 1993 regular session.

The resolution was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peery and Miller spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4419 was adopted.

With the consent of the House, the House resumed consideration of Substitute Senate Bill No. 5968.

Representative Brown moved adoption of the following amendment to the committee amendment:

On page 20, line 7, strike "205,506,000" and insert "200,818,000"

On page 20, line 8, strike "133,587,000" and insert "128,379,000"

On page 20, line 9, strike "339,093,000" and insert "329,197,000"

On page 20, line 29, strike "122,555,000" and insert "128,475,000"

On page 20, line 30, strike "167,357,000" and insert "174,306,000"

On page 20, line 32, strike "299,055,000" and insert "311,924,000"

On page 21, beginning on line 1, strike all of subsection (a).

Representatives Dellwo, Sheahan and Schoesler spoke in favor of the adoption of the amendment to the committee amendment and Representative H. Myers spoke against it. The amendment was not adopted.

With the consent of the House, Representative Schoesler withdrew amendment number 589.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 20, line 29, strike "122,555,000" and insert "122,881,000"

On page 20, line 30, strike "167,357,000" and insert "167,611,000"

On page 20, line 32, strike "299,055,000" and insert "299,635,000"

Representative Locke spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

Representative Sheahan moved adoption of the following amendment to the committee amendment:

On page 20, line 29, strike "122,555,000" and insert "123,089,000"

On page 20, line 30, strike "167,357,000" and insert "167,984,000"

On page 20, line 32, strike "299,055,000" and insert "300,216,000"

Representative Sheahan spoke in favor of adoption of the amendment to the committee amendment and Representative H. Myers spoke against it. The amendment was not adopted.

Representative Brown moved adoption of the following amendment to the committee amendment:

On page 21, after line 28, insert:

"(v) The secretary shall report to a legislative oversight committee, appointed by the speaker of the house of representatives and the president of the senate, on a quarterly basis concerning progress of the implementation of the management plan to close Interlake school."

Representatives Brown and Locke spoke in favor of adoption of the amendment and it was adopted.

Representative Brown moved adoption of the following amendment to the committee amendment:

On page 21, after line 28, insert:

"(v) A report is submitted to the appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4) (a)."

Representatives Brown and Sheahan spoke in favor of adoption of the amendment and it was adopted.

Representative Silver moved adoption of the following amendment to the committee amendment:

On page 22, line 19, after "limitations:" insert "(1)"

On page 22, after line 21, insert:

"(2) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length

agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The enhancement shall be effective July 1, 1993. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis."

Representatives Silver and Locke spoke in favor of adoption of the amendment and it was adopted.

Representative Valle moved adoption of the following amendment to the committee amendment:

On page 26, line 20, strike "218,730,000" and insert "219,790,000"

On page 26, line 22, strike "476,411,000" and insert "477,471,000"

Representative Locke spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative H. Myers withdrew amendment number 559.

Representative Ballasiotes moved adoption of the following amendment to the committee:

On page 28, line 37, strike "86,421,000" and insert "87,821,000"

On page 29, line 13, strike "320,783,000" and insert "322,183,000"

On page 31, after line 34, insert "(15) \$5,000,000 of the public safety and education account appropriation is provided solely for the office of crime victim's advocacy and for sexual assault treatment services."

On page 113, line 26, after "\$14,448,000." insert "The office of financial management shall further reduce agency allotments to state agencies for travel by \$1,400,000."

Representatives Ballasiotes and Locke spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Chandler withdrew amendment number 575.

Representative Wineberry moved adoption of the following amendment to the committee:

On page 28, line 37, strike "86,421,000" and insert "86,571,000"

On page 29, line 13, strike "320,933,000" and insert "321,083,000"

On page 31, after line 34, insert the following:

"(15) \$150,000 of the general fund--state appropriation is provided solely for the link-deposit program established under sections 28 through 35 of the Senate committee amendment (S2789.4) to Engrossed Substitute House Bill 1493."

On page 47, line 6, strike "25,871,000" and insert "25,721,000"

On page 47, line 6, strike "35,284,000" and insert "35,134,000"

On page 48, line 33, strike all of subsection 12

Representative Wineberry spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 47, line 6, strike "\$25,871,000" and insert "\$25,471,000"

On page 47, line 15, strike "\$35,284,000" and insert "\$34,884,000"

On page 47, after line 17, strike all of subsection 1

Renumber remaining sections consecutively and correct internal references accordingly

Representatives Locke and Silver spoke in favor of adoption of the amendment and it was adopted.

Representative Thibaudeau moved adoption of the following amendment to the committee amendment:

On page 31, line 4, after "convene" insert ",in conjunction with the appropriate legislative committees,"

Representatives Thibaudeau and Silver spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Springer withdrew amendment number 520.

Representative Thibaudeau moved adoption of the following amendment to the committee amendment:

On page 31, after line 34, insert "(15) \$8,268,000 of the general fund--state appropriation and \$41,610,000 of the general fund--federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program."

Representative Thibaudeau spoke in favor of adoption of the amendment and it was adopted.

Representative Dunshee moved adoption of the following amendment to the committee amendment:

On page 31, after line 34 insert:

"(15) \$13,203,000 of the general fund--state appropriation is provided solely for grants to local governments for comprehensive planning activities pursuant to the growth management act."

Representatives Dunshee, Locke and H. Myers spoke in favor of adoption of the amendment and Representatives Forner, Padden, Wineberry, Schoesler and Carlson spoke against it.

Representative Locke again spoke in favor of adoption of the amendment and Representative Forner again spoke against it. The amendment was adopted.

Representative Schoesler moved adoption of the following amendment to the committee amendment:

On page 32, line 26, strike "10,918,000" and insert "11,318,000"

On page 32, line 28, strike "11,343,000" and insert "11,743,000"

Representatives Schoesler, Sheahan and Brough spoke in favor of adoption of the amendment and Representative Appelwick spoke against it.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 32, line 26 of the committee amendment to Substitute Senate Bill No. 5968 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Horn, Johanson, Kremen, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morton, Orr, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 46.

Voting nay: Representatives Anderson, Appelwick, Basich, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Meyers, R., Morris, Myers, H., Ogden, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 52.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 34, line 13, strike "20,048,000" and insert "20,687,000"

On page 34, line 14, strike "15,628,000" and insert "15,839,000"

On page 34, line 20, strike "45,820,000" and insert "46,670,000"

Representative Locke spoke in favor of adoption of the amendment and Representative Morton spoke against it. The amendment was adopted.

With the consent of the House, Representative Locke withdrew amendment number 618.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 34, line 23, after "establish" insert ",on approval by the federal medicaid program,"

Representatives Locke and Silver spoke in favor of adoption of the amendment and it was adopted.

Representative King moved adoption of the following amendment to the committee amendment:

On page 35, after line 14, insert:

"(2) \$250,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1309, an act relating to the protection of wild salmonids. If Engrossed Substitute House Bill No. 1309 or substantially similar legislation is not approved by the legislature by June 30, 1993, this appropriation shall lapse."

On page 50, line 14, after "river basin" strike "consistent with the provisions of Engrossed Substitute house Bill No. 1309 (wild salmonid protection)"

On page 51, after line 2, insert:

"(7) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1309, an act relating to the protection of wild salmonids. If Engrossed Substitute House Bill No. 1309 or substantially similar legislation is not approved by the legislature by June 30, 1993, this appropriation shall lapse."

On page 89, after line 27, insert:

"(4) \$85,000 of the general fund appropriation is provided solely for the implementation of Section 7 of Engrossed Substitute House Bill No. 1309 or substantially similar legislation."

Representatives King and Locke spoke in favor of adoption of the amendment and it was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 37, line 27, strike "158,634,000" and insert "159,980,000"

On page 37, line 29, strike "158,756,000" and insert "160,102,000"

On page 38, line 6, strike "491,610,000" and insert "495,045,000"

On page 38, line 9, strike "494,667,000" and insert "498,102,000"

Representative Locke spoke in favor of adoption of the amendment to the committee amendment and Representatives Silver, Morton and Brough spoke against it. The amendment was adopted.

With the consent of the House, Representative Chandler withdrew amendment number 521.

Representative Carlson moved adoption of the following amendment to the committee amendment:
On page 42, line 19, strike "51,768,000" and insert "46,768,000"

On page 43, line 28, strike "257,326,000" and insert "252,326,000"

On page 45, line 15, strike subsection (11) and renumber the remaining subsections consecutively.

On page 73, line 17, strike "52,147,000" and insert "62,147,000"

On page 113, line 26, after "\$14,448,000." insert "The office of financial management shall further reduce allotments from the appropriations in this act for agency travel so as to recapture \$5,000,000 for the state general fund."

Representatives Carlson, Chandler, Brough, Edmondson, Cooke and Thomas spoke in favor of adoption of the amendment and Representatives Sommers, Dorn and Basich spoke against it.

Representative Carlson again spoke in favor of adoption of the amendment and Representative Dorn again spoke against it.

The Speaker called upon Representative R. Meyers to preside.

CALL OF THE HOUSE

Representative Peery demanded a call of the House and it was sustained.

The Clerk called the roll under the call of the House and all members were present. On motion of Representative Peery, the House proceeded under the call of the House.

The Speaker assumed the chair.

The House resumed consideration of Substitute Senate Bill No. 5968.

Representative Fuhrman demanded an electronic roll call vote of the amendment on page 42, line 19 to the committee amendment to Substitute Senate Bill No. 5968 and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 42, line 19 of the committee amendment to Substitute Senate Bill No. 5968 and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Johanson, Johnson, L., Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Patterson, Quall, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 55.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 43, line 11, strike "54,435,000" and insert "57,123,000"

On page 43, line 28, strike "257,326,000" and insert "260,014,000"

Representative Locke spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, Representative Shin withdrew amendment numbers 585 and 586. Representative King moved adoption of the following amendment to the committee amendment:

On page 45, after line 26, insert:

"(14) \$238,000 of the water quality permit account appropriation is provided solely for implementation of the provisions of Substitute House Bill No. 1169. If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse."

Representatives King and Locke spoke in favor of adoption of the amendment and it was adopted.

Representative Morris moved adoption of the following amendment to the committee amendment:

On page 45, line 32, strike "\$54,225,000" and insert "\$54,255,000"

On page 46, line 5, strike "\$61,510,000" and insert "\$61,540,000"

On page 46, after line 27, insert:

"(4) \$30,000 of the general fund-state appropriation is provided solely for additional part-time staff to continue planning for the equestrian center in Lewis county."

Representatives Morris, Brumsickle and Chappell spoke in favor of adoption of the amendment and Representatives Locke and Morton spoke against it. The amendment was not adopted.

Representative Forner moved adoption of the following amendment to the committee amendment:

On page 47, line 6, strike "\$25,871,000" and insert "\$25,971,000"

On page 47, line 15, strike "\$35,284,000" and insert "\$35,384,000"

On page 48, after line 36, insert:

"(13) \$874,000 is provided solely for continuation of the pacific northwest export assistance project."

Representatives Forner, Vance and Chandler spoke in favor of adoption of the amendment and Representatives Wineberry and Heavey spoke against it. The amendment was adopted.

Representative Forner moved adoption of the following amendment to the committee amendment:

On page 47, line 6, strike "\$25,871,000" and insert "\$25,911,000"

On page 47, line 15, strike "\$35,284,000" and insert "\$35,324,000"

On page 48, after line 36, insert:

"(13) \$40,000 is provided solely for development of a Russian trade office."

Representative Forner spoke in favor of adoption of the amendment and it was adopted.

Representative Dunshee moved adoption of the following amendment to the committee amendment:

On page 47, line 6, strike "\$25,871,000" and insert "\$25,471,000"

On page 47, line 15, strike "\$35,284,000" and insert "\$34,884,000"

On page 47, after line 17, strike all of subsection 1

Representatives Dunshee, and Carlson spoke in favor of adoption of the amendment and Representatives Valle, Sheldon, Wineberry, Heavey and Forner spoke against it.

A division was called. The Speaker called upon the House to divide. The result of the division was 22-YEAS; 76-NAYS. The amendment was not adopted.

Representative Sheahan moved adoption of the following amendment to the committee amendment:

On page 48, line 38, strike "1,690,000" and insert "2,100,000"

On page 49, line 2, strike "1,892,000" and insert "2,302,000"

On page 49, line 11, after "(3)" strike "\$750,000" and insert "\$1,000,000"

On page, 49, after line 15, insert:

"(5) \$160,000 of the general fund appropriation is provided solely for technical assistance."

Representatives Sheahan and Schoesler spoke in favor of adoption of the amendment and Representative Locke spoke against it.

A division was called. The Speaker called upon the House to divide. The result of the division was 38-YEAS; 60-NAYS. The amendment was not adopted.

With the consent of the House, Representative Basich withdrew amendment number 580.

With the consent of the House, Representative Locke withdrew amendment number 612.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 50, line 2, strike "\$52,939,000" and insert "\$54,089,545"

On page 50, line 7, strike "\$90,866,000" and insert "\$92,016,545"

Representative R. Meyers assumed the chair.

Representatives Locke, King and Basich spoke in favor of adoption of the amendment. The amendment was adopted.

With the consent of the House, Representative Basich withdrew amendment numbers 578 and 579. Representative Locke moved adoption of the following amendment to the committee amendment:

On page 51, line 4, strike "\$9,361,000" and insert "\$10,641,000"

On page 51, line 13, strike "\$108,426,000" and insert "\$109,706,000"

Representative Locke spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 52, line 1, strike "\$53,416,000" and insert "\$53,603,000"

On page 52, line 5, strike "\$37,514,000" and insert "\$37,654,000"

On page 52, line 9, strike "\$81,597,000" and insert "\$82,017,000"

On page 52, line 19, strike "\$187,863,000" and insert "\$188,610,000"

Representative Locke spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Rayburn moved adoption of the following amendment to the committee amendment:

On page 53, line 38, strike "14,591,000" and insert "15,961,000"

On page 54, line 4, strike "20,925,000" and insert "22,295,000"

On page 54, after line 20, insert

"(5) \$1,370,000 of the general fund state appropriation is provided solely to contract for the international marketing program for agricultural commodities and trade (IMPACT)."

On page 89, line 16, strike "293,978,000" and insert "292,756,000"

Representatives Rayburn and Schoesler spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Rayburn withdrew amendment number 541.

Representative Schoesler moved adoption of the following amendment to the committee amendment:

On page 53, line 38, strike "\$14,591,000" and insert "\$14,995,000"

On page 54, line 4, strike "\$20,925,000" and insert "\$21,329,000"

On page 54, after line 20, insert:

"(5) \$404,000 of the general fund-state appropriation is provided solely for the animal damage control program."

Representatives Schoesler, Sheahan, and Morton spoke in favor of adoption of the amendment and Representative Locke spoke against it. The amendment was not adopted.

The Speaker assumed the chair.

Representative Rust moved adoption of the following amendment to the committee amendment:

On page 55, line 1, after "(1)" strike "\$963,000" and insert "\$1,200,000"

On page 55, line 16, strike all of subsection 3 and insert the following:

"(3) Prior to expending funds provided in this section for a Columbia river field office located in the state of Oregon, the office of marine safety shall enter a memorandum of understanding with the state of Oregon."

Representative Rust spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Wood withdrew amendment number 529.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 67, line 33, strike all of subsection (7) and insert the following:

"(7) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. In order to maintain equity and fairness across all employee groups, the legislature encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year."

On page 114, line 25, strike all of subsection (5) and insert "The legislature also encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year."

Representatives Locke and Dorn spoke in favor of adoption of the amendment and Representative Brough spoke against it. The amendment was adopted.

With the consent of the House, Representative Brumsickle withdrew amendment number 582.

With the consent of the House, Representative Pruitt withdrew amendment number 526.

Representative Linville moved adoption of the following amendment to the committee amendment:

On page 74, line 23, strike "\$15,943,000" and insert "\$16,005,000"

On page 74, line 26, strike "\$31,985,000" and insert "\$32,047,000"

Representatives Linville and Locke spoke in favor of adoption of the amendment and the amendment was adopted.

The Speaker (Representative R. Meyers presiding) assumed the chair.

Representative Pruitt moved adoption of the following amendment to the committee amendment:

On page 82, beginning on line 1, strike all of section 524

Representatives Pruitt, Padden and R. Johnson spoke in favor of adoption of the amendment and Representatives Dorn, Brough, G. Cole, Peery and J. Kohl spoke against it.

Representative Pruitt again spoke in favor of adoption of the amendment and it was not adopted.

With the consent of the House, Representative Schoesler withdrew amendment number 567.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 89, after line 27, insert

"(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities."

Representative Locke spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Rayburn withdrew amendment number 537.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 93, line 6, after "limitations:" strike all material through "stabilization." on line 9 and insert "The portion of the general fund appropriation provided for the institutional and organizational support programs shall be awarded to applicants that have not added to any accumulated deficit in the most recently completed fiscal year. Applicants that provide artistic services to communities that are otherwise artistically underserved, are integral to the arts community in which they are based, and that have budgets of less than \$250,000 shall be exempt from this requirement."

Representative Locke spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Sheahan withdrew amendment number 629.

Representative Silver moved adoption of the following amendment to the committee amendment:

On page 105, line 27, strike "15,854,547" and insert "62,000,000"

On page 105, line 28, strike "6,341,712" and insert "28,000,000"

On page 105, after line 32, insert "The County Criminal Justice Account Appropriation and the Municipal Criminal Justice Account Appropriation shall be distributed in accordance with the formula set forth in Chapter 82.14 RCW."

Representatives Silver, Morton, Horn, Edmondson, Dyer, Vance, Foreman and Chandler spoke in favor of adoption of the amendment and Representatives Locke and G. Fisher spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

Representative Zellinsky demanded the previous question and the demand was sustained. demand

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 105, line 27 of the committee amendment to Substitute Senate Bill No. 5968 and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Johanson, Lemmon, Lisk, Long, Ludwig, Mielke, Miller, Morton, Padden, Patterson, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 42.

Voting nay: Representatives Anderson, Appelwick, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Locke, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 56.

With the consent of the House, Representative Ogden withdrew amendment number 577.

Representative Conway moved adoption of the following amendment to the committee amendment:

On page 117, after line 6, insert the following:

"NEW SECTION. Sec. 915. It is the intent of the legislature to reduce administrative staffing levels in state agencies and institutions by at least fifteen percent. The legislature intends that administrative staff be considered middle and upper-level management positions. The legislature further intends to avoid, wherever possible, reductions to direct service positions that affect the quality of services to the public. The office of financial management shall monitor implementation of funding and staff reductions and shall report to the legislature by January 15, 1994, describing the manner in which state agencies and institutions achieved the funding and staff reductions required by this act."

Representatives Conway and Locke spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Padden moved adoption of the following amendment to the committee amendment:

On page 117, after line 6, insert a new section as follows:

"Sec. 915. Agencies may use no more than one half the amount of funds used in the prior biennium for the purpose of funding activities by legislative liaisons and public information officers."

Representatives Padden, Brough, Lisk, Horn and Tate spoke in favor of adoption of the amendment and Representatives Locke, Orr, Thibaudeau and Van Luven spoke against it.

Representative Padden again spoke in favor of adoption of the amendment.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 117 after line 6 of the committee amendment to Substitute Senate Bill No. 5968 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Heavey, Horn, Lisk, Mastin, Mielke, Miller, Morris, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance and Wood - 39.

Voting nay: Representatives Anderson, Appelwick, Bray, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 59.

Representative Silver moved adoption of the following amendment to the committee amendment:

On page 117, after line 6, insert a new section as follows:

"Sec. 915. The office of financial management shall reduce the appropriations in this budget to accomplish the savings listed below:

Goods and services reduced by \$60,000,000;

Nonessential furnishing and equipment reduced by \$45,000,000;

Consulting contracts reduced by \$3,000,000."

Representatives Silver, Morton, and Vance spoke in favor of adoption of the amendment and Representatives Locke, Appelwick, Peery and G. Fisher spoke against it.

The Speaker assumed the chair.

Representative Silver again spoke in favor of adoption of the amendment.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 117 after line 6 of the committee amendment to Substitute Senate Bill No. 5968 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dunshee, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morris, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Representative Dunshee moved adoption of the following amendment to the committee amendment:

On page 122, after line 31, insert the following:

"(d) The Commissioner of public lands or the commissioner's designee;"

Representatives Dunshee and R. Johnson spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Locke moved adoption of the following amendment to the committee amendment:

On page 19, line 18, strike "156,395,000" and insert "157,421,000"

On page 19, line 19, strike "70,111,000" and insert "70,401,000"

On page 19, line 23, strike "272,004,000" and insert "273,320,000"

On page 19, line 29, strike "5,634,000" and insert "5,718,000"

On page 19, line 35, strike "4,920,000" and insert "4,977,000"

On page 19, line 37, strike "6,848,000" and insert "6,905,000"

Representative Locke spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Rayburn moved adoption of the following amendment to the committee amendment:

On page 53, line 38, strike "\$14,591,000" and insert "\$14,912,000"

On page 54, line 4, strike "\$20,925,000" and insert "\$21,246,000"

Representatives Rayburn and Locke spoke in favor of adoption of the amendment and the amendment was adopted.

MOTIONS

On motion of Representative Peery, further consideration of Substitute Senate Bill No. 5968 was deferred and the bill held its place on the second reading calendar.

Representative Peery moved the House immediately consider Second Engrossed Substitute Senate Bill No. 5967 on the second reading calendar. The motion was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, by Senator Rinehart; by request of Governor Lowry

Implementing a comprehensive tax package.

The bill was read the second time. Committee on Revenue recommendation: Majority do pass. (For committee amendments see Journal, 95th Day, April 15, 1993.)

Representative G. Fisher moved adoption of the committee amendment.

Representative Morris moved adoption of the following amendment to the committee amendment:

On page 4 of the amendment, line 15, after "services:" strike everything through "agencies:", on line 16.

Representatives Morris, Foreman, G. Fisher, Cooke, Ballard, Van Luven, Long, Locke and Thomas spoke in favor of adoption of the amendment.

Representatives G. Fisher, Foreman and Thomas again spoke in favor of adoption of the amendment and the amendment was adopted.

MOTION

Representative Sheldon moved that House Rule 13 (C) be suspended and the House continue working past 10:00 p.m. The motion was carried.

With the consent of the House, Representative Sehlin withdrew amendment number 544.

Representative G. Cole moved adoption of the following amendment to the committee amendment:

On page 5 of the amendment, line 6, after "for:" strike everything through "laws:" on line 29 and insert "Representation for which no charge for legal services is made; representation provided without cost to the client by public benefit nonprofit corporations, as defined in RCW 82.04.366, or other subgrantees; representation related to"

any federal, state, or local criminal or juvenile statute; representation regarding any claim or action arising under Title 26 RCW, chapter 74.20 RCW, or similar law; representation regarding any claim or action arising out of or relating to a physical or emotional injury, or the illness, disability or wrongful death of a natural person; representation regarding any claim or action arising under Title 51 RCW or other similar federal workplace injury laws; representation regarding the recovery of federal social security benefits, public assistance benefits under chapter 74.08 RCW, unemployment compensation benefits under chapter 50.32 RCW, or wages under chapter 49.46 RCW, chapter 49.48 RCW, or chapter 49.52 RCW; representation related to the appointment or administration of a guardianship; representation regarding any claim or action based on discrimination or otherwise enforcing the civil rights of a natural person, other than a claim or action regarding a taking of private property for public use; representation regarding prohibited labor practices under chapter 49.44 RCW; representation regarding consumer protection under chapter 19.86 RCW;"

Representative G. Cole spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Mielke withdrew amendment number 546.

With the consent of the House, Representative Silver withdrew amendment number 536.

With the consent of the House, Representative Mielke withdrew amendment number 545.

Representative J. Kohl moved adoption of the following amendment to the committee amendment:

On page 6, line 12 of the amendment, after "lobbying" insert "however, business consulting services shall not include property management or property leasing"

Representatives J. Kohl, Chandler and G. Fisher spoke in favor of adoption of the amendment and the amendment was adopted.

With the consent of the House, Representative Vance withdrew amendment numbers 547, 548 and 549.

With the consent of the House, Representative Foreman withdrew amendment number 535.

Representative Hansen moved adoption of the following amendment to the committee amendment:

On page 8 of the amendment, line 39, after "fertilizer," insert "agents for enhanced pollination including insects such as bees."

Representatives Hansen, Chandler, Basich and R. Johnson spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Rayburn moved adoption of the following amendment to the committee amendment:

On page 9 of the amendment, line 3, after "to" Strike everything through "82.04.330" on page 9, line 7, and insert "((persons)) farmers for the purpose of producing for sale any agricultural product ((whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330))"

On page 9 of the amendment, after line 22, insert:

"NEW SECTION. Sec. 102 A new section is added to chapter 82.04 RCW to read as follows:

(1) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.

(2) "Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard

or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber.

Sec. 103. RCW 82.04.330 and 1988 c 253 s 2 are each amended to read as follows:

This chapter shall not apply to any ~~((person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products))~~ farmer that sells any agricultural product at wholesale ((by such grower, producer, or raiser thereof)). This exemption shall not apply to any person selling such products at retail ~~((or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession)).~~

This chapter shall also not apply to any persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program."

On page 62 of the amendment, line 9, after "Sections" insert "102, 103,"

Representatives Rayburn and G. Fisher spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Morris moved adoption of the following amendment to the committee amendment:

On page 33 of the amendment, line 12, after "occurs" insert ", and which includes domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020"

On page 33 of the amendment, line 19, after "expenditures." strike everything through "advocates." on line 27 and insert "~~((Moneys received by the county and the cities within the county from any tax imposed under this section may be expended for domestic violence community advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991, and prior to approval of the voters, the legislative authority of the county, which submitted an authorizing proposition to the voters of the county, adopted by ordinance a financial plan that included expenditure of a portion of the moneys received for domestic violence community advocates.))~~"

Representative Morris spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Wang moved adoption of the following amendment to the committee amendment:

On page 32 of the amendment, line 23, after "shall" strike everything through "voting," on line 25, and insert "~~((submit an authorizing proposition to the voters of the county and if approved by a majority of persons voting.))~~"

On page 33 of the amendment, after line 28, insert:

Sec. 131. RCW 82.14.036 and 1983 c 99 § 2 are each amended to read as follows:

Any referendum petition to repeal a county or city ordinance imposing a tax or altering the rate of the tax authorized under RCW 82.14.030(2) or 82.14.340 shall be filed with a filing officer, as identified in the ordinance, within seven days of passage of the ordinance. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or tax rate increase being imposed and a negative answer to the question and a negative vote on the measure results in the tax or tax rate increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the county for county measures, or not less than fifteen percent of the registered voters of the city for city measures, and to file the signed petitions with the filing officer. Each petition form shall contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the referendum measure to the county or city voters at a general or special election held on one of

the dates provided in RCW 29.13.010 as determined by the county legislative authority or city council, which election shall not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

After April 22, 1983, the referendum procedure provided in this section shall be the exclusive method for subjecting any county or city ordinance imposing a tax or altering the rate under RCW 82.14.030(2) to a referendum vote.

Any county or city tax authorized under RCW 82.14.030(2) that has been imposed prior to April 22, 1983, is not subject to the referendum procedure provided for in this section.

After the effective date of this section, the referendum procedure provided in this section shall be the exclusive method for subjecting any county or city ordinance imposing a tax or altering the rate under RCW 82.14.340 to a referendum vote.

Any tax authorized under RCW 82.14.340 that has been imposed prior to the effective date of this section is not subject to the referendum procedure provided for in this section."

On page 62 of the amendment, line 9, after "Sections" insert "131,"

Representatives Wang and G. Fisher spoke in favor of adoption of the amendment and Representatives Horn and Padden spoke against it.

Representative Wang again spoke in favor of adoption of the amendment and Representatives Horn again spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 32, after line 23 of the committee amendment to Second Engrossed Substitute Senate Bill No. 5967 and the amendment was adopted by the following vote: Yeas - 55, Nays - 43, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Flemming, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Ludwig, Mielke, Miller, Morton, Padden, Patterson, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 43.

Representative Appelwick moved adoption of the following amendment to the committee amendment:

On page 27 of the amendment, line 17, strike "or services defined as retail sales."

On page 27 of the amendment, line 21, after "(2)" insert "In the case of retail sales of services, the seller may collect taxes based upon payments of the purchase price, as of the time the payments are made, regardless of the accounting method used by the seller or whether the sales were made under an installment agreement.

(3)"

Representatives Appelwick and Foreman spoke in favor of adoption of the amendment and the amendment was adopted.

Representative Sommers moved adoption of the following amendment to the committee amendment:

On page 34 of the amendment, line 38, after "C." insert "Distributions under sections 133 through 135 of this act shall be made only to counties that have adopted and submitted resolutions under subsection (1) of this section, and to cities within such counties."

Representative Sommers spoke in favor of adoption of the amendment and Representative Foreman spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 34, after line 38 of the committee amendment to Second Engrossed Substitute Senate Bill No. 5967 and the amendment was adopted by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Brown, Cole, G., Conway, Cothern, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Ludwig, Mielke, Miller, Morton, Padden, Patterson, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 44.

Representative G. Fisher moved adoption of the following amendment to the committee amendment:

On page 36 of the amendment, strike line 34 and insert "amount, as estimated by the department of revenue, that would have been deposited in the local sales tax on services account if twelve months worth of revenue for the tax imposed under RCW 82.14.030(1) had been deposited in the account for fiscal year 1994."

On page 37 of the amendment, line 2, after "act," strike everything through page 37, line 8, and insert "but not more than twenty percent of the balance in the account before the distributions under section 133 of this act, and shall be paid into the public works assistance account under RCW 43.155.050.

Sec. 135. RCW 82.16.020 and 1989 c 302 § 204 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) ~~((Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and))~~ Sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

Sec. 136. RCW 82.18.040 and 1989 c 431 § 85 are each amended to read as follows:

Taxes collected under this chapter shall be held in trust until paid to the state. Except for taxes received under RCW 82.18.100, forty-two percent of taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050 and the balance shall be deposited in the state general fund. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the solid waste collection tax and this tax shall have priority over all other claims to the amount remitted."

On page 38 of the amendment, line 1, strike everything through page 39, line 3.

Representative G. Fisher spoke in favor of adoption of the amendment and Representative Silver spoke against it. The amendment was not adopted.

Representative Mielke moved adoption of the following amendment to the committee amendment:

On page 61, after line 34, insert the following:

**"Part VIII
Limiting State Revenue**

NEW SECTION. Sec. 801. FINDINGS AND DECLARATIONS. The legislature of the state of Washington finds and declares that:

(1) The continued growth in the burden of tax levies and other revenue generating assessments imposed on the citizens and businesses of the state of Washington and the corresponding growth in state government is contrary to the interests of the people of the state of Washington.

(2) It is necessary to reaffirm the people's will to limit the rate of growth of state government while assuring adequate funding of essential services, including basic education as required by Article IX, section 1 of the state Constitution.

(3) During periods of severe economic downturns or fiscal emergencies, receipts of state revenue collections may decline below the state revenue collection limit established in this chapter and, therefore, it is necessary and vital for the state of Washington to maintain an adequate reserve of state revenue collections to provide a resource for the stable financing of essential state services during such periods.

(4) A state tax limitation was passed by a vote of the people at the November 6, 1979, state general election. However, because of a high base calculation, that state tax limitation has not been effective in carrying out the intent of the people to limit revenues and the growth of state government.

NEW SECTION. Sec. 802. INTENT. It is the intent of the legislature of the state of Washington to:

(1) Establish a limitation that will assure that the growth rate of state revenue collections does not exceed an established percentage of the economy as represented by total state personal income;

(2) Reaffirm that the state shall not impose upon any political subdivision of the state the responsibility for new programs, programs previously offered by the state, or increased levels of service unless the costs of these programs or services are paid or reimbursed by the state;

(3) Provide for adjustment of the state revenue collection limit when the costs of a federal, state, or political subdivision program, service, project, facility, or activity are transferred in such a manner that the result is an increase or decrease in state revenue collections;

(4) Establish a responsible and fiscally sound revenue reserve fund for use in severe economic downturns or fiscal emergencies;

(5) Establish procedures for the disposition of amounts collected in excess of this limit;

(6) Establish procedures for use when estimated state revenues collections fall below the state revenue collection limit; and

(7) Establish procedures for exceeding this limit in emergency situations.

NEW SECTION. Sec. 803. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Estimated state revenue collections" means the estimated state revenue collections as published in the most recent official economic and revenue forecast prepared under RCW 82.33.020.

(2) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(3) "General obligation debt reduction account" means the general obligation debt reduction account created by this chapter.

(4) "Political subdivision" means any division of the state made by proper authorities thereof, acting within their constitutional or legislatively authorized powers, for the purpose of carrying out the administration of governmental powers of a subordinate or local nature.

(5) "Revenue measure" means any tax, fee, license, charge, assessment, tariff, toll, duty, or other encumbrance levied, set, imposed, or exacted on persons, income, property, or activities or any expansion of the base of any existing tax, fee, license, charge, assessment, tariff, toll, duty, or other encumbrance levied, set, imposed, or exacted on persons, income, property, or activities.

(6) "Revenue reserve fund" means the revenue reserve fund created by this chapter.

(7) "State revenue collections" means all moneys received, collected, or owed from each and every source as required by law or rule, whether or not such funds are otherwise subject to legislative appropriation, including

funds maintained or deposited outside the state treasury. Unless otherwise stated to the contrary, the following shall not be included in this definition:

(a) Moneys received as a gift, grant, donation, aid, or assistance from any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington;

(b) Moneys received as a gift, grant, donation, aid, or assistance from the United States or any department, agency, bureau, or corporation of the United States;

(c) Moneys derived from the investment of funds under the authority of the state investment board pursuant to chapter 43.33A RCW;

(d) Moneys received from performance bonds and deposits;

(e) Moneys paid into or received from the accident fund established under RCW 51.44.010, the medical aid fund established under RCW 51.44.020, the reserve fund established under RCW 51.44.030, the supplemental pension fund established under RCW 51.44.033, and the second injury fund established under RCW 51.44.040, for the purposes authorized as of December 31, 1992;

(f) Moneys paid into or received from trust funds that were created or established prior to December 31, 1992;

(g) Moneys paid into or received from a permanent and irreducible fund of the state that was created or established prior to December 31, 1992;

(h) Moneys received from the sale of bonds or other evidences of indebtedness;

(i) Moneys paid into or deposited to funds or accounts by the state for disbursement to political subdivisions of the state. However, these funds or accounts must have been created or established prior to December 31, 1992;

(j) Moneys dedicated under Article 2, section 40 of the state Constitution;

(k) Moneys paid into or received from the revenue reserve fund; or

(l) Moneys paid into or received from the general obligation debt reduction account.

(8) "State revenue collection limit" or "limit" means the limitation created by this chapter.

(9) "Limitation factor" means the percentage created by dividing the sum of total state revenue collections for the fiscal years 1988 through 1992 by the sum of total state personal income for the fiscal years 1988 through 1992.

(10) "Total state personal income" means the estimated total personal income for the state during a fiscal year as published by the United States department of commerce, bureau of economic analysis, or its successor, and as reported in the most recent official economic and revenue forecast prepared under RCW 82.33.020.

(11) "Undesignated fund balance" means any unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities that are expected to be incurred by the close of a fiscal year.

NEW SECTION. Sec. 804. Within thirty days after the effective date of sections 801 through 816 and 819 of this act, the economic and revenue forecast supervisor, as defined in RCW 82.33.010(2), shall compute the limitation factor defined under section 803 of this act. Upon computing the limitation factor, the economic and revenue forecast supervisor shall make and file with the secretary of state, a certificate containing the results of the computation and any amendment or adjustment thereof. Copies of the certificate shall be sent to each elected official of the state and each member of the legislature.

NEW SECTION. Sec. 805. STATE REVENUE COLLECTION LIMIT--CALCULATION. (1) Unless otherwise provided for in this chapter, the state revenue collection limit for the fiscal year beginning July 1, 1993, and for each fiscal year thereafter, shall be the limitation factor multiplied by the total state personal income for the fiscal year for which the limit is being calculated.

(2) To establish the revenue collection limit for the fiscal year beginning July 1, 1993, the economic and revenue forecast supervisor shall use total state personal income as published by the United States department of commerce, bureau of economic analysis, or its successor, and as reported in the November 1992 official economic and revenue forecast prepared under RCW 82.33.020. For each fiscal year thereafter, the state revenue collection limit shall be established by the economic and revenue forecast supervisor on November 20 of the year immediately preceding the fiscal year for which the limit is being calculated.

NEW SECTION. Sec. 806. REVENUE MEASURES--ESTIMATED STATE REVENUE COLLECTIONS TO BE WITHIN LIMIT. Except as otherwise provided for in this chapter, all state revenue measures from which state revenue collections are derived shall be imposed, levied, or set by law or rule in such a manner that estimated state revenue collections for each fiscal year will not exceed the state revenue collection limit established for the corresponding fiscal year.

NEW SECTION. Sec. 807. EXPENDITURE REQUIREMENTS. (1) The state shall not expend funds derived from state revenue collections for any fiscal year in excess of the state revenue collection limit established for the corresponding fiscal year.

(2) Except pursuant to an appropriation provided for a declaration of emergency under section 810 of this act, the state treasurer shall not issue or redeem any check, warrant, or voucher from funds derived from state revenue collections that would result in an expenditure for any fiscal year in excess of the state revenue collection limit for the corresponding fiscal year. A violation of this subsection constitutes a violation of RCW 43.88.290.

(3) In addition to the penalties provided in RCW 43.88.300 for a judgment against the state treasurer for violating RCW 43.88.290, the attorney general may take civil action for such violations.

NEW SECTION. Sec. 808. REVENUE RESERVE FUND. (1) A revenue reserve fund is created in the custody of the state treasurer. Only the state treasurer may transfer moneys to or from the fund as provided in this chapter. On the effective date of sections 801 through 816 and section 819 of this section, all funds currently contained, or on deposit, in the budget stabilization account created under RCW 43.88.525 shall be transferred into the revenue reserve fund.

(2) The state treasurer is authorized to and shall transfer to the revenue reserve fund a sum equal to the amount of any state revenue collections in excess of the state revenue collection limit. Deposits authorized under this subsection shall be made on the last day of each fiscal year based on estimated state revenue collections for that fiscal year.

(3) Upon the completion of any fiscal year for which there is an undesignated fund balance, the state treasurer is hereby authorized to and shall transfer to the revenue reserve fund a sum equal to the amount of any undesignated fund balance.

(4) The state treasurer is authorized to and shall transfer to the revenue reserve fund any other amounts the legislature may from time to time direct to be deposited or transferred into the fund.

(5) The balance of the revenue reserve fund at the end of a fiscal year shall not exceed two and one-half percent of the immediately preceding fiscal year's state revenue collection limit. Any amount in excess of this two and one-half percent limit shall be transferred by the state treasurer to the general obligation debt reduction account.

NEW SECTION. Sec. 809. ESTIMATED STATE REVENUE COLLECTIONS BELOW LIMIT--PROCEDURES FOR IMPOSITION OF REVENUE MEASURES. (1) If, at the time the state revenue collection limit is established as required by section 805(2) of this act, the estimated state revenue collections for the corresponding fiscal year are projected to be below the state revenue collection limit, the state treasurer shall immediately transfer to the state general fund from amounts available in the revenue reserve fund a sum equal to the difference between estimated state revenue collections and the state revenue collection limit for use during such fiscal year.

(2) If the procedure required under subsection (1) of this section has been implemented and there remains a difference between the state revenue collection limit and estimated revenue collections, the legislature may, by an affirmative vote of sixty percent of each house, enact revenue measures necessary to generate any sum that is equal to or below the state revenue collection limit less the state revenue collections.

(3) Any revenue measure enacted pursuant to subsection (2) of this section may be imposed, levied, or set by law or rule for a period not to exceed twenty-four months from the effective date of such revenue measure.

NEW SECTION. Sec. 810. WHEN STATE REVENUE COLLECTION LIMIT MAY BE EXCEEDED--CONDITIONS. (1) The state revenue collection limit may be exceeded upon declaration of an emergency by the governor and a law approved by an affirmative vote of seventy-five percent of each house of the legislature. The declaration of emergency shall set forth the circumstances constituting the emergency and the amount of state revenue collections in excess of the applicable state revenue collection limit necessary to meet the emergency.

(2) A declaration of emergency for the purposes of exceeding the state revenue collection limit shall not exceed twenty-four months.

(3) The state revenue collection limit may be exceeded by an amount no greater than that indicated by the governor in his or her emergency declaration.

(4) The amount of state revenue collections authorized under this section in excess of the state revenue collection limit is not subject to the provisions of section 808(2) of this act.

(5) Revenue measures enacted to meet the costs of an emergency under this section may be imposed, levied, or set by law or rule for a period not to exceed twenty-four months from the effective date of the revenue measures. However, all revenue measures enacted to meet the cost of an emergency under this section shall expire immediately upon the expiration of the declaration of emergency.

NEW SECTION. Sec. 811. STATE REVENUE COLLECTION LIMIT--ADJUSTMENTS. (1) If by order of any court, the costs of a federal, state, or political subdivision program, service, project, facility, or activity are transferred in such a manner that the result is an increase or decrease in state revenue collections, the limitation factor shall be adjusted and the state revenue collection limit recalculated as provided in this section. The office of financial management shall determine the total dollar amount of any increase or decrease in state revenue collections caused by such a transfer.

(2) For the purpose of this section, "adjusted limitation factor" means the total dollar amount of any such increase or decrease in state revenue collections for the fiscal year in which the increase or decrease is effective divided by the corresponding fiscal year's total state personal income plus or minus the limitation factor or the most recent adjusted limitation factor.

(3) For the fiscal year in which any such increase or decrease is effective and for each fiscal year thereafter, the state revenue collection limit shall be the adjusted limitation factor multiplied by total state personal income for the fiscal year for which the limit is being recalculated or calculated.

(4) For the fiscal year in which any state revenue collections increase or decrease required by subsection (1) of this section become effective, the state revenue collection limit as adjusted in this section shall be recalculated by the economic and revenue forecast supervisor prior to the beginning of that fiscal year. For the fiscal years thereafter, the state revenue collection limit shall be established by the economic and revenue forecast supervisor on November 20 of the year immediately preceding the fiscal year for which the state revenue collection limit is being calculated.

NEW SECTION. Sec. 812. GENERAL OBLIGATION DEBT REDUCTION ACCOUNT. The general obligation debt reduction account is created in the state treasury. Moneys in the account may be spent only following appropriation by law and shall be used solely for the purposes of reducing the outstanding principle and interest of the general obligation indebtedness of the state of Washington.

Sec. 813. RCW 43.135.060 and 1990 2nd ex.s. c 1 s 601 are each amended to read as follows:

(1) The legislature shall not impose responsibility for new programs, programs previously provided by the state, or increased levels of service under existing programs on any ~~((taxing district))~~ political subdivision of the state unless the ~~((districts)) costs of the program or increased service~~ are reimbursed ~~((for the costs thereof))~~ by the state.

(2) The amount of increased local revenue and state appropriations and distributions that are received or could be received by a ~~((taxing district))~~ political subdivision of the state as a result of legislative enactments after 1979 shall be included as reimbursement under subsection (1) of this section. This subsection does not affect litigation pending on January 1, 1990.

~~(3) ((If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.~~

~~(4) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.~~

~~(5))~~ Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under RCW 29.04.200.

(4) No portion of the reimbursement provided under subsection (1) of this section by the state to a political subdivision may be in the form of authorization for a new or increased revenue measure.

NEW SECTION. Sec. 814. A new section is added to chapter 82.33 RCW to read as follows:

The official, optimistic, and pessimistic revenue forecasts prepared under RCW 82.33.020 shall include revenue estimates for all state revenue collections as defined in chapter 43.135 RCW.

Sec. 815. RCW 43.84.092 and 1992 c 235 s 4 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the general obligation debt reduction account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the revenue reserve fund, the site closure account, the

special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 816. A new section is added to chapter 43.88 RCW to read as follows:

The budget document submitted by the governor to the legislature under RCW 43.88.030 shall reflect the state revenue collection limit established under chapter 43.135 RCW and shall not propose expenditures from funds derived from state revenue collections in excess of the state revenue collection limit established for the fiscal year or years to which the budget pertains.

NEW SECTION. Sec. 817. REVENUE MEASURES REPEAL. (1) Upon the effective date of this section, all actions or combinations of actions by the state relating to state revenue measures that increase revenue over those in effect on December 31, 1992, revert to those in effect on December 31, 1992, except for those under sections 809 and 810 of this act.

(2) The code reviser, in cooperation with the fiscal committees of the house of representatives and the senate, shall develop a correction bill to reflect the changes required by subsection (1) of this section. The correction bill shall be introduced during the legislative session immediately following the effective date of this section.

(3) Prior to the adoption of the correction bill required under this section, the governor may utilize any means provided by law to ensure that the expenditure of funds derived from state revenue collections does not exceed the state revenue collection limit.

NEW SECTION. Sec. 818. Section 817 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 819. REPEALER. The following acts or parts of acts are each repealed:

- (1) RCW 43.88.520 and 1981 c 280 s 1;
- (2) RCW 43.88.525 and 1991 sp.s. c 13 s 13, 1985 c 57 s 52, & 1981 c 280 s 2;
- (3) RCW 43.88.530 and 1982 1st ex.s. c 36 s 2 & 1981 c 280 s 3;
- (4) RCW 43.88.535 and 1982 1st ex.s. c 36 s 3 & 1981 c 280 s 4;
- (5) RCW 43.88.540 and 1984 c 138 s 11 & 1981 c 280 s 5;
- (6) RCW 43.135.010 and 1980 c 1 s 1;
- (7) RCW 43.135.020 and 1980 c 1 s 2;
- (8) RCW 43.135.030 and 1980 c 1 s 3;
- (9) RCW 43.135.040 and 1980 c 1 s 4;
- (10) RCW 43.135.050 and 1980 c 1 s 5;
- (11) RCW 43.135.070 and 1980 c 1 s 7;

(12) RCW 43.135.900 and 1980 c 1 s 8; and
(13) RCW 43.135.901 and 1980 c 1 s 9.

NEW SECTION. Sec. 820. CODIFICATION INSTRUCTIONS. Sections 801 through 812 of this act are each added to chapter 43.135 RCW."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 62, line 8 of the amendment, after "institutions," insert "except sections 817 and 818 of this act,"

On page 62, line 11, strike "and 501 through 601" and insert "501 through 601, 801 through 816 and 819"

Representatives Mielke, Morton, Reams, Sehlin, Carlson, Padden, Ballard and Stevens spoke in favor of adoption of the amendment and Representatives G. Fisher, Locke, Sommers, Wang, Peery and Dorn spoke against it.

Representative Reams again spoke in favor of the amendment.

POINT OF ORDER

Representative Locke: Thank you, Mr. Speaker. I ask that you remind the gentleman to speak to this particular amendment which is talking about a roll back where limitation on revenue and not about collectability of a sales tax on professional services.

SPEAKER'S RULING

I would remind all members to make their remarks germane to the amendment before us.

POINT OF INQUIRY

Representative Mielke yielded to a question by Representative Heavey.

Representative Heavey: Thank you, Mr. Speaker. Representative Mielke stated that this is a rather straightforward proposal. Referring to page 9, line 18, with the Speaker's permission, it says for the purpose of this section, "adjusted limitation factor" means the total dollar amount in any such increase or decrease in state revenue collection for the fiscal year which the increase or decrease is in effect divided by the corresponding fiscal year total personal income plus or minus the limitation factor or the most recent adjusted limitation factor. It's all one sentence. Could you in a rather straightforward manner explain to me what that means.

Representative Mielke: Absolutely, Mr. Heavey. It's really quite straightforward, in fact if you look at the history of the State of Washington we actually did a really good job of tracking the growth in gross personal income in the state for a long time. The problem is about four years ago we decided not to track it any longer, we decided to raise revenue and spend far in excess of what was going on with gross personal income. This simply goes back and ties the amount of money that this state can collect through all its revenues to gross personal income. I hope that's clear enough.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 61, after line 34 of the committee amendment to Second Engrossed Substitute Senate Bill No. 5967 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dunshee, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Mielke, Miller, Morton, Padden, Reams, Riley, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dorn, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen,

Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

STATEMENTS FOR THE JOURNAL

Please record my vote on the amendment to Second Engrossed Substitute Senate Bill No. 5967 as a "NAY".

MIKE RILEY, 19th District

Please record my vote on the amendment to Second Engrossed Substitute Senate Bill No. 5967 as a "NAY".

HANS DUNSHEE, 39th District

The committee amendment as amended was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Fisher, Brown, Wineberry, Appelwick and Shin spoke in favor of passage of the bill and Representatives Foreman, Carlson, Long, Silver, Horn and Van Luven spoke against it.

Representative Miller demanded an oral roll call and the demand was sustained.

POINT OF INQUIRY

Representative G. Fisher yielded to a question by Representative Jones.

Representative Jones: Thank you, Representative G. Fisher. On page 6, line 26 subsection (M) of the Revenue committee amendment, it states that rental equipment with an operator will be subject to a sales tax on services. Is it the intent of this language to apply the sales tax when the person hires a commercial freight hauling truck to haul the freight?

Representative G. Fisher: No, it is not.

Representative Jones: Representative Fisher, is it the intent of the amendment to apply sales tax to the circumstance when the person has freight delivered to the person by commercial freight hauling truck.?

Representative G. Fisher: No.

Representative Jones: Thank you, Representative G. Fisher.

POINT OF INQUIRY

Representative Dorn yielded to a question by Representative G. Fisher.

Representative G. Fisher: Representative Dorn. The learned Representative from the 12th District in his speech mentioned that this was not the right tax package and for us to come in with a better one. When you talk to him, would you ask him which one it is that he would find more acceptable.

Representative Dorn: I would surely do that, if he would allow me to ask the question.

Representative G. Fisher: And will you also ask the gentleman from the 49th District who said that this tax isn't collectable so we won't bring in enough revenue to fund the budget. How much he believes we need to actually increase revenue to fund the budget.

Representative Dorn: Thank you, Representative G. Fisher for these questions.

POINT OF INQUIRY

Representative Foreman yielded to a question by Representative Dorn.

Representative Dorn: The minority leader has suggested that you write the package. I wonder what tax would be in that package.

Representative Foreman: We need predictability in the tax system, we need a fair tax system and right now we need lower taxes, cut spending, less government, we do not have a deficit, we do not need any tax increase.

Representative Zellinsky demanded the previous question. The demand was sustained.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5967 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Second Engrossed Substitute Senate Bill No. 5967 as amended by the House and the bill passed the House by the following vote: Yeas - 50, Nays - 48, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Leonard, Locke, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Flemming, Foreman, Forner, Fuhrman, Horn, Johanson, Kremen, Lemmon, Linville, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morton, Padden, Patterson, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 48.

Second Engrossed Substitute Senate Bill No. 5967, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House immediately resume consideration of Substitute Senate Bill No. 5968. The motion was carried.

The Speaker stated the question before the House to be adoption of the committee amendment by Committee on Appropriation, as amended by the House. The amendment as amended was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker called on Representative R. Meyers to preside.

Representatives Locke, Pruitt, Morris and Ogden spoke in favor of passage of the bill and Representatives Silver, Carlson, Tate, Linville, Reams and Edmondson spoke against it.

Representative Zellinsky demanded the previous question. The demand was sustained.

The Speaker assumed the chair.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5968 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5968 as amended by the House and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Johanson, Kremen, Linville, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 41.

Substitute Senate Bill No. 5968, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTIONS

Representative Peery moved the call of the House be dissolved. The motion was carried.

On motion of Representative Peery, the House adjourned until 10:00 a.m., Saturday, April 17, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETY-SIXTH DAY, APRIL 16, 1993

JOURNAL OF THE HOUSE

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

NINETY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 17, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Courtney Jones and Amy McKenna. Inspirational Message was offered by Shawn Merchant.

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

MESSAGES FROM THE SENATE

April 16, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1057,
HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1352,
HOUSE BILL NO. 1407,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1530,
HOUSE BILL NO. 1535,
HOUSE BILL NO. 1646,
ENGROSSED HOUSE BILL NO. 1824,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 16, 1993

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1351,
HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1582,

SENATE BILL NO. 5343,
SENATE BILL NO. 5371,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 16, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5068,
SUBSTITUTE SENATE BILL NO. 5134,
SENATE BILL NO. 5541,
SENATE BILL NO. 5649,

and the same are herewith transmitted.

Marty Brown, Secretary

April 16, 1993

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

April 17, 1993

The Speaker announced he was signing:

HOUSE BILL NO. 1076,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1454,
SUBSTITUTE HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1587,
SUBSTITUTE HOUSE BILL NO. 1595,
HOUSE BILL NO. 1618,
HOUSE BILL NO. 1637,
SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1832,
HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1893,
HOUSE BILL NO. 2001,

The Speaker called on Representative Sommers to preside.

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

SECOND READING

MOTION

Representative Sheldon moved the House immediately consider the following bills in the following order: Senate Bill No. 5441, Senate Bill No. 5695, and Engrossed Substitute Senate Bill No. 5948. The motion was carried.

SENATE BILL NO. 5441, by Senators McAuliffe, Erwin, Talmadge, M. Rasmussen, Drew, Spanel, Loveland, von Reichbauer and Winsley; by request of Department of Social and Health Services

Updating statutes for rehabilitation services for handicapped persons.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Anderson, Appelwick, Dellwo and Wineberry were excused.

On motion of Representative Wood, Representatives Mielke and Dyer were excused.

The Speaker (Representative Sommers presiding) stated the question before the House to be final passage of Senate Bill No. 5441.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5441 and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 4, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Absent: Representatives Heavey, Ludwig, Meyers, R. and Wang - 4.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Mielke and Wineberry - 6.

Senate Bill No. 5441, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5695, by Senators Bauer, Gaspard, Sellar, Pelz, Drew, Prince and M. Rasmussen; by request of State Board for Community and Technical Colleges

Changing provisions relating to GED tests.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative Sommers presiding) stated the question before the House to be final passage of Senate Bill No. 5695.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5695 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 3, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Absent: Representatives Heavey, Meyers, R. and Wang - 3.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Mielke and Wineberry - 6.

Senate Bill No. 5695, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5948, by Senate Committee on Health & Human Services (originally sponsored by Senators Deccio, Talmadge, Franklin, Prentice and McCaslin)

Modifying process and procedures for disciplining of health care professionals.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative L. Johnson moved adoption of the committee amendment.

Representative Campbell moved adoption of the following amendment to the committee amendment:

On page 15, line 11, strike "~~(twenty)~~ one hundred" and insert "twenty"

Representatives Campbell and L. Johnson spoke in favor of adoption of the amendment and Representative Cooke spoke against it. The amendment was adopted.

Representative L. Johnson moved adoption of the following amendment to the committee amendment:

On page 19, line 16, after "action" insert "pursuant to RCW 70.41.200(3)"

Representatives L. Johnson spoke in favor of adoption of the amendment to the committee amendment and the amendment was adopted.

The committee amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Johnson, Ballasiotes and Campbell spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Wang and R. Meyers were excused.

The Speaker (Representative Sommers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5948 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5948 as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 1, Excused - 8.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide,

Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Absent: Representative Heavey - 1.

Excused: Representatives Anderson, Appelwick, Dellwo, Dyer, Meyers, R., Mielke, Wang and Wineberry -

8.

Engrossed Substitute Senate Bill No. 5948, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative Sommers presiding) declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1800, by Representatives Ogden, Romero, Wang, Voloria, Anderson, Wineberry, Rayburn, R. Meyers, King and J. Kohl; by request of Office of Minority and Women's Business Enterprises

Funding the office of minority and women's business enterprises.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1800.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1800 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Meyers, R. and Mielke - 2.

House Bill No. 1800, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House defer consideration of House Bill No. 2053 and the bill hold its place on the second reading calendar. The motion was carried.

HOUSE BILL NO. 2070, by Representatives Patterson, Leonard, Brough, Shin and Karahalios

Modifying financial responsibility for juvenile offenders.

The bill was read the second time.

On motion of Representative Valle, Substitute House Bill No. 2070 was substituted for House Bill No. 2070 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2070 was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Patterson, Cooke and Karahalios spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Leonard was excused.

The Speaker stated the question to be final passage of Substitute House Bill No. 2070.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2070 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Cole, G. and Fuhrman - 2.

Excused: Representatives Leonard, Meyers, R. and Mielke - 3.

Substitute House Bill No. 2070, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2098, by Representative Valle; by request of Department of Social and Health Services

Enhancing community options long-term care program.

The bill was read the second time.

On motion of Representative Dellwo, Substitute House Bill No. 2098 was substituted for House Bill No. 2098 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2098 was read the second time.

Representative Padden moved adoption of the following amendment by Representatives Padden and Dyer:

On page 17, after line 12, insert the following:

NEW SECTION. Sec. 15. A new section is added to Title 48 RCW to read as follows:

(1) The individual medical account act program is established for state and school district employees. The state insurance commissioner shall administer this program and shall promulgate necessary rules pursuant to chapter 34.05 RCW. State and school district employees shall have the option of participating in the individual medical account program.

(2) For the purposes of this section the following definitions apply:

(a) "Account holder" means the individual on whose behalf the individual medical account is established.

(b) "Dependent child" means any person under the age of twenty-one years or any person who is legally entitled or subject to a court order for the provision of proper and necessary subsistence, education, medical care, chiropractic care, or any other care necessary for their health, guidance, or well-being, and who is not otherwise emancipated, married or a member of the armed forces of the United States, or who is so mentally or physically incapacitated.

(c) "Individual medical account" means a trust created or organized to pay the eligible medical, chiropractic, dental, and long-term care expenses of the account holder.

(d) "Trustee" means a chartered state bank, savings and loan association or trust company authorized to act as a fiduciary; a national banking association or savings and loan association authorized to act as a fiduciary; or an insurance company.

(e) "Employee" means a state employee or school district employee.

(3) (a) For taxable years beginning on or after the effective date of this act, an employee shall be allowed to deposit contributions to an individual medical account. The amount of deposit for the first taxable year subsequent to the effective date of the act shall not exceed:

(i) Two thousand dollars for the account holder;

(ii) Two thousand dollars for the account holder and two thousand dollars for the spouse of the account holder;

(iii) Two thousand dollars for the account holder, two thousand dollars for the spouse of the account holder, and one thousand dollars for each dependent child of the account holder; or

(iv) Two thousand dollars for the account holder and one thousand dollars for each dependent child of the account holder.

(b) The maximum allowable amount of deposit for subsequent years shall be increased annually by a percentage equal to the previous year's increase in the national consumer price index.

(c) Upon agreement between an employer and employee, an employer may contribute to the employee's individual medical account or continue to make contributions under the employee's existing health insurance policy or program, subject, however, to the restrictions in subsection (e)(i) of this section.

(d) The individual medical account shall be established as a trust under the laws of this state and placed with a trustee. The trustee shall:

(i) Purchase long-term care coverage for each account holder to cover all medical, chiropractic, dental, and long-term care expenses in excess of ten thousand dollars; and

(ii) Utilize the trust assets solely for the purpose of paying the medical, chiropractic, dental, and long-term care expenses of the account holder.

(e) Individual medical account funds may be withdrawn by the account holder at any time for any purpose, subject to the following restrictions and penalties:

(i) There shall be a distribution penalty for withdrawal of individual medical account funds by the account holder. Such penalty shall be 10 percent of the amount of interest earned as of the date of withdrawal on the account.

(ii) After an account holder reaches 60 years of age, withdrawals shall be permitted for medical, chiropractic, dental or long-term care expenses only, and may be withdrawn without penalty.

(f) Upon the death of the account holder, the account principle, as well as any interest accumulated thereon, shall be distributed to the decedent's estate as part of the estate."

On page 17, line 13, strike "**Sec. 15.** This act is" and insert "**Sec. 16.** Sections 1 through 14 of this act are"

POINT OF ORDER

Representative Peery: "I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

Speaker: Representative Peery, the Speaker is prepared to rule on your point of order as to the scope and object of amendment 461.

The Speaker finds that Substitute House Bill No. 2098 is a measure relating to long-term care services. It requires the Department of Social and Health Services Aging and Adult Service Administration to develop and administer a state-wide long term care program, provides for an on-going study and report on long term care, provides for assisted living service, modifies the certificate of need standards for nursing home beds, and establishes a community residential facility advisory council.

Amendment 461 establishes a medical account program for state and school district employees to be administered by the State Insurance Commissioner.

The Speaker therefore finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo, Dyer and Valle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2098.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2098 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Meyers, R. and Mielke - 3.

Substitute House Bill No. 2098, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2119, by Representatives Dunshee, Lemmon and Wolfe; by request of Office of Financial Management

Abolishing the state professional athletic commission.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2119.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2119 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representative Heavey - 1.

Excused: Representatives Leonard, Meyers, R. and Mielke - 3.

House Bill No. 2119, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2122, by Representatives Linville, Locke, Peery, Lemmon, Dellwo and Anderson; by request of Office of Financial Management

Authorizing early retirement for certain employees of PERS and TRS.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 93rd Day, April 13, 1993.)

Representatives Valle moved adoption of the committee amendment.

Representatives Valle and Linville spoke in favor of the adoption of the amendment. The committee amendment was adopted.

The bill was order engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2122.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 2122 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Cothorn, Lisk, Rust and Sommers - 4.

Excused: Representatives Leonard and Mielke - 2.

Engrossed House Bill No. 2122, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I mistakenly voted "YEA" on Engrossed House Bill No. 2122 and I wish to change my vote to "NAY".

MIKE RILEY, District 19

HOUSE BILL NO. 2123, by Representatives Jacobsen, Quall and Brumsickle; by request of Office of Financial Management

Allowing insurance benefits for graduate service appointments.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see 93rd Day, April 13, 1993.)

Representative Valle moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valle and Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2123.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 2123 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H.,

Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.
Excused: Representatives Leonard and Mielke - 2.

Engrossed House Bill No. 2123, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of House Bill No. 2124 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2130, by Representatives Locke, Dellwo and Miller; by request of Department of Social and Health Services

Modifying requirements for the acquired human immunodeficiency syndrome insurance program.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of House Bill No. 2130.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2130 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Padden - 1.

Excused: Representatives Leonard and Mielke - 2.

House Bill No. 2130, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2114, by Representative G. Fisher; by request of Office of Financial Management

Crediting earnings on balances of certain treasury accounts.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Fisher spoke in favor of passage of the bill and Representatives Foreman and Cooke spoke against it.

The Speaker stated the question before the House to be final passage of House Bill No. 2114.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2114 and the bill passed the House by the following vote: Yeas - 53, Nays - 43, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L.,

Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 53.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Eide, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Kremen, Lisk, Long, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 43.

Excused: Representatives Leonard and Mielke - 2.

House Bill No. 2114, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

April 17, 1993

The Speaker announced he was signing:

HOUSE BILL NO. 1076,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1454,
SUBSTITUTE HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1587,
SUBSTITUTE HOUSE BILL NO. 1595,
HOUSE BILL NO. 1618,
HOUSE BILL NO. 1637,
SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1832,
HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1893,
HOUSE BILL NO. 2001,
SENATE BILL NO. 5060,
SECOND SUBSTITUTE SENATE BILL NO. 5288,
SUBSTITUTE SENATE BILL NO. 5337,
SENATE BILL NO. 5455,
SUBSTITUTE SENATE BILL NO. 5471,
SUBSTITUTE SENATE BILL NO. 5479,
SENATE BILL NO. 5494,
SUBSTITUTE SENATE BILL NO. 5520,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5615,
SENATE BILL NO. 5689,
SUBSTITUTE SENATE BILL NO. 5878,

With the consent of the House, the House considered the Speaker's ruling on the point of order to Engrossed Senate Bill No. 5508.

SPEAKER'S RULING

In ruling on the point of order raised by Representative Appelwick to the scope and object of amendment 327 offered by Representative Vance and others the Speaker finds that:

Engrossed Senate Bill No. 5508 is an act "relating to child dependency cases" which specifies the criteria for determining when child support may be ordered for children placed in foster care.

Amendment 327 changes provisions governing when child support may be ordered in cases of marriage dissolution.

The Speaker finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken.

With the consent of the House, the House considered the Speaker's ruling on the point of order to Engrossed Senate Bill No. 5280.

SPEAKER'S RULING

Representative Vance has raised a point of order to the scope and object of amendment 439, an amendment offered by Representative Dorn and others to the proposed Commerce & Labor committee amendment to Engrossed Senate Bill No. 5280.

The Speaker finds that Engrossed Senate Bill No. 5280 is a measure relating to certificates of competency for registered contractors. It establishes a voluntary certification program for general and specialty contractors, provides for fees, and establishes an advisory committee to assist the Department of Labor & Industries in development, implementation and administration of the program.

Amendment 439 broadens the underlying bill by creating a mandatory certification program for paint and coating applicators, establishing monetary penalties for violation, providing for an appeal process under the administrative procedures act and creating a new account in the custody of the state treasurer.

The Speaker therefore finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken.

With the consent of the House, the House considered the Speaker's ruling on the point of order to Senate Bill No. 5791.

SPEAKER'S RULING

In ruling on the point of order raised by Representative Appelwick to the scope and object of amendment 417 offered by Representative Vance and others, the Speaker finds that:

Senate Bill No. 5791 is an act relating to "mandatory provisions in child support orders." It is limited to specifying additional provisions that a court must include in every child support order to comply with federal law.

Amendment 417 relates to postsecondary educational support for children over the age of eighteen. Postsecondary educational support is not a mandatory provision in child support orders. In addition, the amendment is broader than the underlying bill because it brings in issues that federal law does not require to be included in child support orders.

The Speaker therefore finds that the proposed amendment does change the scope and object of the underlying bill and that the point of order is well taken.

MOTION

Representative Peery moved the House immediately consider Senate Bill No. 5352 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5352, by Senators Newhouse, Spanel, Moore, Bauer and Winsley; by request of Joint Committee on Pension Policy

Specifying how payments based on retirement agreements shall affect calculation of pension benefits.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 5, 1993.)

Representative Valle moved adoption of the committee amendment.

Representative Sommers moved adoption of the following amendment to the committee amendment:

On page 1, beginning on line 23 of the Appropriations Committee amendment, strike "their employers" and insert "the retirement system"

On page 2, line 1 of the Appropriations Committee amendment, strike "their employers" and insert "the retirement system"

On page 2, line 3 of the Appropriations Committee amendment, strike all of subsection (5)

Representatives Sommers and Jacobsen spoke in favor of adoption of the amendment to the committee amendment and Representative Silver spoke against it. The amendment was adopted.

The committee amendment as amended were adopted.

With consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF PARLIAMENTARY INQUIRY

Representative Miller: Mr. Speaker and members of the House, House rule 19 D, which is based on the requirements of Article II Section 30 of our state constitution, requires any member who has a private interest in a bill before the House to disclose that interest and to be excused from voting on the measure.

Mr. Speaker and members of the House, should Senate Bill No. 5352 as amended by the House become law, a member of my immediate family would be one of what I believe to be between 30 and 100 retirees who would benefit from the act.

Mr. Speaker, under the circumstances, that I have just described, should I be excused from voting on Senate Bill No. 5352?

SPEAKER'S RULING

No, Representative Miller, you should not be excused from voting on Senate Bill No. 5352.

House Rule 19 (d) and Article II, Section 30 of the state constitution prohibits members from voting on legislation which affects them individually and uniquely, not as members of a group.

Since the bill in question applies to a category of Washington citizens, and not uniquely to a member of your family, you do not have a private interest within the meaning of our state constitution which would disqualify you from voting.

Representatives Sommers and Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5352 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5352 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5352, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

MOTION

Representative Sheldon moved the House immediately consider the following bills in the following order: Second Substitute Senate Bill No. 5836, Engrossed Senate Bill No. 5508, Senate Bill No. 5791, Engrossed Senate Bill No. 5280 and Second Substitute Senate Bill No. 5781. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5836, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Prince, West, Drew, Jesernig, Sheldon, Snyder and Gaspard)

Redefining the relationship between the state and its postsecondary institutions.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, April 1, 1993.)

Representative Jacobsen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5836 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Second Substitute Senate Bill No. 5836 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Second Substitute Senate Bill No. 5836, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5508, by Senators Hargrove, Niemi, A. Smith, Nelson and Spanel

Modifying child support orders in dependency cases.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5508 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5508 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Engrossed Senate Bill No. 5508, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5791, by Senators A. Smith and Rinehart; by request of Attorney General

Changing child support provisions.

The bill was read the second time.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Zellinsky spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5791.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5791 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5791, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5280, by Senators Hargrove, Erwin, Owen, Sutherland and Jesernig

Creating a certification program for contractors.

The bill was read the second time.

The committee amendment by Committee on Commerce & Labor was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Zellinsky spoke in favor of passage of the bill and Representative Lisk spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5280 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5280 as amended by the House, and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Mastin, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Lisk, Long, Miller, Morris, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas and Vance - 33.

Excused: Representatives Leonard and Mielke - 2.

Engrossed Senate Bill No. 5280 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the House immediately consider the following bills in the following order: Second Substitute Senate Bill No. 5781, Senate Bill No. 5584 and Senate Bill No. 5330. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5781, by Senate Committee on Ways & Means (originally sponsored by Senators Jesernig, Bauer, Moyer, Pelz, Bluechel, Spanel, Hargrove, Drew, von Reichbauer, Snyder, Sheldon, Loveland, McDonald, Erwin, M. Rasmussen, Barr, Prentice, Sutherland, McAuliffe, West, Oke, Amondson, Haugen, Franklin, Sellar, Hochstatter, Fraser, Deccio, A. Smith and Winsley)

Improving access to public institutions of higher education.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.) Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments see Journal, 85th Day, April 5, 1993.)

Representative Jacobsen moved that the House not adopt the committee amendment on Higher Education. The committee amendment was not adopted.

Representative Valle moved that the House not adopt the committee amendment on Appropriations. The committee was not adopted.

Representative Jacobsen moved adoption of the following amendment by Representative Sommers and others:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the proportion of the state budget dedicated to postsecondary educational programs has decreased for two decades. At the same time, major technological, economic, and demographic changes have exacerbated the need for improved training and education to maintain a high-quality, competitive work force, and a well-educated populace to meet the challenges of the twenty-first century. Therefore, the legislature finds that there is increasing need for postsecondary educational opportunities for citizens of the state of Washington.

The legislature declares that the policy of the state of Washington shall be to improve the access to, and the quality of, this state's postsecondary educational system. The budgetary policy of the state of Washington shall be to provide a level of protection and commitment to the state's postsecondary educational system commensurate with the responsibility of this state to the educational and professional improvement of its citizens and work force.

NEW SECTION. Sec. 2. It is the policy of the state of Washington that the essential requirements level budget calculation for institutions of higher education include enrollment levels necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The participation rate shall be based on the state's estimated population ages seventeen and above by appropriate age groups.

NEW SECTION. Sec. 3. It is the policy of the state of Washington that the governor and legislature, in their budget deliberations, consider adding sufficient incremental enrollment increases to achieve, by the year 2010, the goals, by educational sector, adopted by the higher education coordinating board in its enrollment plan entitled "Design for the 21st Century: Expanding Higher Education Opportunities in Washington." In the biennial operating budget documents submitted to the legislature, the governor shall display information on the number of additional students necessary and the amount of money needed to fund these incremental enrollment increases.

NEW SECTION. Sec. 4. The participation rate used to calculate enrollment levels under sections 2 and 3 of this act shall be based on fall enrollment reported in the higher education enrollment report as maintained by the office of financial management, fall enrollment as reported in the management information system of the state board for community and technical colleges, and the corresponding fall population forecast by the office of financial management. Formal estimates of the state participation rates and enrollment levels necessary to fulfill the requirements of sections 2 and 3 of this act shall be determined by the office of financial management as part of its

responsibility to develop and maintain student enrollment forecasts for colleges and universities under RCW 43.62.050. Formal estimates of the state participation rates and enrollment levels required by this section shall be based on procedures and standards established by a technical work group consisting of staff from the higher education coordinating board, the state board for community and technical colleges, the fiscal and higher education committees of the house of representatives and the senate, and the office of financial management. Formal estimates of the state participation rates and enrollment levels required by this section shall be submitted to the fiscal committees of the house of representatives and senate on or before November 15th of each even-numbered year. The higher education coordinating board shall periodically review the enrollment goals set forth in sections 2 and 3 of this act and submit recommendations concerning modification of these goals to the governor and to the higher education committees of the house of representatives and the senate.

NEW SECTION. **Sec. 5.** It is the policy of the state of Washington that financial need not be a barrier to participation in the state higher education system. In order to implement that policy, the higher education coordinating board shall restructure the state's financial aid programs into a comprehensive program known as college promise. In restructuring the programs, the board shall follow these goals:

(1) For all need-based financial aid programs under RCW 28B.10.790 through 28B.10.824 and chapters 28B.12 and 28B.101 RCW:

(a) Through a mix of federal, state, and other resources:

(i) Limit the debt of an undergraduate student to no more than one-half of a student's cost of attendance; and

(ii) Provide more self-help opportunities than grant aid to middle-income students, and approximately equal amounts of self-help opportunities and grant aid to low-income and lower middle-income students. Self-help opportunities include work study and loans;

(b) In determining eligibility for state financial aid programs, shelter home equity on a family's principal place of residence, and shelter a reasonable portion of savings and farm or business net worth, each insofar as is permissible under state and federal law;

(c) Consistent with federal law, simplify the financial aid application process;

(d) Strive to preserve a range of educational options for needy students, including choice of institutions and programs;

(e) Recognize otherwise unfunded equipment and assistance needed to accommodate students with disabilities reasonably;

(f) Deliver clear and timely information to current and future postsecondary students about the costs of attending college and available financial aid; and

(g) Classify needy students by family income levels based on the state's median income for a family of four, adjusted annually for family size and changes in the state's median income. The classification system shall be as follows:

(i) Low income means zero to fifty percent of the state's median income;

(ii) Lower middle income means fifty-one to seventy-five percent of the state's median income; and

(iii) Middle income means seventy-six to one hundred twenty-five percent of the state's median income.

(2) For the state need grant program under RCW 28B.10.790 through 28B.10.824: As funds are available, expand the program to include new populations of resident students in the following priority order, ensuring that undergraduate students with the most demonstrated financial need receive full grants before less needy students receive any grant:

(a) Low-income undergraduates;

(b) Lower middle-income undergraduates;

(c) Middle-income undergraduates; and

(d) Resident graduate and professional students, following the income priorities established for undergraduate students.

(3) For the state work study program under chapter 28B.12 RCW: Increase employment opportunities including off-campus job opportunities with off-campus community service employers.

(4) For students whose parents did not complete a higher education degree or certificate: Determine the feasibility of providing grants to needy first generation scholars.

Sec. 6. RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education,

vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

~~(2)((a))~~ The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary ~~((by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act))~~. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

~~((b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.~~

~~(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.~~

~~(d) Except as permitted by (c) of this subsection, should the number of student supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.)~~

(3) The state board for community and technical colleges ~~((education))~~ shall ensure compliance with this section.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 28B.10 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representatives Jacobsen and Brumsickle spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5781 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Second Substitute Senate Bill No. 5781 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Second Substitute Senate Bill No. 5781, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred consideration of Senate Bill No. 5251 and Senate Bill No. 5584.

MOTION

Representative Sheldon moved that the House immediately consider Senate Bill No. 5330 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5330, by Senators Haugen, Moore and Amondson

Exempting auction sold property from a statutory holding period.

The bill was read the second time.

Representative Heavey moved adoption of the following amendment by Representatives Heavey and Wood:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.11 RCW to read as follows:

The department of licensing may exempt, by rule, second-hand property bought or received on consignment or sold at an auction conducted by a licensed auctioneer or auction company from RCW 19.60.050 or 19.60.055."

Representative Heavey spoke in favor of adoption of the amendment and the amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appelwick spoke against passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5330 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5330 as amended by the House and the bill passed the House by the following vote: Yeas - 66, Nays - 30, Absent - 0, Excused - 2.

Voting yea: Representatives Basich, Brumsickle, Campbell, Carlson, Casada, Chandler, Conway, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Fisher, G., Flemming, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jones, Karahalios, Kessler, King, Kremen, Lemmon, Linville, Lisk, Locke, Long, Mastin, Meyers, R., Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Rayburn, Reams, Roland, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Chappell, Cole, G., Cooke, Cothorn, Eide, Finkbeiner, Fisher, R., Foreman, Jacobsen, Johanson, Johnson, L., Johnson, R., Kohl, J., Ludwig, Miller, Morris, Ogden, Quall, Riley, Romero, Rust, Schmidt and Wang - 30.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5330, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, the House resumed consideration of Senate Bill No. 5474 on the second reading calendar.

SENATE BILL NO. 5474, by Senators A. Smith, Pelz, Niemi, Spanel, Drew, Prince, Roach and Franklin; by request of Human Rights Commission

Revising laws relating to discrimination.

The bill was read the second time. Committee on Judiciary recommendation: Majority do pass as amended. (For committee amendments, see Journal, 85th Day, April 5, 1993)

Representative Appelwick moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With the consent of the House, Representative Appelwick withdrew amendment Number 409 .

POINT OF PERSONAL PRIVILEGE

Representative Anderson: Thank you Mr. Speaker, I would like to make some personal remarks: My remarks are inspired by the Ecclesiastes, a book of the Bible which deals with reflection and reasoning about life. The mood of the Ecclesiastes is generally one of sadness, the phrase, "vexation of spirit" appears nine times, and the words "oppression", grief and "mourning" are prominent too. And I have much to mourn today, I believe we all do. I think back to the hearing before the committee on State Government and to the stories of discrimination we heard. The story of the school principal chased out of his job, not because of anything he did, but simply because he is gay. The story of the lesbian couple, denied an apartment, not because they couldn't pay the rent, but simply because they are lesbian. Ad the stories, youth suicides, children whose self esteem has been so damaged by bigotry, bias and discrimination based solely on their sexual orientation that they see no way out of the pain but to take there own lives. I grieve for this loss. I also grieve because I must now go around this state and tell lesbians and gay men that they still can't enjoy equal rights or equal justice under the laws of our state simply because they are lesbian or gay. For sixteen years House Bill No. 1443 or similar civil rights bills have been before this legislature and twice this wonderful House of Representatives has passed this civil rights legislation, and I want to acknowledge and thank you Mr. Speaker and my colleagues here in the House on both sides of the aisle for the moral courage you all have exhibited for this legislation, But as it is written in the Ecclesiastes to everything there is a season. I'm saddened that once again this does not seem to be the season for this legislation despite the strong leadership shown by this House. Sadly a fiscal note has clouded the real issues of the bill, and despite support in the Senate Law & Justice Committee and support by the Chair and many members of the Senate Ways & Means Committee we couldn't get the bill moving again. It hurts, it hurts deeply. We could amend this Senate Bill but I'm afraid it would jeopardize the effort to bring our states law in compliance with the Americans with Disabilities Act and I don't want to do that. A brief final thought. Martin Luther King had a dream. He dreamed that his four children would one day live in a nation where they would be judged, not by the color of their skin, but by the content of their character. I too have a dream, that one day gay men and lesbians will be judged not by their sexual orientation but by their ability to do the job, and pay the rent and contribute to our society. I believe Mr. Speaker, that it should always be the season to do justice but sadly it does not seem to be the season for my dream. Thank you.

POINT OF PERSONAL PRIVILEGE

Representative Fuhrman: Thank you Mr. Speaker, I would like to make some remarks on the gay rights issue on House Bill No. 1443. Probably the best thing I could do and the best thing for all of us would be for me to give Cal's speech and for Cal to give my speech. If each of us in the nation and in the State of Washington on the extreme sides of this issue could do that we'd probably be better off, but in this case I'm going to give my one page of thoughts, I'm going to stick to it as best as I can so I don't get off track and on the extreme issues. It is nice to be able to do that when no TV cameras here. I've wanted to talk on three main points. One was that gay rights does not show compassion itself, they do create a dangerous precedent and they are not necessary. Homosexuals should be treated with respect and are definitively deserving of compassion on a personal basis. The compassion is not shown by pretending that the behavior is normal or is healthy; compassion is shown by treating them as responsible moral people who can change their behavior. Now I don't mean change their being, or change who they are, but change the sexual act that they carry out. I'm not trying to talk about who or what they are but the act itself. Recent studies under substantial clinical evidence have shown that homosexuality is not a permanent condition, homosexuals can change what they do, not who they are, but what they do, and it's not others in this room or across this state or nation to judge them, but the widespread acceptance of homosexuality is the worst thing that could happen since this ignores something that homosexuals themselves know-that it's not normal anymore than adultery is normal. It is not compassionate to encourage people to take pride in either adultery or homosexuality; to teach children that adultery or homosexuality is healthy and normal is not compassionate nor is it responsible. Homosexual rights, laws, create a dangerous precedent. That's my second point. It protects a class of people on a basis of their conduct, what they do and not who they are, that's what House Bill No. 1443 would do. Other civil rights laws are based on what people believe or who they are, not what they do. If House Bill No. 1443 would have passed it would have amounted to special rights. I must mention that the act of homosexuality was illegal in every state in the union until 1961 and that wasn't that long ago and I must mention also the U. S. Supreme Court has specially ruled there is no constitutional right for homosexuals to engage in the sex act in homosexuality. Special homosexual rights are not necessary, House Bill No. 1443 was something that was not needed, homosexuals have identical rights and protection under the American Constitutional system that are afforded to all Americans. I thank you for allowing me to say this.

MOTIONS

Representative Peery moved the House defer further consideration of Senate Bill No. 5474 and the bill hold its place on the second reading calendar. The motion was carried.

Representative Peery moved the House consider the following bills in the following order: Senate Bill No. 5584, Senate Bill No. 5638, and Senate Bill No. 5231. The motion was carried.

SENATE BILL NO. 5584, by Senators Franklin, Winsley, McAuliffe, Skratek, M. Rasmussen, Hargrove, Wojahn, Niemi, Drew and Pelz

Creating the Washington housing policy act.

The bill was read the second time. Committee on Trade Economic Development & Housing recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 5, 1993.)

Representative Wineberry moved adoption of the committee amendment.

Representative Ogden moved adoption of the following amendment to the committee amendment:

On page 3, line 17 of the amendment, after "(5)" insert ""Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b) (4) of the Cranston-Gonzalez national affordable housing act (42 U. S. C. 12701 et seq.).

(6)"

On page 5, beginning on line 21 of the amendment, after "(d)" strike all material through "industry" on line 23 and insert "Identification and removal, where appropriate and not detrimental to the public health and safety, or environment, of state and local regulatory barriers to the development and placement of affordable housing."

On page 8, after line 25, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 43.63A RCW to read as follows:

The department shall provide technical assistance and information to state agencies and local governments to assist in the identification and removal of regulatory barriers to the development and placement of affordable housing. In providing assistance the department may:

- (1) Analyze the costs and benefits of state legislation, rules, and administrative actions and their impact on the development and placement of affordable housing;
- (2) Analyze the costs and benefits of local legislation, rules and administrative actions and their impact on the development and placement of affordable housing;
- (3) Assist state agencies and local governments in determining the impact of existing and anticipated actions, legislation, and rules on the development and placement of affordable housing;
- (4) Investigate techniques and opportunities for deducing the life cycle housing costs through regulatory reform;
- (5) Develop model standards and ordinances designed to reduce regulatory barriers to affordable housing and assisting in their adoption and use at the state and local government level;
- (6) Provide technical assistance and information to state agencies and local governments for implementation of legislative and administrative reform programs to remove barriers to affordable housing;
- (7) Prepare state regulatory barrier removal strategies;
- (8) Provide staffing to the affordable housing advisory board created in section 5 of this act; and
- (9) Perform other activities as the director deems necessary to assist the state, local governments, and the housing industry in meeting the affordable housing needs of the state."

Representatives Ogden, Wineberry and Forner spoke in favor of the amendment. The amendment to the committee amendment was adopted.

Representative Ogden moved adoption of the following amendment to the committee amendment:

On page 15, after line 9 of the amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 35.63 RCW to read as follows:

No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently

than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION. Sec. 18. A new section is added to chapter 35A.63 RCW to read as follows:

No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION. Sec. 19. A new section is added to chapter 36.70 RCW to read as follows:

No county may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

NEW SECTION. Sec. 20. A new section is added to chapter 36.70A RCW to read as follows:

No county or city that plans or elects to plan under this chapter may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602)."

Representatives Ogden, H. Myers and Forner spoke in favor of adoption of the amendment and Representatives Wineberry and Thibaudeau spoke against it. The amendment was adopted.

Representative Morris moved adoption of the following amendment to the committee amendment:

On page 15, after line 9 of the amendment, insert the following:

"NEW SECTION. Sec. 17. The legislature finds that the importance of rules regarding residential and nonresidential construction health and safety standards can not be overstated. However, the adoption and application of these rules should take into consideration the type of construction activity it is intended to regulate. It is the intent of the legislature to reduce the regulatory cost of housing by requiring that construction health and safety standards adopted by the state, pursuant to RCW 49.17.050(11) and section 19 of this act, take into consideration the practical application of the rules on the residential construction industry.

Sec. 18. RCW 49.17.050 and 1973 c 80 s 5 are each amended to read as follows:

In the adoption of rules (~~and regulations~~) under the authority of this chapter, the director shall:

(1) Provide for the preparation, adoption, amendment, or repeal of rules (~~and regulations~~) of safety and health standards governing the conditions of employment of general and special application in all work places;

(2) Provide for the adoption of occupational health and safety standards which are at least as effective as those adopted or recognized by the United States secretary of labor under the authority of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 84 Stat. 1590);

(3) Provide a method of encouraging employers and employees in their efforts to reduce the number of safety and health hazards at their work places and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(4) Provide for the (~~promulgation~~) adoption of health and safety standards and the control of conditions in all work places concerning gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents which shall set a standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his or her working life; any such standards shall require where appropriate the use of protective devices or equipment and for monitoring or measuring any such gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents;

(5) Provide for appropriate reporting procedures by employers with respect to such information relating to conditions of employment which will assist in achieving the objectives of this chapter;

(6) Provide for the frequency, method, and manner of the making of inspections of work places without advance notice; (~~and~~);

(7) Provide for the publication and dissemination to employers, employees, and labor organizations and the posting where appropriate by employers of informational, education, or training materials calculated to aid and assist in achieving the objectives of this chapter;

(8) Provide for the establishment of new and the perfection and expansion of existing programs for occupational safety and health education for employers and employees, and, in addition institute methods and procedures for the establishment of a program for voluntary compliance solely through the use of advice and consultation with employers and employees with recommendations including recommendations of methods to abate

violations relating to the requirements of this chapter and all applicable safety and health standards and rules (~~and regulations promulgated pursuant to the authority of~~) adopted under this chapter;

(9) Provide for the adoption of safety and health standards requiring the use of safeguards in trenches and excavations and around openings of hoistways, hatchways, elevators, stairways, and similar openings;

(10) Provide for the (~~promulgation~~) adoption of health and safety standards requiring the use of safeguards for all vats, pans, trimmers, cut off, gang edger, and other saws, planers, presses, formers, cogs, gearing, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries, and machinery of similar description, which can be effectively guarded with due regard to the ordinary use of such machinery and appliances and the danger to employees therefrom, and with which the employees of any such work place may come in contact while in the performance of their duties and prescribe methods, practices, or processes to be followed by employers which will enhance the health and safety of employees in the performance of their duties when in proximity to machinery or appliances mentioned in this subsection;

(11) Provide for the adoption of health and safety standards for residential construction with due regard for the practical application of the standards to the residential construction industry. For the purposes of this subsection, "residential construction" means the construction of a building intended for use as a separate single-family dwelling.

NEW SECTION. Sec. 19. A new section is added to chapter 49.17 RCW to read as follows:

In adopting the standards required under RCW 49.17.050(11), the department shall consult with an advisory committee established by the department on residential construction safety and health standards. The advisory committee shall consist of nine members: One member shall represent the department; four members shall represent the residential construction industry, who shall be appointed by the department from a list submitted by the building industry association of Washington; and four members shall represent organized building and construction trades, who shall be appointed by the department from a list submitted by the Washington state labor council. The department shall adopt initial rules no later than July 1, 1994. Thereafter, the department may review and revise the rules under its authority under RCW 49.17.040. The advisory committee shall expire on adoption of the initial rules, unless the committee is continued by the department.

NEW SECTION. Sec. 20. A new section is added to chapter 43.63A RCW to read as follows:

(1) The legislature finds that:

(a) The trend toward smaller household sizes will continue into the foreseeable future;

(b) Many of these households are in housing units that contain more bedrooms than occupants;

(c) There are older homeowners on relatively low, fixed income who are experiencing difficulties maintaining their homes; and

(d) There are single parents, recently widowed persons, people in the midst of divorce or separation, and handicapped that are faced with displacement due to the high cost of housing.

(2) The legislature declares that the purpose of section 21 of this act is to develop a pilot program designed to:

(a) Provide home-matching services that can enable people to continue living in their homes while promoting continuity of home ownership and community stability; and

(b) Counter the problem of displacement among people on relatively low, fixed incomes by linking people offering living space with people seeking housing.

NEW SECTION. Sec. 21. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department may develop and administer a home-matching program for the purpose of providing grants and technical assistance to eligible organizations to operate local home-matching programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter 43.185 RCW.

(2) The department may select up to five eligible organizations for the purpose of implementing a local home-matching program. The local home-matching programs are designed to facilitate: (a) Intergenerational homesharing involving older homeowners sharing homes with younger persons; (b) homesharing arrangements that involve an exchange of services such as cooking, housework, gardening, or babysitting for room and board or some financial consideration such as rent; and (c) the more efficient use of available housing.

(3) In selecting local pilot programs under this section, the department shall consider:

(a) The eligible organization's ability, stability, and resources to implement the local home-matching program;

(b) The eligible organization's efforts to coordinate other support services needed by the individual or family participating in the local home-matching program; and

(c) Other factors the department deems appropriate.

(4) The eligible organizations shall establish criteria for participation in the local home-matching program. The eligible organization shall make a determination of eligibility regarding the individuals' or families' participation in the local home-matching program. The determination shall include, but is not limited to a verification of the individual's or family's history of making rent payments in a consistent and timely manner."

POINT OF ORDER

Representative G. Fisher: I would request the Speaker to make a ruling on the scope and object of the amendment.

With the consent of the House, further consideration of Senate Bill No. 5384 was deferred and the bill held its place on the second reading calendar.

SENATE BILL NO. 5638, by Senators Skratek, Drew, Roach, Haugen, Quigley, M. Rasmussen and Oke

Modifying property tax valuation of property affected by growth management regulations.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 29, 1993.)

Representative G. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon:

On page 2, line 11, after "36.70A RCW" insert "that result in a reduction in value would be a taking of property as established in Article I, section 16 of the state Constitution or as defined in statute"

On page 3, after line 2, insert the following:

"(4) Whenever implementation by the state or any of its political subdivisions of a policy or practice directly or indirectly regulating the use of land operates to reduce the value of a parcel of real property immediately prior to such implementation, the parcel is deemed to be taken for public use."

POINT OF ORDER

Representative G. Fisher: I would ask the Speaker to make a ruling on the scope and object of the amendment.

SPEAKER'S RULING

In ruling on the point of order raised by Representative G. Fisher to the scope and object of amendment 420 offered by Representative Sheldon, the Speaker finds that:

Senate Bill No. 5638 is a measure specifying criteria to be used in appraisals of real property for taxation purposes.

Amendment 420 would change the circumstances under which the constitution requires compensation for the taking of property.

The Speaker therefore finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken.

Representative Stevens moved adoption of the following amendment by Representative Stevens:

On page 3, after line 2, insert the following:

"NEW SECTION. Sec. 2. Local governments shall provide prior notice to private property owners, in clear language that is understandable to the average reader, of proposed land use actions by local governments that will affect the existing use of property and operate to reduce the value of the property. The notice shall describe the potential impact on specific property taxes and overall tax revenues of local governments, and the potential impact on the affordability of local housing. The notice shall also include a clear statement of "standing," an explanation of the effect on the property owner of having and of not having standing, what the property owner must do to ensure that he or she has standing, including the procedure for obtaining standing, and the address and deadline for submitting written statements to the local government concerning any proposed land use action.

A person has standing to contest a land use action if the person submits a written statement to a city or county legislative body that concerns the action being considered or taken by the legislative body or expresses a desire or demand for standing with respect to the action.

Land use actions subject to the requirements of this section include, but are not limited to, adoption or amendment of comprehensive land use plans, development regulations, building codes, zoning actions, designations

of open space or wetlands, environmental determinations, and any other governmental policies or practices regarding land use that affect the use of property and operate to reduce the value of the property."

POINT OF ORDER

Representative G. Fisher: I would ask the Speaker to make a ruling on the scope and object of the amendment.

SPEAKER'S RULING

In ruling on the point of order raised by Representative G. Fisher to the scope and object of amendment 428 offered by Representative Stevens and others, the Speaker finds that:

Senate Bill No. 5638 is "an act relating to taxation of property affected by growth management regulation". It specifies criteria for property appraisals for property tax purposes.

Amendment 428 adds a new section requiring detailed notice from local governments to property owners of any proposed land use action affecting the use of property and changes the circumstances under which persons have standing to legally contest such actions.

The Speaker therefore finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken.

Representative Forner moved adoption of the following amendment by Representative Forner:

On page 2, after line 22, insert the following:

"The appraisal shall also take into consideration any reduction in property values or highest and best use that are the result of a direct government action. If notified by a real property owner or by a state, county, or city authority of a change in permitted use of a parcel of real property, the county assessor shall review the impact of the change in permitted use on the highest and best use of the real property and shall relist, revalue, reassess, and retax the property accordingly."

Representatives Forner and G. Fisher spoke in favor of adoption of the amendment and it was adopted.

Representative Thomas moved adoption of the following amendment by Representative Thomas:

On page 3, after line 2, insert the following:

"(4) Counties, cities and towns shall be responsible for providing county assessors information concerning governmental policies or practices, including moratoriums, in effect at the time of appraisal that directly affect the value or use of the appraised property."

Representatives Thomas and Rust spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Forner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5638 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5638 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5368, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5251, by Senators Bauer, Snyder, Sheldon, Moore, Prentice, Sutherland, Jesernig, Rinehart and Winsley

Requiring identification for the nonresident sales tax exemption.

The bill was read the second time.

Representative Wang moved adoption of the following amendment by Representative Wang:

On page 1, line 10, after "Canada" insert "is contiguous to the state of Washington and"

The Speaker called on Representative R. Meyers to preside.

Representative Wang spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5251 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5251 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5251, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

With the consent of the House, the House immediately considered Senate Bill No. 5925 on the second reading calendar.

SENATE BILL NO. 5925, by Senator Snyder

Allowing lodging tax for counties with national monuments.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended (For committee amendment see Journal, 85th Day, April 5, 1993.)

Representative G. Fisher moved adoption of the committee amendment:

With the consent of the House, Representative Padden withdrew amendment number 631.

Representative Morris moved adoption of the following amendment to the committee amendment:

On page 1, line 28 of the amendment, after "repair," insert "and"

On page 1, line 29 of the amendment, after "improvement" strike ", and marketing"

On page 1, line 31 of the amendment, after "facilities," strike "and"

On page 1, line 31 of the amendment, after "sales" insert ", and marketing of facilities for tourists visiting the county or the national monument"

On page 2, after line 8 of the amendment, strike all of section 2 and insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

The department of revenue shall perform the collection of taxes under section 1 of this act on behalf of the county at no cost to the county."

Representative Morris spoke in favor of adoption of the amendment to the committee amendment and it was adopted.

With the consent of the House, Representative Fuhrman withdrew number 341.

Representative Dyer moved adoption of the following amendment to the committee amendment:

On page 2 of the amendment, line 15, after "chapter" insert "and RCW 67.40.100(3)"

On page 2 of the amendment, after line 17, insert the following:

Sec. 3. RCW 67.28.190 and 1967 c 236 s 12 are each amended to read as follows:

Any seller, as defined in RCW 82.08.010, who is required to collect any tax under RCW 67.28.180 or 67.40.100(3) for any municipality shall pay over such tax to such municipality as provided in RCW 67.28.200 and such tax shall be deducted from the amount of tax such seller would otherwise be required to collect and to pay over to the department of revenue under chapter 82.08 RCW.

Sec. 4 RCW 67.40.100 and 1990 c 242 s 1 are each amended to read as follows:

(1) Except as provided in chapters 67.28 and 82.14 RCW and subsection (2) and (3) of this section, after January 1, 1983, no city, town, or county in which the tax under RCW 67.40.090 is imposed may impose a license fee or tax on the act or privilege of engaging in business to furnish lodging by a hotel, rooming house, tourist court, motel, trailer camp, or similar facilities in excess of the rate imposed upon other persons engaged in the business of making sales at retail as that term is defined in chapter 82.04 RCW.

(2) A city incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle, may impose a special excise tax under the following conditions:

(a) The proceeds of the tax must be used for the acquisition, design, construction, and marketing of convention and trade facilities and may be used for and pledged to the payment of bonds, leases, or other obligations issued or incurred for such purposes. The proceeds of the tax may be used for maintenance and operation only as part of a budget which includes the use of the tax for debt service and marketing.

(b) The legislative body of the city, before imposing the tax, must authorize a complete study and investigation of the desirability and economic feasibility of the proposed convention and trade facilities.

(c) The rate of the tax shall not exceed three percent.

(d) The tax shall be imposed on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units.

(3) A city or town with a population of less than two thousand that is located in a county with a population of over one million may impose a special excise tax of up to two percent on the sale of or charge for the furnishing of lodging by a hotel or motel and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax shall be levied on a premises having fewer than forty lodging units. The proceeds of this tax may only be used to mitigate the impacts of tourism.

Representative Dyer spoke in favor of adoption of the amendment to the committee amendment and Representative G. Fisher spoke against it.

Representative Dyer again spoke in favor of the amendment. The amendment was not adopted.

Representative Morris moved adoption of the following amendment to the committee amendment:

On page 2 of the amendment, after line 17, insert:

"Sec. 3. RCW 36.100.010 and 1989 1st ex.s. c 8 § 1 are each amended to read as follows:

(1) A public facilities district may be created in any county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center, or any county with a population less than seventy-five thousand but greater than twenty thousand in which is located all or part of a national monument. A public facilities district shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located and the city council of the largest city within such county.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has validated the creation of the public facilities district at a general or special election.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued."

Representatives Morris, Chappell and Brumsickle spoke in favor of adoption of the amendment and Representatives Wang and G. Fisher spoke against it. The amendment was adopted.

Representative Orr moved adoption of the following amendment to the committee amendment:

On page 2, after line 17 of the amendment, insert the following:

"Sec. 3. RCW 36.100.030 and 1989 1st ex.s. c 8 s 3 are each amended to read as follows:

A public facilities district is authorized to acquire, construct, own, and operate sports and entertainment facilities with contiguous parking facilities and, upon the approval of the voters of the public facilities district, a regional science education facility may be located in any city or county within a public facilities district which has a population of more than one hundred fifty thousand. A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations. The taxes that are provided for in this chapter may only be imposed for such purposes.

Sec. 4. RCW 36.100.040 and 1989 1st ex.s. c 8 s 4 are each amended to read as follows:

A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than forty lodging units. The rate of the tax shall not exceed two percent and the proceeds of the tax shall only be used for the acquisition, design, and construction of ~~((sports and entertainment facilities))~~ all public facilities authorized under RCW 36.100.030. This excise tax shall not be imposed until the district has approved the proposal to acquire, design, and construct any of the public facilities authorized under RCW 36.100.030.

Sec. 5. RCW 36.100.060 and 1989 1st ex.s. c 8 s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to ~~((three-eighths))~~ three-fourths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A public facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district

pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for ~~((the sports and entertainment facility))~~ all public facilities authorized under RCW 36.100.030."

Representatives Orr, Padden and G. Fisher spoke in favor of adoption of the amendment. The amendment was adopted.

With the consent of the House, Representative Orr withdrew amendment number 588.

The committee amendment as amended was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker called on Representative R. Meyers to preside.

Representatives G. Fisher and Foreman spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5925 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5925 as amended by the House and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Holm, Horn, Jacobsen, Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thomas, Valle, Vance, Voloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 83.

Voting nay: Representatives Casada, Dyer, Finkbeiner, Fuhrman, Heavey, Johanson, Johnson, L., Peery, Rust, Tate, Thibaudeau, Van Luven and Wang - 13.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5925, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House considered Engrossed Senate Bill No. 5342 on the second reading calendar.

ENGROSSED SENATE BILL NO. 5342, by Senators Vognild and Skratek; by request of Department of Transportation

Repealing the tax credit and exemption for alcohol used as fuel.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 95th Day, April 15, 1993.)

Representative R. Fisher moved adoption of the committee amendment and spoke in favor of it. The amendment was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5342 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5342 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Engrossed Senate Bill No. 5342, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House considered Substitute Senate Bill No. 5963.

SUBSTITUTE SENATE BILL NO. 5963, by Senate Committee on Transportation (originally sponsored by Senators Vognild, Loveland, Newhouse and Nelson; by request of Department of Transportation)

Providing for priority programming of multimodal solutions to address state highway deficiencies.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 64th Day, April 15, 1993.)

Representative R. Fisher moved adoption of the committee amendment and spoke in favor of it. The amendment was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5963 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5963 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Substitute Senate Bill No. 5963, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 5343 by Senators Vognild, Nelson, Skratek and von Reichbauer; by request of Department of Transportation

Authorizing state highway bonds.

SB 5371 by Senators Vognild and Talmadge

Authorizing highway bonds.

MOTION

On motion of Representative Peery, the rules were suspended and the bills listed on today's introduction sheet under the fourth order of business were advanced to the second reading calendar.

SENATE BILL NO. 5343, by Senators Vognild, Nelson, Skratek and von Reichbauer; by request of Department of Transportation

Authorizing state highway bonds.

The bill was read the second time.

On motion of Representative Peery, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Forner spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5343.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5343 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman and Meyers, R. - 2.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5343, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5371, by Senators Vognild and Talmadge

Authorizing highway bonds.

The bill was read the second time.

On motion of Representative Appelwick, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5371.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5371 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Meyers, R. - 1.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5371, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House resumed consideration of Senate Bill No. 5474 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5474, by Senators A. Smith, Pelz, Niemi, Spanel, Drew, Prince, Roach and Franklin; by request of Human Rights Commission

Revising laws relating to discrimination.

With the consent of the House, Representative Springer withdrew amendment numbers 627 and 628.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Appelwick and Padden spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5474 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5474 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Mielke - 2.

Senate Bill No. 5474, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House immediately consider Substitute Senate Bill No. 5837 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5837, by Senate Committee on Government Operations (originally sponsored by Senators Quigley, Moore, Pelz, A. Smith, Prentice, Bauer, Hargrove, Sheldon, Erwin, Niemi, Jesernig and Talmadge)

Financing state and local government.

The bill was read the second time. Committee on Capital Budget recommendation: Majority, do pass as amended. Committee on Local Government recommendation: Majority, do pass as amended by Committee on Capital Budget. (For committee amendment see Journal 85th Day, April 5, 1993.)

Representative H. Myers moved adoption of the committee amendment by Committee on Local Government.

Representative Wang moved adoption of the committee amendment by Committee on Capital Budget to the committee amendment by Committee on Local Government. The amendment to the committee amendment was adopted.

Representative Ogden moved adoption of the amendment to the committee amendment:

On page 6, after line 11 of the amendment, insert the following:

"**Sec. 8.** RCW 82.46.010 and 1992 c 221 s 1 are each amended to read as follows:

(1) The legislative authority of any county or city shall identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by the respective jurisdictions for ~~((local))~~ capital improvements, including those listed in RCW 35.43.040.

After April 30, 1992, revenues generated from the tax imposed under this subsection in counties over five thousand population and cities over five thousand population that are required or choose to plan under RCW 36.70A.040 shall be used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan, housing projects consistent with policies specified in a housing element of a comprehensive plan, and housing relocation assistance under RCW 59.18.440 and 59.18.450. Revenues received under this subsection may not be used for public aid or services to persons in need, other than housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to April 30, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to April 30, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the legislative authority of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(4) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(5) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(6) As used in this section, "city" means any city or town ~~((and))~~; "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities; river and/or waterway flood control projects by those jurisdictions that, prior to June 11, 1992, have expended funds derived from the tax authorized by this section for such purposes; and, ~~((until December 31, 1995,))~~ "housing projects" ~~((for those jurisdictions that, prior to June 11, 1992, have expended or committed to expend funds derived from the tax authorized by this section or the tax authorized by RCW 82.46.035 for such purposes))~~ means the construction, reconstruction, acquisition, or rehabilitation of publicly owned housing or nonprofit housing to serve low-income persons."

POINT OF ORDER

Representative Zellinsky: I would ask the Speaker for a ruling on the scope and object of the amendment.

With the consent of the House, further consideration of Substitute Senate Bill No. 5837 was deferred and the bill held its place on the second reading calendar.

The Speaker assumed the chair.

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

MOTION

On motion of Representative Peery, the House adjourned until 1:00 p.m., Sunday April 18, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETY-SEVENTH DAY, APRIL 17, 1993

JOURNAL OF THE HOUSE

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

NINETY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Sunday, April 18, 1993

The House was called to order at 1:00 p.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

Representative Zellinsky assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dona Peetz and Kari Rasmus. Inspirational Message was offered by Representative Riley.

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

MESSAGES FROM THE SENATE

April 17, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5759,

and the same is herewith transmitted.

Marty Brown, Secretary

April 17, 1993

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1076,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1454,
SUBSTITUTE HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1587,
SUBSTITUTE HOUSE BILL NO. 1595,
HOUSE BILL NO. 1618,
HOUSE BILL NO. 1637,
SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1832,
HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1893,
HOUSE BILL NO. 2001,

and the same are herewith transmitted.

Marty Brown, Secretary

April 17, 1993

Mr. Speaker:

The Senate has concurred in the House amendments and passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5075,
SENATE BILL NO. 5107,
SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5349,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5379,
SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5404,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker assumed the chair.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

SECOND READING

MOTION

Representative Sheldon moved that the House consider Senate Bill No. 5723 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5723, by Senator Rinehart

Providing for revenue collection for the department of social and health services.

The bill was read the second time.

The Speaker called on Representative R. Meyers to preside.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 2, line 10, after "remainder")" insert the following:

": or

(c) For family heirlooms, collectibles, antiques, papers, jewelry, photos, or other personal effects that have been held in the possession of the deceased recipient to which a surviving child may otherwise be entitled not to exceed a total fair market value of two thousand dollars"

Representatives Lisk, Veloria and Riley spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Fisher and Sommers spoke in favor of passage of the bill.

Representative G. Fisher again spoke in favor of passage of the bill.

Representatives Dyer, Padden, Silver, Morton, Fuhrman, Sheahan, Lisk and Horn spoke against passage of the bill.

MOTION

Representative Padden moved that the House refer Senate Bill No. 5723 to the Committee on Revenue. The motion was ruled out of order.

POINT OF PERSONAL PRIVILEGE

Representative Miller: Thank you Mr. Speaker, members of the House. Not speaking directly on this particular bill, but talking about all of these bills that came over from the Senate. About eighteen to twenty of them, that came here, arrived on the floor, never had a chance to go through committee. We have tried our very best. This has been a very frustrating two days. And I know there was frustration on the other side of the aisle too. Because it was extremely difficult to understand exactly what these bills were, how many different issues were in the bills, and what we needed to understand so that we could vote on these and realize what we were voting on. My suggestion would be that in the future we try very hard to ask the Senate to send us these kinds of bills early enough so that at least the staff people in our committee can research the bills so that when we go into caucus to try and go through the materials in the bills we have a better understanding. I think we've lost a lot of time because of this and it may be that all of these bills may be something we want to support. But it has not been a very productive two days and I more or less hold the Senate responsible for that. Thank you.

On motion of Representative J. Kohl, Representative Leonard was excused.

On motion of Representative Wood, Representatives Ballasiotes and Mielke was excused.

POINT OF PERSONAL PRIVILEGE

Representative Dyer: Thank you, Mr. Speaker. Being a freshman, I've only been here three months, I thought that in the rules we're not supposed to be talking about the other side of the rotunda as justification for legislation in this separate free-standing body. And I just wanted to comment that the justification for this bill being passed on this side as a result of the action of the other side appears to be in conflict with our own rules and I've been cautioned on that before and I just wanted to see if we were being consistent.

The Speaker assumed the chair.

POINT OF PARLIAMENTARY INQUIRY

Representative Vance: Mr. Speaker, Rule 10, reading of bills under third reading, states that on third reading bills may be referred or recommitted for purpose of amendment. The gentleman from Spokane made such a motion on this bill and it was ruled out of order by the Speaker Pro Tempore. I believe a mistake was made.

Earlier in the debate, Mr. Speaker, the gentleman from Spokane moved to recommit the bill to committee. He was ruled out of order by the Speaker Pro Tempore. Rule 10, paragraph D, specifically says such a motion is in order.

SPEAKER'S RULING

Representative Vance: It is my understanding that the gentleman from Spokane, in making his earlier motion, did not move to refer the bill for the purpose of amendment as provided in House Rule 10. If he would care to make such a motion now, the House will consider it.

Representative Padden moved that Senate Bill No. 5723 be referred to the Committee on Revenue for the purpose of amendment.

MOTION

Representative Peery spoke against the motion and Representatives Padden, Silver and Morton spoke in favor of the motion.

A division was called. The Speaker called on the House to divide. The results to return Senate Bill No. 5723 to the committee on Revenue were 31-YEAS; 54-NAYS. The motion failed.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5723 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5723 as amended by the House and the bill failed to pass the House by the following vote: Yeas - 49, Nays - 46, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Brown, Cole, G., Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Lemmon, Linville, Locke, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Romero, Rust, Scott, Sheldon, Sommers, Springer, Talcott, Valle, Voloria, Wang, Wineberry, Zellinsky and Mr. Speaker - 49.

Voting nay: Representatives Ballard, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dyer, Finkbeiner, Foreman, Forner, Fuhrman, Heavey, Horn, Johanson, Kessler, Kremen, Lisk, Long, Ludwig, Miller, Morton, Padden, Patterson, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Shin, Silver, Stevens, Tate, Thibaudeau, Thomas, Vance, Van Luven, Wolfe and Wood - 46.

Excused: Representatives Ballasiotes, Leonard and Mielke - 3.

Senate Bill No. 5723, as amended by the House, not having received the constitutional majority, was declared failed.

MOTION

Representative Sheldon moved that the House consider Engrossed Senate Bill No. 5720 on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5720, by Senator Rinehart; by request of Office of Financial Management

Repealing the natural resources conservation areas stewardship account endowment.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 5, 1993.)

Representative Valle moved adoption of the committee amendment and spoke in favor of the amendment. The committee amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Valle spoke in favor of passage of the bill and Representative Silver spoke against it.

On motion of Representative Wood, Representative Schmidt was excused.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5720 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5720, as amended by the House and the bill passed the House by the following vote: Yeas - 66, Nays - 28, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Carlson, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Brumsickle, Campbell, Casada, Chandler, Chappell, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Mastin, Morton, Padden, Reams, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 28.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Engrossed Senate Bill No. 5720, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House consider Substitute Senate Bill No. 5957 and Senate Bill No. 5973 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5957, by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Department of Social and Health Services)

Changing the tax rate for intermediate care facilities for the mentally retarded.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wang and Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5957.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5957, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Substitute Senate Bill No. 5957, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5973, by Senators Gaspard and Rinehart; by request of Office of Financial Management

Requiring the secretary of state to provide a copy of the state-wide computer file of registered voters to persons requesting a copy.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5973.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5973 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Senate Bill No. 5973, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House consider Senate Bill No. 5975, Second Engrossed Substitute Senate Bill No. 5982 and Senate Bill No. 5984 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5975, by Senator Rinehart; by request of Office of Financial Management

Regulating extradition agents' duties and payments.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Foreman, Fuhrman, Chandler and Basich spoke against the passage of the bill.

Representative Ludwig spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5975.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5975 and the bill passed the House by the following vote: Yeas - 52, Nays - 42, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sheldon, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 52.

Voting nay: Representatives Ballard, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Jones, Karahalios, Kessler, Lisk, Long, Mastin, Miller, Morton, Padden, Patterson, Reams, Roland, Schoesler, Sehlin, Sheahan, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 42.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Senate Bill No. 5975, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5984, by Senators Sheldon and Rinehart

Using the business enterprises revolving account.

The bill was read the second time.

With the consent of the House the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wineberry and Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5984.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5984 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Senate Bill No. 5984, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration of Senate Bill No. 5584 on the second reading calendar.

SPEAKER'S RULING

Representative Conway has raised a point of order to the scope and object of amendment 442 offered by Representative Morris and others. Amendment 442 is an amendment to the proposed Trade, Economic Development & Housing committee amendment to Senate Bill No. 5584.

The Speaker finds that Senate Bill No. 5584 is limited to defining terms and setting general goals for state housing policy, and adds a new chapter to title 43 RCW.

Amendment 442 includes changes to health and safety standards for residential construction. It amends chapter 49.17 RCW, the Washington Industrial Safety and Health Act, to require the Department of Labor and Industries to adopt new rules and regulations residential construction and to establish an advisory committee to assist in the rule-making process.

The Speaker therefore finds that the proposed amendment does change the scope and object of the underlying bill and that the point of order is well taken.

Representative Reams moved adoption of the following amendment to the committee amendment:

On page 15, after line 9 of the amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 43.63A RCW to read as follows:

(1) The legislature finds that:

(a) The trend toward smaller household sizes will continue into the foreseeable future;

(b) Many of these households are in housing units that contain more bedrooms than occupants;

(c) There are older homeowners on relatively low, fixed income who are experiencing difficulties maintaining their homes; and

(d) There are single parents, recently widowed persons, people in the midst of divorce or separation, and handicapped that are faced with displacement due to the high cost of housing.

(2) The legislature declares that the purpose of section 18 of this act is to develop a pilot program designed

to:

- (a) Provide home-matching services that can enable people to continue living in their homes while promoting continuity of home ownership and community stability; and
- (b) Counter the problem of displacement among people on relatively low, fixed incomes by linking people offering living space with people seeking housing.

NEW SECTION. Sec. 18. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department may develop and administer a home-matching program for the purpose of providing grants and technical assistance to eligible organizations to operate local home-matching programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter 43.185 RCW.

(2) The department may select up to five eligible organizations for the purpose of implementing a local home-matching program. The local home-matching programs are designed to facilitate: (a) Intergenerational homesharing involving older homeowners sharing homes with younger persons; (b) homesharing arrangements that involve an exchange of services such as cooking, housework, gardening, or babysitting for room and board or some financial consideration such as rent; and (c) the more efficient use of available housing.

(3) In selecting local pilot programs under this section, the department shall consider:

(a) The eligible organization's ability, stability, and resources to implement the local home-matching program;

(b) The eligible organization's efforts to coordinate other support services needed by the individual or family participating in the local home-matching program; and

(c) Other factors the department deems appropriate.

(4) The eligible organizations shall establish criteria for participation in the local home-matching program. The eligible organization shall make a determination of eligibility regarding the individuals' or families' participation in the local home-matching program. The determination shall include, but is not limited to a verification of the individual's or family's history of making rent payments in a consistent and timely manner."

Representatives Reams and Wineberry spoke in favor of adoption of the amendment and it was adopted.

Representative Wineberry moved adoption of the committee amendment as amended.

Representatives Wineberry, Forner, and Carlson spoke in favor of adoption of the amendment as amended and it was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ogden spoke in favor of passage of the bill and Representative Heavey spoke against it.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5584 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5584 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representative Heavey - 1.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Senate Bill No. 5584, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration of Substitute Senate Bill No. 5837.

SUBSTITUTE SENATE BILL NO. 5837, by Senate Committee on Government Operations (originally sponsored by Senators Quigley, Moore, Pelz, A. Smith, Prentice, Bauer, Hargrove, Sheldon, Erwin, Niemi, Jesernig and Talmadge)

Financing state and local government.

SPEAKER'S RULING

Representative Zellinsky has raised a point of order to the scope and object of amendment 584 offered by Representative Ogden to Substitute Senate Bill No. 5837.

The Speaker finds that Substitute Senate Bill No. 5837 is an act relating to "state and local government finance." Although the measure has a broad title, the bill is limited to authorizing payment agreements involving swaps of interest.

Amendment 584 authorizes local governments to use a portion of the real estate excise tax for housing projects.

The Speaker therefore finds that the proposed amendment does change the scope and object of the underlying bill and that the point of order is well taken.

With the consent of the House, Representative Quall withdrew amendment number 464.

Representatives H. Myers and Sehlin spoke in favor of adoption of the committee amendment as amended. The committee amendment as amended was adopted.

With the consent of the House the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wang and Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5837 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5837 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Substitute Senate Bill No. 5837, as amended by the House, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Riley, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Senate Bill No. 5723 failed to pass the House.

A division was called. The Speaker called on the House to divide. The result of the division was 53-YEAS; 31-NAYS. The motion was carried.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Senate Bill No. 5723 on reconsideration.

Representative Sommers spoke in favor of passage of the bill and Representatives Padden, Morton and Lisk spoke against the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5723 on reconsideration and the bill passed the House by the following vote: Yeas - 51, Nays - 43, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wolfe, Zellinsky and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Kessler, Kremen, Lisk, Miller, Morton, Padden, Patterson, Rayburn, Reams, Roland, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wineberry and Wood - 43.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Senate Bill No. 5723 on reconsideration, as amended by the House having received the constitutional majority, was declared passed.

With the consent of the House, the House immediately considered Substitute Senate Bill No. 5727 on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5727, by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Office of Financial Management)

Financing school district health services.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5727.

Representative Dorn spoke in favor of passage of the bill and Representative Silver spoke against it.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5727 and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 84.

Voting nay: Representatives Brough, Cooke, Edmondson, Fuhrman, Padden, Silver, Stevens, Thomas, Vance and Wood - 10.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Substitute Senate Bill No. 5727, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

INTRODUCTIONS AND FIRST READING

HCR 4420 by Representative Peery

Extending the cutoff dates for the 1993 regular session.

On motion of Representative Peery, the rules were suspended and House Concurrent Resolution No. 4420 was advanced to the second reading calendar and read the second time in full.

Representative Vance moved adoption of the following amendment by Representative Vance:

On page 1, line 5, after "except" insert "SSJM, 8005,"

Representatives Vance, Fuhrman, Padden and Morton spoke in favor of the amendment and Representatives Peery, King and Dorn spoke against it.

Representative Peery again spoke against the amendment.

Representative Zellinsky demanded the previous question and the demand was sustained.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1, line 5 by Representative Vance to House Concurrent Resolution No. 4420 and the amendment was not adopted by the following vote: Yeas - 33, Nays - 61, Absent - 0, Excused - 4.

Voting yea: Representatives Ballard, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Kessler, Lisk, Long, Miller, Morton, Padden, Reams, Riley, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 33.

Voting nay: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

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

Representative Peery spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4420 was adopted.

With the consent of the House, the House considered Engrossed Second Substitute Senate Bill No. 5502 on the second reading calendar.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502, by Senate Committee on Ways & Means (originally sponsored by Senators Sutherland and Prentice)

Revising mining reclamation laws.

The bill was read the second time.

Representative Pruitt moved adoption of the following amendment by Representative Pruitt and others:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the extraction of minerals through surface mining has historically included regulatory involvement by both state and local governments.

It is the intent of the legislature to clarify that surface mining is an appropriate land use, subject to reclamation authority exercised by the department of natural resources and land use and operation regulatory authority by counties, cities, and towns.

Sec. 2. RCW 78.44.010 and 1970 ex.s. c 64 s 2 are each amended to read as follows:

The legislature recognizes that the extraction of minerals by surface mining is ~~((a basic and))~~ an essential activity making an important contribution to the economic well-being of the state and nation. ((At the same time, proper reclamation of surface)) It is not possible to extract minerals without producing some environmental impacts. At the same time, comprehensive regulation of mining and thorough reclamation of mined lands is necessary to prevent ((undesirable land and water)) or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biologic, and social conditions are significantly different, and reclamation specifications must vary accordingly. ((It is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials, and the very character of many types of surface mining operations precludes complete restoration of the land to its original condition. However, the legislature finds that reclamation of surface mined lands as provided in this chapter will allow the mining of valuable minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.)) Therefore, the legislature finds that a balance between appropriate environmental regulation and the production and conservation of minerals is in the best interests of the citizens of the state.

Sec. 3. RCW 78.44.020 and 1970 ex.s. c 64 s 3 are each amended to read as follows:

The purposes of this chapter ~~((is))~~ are to:

(1) Provide that the usefulness, productivity, and scenic values of all lands and waters involved in surface mining within the state will receive the greatest practical degree of protection and ((restoration. It is a further purpose of this chapter to provide a means of cooperation between private and governmental entities in carrying this chapter into effect)) reclamation at the earliest opportunity following completion of surface mining;

(2) Provide for the greatest practical degree of state-wide consistency in the regulation of surface mines;

(3) Apportion regulatory authority between state and local governments in order to minimize redundant regulation of mining;

(4) Ensure that reclamation is consistent with local land use plans; and

(5) Ensure the power of local government to regulate land use and operations pursuant to section 16 of this act.

NEW SECTION. Sec. 4. DEFINITIONS. Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved subsequent use" means the post surface-mining land use contained in an approved reclamation plan and approved by the local land use authority.

(2) "Completion of surface mining" means the cessation of mining and directly related activities in any segment of a surface mine that occurs when essentially all minerals that can be taken under the terms of the reclamation permit have been depleted except minerals required to accomplish reclamation according to the approved reclamation plan.

(3) "Department" means the department of natural resources.

(4) "Determination" means any action by the department including permit issuance, reporting, reclamation plan approval or modification, permit transfers, orders, fines, or refusal to issue permits.

(5) "Disturbed area" means any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas.

Disturbed areas do not include:

(a) Surface mine access roads unless these have characteristics of topography, drainage, slope stability, or ownership that, in the opinion of the department, make reclamation necessary; and

(b) Lands that have been reclaimed to all standards outlined in this chapter, rules of the department, any applicable SEPA document, and the approved reclamation plan.

(6) "Miner" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, including every public or governmental agency engaged in mining from the surface.

(7) "Minerals" means clay, coal, gravel, industrial minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

(8) "Operations" means all mine-related activities, exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare,

pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances, or other state laws.

Operations specifically include:

- (a) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;
- (b) Blasting, equipment maintenance, sorting, crushing, and loading;
- (c) On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;
- (d) Transporting minerals to and from the mine, on site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

(9) "Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

(10) "Permit holder" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or governmental agency engaged in surface mining and/or the operation of surface mines, whether individually, jointly, or through subsidiaries, agents, employees, operators, or contractors who holds a state reclamation permit.

(11) "Reclamation" means rehabilitation for the appropriate future use of disturbed areas resulting from surface mining including areas under associated mineral processing equipment and areas under stockpiled materials. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective shall be to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation.

(12) "Reclamation setbacks" include those lands along the margins of surface mines wherein minerals and overburden shall be preserved in sufficient volumes to accomplish reclamation according to the approved plan and the minimum reclamation standards. Maintenance of reclamation setbacks may not preclude other mine-related activities within the reclamation setback.

(13) "Recycling" means the reuse of minerals or rock products.

(14) "Screening" consists of vegetation, berms or other topography, fencing, and/or other screens that may be required to mitigate impacts of surface mining on adjacent properties and/or the environment.

(15) "Segment" means any portion of the surface mine that, in the opinion of the department:

- (a) Has characteristics of topography, drainage, slope stability, ownership, mining development, or mineral distribution, that make reclamation necessary;
- (b) Is not in use as part of surface mining and/or related activities; and
- (c) Is larger than seven acres and has more than five hundred linear feet of working face except as provided in a segmental reclamation agreement approved by the department.

(16) "SEPA" means the state environmental policy act, chapter 43.21C RCW and rules adopted thereunder.

(17)(a) "Surface mine" means any area or areas in close proximity to each other, as determined by the department, where extraction of minerals from the surface results in:

- (i) More than three acres of disturbed area;
- (ii) Mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or
- (iii) More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.

(b) Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the size or height thresholds listed in (a) of this subsection.

(c) Surface mining shall exclude excavations or grading used:

- (i) Primarily for on-site construction, on-site road maintenance, or on-site landfill construction;
- (ii) For the purpose of public safety or restoring the land following a natural disaster;
- (iii) For the purpose of removing stockpiles;
- (iv) For forest or farm road construction or maintenance on-site or on contiguous lands;
- (v) For sand authorized by RCW 43.51.685; and
- (vi) For underground mines.

(18) "Topsoil" means the naturally occurring upper part of a soil profile, including the soil horizon that is rich in humus and capable of supporting vegetation together with other sediments within four vertical feet of the ground surface.

NEW SECTION. Sec. 5. SEGMENTAL RECLAMATION. The permit holder shall reclaim each segment of the mine within two years of completion of surface mining on that segment except as provided in a segmental reclamation agreement approved in writing by the department. The primary objective of a segmental reclamation agreement should be to enhance final reclamation.

Sec. 6. RCW 78.44.040 and 1984 c 215 s 2 are each amended to read as follows:

The department of natural resources is charged with the administration of reclamation under this chapter. In order to implement ~~((the chapter's terms and provisions))~~ and enforce this chapter, the department, under the

~~((provisions of the))~~ administrative procedure act (chapter 34.05 RCW), ~~((as now or hereafter amended,))~~ may from time to time ~~((promulgate))~~ adopt those rules ~~((and regulations))~~ necessary to carry out the purposes of this chapter.

Sec. 7. RCW 78.44.050 and 1970 ex.s. c 64 s 6 are each amended to read as follows:

The department shall have the exclusive authority to regulate surface mine reclamation except that, by contractual agreement, the department may delegate some or all of its enforcement authority to a county, city, or town. All counties, cities, or towns shall have the authority to zone surface mines and adopt ordinances regulating operations pursuant to section 16 of this act, except that county, city, or town operations ordinances may be preempted by the department during the emergencies outlined in section 27 of this act and related rules.

This chapter shall not ~~((affect))~~ alter or preempt any ~~((of the))~~ provisions of the state fisheries laws (Title 75 RCW), the state water allocation and use laws (chapters 90.03 and 90.44 RCW), the state water pollution control laws ~~((Title 90))~~ chapter 90.48 RCW, the state ~~((game))~~ wildlife laws (Title 77 RCW), ~~((or any other state laws, and shall be cumulative and nonexclusive))~~ state noise laws or air quality laws (Title 70 RCW), shoreline management (chapter 90.58 RCW), the state environmental policy act (chapter 43.21C RCW), state growth management (chapter 36.70A RCW), state drinking water laws (chapters 43.20 and 70.119A RCW), or any other state statutes.

Sec. 8. RCW 78.44.060 and 1970 ex.s. c 64 s 7 are each amended to read as follows:

The department shall have the authority to conduct ~~((or)),~~ authorize, and/or participate in investigations, research, experiments, and demonstrations, and to collect and disseminate information relating to surface mining and reclamation of surface mined lands.

Sec. 9. RCW 78.44.070 and 1970 ex.s. c 64 s 8 are each amended to read as follows:

The department may cooperate with other governmental and private agencies ~~((in this state and other states))~~ and agencies of the federal government, and may reasonably reimburse them for any services the department requests that they provide. The department may also receive any federal funds, state funds and any other funds and expend them for reclamation of land affected by surface mining and for purposes enumerated in RCW 78.44.060.

NEW SECTION. Sec. 10. SURFACE MINING RECLAMATION ACCOUNT. The surface mining reclamation account is created in the state treasury. Annual mining fees, funds received by the department from state, local, or federal agencies for research purposes, as well as other mine-related funds and fines received by the department shall be deposited into this account. The surface mine reclamation account may be used by the department only to:

(1) Administer its regulatory program pursuant to this chapter;

(2) Undertake research relating to surface mine regulation, reclamation of surface mine lands, and related issues; and

(3) Cover costs arising from appeals from determinations made under this chapter.

Fines, interest, and other penalties collected by the department under the provisions of this chapter shall be used to reclaim surface mines abandoned prior to 1971.

NEW SECTION. Sec. 11. RECLAMATION PERMITS REQUIRED--APPLICATIONS. After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from the department. Operating permits issued by the department between January 1, 1971, and June 30, 1993, shall be considered reclamation permits provided such permits substantially meet the protections, mitigations, and reclamation goals of sections 12 and 20 of this act within five years after the effective date of this section. State agencies and local government shall be exempt from this time limit for inactive sites. Prior to the use of an inactive site, the reclamation plan must be brought up to current standards. A separate permit shall be required for each noncontiguous surface mine. The reclamation permit shall consist of the permit forms and any exhibits attached thereto. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by the department.

Prior to receiving a reclamation permit, an applicant must submit an application on forms provided by the department that shall contain the following information and shall be considered part of the reclamation permit:

(1) Name and address of the legal landowner, or purchaser of the land under a real estate contract;

(2) The name of the applicant and, if the applicants are corporations or other business entities, the names and addresses of their principal officers and resident agent for service of process;

(3) A reasonably accurate description of the minerals to be surface mined;

(4) Type of surface mining to be performed;

(5) Estimated starting date, date of completion, and date of completed reclamation of surface mining;

(6) Size and legal description of the permit area and maximum lateral and vertical extent of the disturbed area;

(7) Expected area to be disturbed by surface mining during (a) the next twelve months, and (b) the following twenty-four months;

(8) Any applicable SEPA documents; and

(9) Other pertinent data as required by the department.

The reclamation permit shall be granted for the period required to deplete essentially all minerals identified in the reclamation permit on the land covered by the reclamation plan. The reclamation permit shall be valid until the reclamation is complete unless the permit is canceled by the department.

NEW SECTION. Sec. 12. RECLAMATION PLANS. An applicant shall provide a reclamation plan and copies acceptable to the department prior to obtaining a reclamation permit. The department shall have the sole authority to approve reclamation plans. Reclamation plans or modified reclamation plans submitted to the department after June 30, 1993, shall meet or exceed the minimum reclamation standards set forth in this chapter and by the department in rule. Each applicant shall also supply copies of the proposed plans and final reclamation plan approved by the department to the county, city, or town in which the mine will be located. The department shall solicit comment from local government prior to approving a reclamation plan. The reclamation plan shall include:

(1) A written narrative describing the proposed mining and reclamation scheme with:

(a) A statement of a proposed subsequent use of the land after reclamation that is consistent with the local land use designation. Approval of the reclamation plan shall not vest the proposed subsequent use of the land;

(b) If the permit holder is not the sole landowner, a copy of the conveyance or a written statement that expressly grants or reserves the right to extract minerals by surface mining methods;

(c) A simple and accurate legal description of the permit area and disturbed areas;

(d) The maximum depth of mining;

(e) A reasonably accurate description of the minerals to be mined;

(f) A description of the method of mining;

(g) A description of the sequence of mining that will provide, within limits of normal procedures of the industry, for completion of surface mining and associated disturbance on each portion of the permit area so that reclamation can be initiated at the earliest possible time on each segment of the mine;

(h) A schedule for progressive reclamation of each segment of the mine;

(i) Where mining on flood plains or in river or stream channels is contemplated, a thoroughly documented hydrogeologic evaluation that will outline measures that would protect against or would mitigate avulsion and erosion as determined by the department;

(j) Where mining is contemplated within critical aquifer recharge areas, special protection areas as defined by chapter 90.48 RCW and implementing rules, public water supply watersheds, sole source aquifers, wellhead protection areas, and designated aquifer protection areas as set forth in chapter 36.36 RCW, a thoroughly documented hydrogeologic analysis of the reclamation plan may be required; and

(k) Additional information as required by the department including but not limited to: The positions of reclamation setbacks and screening, conservation of topsoil, interim reclamation, revegetation, postmining erosion control, drainage control, slope stability, disposal of mine wastes, control of fill material, development of wetlands, ponds, lakes, and impoundments, and rehabilitation of topography.

(2) Maps of the surface mine showing:

(a) All applicable data required in the narrative portion of the reclamation plan;

(b) Existing topographic contours;

(c) Contours depicting specifications for surface gradient restoration appropriate to the proposed subsequent use of the land and meeting the minimum reclamation standards;

(d) Locations and names of all roads, railroads, and utility lines on or adjacent to the area;

(e) Locations and types of proposed access roads to be built in conjunction with the surface mining;

(f) Detailed and accurate boundaries of the permit area, screening, reclamation setbacks, and maximum extent of the disturbed area; and

(g) Estimated depth to ground water and the locations of surface water bodies and wetlands both prior to and after mining.

(3) At least two cross sections of the mine including all applicable data required in the narrative and map portions of the reclamation plan.

(4) Evidence that the proposed surface mine has been approved under local zoning and land use regulations.

(5) Written approval of the reclamation plan by the landowner for mines permitted after June 30, 1993.

(6) Other supporting data and documents regarding the surface mine as reasonably required by the department.

If the department refuses to approve a reclamation plan in the form submitted by an applicant or permit holder, it shall notify the applicant or permit holder stating the reasons for its determination and describe such additional requirements to the applicant or permit holder's reclamation plan as are necessary for the approval of the plan by the department. If the department refuses to approve a complete reclamation plan within one hundred twenty days, the miner or permit holder may appeal this determination under the provisions of this chapter.

Only insignificant deviations may occur from the approved reclamation plan without prior written approval by the department for the proposed change.

The department retains the authority to require that the reclamation plan be updated to the satisfaction of the department at least every ten years.

NEW SECTION. Sec. 13. JOINT RECLAMATION PLANS. Where two or more surface mines join along a common boundary, the department may require submission of a joint reclamation plan in order to provide for optimum reclamation or to avoid waste of mineral resources. Such joint reclamation plans may be in the form of a single collaborative plan submitted by all affected permit holders or as individual reclamation plans in which the schedule of reclamation, finished contours, and revegetation match reclamation plans of adjacent permit holders.

NEW SECTION. Sec. 14. FEES. (1) An applicant for a public or private reclamation permit shall pay an application fee to the department before being granted a surface mining permit. The amount of the application fee shall be six hundred fifty dollars.

(2) After June 30, 1993, each public or private permit holder shall pay an annual permit fee of six hundred fifty dollars. The annual permit fee shall be payable to the department on the first anniversary of the permit date and each year thereafter. Annual fees paid by a county for small mines used exclusively for public works projects shall be paid on those small mines from which the county elects to extract minerals in the next calendar year and shall not exceed one thousand dollars.

(3) After July 1, 1995, the department may modify annual permit fees by rule if:

(a) The total annual permit fees are reasonably related to the approximate costs of administering the department's surface mining regulatory program;

(b) The annual fee does not exceed five thousand dollars; and

(c) The mines are small mines in remote areas that are used primarily for public service, then lower annual permit fees may be established.

(4) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fee may constitute grounds for an order to suspend surface mining or cancellation of the reclamation permit as provided in this chapter.

(5) All fees collected by the department shall be deposited into the surface mining reclamation account.

(6) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to such county, city, or town.

NEW SECTION. Sec. 15. PERFORMANCE SECURITY. The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed and furnished by the department. A public or governmental agency shall not be required to post performance security nor shall a permit holder be required to post surface mining performance security with more than one state, local, or federal agency.

This performance security may be:

(1) Bank letters of credit acceptable to the department;

(2) A cash deposit;

(3) Negotiable securities acceptable to the department;

(4) An assignment of a savings account;

(5) A savings certificate in a Washington bank on an assignment form prescribed by the department;

(6) Assignments of interests in real property within the state of Washington; or

(7) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules adopted under it.

The department shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved.

The department may increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate.

Liability under the performance security shall be maintained until reclamation is completed according to the approved reclamation plan to the satisfaction of the department unless released as hereinafter provided. Liability under the performance security may be released only upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security. The

liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

Any interest or appreciation on the performance security shall be held by the department until reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder; except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security.

No other state agency or local government shall require performance security for the purposes of surface mine reclamation and only one agency of government shall require and hold the performance security. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of surface mines straddling boundaries between federally controlled and other lands within Washington state.

Notwithstanding any other provision of this section, nothing shall preclude the department of ecology from requiring a separate performance security for metallic minerals or uranium surface mines under any authority if any that may be presently vested in the department of ecology relating to such mines.

NEW SECTION. Sec. 16. A new section is added to chapter 36.70A RCW to read as follows:

(1) Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in section 4 of this act, shall be established as an allowed use in local development regulations subject to the permit process described in this section.

The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.

Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

For purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land.

(2)(a) Counties, cities, and towns may only regulate surface mining operations by ordinance and only in accordance with the requirements and limitations of this subsection.

(b) Local surface mining operating standards shall:

(i) Address only:

(A) Traffic;

(B) Light emission;

(C) Visual screening;

(D) Noise emission; and

(E) Other significant or substantial mining impacts that are not covered by a subject area of regulation embodied in any other state or federal law, including among others the subject areas pertaining to water allocation, use, and control and fisheries and wildlife habitat set forth in section 19 of this act.

(ii) Be performance-based, objective standards that:

(A) Are directly and proportionately related to limiting surface mining impacts;

(B) Are reasonable and generally capable of being achieved;

(C) Take into account existing and available technologies; and

(D) May be met by any lawful means selected by the applicant or operator that, in the judgment of the county, city, or town, achieve compliance with the standard.

(iii) Limit application and monitoring fees to the amount necessary to pay the costs of administering, processing, monitoring, and enforcing the regulation of surface mining in accordance with this section.

(iv) Except as otherwise provided in this section, implement the ordinance through an operating plan review and approval process. Such approval process shall:

(A) Require submittal of sufficient, complete, and accurate information, as specified by the local ordinance, to allow the decision maker to review the plan for compliance with local standards;

(B) At the option of the county, city, or town, provide for administrative approval subject to appeal or for initial consideration through a public hearing process; and

(C) Require that project-specific conditions or restrictions be based upon written findings of facts demonstrating their need to achieve compliance with local standards.

(v) Subject to subsection (3) of this section, provide that approvals issued will be valid for fifty years.

(3) Operating regulations and amendments thereto adopted pursuant to this section may be applied to lawfully preexisting mining operations only if the local ordinance:

(a) Limits application of subsection (2)(b)(i)(A) of this section relating to traffic to the designation of approved haul routes;

(b) Exempts such preexisting operations from any operating plan review and approval process;

(c) Provides reasonable time periods for compliance with new or amended local operating standards that in no event may be less than one year; and

(d) Includes a variance procedure to allow continuation of existing operations for a nonconforming surface mining operation where strict adherence to a local operating standard would be economically or operationally impractical due to conditions relating to site configuration, topography, or the nature of historic operations.

(4) Nothing in this section precludes a county, city, or town from exercising the express authority delegated to it by a state agency under state law, or from complying with state law when required as a regulated entity.

NEW SECTION. Sec. 17. A surface mining model ordinance advisory committee is hereby created. The committee shall be composed of representatives of local government, state agencies, surface mining interests, and the environmental community. The department of natural resources shall appoint the members of the committee and the department shall staff the committee. This temporary advisory committee shall draft model ordinances for different surface-mining settings and shall assist counties, cities, and towns in developing ordinances. The committee shall complete its work and shall expire by December 31, 1994. Participants on the committee shall pay their own expenses, and the department of natural resources shall fund the department's involvement.

NEW SECTION. Sec. 18. RECLAMATION SETBACKS. Reclamation setbacks shall be as follows unless waived by the department:

(1) The reclamation setback for unconsolidated deposits within mines permitted after June 30, 1993, shall be equal to the maximum anticipated height of the adjacent working face or as determined by the department. Setbacks and buffers may be destroyed as part of final reclamation of each segment if approved by the department.

(2) The minimum reclamation setback for consolidated materials within mines permitted after June 30, 1993, shall be thirty feet or as determined by the department.

(3) An exemption from this section may be granted by the department following a written request. The department may consider submission of a plan for backfilling acceptable to the department, a geotechnical slope-stability study, proof of a dedicated source of fill materials, written approval of contiguous landowners, and other information before granting an exemption.

NEW SECTION. Sec. 19. WATER CONTROL. (1) Water control as regulated by the department shall be limited to those provisions necessary to effect surface mine reclamation and to protect ground and surface water resources after reclamation is complete and shall be consistent with existing water control laws. The department shall solicit recommendations from all agencies with expertise in relevant water control laws when evaluating reclamation plans for surface mines in or near water.

(2) As to surface mining projects, control of surface mine water shall be pursuant to chapter 90.48 RCW; water availability, hydraulic continuity, allocation, and use shall be pursuant to chapters 90.03, 90.44, and 90.54 RCW; regulation of drinking water shall be pursuant to Titles 43 and 70 RCW; and protection of fisheries and wildlife shall be regulated pursuant to Title 75 RCW (fisheries laws) and Title 77 RCW (wildlife laws) as well as chapters 90.03, 90.44, 90.48, and 90.54 RCW, federal storm water regulations, and/or national pollutant discharge elimination system regulations. The department of ecology upon request by a county, city, or town, may consult with the affected parties and incorporate additional site-specific requirements into individual surface mine national pollutant discharge elimination system permits where such requirements are appropriate.

A county, city, or town may regulate the impacts on water through local ordinances and regulations that:

(a) Cover significant or substantial impacts that are not covered by a subject area of regulation embodied in any other state or federal law; or

(b) Implement regulatory and/or enforcement authority that has been expressly authorized to it by a state agency.

NEW SECTION. Sec. 20. RECLAMATION. The need for, and the practicability of, reclamation shall control the type and degree of reclamation in any specific instance. However, the basic objective of reclamation is to reestablish on a continuing basis the vegetative cover, slope stability, water conditions, and safety conditions suitable to the proposed subsequent use consistent with local land use plans for the surface mine site.

Each permit holder shall comply with the minimum reclamation standards in effect on the date the permit was issued and any additional reclamation standards set forth in the approved reclamation plan.

Reclamation activities, particularly those relating to control of erosion and mitigation of impacts of mining to adjacent areas, shall, to the extent feasible, be conducted simultaneously with surface mining, and in any case shall be initiated at the earliest possible time after completion of surface mining on any segment of the permit area.

All reclamation activities shall be completed not more than two years after completion or abandonment of surface mining on each segment of the area for which a reclamation permit is in force.

The department may by contract delegate enforcement of provisions of reclamation plans to counties, cities, and towns. A county, city, or town performing enforcement functions may not impose any additional fees on permit holders.

NEW SECTION. Sec. 21. MINIMUM RECLAMATION STANDARDS. Reclamation of surface mines permitted after June 30, 1993, and reclamation of surface mine segments addressed by reclamation plans modified after June 30, 1994, shall meet the following minimum standards except as waived in writing by the department.

(1) Prior to surface mining, permit holders shall carefully stockpile all topsoil on the site for use in reclamation, or immediately move topsoil to reclaim adjacent segments, except when the approved subsequent use does not require replacing the topsoil. Topsoil needed for reclamation shall not be sold as a mineral nor mixed with sterile soils. Stockpiled materials used as screening shall not be used for reclamation until such time as the appropriate county or municipal government has given its approval.

(2) The department may require that clearly visible, permanent monuments delineating the permit boundaries and maximum extent of the disturbed area be set at appropriate places around the mine site. The permit holder shall maintain the monuments until termination of the reclamation permit.

(3) All minimum reclamation standards may be waived in writing by the department in order to accommodate unique and beneficial reclamation schemes such as parks, swimming facilities, buildings, and wildlife reserves. Such waivers shall be granted only after written approval by the department of a reclamation plan describing the variances to the minimum reclamation standards, receipt of documentation of SEPA compliance, and written approvals from the landowner and by the local land use authority.

(4) All surface-mined slopes shall be reclaimed to the following minimum standards:

(a) In surface mines in soil, sand, gravel, and other unconsolidated materials, all reclaimed slopes shall:

(i) Have varied steepness;

(ii) Have a sinuous appearance in both profile and plan view;

(iii) Have no large rectilinear topographic elements;

(iv) Generally have slopes of between 2.0 and 3.0 feet horizontal to 1.0 foot vertical or flatter except in limited areas where steeper slopes are necessary in order to create sinuous topography and to control drainage;

(v) Not exceed 1.5 feet horizontal to 1.0 foot vertical except as necessary to blend with adjacent natural slopes;

(vi) Be compacted if significant backfilling is required to produce the final reclaimed slopes and if the department determines that compaction is necessary.

(b) Slopes in consolidated materials shall have no prescribed slope angle or height, but where a severely hazardous condition is created by mining and that is not indigenous to the immediate area, the slopes shall not exceed 2.0 feet horizontal to 1.0 foot vertical. Steeper slopes shall be acceptable in areas where evidence is submitted that demonstrates that the geologic or topographic characteristics of the site preclude reclamation of slopes to such angle or height or that such slopes constitute an acceptable subsequent use under local land use regulations.

(c) Surface mines in which the seasonal or permanent water tables have been penetrated, thereby creating swamps, ponds, or lakes useful for recreational, wildlife habitat, water quality control, or other beneficial wetland purposes shall be reclaimed in the following manner:

(i) For slopes that are below the permanent water table in soil, sand, gravel, and other unconsolidated materials, the slope angle shall be no steeper than 1.5 feet horizontal to 1.0 foot vertical;

(ii) Generally, solid rock banks shall be shaped so that a person can escape from the water, however steeper slopes and lack of water egress shall be acceptable in rural, forest, or mountainous areas or where evidence is provided that such slopes would constitute an acceptable subsequent use under local land use regulations;

(iii) Both standpipes and armored spillways or other measures to prevent undesirable overflow or seepage shall be provided to stabilize all such water bodies within the disturbed area; and

(iv) Where lakes, ponds, or swamps are created, the permit holder shall provide measures to establish a beneficial wetland by developing natural wildlife habitat and incorporating such measures as irregular shoreline configurations, sinuous bathymetry and shorelines, varied water depths, peninsulas, islands, and subaqueous areas less than 1.5 foot deep during summer low-water levels. Clay-bearing material placed below water level may be required to avoid creating sterile wetlands.

(d) Final topography shall generally comprise sinuous contours, chutes and buttresses, spurs, and rolling mounds and hills, all of which shall blend with adjacent topography to a reasonable extent. Straight planar slopes and right angles should be avoided.

(e) The floors of mines shall generally grade gently into postmining drainages to preclude sheet-wash erosion during intense precipitation, except where backgrading is appropriate for drainage control, to establish wetlands, or to trap sediment.

(f) Topsoil shall be restored as necessary to promote effective revegetation and to stabilize slopes and mine floors. Where limited topsoil is available, topsoil shall be placed and revegetated in such a way as to ensure that little topsoil is lost to erosion.

(g) Where surface mining has exposed natural materials that may create polluting conditions, including but not limited to acid-forming coals and metalliferous rock or soil, such conditions shall be addressed according to a method approved by the department. The final ground surface shall be graded so that surface water drains away from these materials.

(h) All grading and backfilling shall be made with nonnoxious, noncombustible, and relatively incompactible solids unless the permit holder provides:

(i) Written approval from all appropriate solid waste regulatory agencies; and

(ii) Any and all revisions to such written approval during the entire time the reclamation permit is in force.

(i) Final reclaimed slopes should be left roughly graded, preserving equipment tracks, depressions, and small mounds to trap clay-bearing soil and promote natural revegetation. Where reasonable, final equipment tracks should be oriented in order to trap soil and seeds and to inhibit erosion.

(j) Pit floors should be bulldozed or ripped to foster revegetation.

(5) Drainages shall be graded and contain adequate energy dissipation devices so that essentially natural conditions of water velocity, volume, and turbidity are reestablished within six months of reclamation of each segment of the mine. Ditches and other artificial drainages shall be constructed on each reclaimed segment to control surface water, erosion, and siltation and to direct runoff to a safe outlet. Diversion ditches including but not limited to channels, flumes, tightlines and retention ponds shall be capable of carrying the peak flow at the mine site that has the probable recurrence frequency of once in twenty-five years as determined from data for the twenty-five year, twenty-four hour precipitation event published by the national oceanic and atmospheric administration. The grade of such ditches and channels shall be constructed to limit erosion and siltation. Natural and other drainage channels shall be kept free of equipment, wastes, stockpiles, and overburden.

(6) Impoundment of water shall be an acceptable reclamation technique provided that approvals of other agencies with jurisdiction are obtained and:

(a) Proper measures are taken to prevent undesirable seepage that could cause flooding outside the permitted area or adversely affect the stability of impoundment dikes or adjacent slopes;

(b) Both standpipes and armored spillways or other measures necessary to control overflow are provided.

(7) Revegetation shall be required as appropriate to stabilize slopes, generate new topsoil, reduce erosion and turbidity, mask rectilinear contours, and restore the scenic value of the land to the extent feasible as appropriate to the approved subsequent use. Although the scope of and necessity for revegetation will vary according to the geography, precipitation, and approved subsequent use of the site, the objective of segmental revegetation is to reestablish self-sustaining vegetation and conditions of slope stability, surface water quality, and appearance before release of the reclamation permit. Revegetation shall normally meet the following standards:

(a) Revegetation shall commence during the first proper growing season following restoration of slopes on each segment unless the department has granted the permit holder a written time extension.

(b) In eastern Washington, the permit holder may not be able to achieve continuous ground cover owing to arid conditions or sparse topsoil. However, revegetation shall be as continuous as reasonably possible as determined by the department.

(c) Revegetation generally shall include but not be limited to diverse evergreen and deciduous trees, shrubs, grasses, and deep-rooted ground cover.

(i) For western Washington, nitrogen-fixing species including but not limited to alder, white clover, and lupine should be included in dry areas. In wet areas, tubers, sedges, wetland grasses, willow, cottonwood, cedar, and alder are appropriate.

(ii) In eastern Washington, lupine, white clover, Russian olive, black locust, junipers, and pines are among appropriate plants. In wet areas, cottonwood, tubers, and sedges are appropriate.

(d) The requirements for revegetation may be reduced or waived by the department where erosion will not be a problem in rural areas where precipitation exceeds thirty inches per annum, or where revegetation is inappropriate for the approved subsequent use of the surface mine.

(e) In areas where revegetation is critical and conditions are harsh, the department may require irrigation, fertilization, and importation of clay or humus-bearing soils to establish effective vegetation.

(f) The department may refuse to release a reclamation permit or performance security until it deems that effective revegetation has commenced.

NEW SECTION. Sec. 22. PERMIT TRANSFERS. Reclamation permits shall be transferred to a subsequent permit holder and the department shall release the former permit holder from the duties imposed by this chapter if:

(1) Both permit holders comply with all rules of the department addressing requirements for transferring a permit; and

(2) Unless waived by the department, the mine and all others operated by both the former and subsequent permit holders and their principal officers or owners are in compliance with this chapter and rules.

NEW SECTION. Sec. 23. MODIFICATION OF RECLAMATION PLANS. The department and the permit holder may modify the reclamation plan at any time during the term of the permit for any of the following reasons:

(1) To modify the requirements so that they do not conflict with existing or new laws;

(2) If the department determines that the previously adopted reclamation plan is impossible or impracticable to implement and maintain; or

(3) The previously approved reclamation plan is not accomplishing the intent of this chapter as determined by the department.

Modified reclamation plans shall be reviewed by the department as lead agency under SEPA. Such SEPA analyses shall consider only those impacts relating directly to the proposed modifications. Copies of proposed and approved modifications shall be sent to the appropriate county, city, or town.

NEW SECTION. Sec. 24. REPORTS. On the anniversary date of the reclamation permit and each year thereafter until reclamation is completed and approved, the permit holder shall file a report of activities completed during the preceding year. The report shall be on a form prescribed by the department.

NEW SECTION. Sec. 25. INSPECTION OF PERMIT AREA. The department may order at any time an inspection of the disturbed area to determine if the miner or permit holder has complied with the reclamation permit, rules, and this chapter.

NEW SECTION. Sec. 26. ORDER TO RECTIFY DEFICIENCIES. The department may issue an order to rectify deficiencies when a miner or permit holder is conducting surface mining in any manner not authorized by:

- (1) This chapter;
- (2) The rules adopted by the department;
- (3) The authorized reclamation plan; or
- (4) The reclamation permit.

The order shall describe the deficiencies and shall require that the miner or permit holder correct all deficiencies no later than sixty days from issuance of the order. The department may extend the period for correction for delays clearly beyond the miner or permit holder's control, but only when the miner or permit holder is, in the opinion of the department, making every reasonable effort to comply.

NEW SECTION. Sec. 27. EMERGENCY NOTICE AND ORDER TO RECTIFY DEFICIENCIES--EMERGENCY ORDER TO SUSPEND SURFACE MINING. When the department finds that a permit holder is conducting surface mining in any manner not authorized by:

- (1) This chapter;
- (2) The rules adopted by the department;
- (3) The approved reclamation plan; or
- (4) The reclamation permit;

and that activity has created a situation involving an immediate danger to the public health, safety, welfare, or environment requiring immediate action, the department may issue an emergency notice and order to rectify deficiencies, and/or an emergency order to suspend surface mining. These orders shall be effective when entered. The department may take such action as is necessary to prevent or avoid the danger to the public health, safety, welfare, or environment that justifies use of emergency adjudication. The department shall give such notice as is practicable to the permit holder or miner who is required to comply with the order. The order shall comply with the requirements of the administrative procedure act.

Regulations of surface mining operations administered by other state and local agencies shall be preempted by this section to the extent that the time schedule and procedures necessary to rectify the emergency situation, as determined by the department, conflict with such local regulation.

NEW SECTION. Sec. 28. ORDER TO SUSPEND SURFACE MINING. Upon the failure of a miner or permit holder to comply with a department order to rectify deficiencies, the department may issue an order to suspend surface mining when a miner or permit holder is conducting surface mining in any manner not authorized by:

- (1) This chapter;
- (2) The rules adopted by the department;
- (3) The approved reclamation plan;
- (4) The reclamation permit; or
- (5) If the miner or permit holder fails to comply with any final order of the department.

The order to suspend surface mining shall require the miner or permit holder to suspend part or all of the miner's or permit holder's mining operations until the conditions resulting in the issuance of the order have been mitigated to the satisfaction of the department.

The attorney general may take the necessary legal action to enjoin, or otherwise cause to be stopped, surface mining in violation of an order to suspend surface mining.

NEW SECTION. Sec. 29. DECLARATION OF ABANDONMENT. The department may issue a declaration of abandonment when it determines that all surface mining has ceased for a period of one hundred eighty consecutive days not set forth in the permit holder's reclamation plan or when, by reason of inspection of the permit area, or by any other means, the department determines that the mine has in fact been abandoned by the permit

holder except that abandonment shall not include normal interruptions of surface mining resulting from labor disputes, economic conditions associated with lack of smelting capacity or availability of appropriate transportation, war, social unrest, demand for minerals, maintenance and repairs, and acts of God.

Following a declaration of abandonment, the department shall require the permit holder to complete reclamation in accordance with this chapter. If the permit holder fails to do so, the department shall proceed to do the necessary reclamation work pursuant to section 31 of this act.

If another miner applies for a permit on a site that has been declared abandoned, the department may, in its discretion, cancel the reclamation permit of the permit holder and issue a new reclamation permit to the applicant. The department shall not issue a new permit unless it determines that such issuance will be an effective means of assuring that the site will ultimately be reclaimed. The applicant must agree to assume the reclamation responsibilities left unfinished by the first miner, in addition to meeting all requirements for issuance of a new permit.

NEW SECTION. Sec. 30. CANCELLATION OF THE RECLAMATION PERMIT. When the department determines that a surface mine has been abandoned, it may cancel the reclamation permit. The permit holder shall be informed of such actions by a department notification of illegal abandonment and cancellation of the reclamation permit.

NEW SECTION. Sec. 31. ORDER TO SUBMIT PERFORMANCE SECURITY--RECLAMATION BY THE DEPARTMENT. The department may, with the staff, equipment, and material under its control, or by contract with others, reclaim the disturbed areas when it finds that reclamation has not occurred in any segment of a surface mine within two years of completion of mining or of declaration of abandonment and the permit holder is not actively pursuing reclamation.

If the department intends to undertake the reclamation, the department shall issue an order to submit performance security requiring the permit holder or surety to submit to the department the amount of moneys posted pursuant to section 15 of this act. If the amount specified in the order to submit performance security is not paid within twenty days after issuance of the notice, the attorney general upon request of the department shall bring an action on behalf of the state in a superior court to recover the amount specified and associated legal fees.

The department may proceed at any time after issuing the order to submit performance security with reclamation of the site according to the approved reclamation plan or according to a plan developed by the department that meets the minimum reclamation standards.

The department shall keep a record of all expenses incurred in carrying out any reclamation project or activity authorized under this section, including:

- (1) Reclamation;
- (2) A reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized; and
- (3) Administrative and legal expenses related to reclamation of the surface mine.

The department shall refund to the surety or permit holder all amounts received in excess of the amount of expenses incurred. If the amount received is less than the expenses incurred, the attorney general, upon request of the department, may bring an action against the permit holder on behalf of the state in the superior court to recover the remaining costs listed in this section.

NEW SECTION. Sec. 32. FINES. Each order of the department may impose a fine or fines in the event that a miner or permit holder fails to obey the order of the department. When a miner or permit holder fails to comply with an order of the department, the miner or permit holder shall be subject to a civil penalty in an amount not more than ten thousand dollars for each violation plus interest based upon a schedule of fines set forth by the department in rule. Procedures for imposing a penalty and setting the amount of the penalty shall be as provided in RCW 90.48.144. Each day on which a miner or permit holder continues to disobey any order of the department shall constitute a separate violation. If the penalty and interest is not paid to the department after it becomes due and payable, the attorney general, upon the request of the department, may bring an action in the name of the state of Washington to recover the penalty, interest, mitigation for environmental damages, and associated legal fees. Decisions of the department are subject to review by the pollution control hearings board.

All fines, interest, penalties, and other damage recovery costs from mines regulated by the department shall be credited to the surface mining reclamation account.

NEW SECTION. Sec. 33. REFUSAL TO ISSUE PERMITS. The department shall refuse to issue a reclamation permit if it is determined during the SEPA process that the impacts of a proposed surface mine cannot be adequately mitigated.

The department or county, city, or town may refuse to issue any other permit at any other location to any miner or permit holder who fails to rectify deficiencies set forth in an order of the department within the requisite time schedule. However, the department or county, city, or town shall issue all appropriate permits when all deficiencies are corrected at each surface mining site.

Sec. 34. RCW 78.44.150 and 1970 ex.s. c 64 s 16 are each amended to read as follows:

Any ~~((operator))~~ miner or permit holder conducting surface mining within the state of Washington without a valid ~~((operating))~~ reclamation permit shall be guilty of a gross misdemeanor. Surface mining outside of the permitted area shall constitute illegal mining without a valid reclamation permit. Each day of ~~((operation))~~ mining without a valid reclamation permit shall constitute a separate offense.

Sec. 35. RCW 78.44.170 and 1989 c 175 s 166 are each amended to read as follows:

Appeals from department determinations under this chapter shall be made as follows:

Appeals from department determinations made under this chapter shall be made under the provisions of the Administrative Procedure Act (chapter 34.05 RCW), and shall be considered an adjudicative proceeding within the meaning of the Administrative Procedure Act, chapter 34.05 RCW. Only a person aggrieved within the meaning of RCW 34.05.530 has standing and can file an appeal.

Sec. 36. RCW 78.44.910 and 1970 ex.s. c 64 s 22 are each amended to read as follows:

~~((This act shall not direct itself to the reclamation of land mined))~~ Miners and permit holders shall not be required to reclaim any segment where all surface mining was completed prior to January 1, 1971. However, the department shall make an effort to reclaim previously abandoned or completed surface mining segments.

NEW SECTION. **Sec. 37.** RECLAMATION AWARDS ESTABLISHED. The department shall create reclamation awards in recognition of excellence in reclamation or reclamation research. Such awards shall be presented to individuals, miners, operators, companies, or government agencies performing exemplary surface mining reclamation in the state of Washington. The department shall designate a percent of the state annual fees as funding of the awards.

NEW SECTION. **Sec. 38.** RECLAMATION SERVICE ESTABLISHED. The department may establish a no-cost consulting service within the department to assist miners, permit holders, local government, and the public in technical matters related to mine regulation, mine operations, and reclamation. The department may prepare concise, printed information for the public explaining surface mining activities, timelines for permits and reviews, laws, and the role of governmental agencies involved in surface mining, including how to contact all regulators. The department shall not be held liable for any negligent advice.

NEW SECTION. **Sec. 39.** The following acts or parts of acts are each repealed:

- (1) RCW 78.44.030 and 1987 c 258 s 1, 1984 c 215 s 1, & 1970 ex.s. c 64 s 4;
- (2) RCW 78.44.035 and 1987 c 258 s 3;
- (3) RCW 78.44.080 and 1970 ex.s. c 64 s 9;
- (4) RCW 78.44.090 and 1970 ex.s. c 64 s 10;
- (5) RCW 78.44.100 and 1984 c 215 s 3 & 1970 ex.s. c 64 s 11;
- (6) RCW 78.44.110 and 1987 c 258 s 2, 1984 c 215 s 4, & 1970 ex.s. c 64 s 12;
- (7) RCW 78.44.120 and 1984 c 215 s 5, 1977 c 66 s 1, & 1970 ex.s. c 64 s 13;
- (8) RCW 78.44.130 and 1970 ex.s. c 64 s 14;
- (9) RCW 78.44.140 and 1989 c 230 s 1, 1984 c 215 s 6, & 1970 ex.s. c 64 s 15;
- (10) RCW 78.44.160 and 1984 c 215 s 7 & 1970 ex.s. c 64 s 17; and
- (11) RCW 78.44.180 and 1970 ex.s. c 64 s 20.

NEW SECTION. **Sec. 40.** The code reviser may recodify, as necessary, RCW 78.44.150, 78.44.170, 78.44.175, and 78.44.910 within chapter 78.44 RCW to accomplish the reorganization of chapter 78.44 RCW as intended in this act.

NEW SECTION. **Sec. 41.** Captions used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 42.** Sections 4, 5, 10 through 15, 18 through 33, 37, and 38 of this act are each added to chapter 78.44 RCW.

NEW SECTION. **Sec. 43.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 44.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representative Dunshee moved adoption of the following amendment:

On page 17, after line 17, strike all material through "standard." on page 18, line 7, and insert the following:
"(2) (a) Counties, cities, and towns may utilize comprehensive plans, development regulations, and operations regulations to regulate surface mining operations in accordance with the requirements and limitations of this subsection.

(b) Local surface mining operating standards shall:

(i) Address only mining impacts necessary to protect the health, safety, and welfare of the public and the environment, and shall not address reclamation activities and other impacts regulated through a permit issued by a state or federal agency.

(ii) Be performance-based standards adopted to minimize adverse impacts of mining operations."

On page 20, after line 14, strike all of section 19

Representative R. Meyers assumed the chair.

Representative Dunshee spoke in favor of adoption of the amendment to the amendment and Representatives Schoesler, Riley, Pruitt, Peery and Morton spoke against it.

Representative Dunshee again spoke in favor of the amendment.

The amendment to the amendment was not adopted.

With the consent of the House, Representative Padden withdrew amendment number 650.

With the consent of the House, Representative Schoesler withdrew amendment number 657.

Representative Schoesler moved adoption of the following amendment to the amendment:

On page 12, line 9, strike subsection (3) and renumber the remaining subsections consecutively.

Representative Schoesler spoke in favor of adoption of the amendment to the amendment and Representative Pruitt spoke against it. The amendment was not adopted.

Representatives Pruitt, Schoesler and Morton spoke in favor adoption of the striking amendment and Representative Pruitt spoke against it. The striking amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pruitt and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5502 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5502, as amended by the House and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 90.

Voting nay: Representatives Chappell, Romero, Valle and Wood - 4.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Engrossed Second Substitute Senate Bill No. 5502, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) called upon Representative King to preside.

POINT OF PERSONAL PRIVILEGE

Representative Morton: Thank you, Mr. Speaker. I'd like to display to the House, some photographs that pertain to our wildlife and I would like to explain that. Mr. Speaker and ladies and gentlemen of the House, the other evening we had a little discussion concerning our deer migration up in the Okanagan country and the need to train those deer. So we have put together a little display that I'd like permission to circulate throughout the floor so that you may see the process of the deer training. You'll see in the top photograph here on the Dean and Albania Bote Ranch that the deer are pretty well scattered, this was in the early part of the season, then you'll see one little towheaded deer here in the middle that was really a rascal and got into even the shed itself. In the lower left hand corner you'll note that they are beginning to conform and become a little better behaved and finally in the right hand corner you'll see that they are properly lined up for their breakfast.

The Speaker assumed the chair.

With the consent of the House, the House considered Engrossed Substitute Senate Bill No. 5966.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5966, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Haugen and M. Rasmussen; by request of Department of Veterans Affairs)

Concerning the state veterans' homes.

The bill was read the second time.

Representative R. Meyers moved adoption of the following amendment by Representative R. Meyers, Sommers and Pruitt:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that continued operation of state veterans' homes is necessary to meet the needs of eligible veterans for shelter, personal and nursing care, and related services; that certain residents of veterans' homes or services provided to them may be eligible for participation in the state's medicaid reimbursement system; and that authorizing medicaid participation is appropriate to address the homes' long-term funding needs. The legislature also finds that it is important to maintain the dignity and self-respect of residents of veterans' homes, by providing for continued resident involvement in the homes' operation, and through retention of current law guaranteeing a minimum amount of allowable personal income necessary to meet the greater costs for these residents of transportation, communication, and participation in family and community activities that are vitally important to their maintenance and rehabilitation.

NEW SECTION. Sec. 2. A new section is added to chapter 72.36 RCW to read as follows:

Qualifying operations at state veterans' homes operated by the department of veterans affairs, may be provided under the state's medicaid reimbursement system as administered by the department of social and health services.

The department of veterans affairs may contract with the department of social and health services under the authority of RCW 74.09.120 but the provisions of RCW 74.46.420 through 74.46.590 shall not apply to the medicaid rate-setting and reimbursement systems. The nursing care operations at the state veterans' homes shall be subject to inspection by the department of social and health services. This includes every part of the state veterans' home's premises, an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs, methods of supply, and any other records the department deems relevant.

NEW SECTION. Sec. 3. A new section is added to chapter 72.36 RCW to read as follows:

The department of veterans affairs shall provide by rule for the annual election of a resident council for each state veterans' home. The council shall annually elect a chair from among its members, who shall call and preside at council meetings. The resident council shall serve in an advisory capacity to the director of the department of veterans affairs and to the superintendent in all matters related to policy and operational decisions affecting resident care and life in the home.

By October 31, 1993, the department shall adopt rules that provide for specific duties and procedures of the resident council which create an appropriate and effective relationship between residents and the administration. These rules shall be adopted after consultation with the resident councils and the state long-term care ombuds, and shall include, but not be limited to the following:

- (1) Provision of staff technical assistance to the councils;
- (2) Provision of an active role for residents in developing choices regarding activities, foods, living arrangements, personal care, and other aspects of resident life;
- (3) A procedure for resolving resident grievances; and
- (4) The role of the councils in assuring that resident rights are observed.

The development of these rules should include consultation with all residents through the use of both questionnaires and group discussions.

The resident council for each state veterans' home shall annually review the proposed expenditures from the benefit fund that shall contain all private donations to the home, all bequeaths, and gifts. Disbursements from each benefit fund shall be for the benefit and welfare of the residents of the state veteran's homes. Disbursements from the benefits funds shall be on the authorization of the superintendent or his or her authorized representative after approval has been received from the home's resident council.

The superintendent or his or her designated representative shall meet with the resident council at least monthly. The director of the department of veterans affairs shall meet with each resident council at least three times each year.

Sec. 4. RCW 72.36.020 and 1977 c 31 s 2 are each amended to read as follows:

The director of the department of veterans affairs shall appoint a superintendent for ~~((the state soldiers' home and colony, and a superintendent for the Washington veterans' home, who, with the consent of the director, may be styled, respectively, "commandant of the home"))~~ each state veterans' home. The superintendent shall exercise management and control of the institution in accordance with either policies ~~((and/or))~~ or procedures promulgated by the director of the department of veterans affairs, or both, and rules and regulations of the department. In accordance with chapter 18.52 RCW, the individual appointed as superintendent for either state veterans' home shall be a licensed nursing home administrator. The department may request a waiver to, or seek an alternate method of compliance with, the federal requirement for a licensed on-site administrator during a transition phase from July 1, 1993, to June 30, 1994.

Sec. 5. RCW 72.36.030 and 1977 ex.s. c 186 s 1 are each amended to read as follows:

~~((All honorably discharged veterans who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: PROVIDED, That such applicants have been actual bona fide residents of this state at the time of their application, and are indigent and unable to support themselves: PROVIDED FURTHER, That the surviving spouses of all veterans and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto at the time of death, and surviving spouses of all such veterans and members of the state militia, who would have been entitled to admission to a soldiers' home or colony or veterans' home in this state at the time of death, but for the fact that they were not indigent and unable to earn a support for themselves and families, which spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves shall be admitted to such home: PROVIDED, FURTHER, That such spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony or veterans' home in this state or entitled to admission thereto: AND PROVIDED, FURTHER, That sufficient facilities and resources are available to accommodate such applicant.))~~ All of the following persons who have been actual bona fide residents of this state at the time of their application, and who are indigent and unable to support themselves and their families may be admitted to a state veterans' home under rules as may be adopted by the director of the department, unless sufficient facilities and resources are not available to accommodate these people:

(1)(a) All honorably discharged veterans of a branch of the armed forces of the United States or merchant marines; (b) members of the state militia disabled while in the line of duty; and (c) the spouses of these veterans, merchant marines, and members of the state militia. However, it is required that the spouse was married to and living with the veteran three years prior to the date of application for admittance, or, if married to him or her since that date, was also a resident of a state veterans' home in this state or entitled to admission thereto;

(2)(a) The spouses of: (i) All honorably discharged veterans of the United States armed forces; (ii) merchant marines; and (iii) members of the state militia who were disabled while in the line of duty and who were residents of a state veterans' home in this state or were entitled to admission to one of this state's state veteran homes at the time of death; (b) the spouses of: (i) All honorably discharged veterans of a branch of the United States armed forces; (ii) merchant marines; and (iii) members of the state militia who would have been entitled to admission to one of this state's state veterans' homes at the time of death, but for the fact that the spouse was not indigent, but has since

become indigent and unable to support himself or herself and his or her family. However, the included spouse shall be at least fifty years old and have been married to and living with their husband or wife for three years prior to the date of their application. The included spouse shall not have been married since the death of his or her husband or wife to a person who is not a resident of one of this state's state veterans' homes or entitled to admission to one of this state's state veterans' homes; and

(3) All applicants for admission to a state veterans' home shall apply for all federal and state benefits for which they may be eligible, including medical assistance under chapter 74.09 RCW.

Sec. 6. RCW 72.36.035 and 1991 c 240 s 2 are each amended to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise(,);

(1) "Actual bona fide residents of this state" ((shall mean)) means persons who have a domicile in the state of Washington immediately prior to application for ((membership in the soldiers' home or colony or veterans')) admission to a state veterans' home.

((The term)) (2) "Department" means the Washington state department of veterans affairs.

(3) "Domicile" ((shall mean)) means a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

(4) "State veterans' home" means either the Washington soldiers' home and colony in Orting, or the Washington veterans' home in Retsil, or both.

(5) "Veteran" has the same meaning established in RCW 41.04.005.

Sec. 7. RCW 72.36.120 and 1977 ex.s. c 186 s 7 are each amended to read as follows:

~~((All income of members of the soldiers' home in excess of allowable income shall be deposited in the soldiers' home revolving fund as established in section 55, chapter 269, Laws of 1975 1st ex. sess. (uncodified, and herein continued and reenacted).))~~

~~(1) Allowable income shall be defined by the rules and regulations adopted by the department: PROVIDED, That the allowable income of members accepted for membership shall not be decreased below one hundred sixty dollars per month during periods that such members are resident thereat.~~

~~(2) Disbursements from the soldiers' home revolving fund shall be for the benefit and welfare of all members of the soldiers' home and such disbursements shall be on the authorization of the superintendent or his authorized representative after approval has been received from a duly constituted body representative of the members.~~

~~(3) In order to maintain an effective expenditure and revenue control, the soldiers' home revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures from such funds.)~~ All income of residents of a state veterans' home, other than the personal needs allowance, shall be deposited in the state general fund--local and be available to apply against the cost of care provided by the state veterans' homes. All expenditures and revenue control shall be subject to chapter 43.88 RCW.

Sec. 8. RCW 74.09.120 and 1992 c 8 s 1 are each amended to read as follows:

The department shall purchase necessary physician and dentist services by contract or "fee for service." The department shall purchase nursing home care by contract. The department shall establish regulations for reasonable nursing home accounting and reimbursement systems which shall provide that no payment shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system.

The department may purchase nursing home care by contract in veterans' homes operated by the state department of veterans affairs. The department shall establish rules for reasonable accounting and reimbursement systems for such care.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for the mentally retarded include licensed nursing homes, public institutions, licensed boarding homes with fifteen beds or less, and hospital facilities certified as intermediate care facilities for the mentally retarded under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

The department may purchase care in institutions for mental diseases by contract. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for mental diseases are certified under the federal medicaid program and primarily engaged in providing diagnosis, treatment, or care to persons with mental diseases, including medical attention, nursing care, and related services.

The department may purchase all other services provided under this chapter by contract or at rates established by the department.

NEW SECTION. Sec. 9. A new section is added to chapter 72.36 RCW to read as follows:

The legislature finds that to meet the objectives of section 1, chapter, Laws of 1993 (section 1 of this act), an adequate personal needs allowance for all residents of the state veterans' homes, including both domiciliary and nursing care residents, shall not be less than one hundred sixty dollars per month during periods of residency.

NEW SECTION. Sec. 10. A new section is added to chapter 72.36 RCW to read as follows:

No reduction in the allowable income provided for in current department rules may take effect until the effective date of certification of qualifying operations at state veterans' homes for participation in the state's medicaid reimbursement system.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 72.36.080 and 1977 ex.s. c 186 s 5, 1975 c 13 s 2, 1973 1st ex.s. c 154 s 104, & 1959 c 28 s 72.36.080; and

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representative Pruitt moved adoption of the following amendment to the amendment:

On page 6, line 10 of the amendment, after "homes." insert "The resident council created under section 3 of this act may make recommendations on expenditures under this subsection."

Representative Pruitt spoke in favor of adoption of the amendment to the amendment and it was adopted.

Representative R. Meyers moved adoption of the following amendment to the amendment:

On page 7, beginning on line 15 of the amendment, after "(act)," strike all material through "residency" on line 19 and insert "the personal needs allowance for all residents of the state veterans' homes, including both domiciliary and nursing care residents, shall be an amount approved by the federal health care financing authority, but not less than ninety dollars or more than one hundred sixty dollars per month during periods of residency"

Representative R. Meyers spoke in favor of adoption of the amendment to the amendment and it was adopted.

The amendment as amended was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5966 as amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5966, as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Loven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Leonard, Mielke and Schmidt - 4.

Engrossed Substitute Senate Bill No. 5966, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative R. Meyers, the House adjourned until 10:00 a.m., Monday April 19, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINETY-EIGHTH DAY, APRIL 18, 1993

JOURNAL OF THE HOUSE

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

NINETY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 19, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Sheldon presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative King presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeffrey Gomez and Christy Hartman. Inspirational Message was offered by Reverend Cathryn Cummings-Bond.

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

MESSAGES FROM THE SENATE

April 18, 1993

Mr. Speaker:

The Senate has concurred in the House amendments and passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5567,
SUBSTITUTE SENATE BILL NO. 5606,
SUBSTITUTE SENATE BILL NO. 5612,
SUBSTITUTE SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5634,
ENGROSSED SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5751,
ENGROSSED SENATE BILL NO. 5768,
SUBSTITUTE SENATE BILL NO. 5839,
SUBSTITUTE SENATE BILL NO. 5849,
SENATE BILL NO. 5856,
SUBSTITUTE SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5876,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 18, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5075,
SENATE BILL NO. 5107,
SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5349,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5379,
SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5404,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,

and the same are herewith transmitted.

Marty Brown, Secretary

April 18, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1228,
SUBSTITUTE HOUSE BILL NO. 1560,
HOUSE BILL NO. 1751,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1800,
SUBSTITUTE HOUSE BILL NO. 1817,
HOUSE BILL NO. 1991,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2130,
HOUSE JOINT MEMORIAL NO. 4005,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 18, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5343,
SENATE BILL NO. 5371,
SENATE BILL NO. 5791,

and the same are herewith transmitted.

Marty Brown, Secretary

April 18, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5441,
SENATE BILL NO. 5695,

and the same are herewith transmitted.

Marty Brown, Secretary

April 18, 1993

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4420,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

RESOLUTION

HOUSE RESOLUTION NO. 93-4649, by Representatives Dorn, Campbell and Chappell

WHEREAS, The Eatonville Cruisers are the 1992 State A Boys' Football Champions; and
WHEREAS, The Cruisers became state champions by defeating an outstanding football team, the Leopards of Zillah; and

WHEREAS, Head Coach Steve Gervais, Assistant Coaches Bill Jacobs, George Fairhart, Darrell Babcock, Sean McNabb, and each and every member of the Cruisers squad worked together to create the will that fought the odds and enabled the Cruisers to make the biggest comeback in state championship history; and

WHEREAS, This will to win would not have been possible without the support and encouragement of all the students of Eatonville High School, the parents and families, staff, district members, and members of the community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Eatonville Cruisers Boys' Football Team for this hard-earned championship and for its contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the Washington State House of Representatives to the Captain of the Eatonville Cruisers Championship Boys' Football Team, the Head Coach, the Student Body President, and the School Principal.

Representative Dorn moved adoption of the resolution.

Representatives Dorn, Brumsickle, Chappell and Lisk spoke in favor of the resolution.

House Resolution No. 4649 was adopted.

Representative R. Meyers presiding assumed the chair.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker declared the House to be at recess until 1:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:00 p.m.

The Clerk called the roll and a quorum was present.

SIGNED BY THE SPEAKER

April 19, 1993

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1028,
SUBSTITUTE HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1063,

HOUSE BILL NO. 1111,
HOUSE BILL NO. 1142,
SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1150,
SUBSTITUTE HOUSE BILL NO. 1156,
HOUSE BILL NO. 1212,
HOUSE BILL NO. 1225,
HOUSE BILL NO. 1227,
HOUSE BILL NO. 1244,
HOUSE BILL NO. 1263,
HOUSE BILL NO. 1292,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
HOUSE BILL NO. 1317,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1351,
SUBSTITUTE HOUSE BILL NO. 1352,
ENGROSSED HOUSE BILL NO. 1353,
HOUSE BILL NO. 1355,
SUBSTITUTE HOUSE BILL NO. 1370,
HOUSE BILL NO. 1395,
HOUSE BILL NO. 1401,
HOUSE BILL NO. 1407,
HOUSE BILL NO. 1411,
ENGROSSED HOUSE BILL NO. 1415,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461,
SUBSTITUTE HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1535,
HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1582,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1686,
HOUSE BILL NO. 1757,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760,
HOUSE BILL NO. 1773,
SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
ENGROSSED HOUSE BILL NO. 1824,
HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 1923,
SUBSTITUTE HOUSE BILL NO. 1926,
HOUSE BILL NO. 1993,
ENGROSSED HOUSE BILL NO. 2009,
HOUSE BILL NO. 2048,
HOUSE BILL NO. 2073,
ENGROSSED HOUSE BILL NO. 2111,
HOUSE JOINT MEMORIAL NO. 4008,
HOUSE JOINT RESOLUTION NO. 4201,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408,
ENGROSSED SENATE BILL NO. 5768,
SUBSTITUTE SENATE BILL NO. 5839,
SUBSTITUTE SENATE BILL NO. 5849,
SENATE BILL NO. 5856,
SUBSTITUTE SENATE BILL NO. 5858,

SUBSTITUTE SENATE BILL NO. 5876,
SUBSTITUTE SENATE BILL NO. 5957,
SENATE BILL NO. 5973,
SENATE BILL NO. 5975,
SENATE BILL NO. 5984,

MESSAGES FROM THE SENATE

April 19, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5727,
SUBSTITUTE SENATE BILL NO. 5957,
SENATE BILL NO. 5973,
SENATE BILL NO. 5975,
SENATE BILL NO. 5984,

and the same are herewith transmitted.

Marty Brown, Secretary

April 19, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5567,
SUBSTITUTE SENATE BILL NO. 5606,
SUBSTITUTE SENATE BILL NO. 5612,
SUBSTITUTE SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5634,
ENGROSSED SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5751,
ENGROSSED SENATE BILL NO. 5768,
SUBSTITUTE SENATE BILL NO. 5839,
SUBSTITUTE SENATE BILL NO. 5849,
SENATE BILL NO. 5856,
SUBSTITUTE SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5876,

and the same are herewith transmitted.

Marty Brown, Secretary

The Speaker called on Representative R. Meyers to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1122 with the following amendments:

On page 1, line 15, after "maximum of" strike "seventy-five" and insert "thirty"

On page 2, line 34, after "~~(fifteen)~~" strike "seventy-five" and insert "thirty" On page 4, line 21, after "~~(fifteen)~~" strike "seventy-five" and insert "thirty"

On page 4, line 21, after "~~(fifteen)~~" strike "seventy-five" and insert "thirty" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1122 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1275, with the following amendment:

On page 6, line 17, strike all of subsection (E) and insert the following:

"(E) The local government exempts the activity in writing within thirty days of receipt of a request On page 6, line 21, after "request" insert "; or

(F) The activity involves any other development of which the total cost or fair market value does not exceed eight thousand five hundred dollars"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker, I would request a ruling on scope and object regarding the Senate amendments to Substitute House Bill No. 1275.

With the consent of the House, further consideration of Substitute House Bill No. 1275 was deferred.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1350, with the following amendment:

On page 4, line 33, after "delivery" strike "permits" and insert "licenses"

On page 5, after line 11, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 43.23 RCW to read as follows:

The director of agriculture, in consultation with the director of fisheries and the director of ecology, shall no later than June 1, 1993, develop and implement integrated pest management plans for the control of burrowing shrimp on registered aquatic farms."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "75.30 RCW;" insert "adding a new section to chapter 43.23 RCW;" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Rust: Thank you, Mr. Speaker. I request a ruling on the scope and object of the Senate amendments to Substitute House Bill No. 1350.

With the consent of the House, further consideration of Substitute House Bill No. 1350 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that development of an assessment for purposes of acquiring an initial teaching certificate is an issue that merits consideration. However, the legislature also finds that to pursue development and implementation of such an assessment at this point in time is premature in light of the state's commitment to develop a performance-based education system. Therefore, it is the intent of the legislature to repeal the existing requirement for an admission-to-practice examination. The state board of education shall monitor the development of a performance-based education system and report to the legislature by January 1, 1997, with recommendations for developing an individual assessment leading to initial teacher certification that is consistent with a performance-based education system.

NEW SECTION. Sec. 2. RCW 28A.410.030 and 1991 c 116 s 21 & 1987 c 525 s 203 are each repealed." On page 1, line 2 of the title, after "candidates;" strike the remainder of the title and insert "creating a new section; and repealing RCW 28A.410.030." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dorn moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1374 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1490 with the following amendment:

On page 2, beginning on line 23, delete "~~((After the 1991-93 fiscal biennium, no grant shall be distributed that is greater than twenty-five thousand dollars))~~" and insert ". After the 1991-93 fiscal biennium, no grant shall be distributed that is greater than twenty-five thousand dollars" and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Leonard moved that the House do not concur in the Senate amendments to House Bill No. 1490 and ask the Senate to recede therefrom.

Representative Cooke spoke against the motion.

Representative Leonard spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1741, with the following amendment:

On page 10, after line 38, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 46.61 RCW to read as follows:

(1)(a) The court shall confiscate from every person who is convicted of a second violation of RCW 46.61.502 or 46.61.504 within a five-year period the Washington state vehicle registration and vehicle license plates of the vehicle the person was driving at the time of the violation, if the person is the owner of the vehicle, and if the person is not the owner of the vehicle, the court shall confiscate the Washington state vehicle registration and vehicle license plates of a vehicle owned by the person, if any. The person shall have seven days to surrender the Washington state vehicle registration and vehicle license plates.

(b) The Washington state vehicle registration and vehicle license plates shall be held for a period of ninety days from the date of surrender.

(c) The court shall immediately notify the department of licensing of the confiscation and the duration of the confiscation. No Washington state vehicle registration or vehicle license plates may be reissued for the vehicle by the department to the person during the period of confiscation.

(d) No confiscation under this section affects the right of any person to transfer or acquire title in the vehicle, or the right of any person other than the arrested driver to become the registered owner of the vehicle.

(e) In any case provided for in this section, where a Washington state vehicle registration or vehicle license is to be confiscated, the confiscation shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the confiscation takes effect as of the date that the conviction becomes effective for other purposes.

(2)(a) On a third or subsequent conviction for a violation of RCW 46.61.502 or 46.61.504 within a five-year period the motor vehicle the person was driving at the time of the violation, if the person is the owner of the vehicle, shall be seized by a law enforcement officer of this state upon process issued by the court issuing the conviction.

(b) Proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the vehicle seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized vehicle. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(c) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the vehicle seized shall be deemed forfeited.

(d) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the value of the vehicle involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when the value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon

a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

(e) When a vehicle is forfeited under this chapter the seizing law enforcement agency may:

(i) Retain it for official use or upon application by any law enforcement agency of this state release such vehicle to such agency for the exclusive use of enforcing the provisions of this chapter;

(ii) Sell the vehicle; or

(iii) Remove it for disposition in accordance with law.

(f)(i) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(ii) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(iii) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(iv) The quarterly report need not include a record of forfeited vehicles that are still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(g) Forfeited vehicles and net proceeds shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(h) A forfeiture of a motor vehicle encumbered by a bona fide security interest is subject to the interest of the secured party."

In line 4 of the title, after "46.20 RCW;" insert "adding a new section to chapter 46.61 RCW;" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1741 and ask the Senate to recede therefrom.

Representative Padden spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((adopt comprehensive land use plans and development regulations under))~~ conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with ~~((RCW 36.70A.040 through 36.70A.160))~~ all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet ~~((the requirements of))~~ either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall ~~((adopt a comprehensive land use plan in accordance with))~~ conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county ~~((cannot remove itself from))~~ and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to ~~((adopt a comprehensive land use plan))~~ conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and governing body of each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) the county legislative authority and governing body of each city located within the county shall adopt ~~((the))~~ a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, ((1993)) 1994, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to ~~((adopt a comprehensive land use plan))~~ conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and governing body of each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county legislative authority and governing body of each city that is located within the county shall adopt ~~((the))~~ a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than ((three)) four years from the date the county legislative ~~((body takes action as required by subsection (2) of this section))~~ authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((4))~~ (5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the ~~((requirements of))~~ sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall ~~((adopt))~~ take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county legislative authority and each city governing body shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; ~~((b))~~ (c) the county legislative authority shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county legislative authority and each city governing body shall adopt a comprehensive land use plan ~~((under this chapter))~~ and development regulations that are consistent with and implement the comprehensive plan within ~~((three))~~ four years of the certification by the office of financial management ~~((; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan))~~, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

Sec. 2. RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended to read as follows:

(1) Each county that is required or chooses to (~~adopt a comprehensive land use~~) plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county (~~required to designate urban growth areas~~) that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall designate urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall designate urban growth areas under this chapter. A permit or other authorization allowing land use activities not already vested shall not be issued or approved by a county or city after the county designates its urban growth areas if the permit or other authorization is inconsistent with these designations.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 3. RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each amended to read as follows:

~~(Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under RCW 36.70A.040 shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities)~~ Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform ~~(their)~~ its activities and make capital budget decisions in conformity with ~~(their)~~ its comprehensive plan~~(s)~~.

Sec. 4. RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities. The exercise of the right of the people to petition for referendum is protected under RCW 4.24.500 through 4.24.520.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of ~~(the)~~ each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will

provide a framework for the adoption of a county-wide planning policy~~((;))~~. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith~~((;))~~.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340~~((;))~~.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction~~((; and))~~.

(e) No later than July 1, 1992, the legislative authority of ~~((the))~~ each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

The governor may impose upon any county or city that is required or that chooses to plan under RCW 36.70A.040 a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate

critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of sanctions under this section shall be preceded by written findings by the governor that the county or city is not proceeding in good faith to meet the requirements of the act and that adequate state funding has been provided to the county or city to accomplish the goals of the act. A delay caused by an initiative or referendum on subjects covered in chapter ..., Laws of 1993 (this act) is not an unreasonable delay.

Sec. 6. RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is required to adopt its comprehensive plan and development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1993."

On page 1, line 2 of the title, after "years;" strike the remainder of the title and insert "amending RCW 36.70A.040, 36.70A.110, 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter 36.70A RCW; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative H. Myers moved that the House do not concur in the Senate amendments to Engrossed Substitute Senate Bill No. 1761 and ask the Senate to recede therefrom.

Representative Edmondson spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that military base expansions, closures, and defense procurement contract cancellations may have extreme economic impacts on communities and firms. The legislature began to address this concern in 1990 by establishing the community diversification program in the department of community development. While this program has helped military dependent communities begin the long road to diversification, base expansions or closures or major procurement contract reductions in the near future will find these communities unable to respond adequately, endangering the health, safety, and welfare of the community. The legislature intends to target emergency state assistance to military dependent communities significantly impacted by defense spending. The emergency state assistance and the long-term strategy should be driven by the impacted community and consistent with the state plan for diversification required under RCW 43.63A.450(4).

NEW SECTION. Sec. 2. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may, by executive order, after consultation with the executive-legislative committee on economic development created by chapter ... (Senate Bill No. 5300), Laws of 1993, declare a community to be a "military impacted area." A "military impacted area" means a community or communities, as identified in the executive order, that experience serious social and economic hardships because of a change in defense spending by the federal government in that community or communities.

(2) If the governor executes an order under subsection (1) of this section, the governor shall establish a response team to coordinate state efforts to assist the military impacted community. The response team may include, but not be limited to, one member from each of the following agencies: (a) The department of community development; (b) the department of trade and economic development; (c) the department of social and health services; (d) the employment security department; (e) the state board for community and technical colleges; (f) the higher education coordinating board; (g) the department of transportation; and (h) the Washington energy office. The governor may appoint a response team coordinator. The governor shall seek to actively involve the impacted community or communities in planning and implementing a response to the crisis. The governor may seek input or assistance from the community diversification advisory committee, and the governor may establish task forces in the community or communities to assist in the coordination and delivery of services to the local community. The state and community response shall consider economic development, human service, and training needs of the community or communities impacted.

(3) The governor shall report at the beginning of the next legislative session to the legislature and the executive-legislative committee on economic development created by chapter ... (Senate Bill No. 5300), Laws of 1993, as to the designation of a military impacted area. The report shall include recommendations regarding whether a military impacted area should become eligible for (a) funding provided by the community economic revitalization board, public facilities construction loan revolving account, Washington state development loan fund, basic health plan, the public works assistance account, department of trade and economic development, employment security department, and department of transportation; (b) training for dislocated defense workers; or (c) services for dislocated defense workers."

On page 1, line 1 of the title, after "communities;" strike the remainder of the title and insert "adding a new section to chapter 43.06 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1818 and ask the Senate to recede therefrom.

Representative Forner spoke in favor of the motion and it was carried.

Representative Ogden presiding assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1984 with the following amendments:

On page 2, line 18, after "representative." insert "The office of marine safety administrator, or the administrator's designee, and the environmental organization representative shall be nonvoting members of the board of pilotage commissioners."

On page 2, line 24, after "meeting." insert "With the exception of the office of marine safety administrator, or the administrator's designee, and the environmental organization representative."

On page 2, line 24, after "meeting." strike "All" and insert "~~((All))~~ all"

On page 8, line 27, after "experience." insert "Successful performance in, and completion of, such a training program shall be a condition of obtaining the desired pilot's license."

On page 9, after line 27, insert:

"NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, strike "and" and on line 2, after "88.16.110" insert "; and declaring an emergency" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Rust: Thank you Madame Speaker. I would request a ruling on the scope and object of the Senate amendments to House Bill No. 1984.

With the consent of the House, further consideration of House Bill No. 1984 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1.The legislature finds that reducing the number of commute trips to work is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. The legislature intends that state agencies shall assume a leadership role in implementing programs to reduce vehicle miles traveled and single-occupant vehicle commuting, under RCW 70.94.521 through 70.94.551.

The legislature has established and directed an interagency task force to consider mechanisms for funding state agency commute trip reduction programs; and to consider and recommend policies for employee incentives for commuting by other than single-occupant vehicles, and policies for the use of state-owned vehicles.

It is the purpose of this act to provide state agencies with the authority to provide employee incentives, including subsidies for use of high occupancy vehicles to meet commute trip reduction goals, and to remove existing statutory barriers for state agencies to use public funds, including parking revenue, to operate, maintain, lease, or construct parking facilities at state-owned and leased facilities, to reduce parking subsidies, and to support commute trip reduction programs.

It is also the purpose of this act to revise other portions of state law that will assist state agencies in meeting their commute trip reduction requirements. A revision to the requirement for motor vehicle tax exemptions for owners of ride-sharing vehicles is one cost-effective and practical incentive that encourages state employees to commute by carpool and vanpool.

NEW SECTION. Sec. 2. A new section is added to chapter 43.01 RCW to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Guaranteed ride home" means an assured ride home for commuters participating in a commute trip reduction program who are not able to use their normal commute mode because of personal emergencies.

(2) "Pledged" means parking revenue designated through any means, including moneys received from the natural resource building, which is used for the debt service payment of bonds issued for parking facilities.

Sec. 3. RCW 43.41.140 and 1979 c 151 s 119 are each amended to read as follows:

Pursuant to policies and regulations promulgated by the office of financial management (~~(after consultation with and approval by the automotive policy board)~~), an elected state officer or ((his)) delegate or a state agency director or ((his)) delegate may permit an employee (~~(commuting)~~) to commute in a state-owned or leased vehicle (~~(only)~~) if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state, or as part of a commute trip reduction program as required by RCW 70.94.551.

Sec. 4. RCW 46.08.172 and 1991 sp.s. c 31 s 12 and 1991 sp.s. c 13 s 41 are each reenacted and amended to read as follows:

~~((There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account".))~~ The director of the department of general administration shall establish equitable and consistent parking rental fees for state-owned or leased property, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the terms of the collective bargaining agreement shall prevail. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. ~~((All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".))~~ However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

~~((The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 43.01 RCW to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account." All parking rental income collected from rental of parking space at state-owned or leased property shall be deposited in the "state capitol vehicle parking account." Revenue deposited in the "state capitol vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state capitol vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities on state-owned or leased properties;

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities at agency-owned and leased facilities off the capitol campus; and

(3) Support commute trip reduction programs under RCW 70.94.521 through 70.94.551.

Distribution of funds from the "state capitol vehicle parking account" are subject to appropriation by the legislature and will be made by the office of financial management after considering recommendations from the director of general administration and the interagency task force for commute trip reduction, under RCW 70.94.551.

NEW SECTION. Sec. 6. A new section is added to chapter 43.01 RCW to read as follows:

State agencies may, subject to appropriation and under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

NEW SECTION. Sec. 7. A new section is added to chapter 43.01 RCW to read as follows:

All state higher education institutions are exempt from section 5 of this act.

Sec. 8. RCW 82.44.015 and 1982 c 142 s 1 are each amended to read as follows:

For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include: (1) ~~((Vans)) Passenger motor vehicles~~ used ~~((regularly)) primarily~~ as ride-sharing vehicles, as defined in RCW 46.74.010(3), by not fewer than ~~((seven)) four~~ persons, including passengers and driver ~~((, or not fewer than five persons including the driver, when at least three of those persons are confined to wheelchairs when riding))~~; or (2) vehicles with a seating capacity greater than fifteen persons which otherwise qualify as ride-sharing vehicles under RCW 46.74.010(3) used exclusively for ride sharing for the elderly or the handicapped by not fewer than seven persons, including driver. The registered owner of one of these vehicles shall notify the department of licensing upon termination of ~~((regular)) primary~~ use of the vehicle as a ride-sharing vehicle and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed.

Sec. 9. RCW 46.16.023 and 1987 c 175 s 2 are each amended to read as follows:

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of five dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who shall knowingly make any false statement of a material fact in the application for a special plate under subsection (1) of this section shall be guilty of a gross misdemeanor."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.41.140, 82.44.015, and 46.16.023; reenacting and amending RCW 46.08.172; adding new sections to chapter 43.01 RCW; creating a new section; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 2067 and to ask the Senate to recede therefrom.

Representative Schmidt spoke in favor of the motion and it was carried.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the performance-based education act.

NEW SECTION. **Sec. 2.** (1)(a) The mission of Washington's K-12 education system is to enable people to be responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive lives. To these ends, schools, together with parents and communities, shall strive to help all students develop the knowledge, skills, and attributes essential to function effectively and lead successful lives. Although schools, parents, and communities shall strive together in this mission, the legislature still believes that the primary functions of school and home differ: Ideally, school is where children learn to learn; home is where they learn to live.

(b) This mission is based on the recognition that our education system needs to keep pace with societal changes, changes in workplace environments, and an ever-changing international community. Finally, the mission recognizes that the education must be improved to prepare students better to meet the challenges of their future, including acquisition of certain skills and knowledge and the ability to act on information and conclusions once they have assimilated and analyzed information.

(c) This mission can be accomplished through a restructured system of world-class, performance-based education requiring all the elements in chapter . . . , Laws of 1993 (this act).

(2) For all parents, greater involvement in their child's education is critical to their child's success. It is the intent of chapter . . . , Laws of 1993 (this act) that parents be primary partners in the education of their children. Parents should also play a significant role in local school decision making affecting instruction at the school level.

(3) Creating a performance-based education system will require different ways of making decisions and completing work. Additional improvements envisioned will be brought about through different practices at the local level. Collaboration among parents, students, educators, community members, and elected officials will become a strong part of everyday effort. All systems and programs will be focused on what is best for increasing student achievement. In addition to a focused mission, other areas of paramount concern in school shall be the maintenance of order; the spending of time on the tasks; and maintenance of high expectations for all students. The purpose is to strive to help all students master the essential learning requirements.

(4) It is the intent of the legislature that all children will have the opportunity to achieve at significantly higher levels. This will require setting high expectations for all students. For all students, learning shall be the constant. Time spent on learning and gaining competence shall be the variable. The education system, from the schoolhouse to the state house, must be responsible and accountable to citizens for meeting specific goals and outcomes.

(5) Students will learn more when:

(a) Each student exercises fully his or her share of the responsibility for his or her educational experience and performance, given positive support from parents and community, and instructional guidance from the schools;

(b) Parents take more responsibility for their child's education;

(c) Businesses assume greater responsibility for supporting schools; and

(d) Educators take responsibility for meeting the diverse educational needs of all students.

(6) It is the intent of the legislature to provide students the opportunity for an ample educational experience and an educational environment that fosters mutually respectful interactions in an atmosphere of collaboration and cooperation, and in which students develop awareness, understanding, and sensitivity to differences among people, including but not limited to gender, race, color, national origin, and religion.

(7)(a) It is the intent of the legislature that any student, from those at-risk to students who may be developmentally delayed or disabled, who is having difficulty meeting the student learning goals under section 202 of this act be provided with instructional opportunities to help him or her meet the goals.

(b) Similarly, in support of subsection (6) of this section, it is the intent of the legislature that any highly capable student who has met or exceeded the student learning goals under section 202 of this act be provided with instructional opportunities to help him or her advance his or her educational experience.

PART I COMMUNITY SELECTION OF LOCAL EDUCATION PROGRAM

NEW SECTION. Sec. 101. (1) Each school district in the state shall develop educational programs designed to provide each student in the district with the opportunity to achieve the student learning goals under section 202 of this act.

(2) Each school district board of directors may authorize a school or schools in the district to participate in the performance-based education system developed under RCW 28A.630.885, following a public hearing by the school board and adoption of a motion stating the intent and scope of participation. The adopted motion shall require that schools authorized and choosing to participate in the performance-based education system shall administer the tests required under RCW 28A.230.190, 28A.230.230, and 28A.230.240 for at least five school years following the date of first participation in the performance-based system. A copy of the adopted motion shall be transmitted to the superintendent of public instruction by the district board of directors. After a public hearing, the school board may repeal the motion stating the intent and scope of participation and shall transmit a copy of the motion repealing the intent and scope of participation to the superintendent of public instruction.

(3) The state schools for the deaf and blind, pursuant to subsection (2) of this section, may participate in the performance-based education system developed under RCW 28A.630.885 and may apply for grants under section 401 of this act.

(4) Each school district board of directors may adopt procedures to permit parents to remove their children from courses of instruction offered primarily to meet student learning goal number four listed under section 201 of this act.

(5) Nothing under chapter . . . , Laws of 1993 (this act) shall affect the provisions of RCW 28A.230.070(4) that allow students not to participate in AIDS prevention education, and state board of education rules that allow students an excusal from planned instruction in sex education or human sexuality.

(6) For schools not authorized or choosing to participate in the performance-based education system developed under RCW 28A.630.885, sections 501 through 507, chapter 141, Laws of 1992 shall not apply.

PART II STUDENT LEARNING GOALS

NEW SECTION. Sec. 201. The following student learning goals for Washington's primary and secondary students, as recommended by the governor's council on education reform and funding, are supported by the legislature:

The ultimate goal of Washington's K-12 education system is to enable people to be responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, schools, together with parents and communities, shall help all students develop the knowledge, skills, and attributes essential to:

(1) Communicate effectively and responsibly in a variety of ways and settings;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; arts; humanities; and health and fitness;

(3) Think critically and creatively and integrate experience and knowledge to form reasoned judgments, solve problems, and resolve conflicts;

(4) Function as caring and responsible individuals and contributing members of families, work groups, and communities.

NEW SECTION. Sec. 202. The state board of education shall by rule adopt the final student learning goals in section 201 of this act recommended by the governor's council on education reform and funding. Of these goals, goal two, in section 201(2) of this act, shall be primary. The legislature finds that from achievement of goal two, achievement of the other goals might follow. The legislature finds that students must above all else achieve mastery of knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics. The legislature also finds that families and communities bear the primary responsibility for seeing that children function as caring and responsible members of families, work groups, and communities. The student learning goals shall be effective for all school districts beginning with the 1993-94 school year. The state board shall review the goals at least once every ten years and update them as necessary. Local school districts may add goals to the student learning goals in section 201 of this act.

NEW SECTION. Sec. 203. It is the intent of the legislature that instruction in the broad subject areas of mathematics, social sciences, physical sciences, life sciences, arts, humanities, and health and fitness identified under student learning goal number two under section 201(2) of this act will continue to be offered in ways that emphasize the importance of these basic areas of knowledge to the future success of students after they graduate.

PART III COMMISSION ON STUDENT LEARNING

Sec. 301. RCW 28A.630.884 and 1992 c 141 s 201 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.884 ~~((and)), 28A.630.885, and sections 101, 201, 202, 401, 502, 701, 801, 902, 903, 1201, and 1301 of this act.~~

(1) ~~((("Academic assessment system" or)) "Assessment system" means ((a series of academic examinations and performance-based assessments developed by the commission on student learning to determine if students have mastered the)) methods of assessing student achievement that require demonstration of the essential ((academic)) learning requirements.~~

(2) "Commission" means the commission on student learning created in RCW 28A.630.885(1).

(3) ~~((("Essential ((academic)) learning requirements" means the academic and technical knowledge and skills ((identified by the commission on student learning, as reviewed and amended by the legislature and state board of education, that students are expected to know and be able to do at specified intervals in their schooling. The essential academic learning requirements, at a minimum, shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking)) that students are expected to know and be able to do at specified intervals in their schooling. The essential learning requirements at a minimum shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking.~~

(4) "Outcome" means an example or indicator of what a student knows or is able to do in relation to a student learning goal.

(5) "Performance-based" or "outcomes-based" education means a system designed to help students achieve specific goals and standards of what students should know and be able to do. The system provides flexibility for students as they proceed toward achieving and demonstrating the goals and standards. Students proceed through a performance-based or outcomes-based system by demonstrating competency.

(6) "Site-based decision making" means an administrative system in which school employees, parents, and others in the community exercise shared decision making on some aspects of school operations.

(7) "Standards" means criterion or an agreed upon level of performance or achievement that are linked to the state-wide student learning goals and that serve as a basis for decision making.

(8) "Student learning goals" means the goals listed under section 201 of this act.

Sec. 302. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2)) (1)~~ The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the final student learning goals ~~((of the governor's council on education reform and funding, to develop))~~ adopted by the state board of

education under section 202 of this act, cause the further development of student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system.

(2)(a) The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three)) five~~ members appointed ~~((no later than February 1, 1993,))~~ by the governor elected in the November 1992 election. Three of the five members shall be appointed no later than February 1, 1993, and two of the five members shall be appointed no later than July 1, 1993. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3)) (b) The governor shall appoint a chair from the commission members. The governor shall fill vacancies that may occur on the commission except those vacancies determined by the state board of education.~~

(c) The commission shall begin its substantive work subject to ~~((subsection (1) of this section))~~ section 202(1), chapter 1, Laws of 1992.

~~((4)) (3) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.~~

~~((5)) (4) The commission, with the assistance of ~~((the)) any~~ technical advisory committees, shall:~~

~~(a) ~~((Identify what all elementary and secondary students need to know and be able to do. At a minimum, these))~~ Develop essential ~~((academic))~~ learning requirements ~~((shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding))~~ based on the student learning goals adopted by the state board of education under section 202 of this act. These requirements shall be implemented through the development of performance standards. The essential learning requirements and standards shall not be less than world class so that Washington, its students, and its businesses might more effectively and continuously compete in the world market. "World class standards" means standards set at levels that will enable Washington's students to compete successfully with students throughout the world. In developing essential learning requirements and standards, the commission shall give effect to the legislature's intent (i) that student learning goal two is primary to the other goals; and (ii) that students must achieve world class knowledge and skills in core areas of reading, writing, speaking, science, history, geography, and mathematics. In developing the performance standards and assessment systems under this section, the commission shall consider the experiences and information from local districts and schools that are already involved in these areas;~~

~~(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide ~~((academic))~~ assessment system for use in the elementary grades designed to determine if each student has mastered the essential ~~((academic))~~ learning requirements identified in (a) of this subsection. The ~~((academic))~~ assessment system shall include a variety of methodologies, including performance-based measures that are criterion-referenced. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential ~~((academic))~~ learning requirements. Mastery of each component of the essential ~~((academic))~~ learning requirements shall be required before students progress in subsequent components of the essential ~~((academic))~~ learning requirements. The state board of education and superintendent of public instruction shall implement the elementary ~~((academic))~~ assessment system beginning in the 1996-97 school year, if completed and for public schools choosing to participate, unless the legislature takes action to delay or prevent implementation of the assessment system and essential ~~((academic))~~ learning requirements. The state board of education and superintendent of public instruction ~~((may))~~ shall review and modify the ~~((academic))~~ assessment system, as needed, in subsequent school years;~~

~~(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide ~~((academic))~~ assessment system for use in the secondary grades designed to determine if each student has mastered the essential ~~((academic))~~ learning requirements identified for secondary students in (a) of this subsection. The ~~((academic))~~ assessment system shall use a variety of methodologies, including performance-based~~

measures, to determine if students have mastered the essential (~~academic~~) learning requirements, and shall lead to a certificate of mastery at about age sixteen. The certificate of mastery shall be required for graduation but shall be based only on student learning goals one through three in section 201 of this act. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential (~~academic~~) learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements (~~or be required for graduation in addition to graduation requirements~~). The state board of education and superintendent of public instruction shall implement the secondary (~~academic~~) assessment system beginning in the 1997-98 school year, if completed and for public schools choosing to participate, unless the legislature takes action to delay or prevent implementation of the assessment system and essential (~~academic~~) learning requirements. The state board of education and superintendent of public instruction (~~may~~) shall review and modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students and students who have demonstrated gaps in learning based on students' racial and ethnic minority status when developing the assessments in (b) and (c) of this subsection;

(e) (~~Develop strategies that will assist educators in helping students master the essential academic learning requirements;~~

(f) ~~Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;~~

(g) ~~Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;~~

(~~h~~) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential (~~academic~~) learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary (~~academic~~) assessment systems during the 1995-97 biennium and beyond;

(~~i~~) (~~f~~) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that (~~would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements~~) are consistent with a performance-based education system;

(~~j~~) (~~g~~) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts (~~The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section~~);

(~~k~~) (~~h~~) Report annually by December 1st to the governor and the legislature (~~and the state board of education~~) on the progress, findings, and recommendations of the commission; and

(~~l~~) (~~i~~) Complete other tasks, as appropriate.

(~~m~~) (~~5~~) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(~~n~~) (~~6~~) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(~~o~~) (~~7~~) The commission shall select an entity to provide staff support and the office of (~~financial management shall contract with that entity~~) the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission on student learning. The superintendent shall report annually to the commission on student learning on the activities of the superintendent's office of educational restructuring, research, and technical assistance under RCW 28A.300.130. The commission may direct the (~~office of financial management~~) superintendent of public instruction to enter into subcontracts, within the commission's resources, with

school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

~~((9))~~ (8) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

PART IV PLANNING AND TIME FOR RESTRUCTURING

NEW SECTION. Sec. 401. (1) From appropriated funds, beginning with the 1994-95 school year, the office of the superintendent of public instruction shall provide staff development program grants, to the extent funds are appropriated, to local districts to provide state-funded certificated instructional staff, state-funded classified staff with instructional responsibilities, and state-funded classified secretarial staff in each school in the district with the equivalent of an average of five additional days beyond the student school calendar year. These nonstudent days shall be used by schools for staff development, planning, and implementation activities as local districts and schools move toward a performance-based education program.

(2) The compensation for these days shall be at the regular salary rates and shall constitute supplemental compensation under RCW 28A.400.200(4).

(3) The staff development program grants shall be for school building activities related to planning, curriculum development, instructional strategies, assessment, evaluation, the use of technology, and other approaches to restructuring. The funds may be used by schools to shift to school-based decision making.

(4)(a) To be eligible for staff development program grants beginning in fiscal year 1994-95, districts shall submit to the state board of education, school building applications to develop broad-based strategic restructuring plans. The applications shall be submitted under the provisions of RCW 28A.305.140(1). Grants shall be renewed on the same basis as waivers are provided under RCW 28A.305.140(2).

(b) The building plan shall involve broad participation. In addition to the provisions of RCW 28A.305.140(1), the plan shall include: Performance-based assessment, evaluation, and in-service in cultural diversity, including how to work with diverse populations. The plan may contain elements including but not limited to technology, curriculum development, and continuous quality improvement.

(5) The school site council shall authorize the building plan and submit it to the school board.

(6) The school board shall conduct at least one public hearing on the building restructuring plans before the board votes to approve the plans and before the district files an application with the state for a staff development grant. Boards may hear more than one proposed plan at a hearing and may approve more than one plan at a hearing.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.240 RCW to read as follows:

(1) To be eligible for grants under section 401 of this act, a school district board of directors shall adopt a policy authorizing school site-based councils.

(2) The policy adopted by a school district board of directors shall include but is not limited to:

(a) Procedures for forming a school site-based council and official recognition of the council by the district;

(b) Membership of the school site-based council including parents, staff, community members, and age-appropriate students. Existing organizations may be used to form the school site-based council;

(c) Designation of activities with which school site-based councils may become involved, including management, budget, personnel, and program decisions affecting instruction at the school level;

(d) Delegation of authority to school site-based councils to adopt their own bylaws and charters; and

(e) Provisions for educating members of school site-based councils to help all members to become knowledgeable about school funding, educational programs, and options for change.

PART V LEADERSHIP FOR RESTRUCTURING

NEW SECTION. Sec. 501. (1) The Washington state principal internship support program is created. The purpose of the program is to provide funds to school districts for employees who are in a principal preparation program to complete an internship with a mentor principal.

(2)(a) Beginning in the 1994-95 school year, school districts may participate in the principal internship support program to the extent funds are appropriated.

(b) A principal internship shall consist of a minimum of ninety school days. For internships funded under this program, the state shall provide reimbursement for substitute costs at the daily rate allocated in the omnibus appropriations act for sixty-eight days of instruction and the district shall cover substitute costs for the remainder of the internship. The superintendent of public instruction shall establish procedures, by rule, for a district to receive additional funds to pay for additional substitute costs, if the district would otherwise be unable to participate in the program.

(c) Funds appropriated for the principal internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district.

(d) Once principal internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the principal internship.

(e) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

(3) The process for selecting participants in the principal internship support program shall be as follows:

(a) The candidate must be enrolled in a state board of education approved principal preparation program.

(b) The candidate must apply in writing to his or her local school district.

(c) Candidates shall be selected to: (i) Reflect the racial and ethnic diversity of the student population in the educational service district region; and (ii) to the extent practicable, represent an equal number of women and men.

(d) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program and shall notify in writing its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor principal for each principal intern applicant.

NEW SECTION. Sec. 502. (1) The state board of education shall appoint a principal internship advisory task force to develop and recommend to the board standards for the principal internship support program.

(2) Colleges, universities, and school districts may establish additional standards.

(3) Principal interns shall complete all the standards in order to complete the internship program successfully.

(4) Task force membership shall include, but is not limited to, persons representing the office of the superintendent of public instruction, principals, school administrators, teachers, school directors, higher education principal preparation programs, and educational service districts. The task force membership shall, to the extent possible, be culturally diverse and gender balanced.

PART VI MENTOR PROGRAM

Sec. 601. RCW 28A.415.250 and 1991 c 116 s 19 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a teacher assistance program. For the purposes of this section, the terms "mentor teachers," "beginning teachers," and "experienced teachers" may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW 28A.410.010. The program shall provide for:

(1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers, or both, both in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW 28A.405.100 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers and beginning teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW ((28A.58.095)) 28A.400.200: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title;

(3) Workshops for the training of mentor and beginning teachers;

(4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom;

(5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.405.010 through 28A.405.240, and who hold valid continuing certificates;

(6) Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process; and

(7) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public and private institutions of higher education, for the purposes of improving communication and cooperation and program review.

Any district may release a mentor teacher to work full time with beginning or experienced teachers, or both.

NEW SECTION. Sec. 602. A new section is added to chapter 28A.415 RCW to read as follows:

(1) From appropriated funds, the superintendent of public instruction shall establish a pilot program to support the pairing of full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers under RCW 28A.415.250. The superintendent shall select up to ten districts for the pilot program. At least one of the districts shall be a first class school district having within its boundaries a city with a population of four hundred thousand people or more, if an application to participate is received from such district. The pilot program shall begin the 1993-94 school year and conclude the end of the 1995-96 school year.

(2) The superintendent of public instruction shall submit a report to the legislature by December 31, 1995, with findings about the pilot program and recommendations regarding continuing the program beyond the 1995-96 school year.

(3) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the pilot program established under subsection (1) of this section.

PART VII CERTIFICATION REQUIREMENTS

NEW SECTION. Sec. 701. (1) In conducting its study on outcomes-based standards for the approval of educator preparation programs, the state board of education shall assure that the adoption of new program approval standards are consistent with and support the establishment of a performance-based education system under the provisions of chapter . . . , Laws of 1993 (this act). In addition, the new standards shall ensure that graduates from the preparing institutions of the state are appropriately prepared to enter the performance-based education system, including knowledge and skills to work with culturally diverse students. The new standards shall be adopted not later than the beginning of the 1996-97 school year.

(2) The state board shall report to the governor, the legislature, and the commission on student learning by December 31, 1993, on the progress and any findings of the board's study of outcomes-based program approval standards. When the study is completed, the board shall submit a final report to the governor, the legislature, and the commission on student learning. The final report shall include findings and recommendations regarding the impact of the new standards on the recruitment of culturally diverse candidates to the teaching profession.

(3) The state board shall adopt necessary rules under chapter 34.05 RCW to implement the recommendations of the certification study required under section 104, chapter 141, Laws of 1992.

(4) The superintendent of public instruction and the state board of education shall review the provisions of chapter 28A.690 RCW, interstate agreement on qualifications of educational personnel, and make recommendations as necessary to the legislature and the governor to amend these provisions to be consistent with the new certification requirements to be implemented under subsection (3) of this section.

PART VIII PARENT AND COMMUNITY INVOLVEMENT

NEW SECTION. Sec. 801. (1) The superintendent of public instruction shall appoint a twelve member parent and community advisory council whose membership shall include a minimum of six parents.

- (2) The parent and community advisory council shall advise the state superintendent on:
- (a) How to increase parent and citizen involvement in education with a particular focus on reaching parents who have not previously been involved with their children's education;
 - (b) Identifying obstacles to greater parent and community involvement in school site-based decision making; and
 - (c) Recommend strategies for helping parents and community members to participate effectively in school site-based decision making, including understanding and respecting the roles of building administrators and staff.
- (3) Through the office of educational restructuring, research, and technical assistance under RCW 28A.300.130, the superintendent shall, in consultation with the parent and community advisory council, on a request basis, provide or contract to provide to any school, district, or community, information, technical assistance, or training regarding citizen participation in education, including training to promote the effective participation of parents and community members on school site councils.

PART IX
INCENTIVE AND ASSISTANCE PROGRAM

NEW SECTION. Sec. 901. From appropriated funds, the superintendent of public instruction shall provide incentive grants under section 902 of this act and provide assistance grants under section 903 of this act.

NEW SECTION. Sec. 902. (1) The commission on student learning shall develop an incentive program to provide rewards to schools in which a large percentage of students significantly exceed the essential learning requirements. Each school shall be assessed individually against its own baseline for the incentive program. Data collected for the incentive program shall be collected and analyzed by gender, racial or ethnic background, and socioeconomic status and shall not be used to compare one school against another. Rewards shall be based on the rate of percentage change of students achieving the performance standards. An explicit account shall be taken of the rate of percentage change of special needs and at-risk students achieving the performance standards and the mobility of students.

(2) Staff at each school, in partnership with the school site council, shall decide how to spend the reward.

(3) The incentive program shall be administered by the superintendent of public instruction. The first incentive grants shall be awarded the 1997-98 school year. Incentive grants shall be awarded every two years to eligible schools, to the extent funds are appropriated.

NEW SECTION. Sec. 903. (1) The commission on student learning shall develop an assistance program to provide assistance other than monetary assistance to schools and districts experiencing difficulty in assisting a significant percentage of their students to achieve the essential learning requirements.

(2) The assistance program shall include a process for the superintendent of public instruction to intervene in the operation of districts or schools that dramatically and persistently fail to help students meet the essential learning requirements.

(3) The assistance program shall be administered by the superintendent of public instruction. The first assistance grants shall be awarded the 1997-98 school year. Assistance grants shall be awarded every two years to schools or districts as determined by the state superintendent, to the extent funds are appropriated.

Sec. 904. RCW 28A.300.130 and 1986 c 180 s 1 are each amended to read as follows:

(1) ~~((Recent and))~~ Expanding activity in educational research and educational restructuring initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible, including school-based technical assistance coordinated by the office of the superintendent of public instruction. To facilitate access to information and materials on ~~((education))~~ educational restructuring and research, the superintendent of public instruction shall ~~((act as the state clearinghouse for educational information))~~ establish an office of educational restructuring, research, and technical assistance.

(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, ~~((screen,))~~ organize, analyze, synthesize, and disseminate, including technical assistance, information pertaining to the state's ~~((educational system from preschool through grade twelve, including but not limited to))~~ common school system. The primary duty to collect and disseminate information is not limited to but shall include information on:

(a) The work and activities of the commission on student learning;
(b) In-state research and development efforts, including restructuring initiatives in Washington schools and districts;

(c) Descriptions of exemplary, model, and innovative programs; and

(d) Related information that can be used in ((developing)) helping schools and districts with restructuring initiatives and developing more effective programs.

(3) (a) It shall be an additional focus of the office of educational restructuring, research, and technical assistance to promote lifelong learning and community involvement in education, which is defined as coordinated efforts in communities to provide education to citizens of all ages in a variety of settings using, to the extent possible, shared funding, sites, and staffing.

(b) The legislature finds that promoting the effective and efficient coordination of all community educational services can provide for the lifelong learning and positive community involvement of Washington's citizens. Educational opportunities in a community might include early childhood education; parenting education and parent involvement; literacy training; job training and retraining; technical preparation programs; student career academies and career centers for all citizens; student apprenticeships, internships, and job mentor programs; tutoring; school staff sabbaticals; programs for business and labor participation in schools; release-time programs for community members to participate in schools; and other types of adult education, including programs for senior citizens. These services might be provided by state or community-based agencies including, but not limited to: Public schools, including skills centers; counties, cities, and towns, including parks departments, health departments, and libraries; community and technical colleges; business and labor organizations; service organizations; and private and nonprofit organizations.

(c) The office shall consult with appropriate state agencies and other groups and organizations that provide lifelong learning and community involvement in education services and: Provide assistance to local communities wishing to coordinate services for lifelong learning and community involvement in education; encourage local communities to coordinate program and facility resources; identify statutory and regulatory provisions impeding local collaboration for lifelong learning and community involvement in education; identify and promote effective models of lifelong learning and community involvement in education programs; and assist communities in exchanging information concerning lifelong learning and community involvement in education services.

(4) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, ~~((monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system,))~~ and other applicable materials as necessary in order that the office of educational restructuring, research, and technical assistance can provide timely information services and technical assistance to educational staff, students, parents, schools, districts, and other groups or agencies as appropriate. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost.

~~((4))~~ (5) The superintendent of public instruction shall coordinate technical assistance and the dissemination of information with the educational service districts ((and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state)). In coordinating technical assistance services, the superintendent shall make every effort to use practitioners to assist both agency staff as well as educators and others in schools and districts.

PART X COORDINATED SOCIAL AND HEALTH SERVICES

NEW SECTION. Sec. 1001. (1) The purpose of this section is to enhance the quantity, quality, efficiency, and effectiveness of services for children and families in order to enable children to learn while in school.

(2) Beginning with the 1993-94 school year, the office of the superintendent of public instruction, to the extent funds are appropriated, shall allocate funds for pilot programs in up to ten counties or municipalities to meet the needs of children and families better so that children can achieve in school.

(3) Beginning with the 1994-95 school year, the superintendent of public instruction, to the extent funds are appropriated, shall allocate funds annually for state-wide implementation for programs that assist children achieving in school. To qualify for funds, local districts and schools, local service providers, local governments, state agencies, and persons organized for the purpose of designing and providing services for children and families, shall develop

plans for enhancing the flexibility, coordination, and responsiveness of the educational, social, and health services for students and families identified as at-risk. Plans shall address the needs of children and families in a county or multicounty area, or in a municipal or multimunicipal area.

(4) The family policy council established in chapter 70.190 RCW shall determine the information that must be included in the plans. At a minimum, plans shall include:

(a) A description of services, funding sources, intended outcomes, and measures to evaluate the programs implemented under the plan;

(b) Agreed upon responsibilities of participating agencies;

(c) Means to accommodate cultural diversity and changes in student populations and to ensure equity, access, and relevance in providing services;

(d) Means to ensure parental involvement in planning and the use of services; and

(e) An identified lead agency to receive state funds allocated for the purposes of this section.

(5) Funds provided for the purposes of subsections (3) and (4) of this section shall be used only for those plans approved by the family policy council. The council shall review local plans by November 1, 1993, and the beginning of every school year thereafter.

(6) The family policy council shall coordinate the provision of technical assistance to local communities for the development of coordinated services for students.

PART XI TECHNOLOGY

NEW SECTION. Sec. 1101. The legislature recognizes the ongoing necessity for public schools to use up-to-date tools for learning to meet goals for education. To participate successfully in the contemporary workplace, students should be able to use technology and be able to get information electronically. Workplace technology requirements will continue to change and students should learn the new requirements.

Furthermore, the legislature finds that the Washington systemic initiative is a broad-based effort to promote widespread public literacy in mathematics, science, and technology. A critical component of the systemic initiative is the electronic access to information by students. It is the intent of the legislature that components of sections 1102 through 1105 of this act will support the state-wide systemic reform effort in mathematics, science, and technology as planned through the Washington systemic initiative.

NEW SECTION. Sec. 1102. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1101 through 1105 of this act.

(1) "Education technology" means the effective use of electronic tools and electronic pathways in meeting goals established for education.

(2) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.

NEW SECTION. Sec. 1103. (1) The superintendent of public instruction may establish an educational technology section, and through that section develop and implement a Washington state technology program, the coordination and development of which shall be consistent with the applicable provisions of chapter 43.105 RCW. The program shall include:

(a) State-wide support to help school districts plan, implement, and educate staff in the use of technology for educational and administrative purposes;

(b) Grants to school districts to help districts integrate technology into the learning process and to connect to the state-wide and national networks for educational purposes;

(c) Development of on-line information services for Washington state, with links to other services. These links shall provide avenues of communication between all levels of education;

(d) Staff support for on-line educational projects involving students throughout the state and nation; and

(e) Expansion of state-wide networks, including educational video teleconferences.

(2) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to educational service districts for:

(a) Establishing regional educational technology support centers to provide ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and

other technical and program support. Each educational service district shall establish an advisory council to advise the educational service district about spending the grant moneys; and

(b) Establishing each educational service district as a site for video conferences on the network.

(3) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to school districts for:

(a) Support for school district personnel to become trainers on state-wide and national networks;

(b) Incentives to encourage school districts to plan for, implement, and evaluate the effective use of technology in the school curriculum; and

(c) Helping schools connect into the state-wide network for curricular purposes. The criteria for selection of schools to receive grants shall be based on schools' readiness to use network services and economic need.

(4) The superintendent of public instruction shall adopt rules requiring local districts to provide a twenty-five percent match of grant funds from other sources. However, the superintendent of public instruction shall adopt rules to waive all or part of the match requirement for districts that can demonstrate, based on the district's relative property tax wealth, that they would not be able to apply for the grant unless all or part of the match requirement was waived. A district capital levy for technology will satisfy the local match requirement under this section.

(5) The superintendent of public instruction shall distribute grants, from moneys appropriated for this purpose, to the Washington school information processing cooperative, for equipment to expand the current state-wide network and to establish a system for video conferences.

NEW SECTION. Sec. 1104. The superintendent of public instruction shall appoint an educational technology advisory committee. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, educational service districts, school directors, school administrators, school principals, teachers, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, the state library, and the department of information services.

The committee shall advise the superintendent of public instruction on the implementation of sections 1101 through 1103 of this act.

NEW SECTION. Sec. 1105. (1) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of education technology and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(2) The education technology fund is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the fund all moneys received from gifts, grants, or endowments for education technology. Moneys in the fund may be spent only for education technology. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

PART XII DEREGULATION

NEW SECTION. Sec. 1201. (1) The superintendent of public instruction and the state board of education shall review all laws pertaining to K-12 public education. Except those laws that protect the health, safety, and civil rights of students and staff, the intent of the review is to justify, modify, and maintain only those laws that support the new performance-based education system for all students.

(2) The superintendent and the state board shall conduct the review in a manner that includes a broad representation of citizens, including parents, students, educators, and others, to assist in the review process.

(3) The superintendent shall determine a specific timetable for the review. Beginning January 1994, and each succeeding January until the review is done, but not later than January 1997, the superintendent shall submit to the governor and legislature a list of all laws reviewed during the preceding year and the laws to be reviewed the next year.

(4) Private schools and parents who home school their children are subject only to those minimum state controls necessary to ensure the health and safety of all students in the state and to ensure that students have a

basic educational opportunity. Parents who are home schooling their children under chapter 28A.200 RCW and RCW 28A.225.010(4) and private schools under chapter 28A.195 RCW shall not be subject to:

- (a) State-wide student learning goals and essential learning requirements under RCW 28A.150.210 and 28A.630.885(5)(a);
 - (b) The elementary assessment system under RCW 28A.630.885(5); or
 - (c) The secondary assessment system, including the certificate of mastery, under RCW 28A.630.885(5)(c).
- (5) The review of statutes under subsections (1) and (2) of this section shall be conducted consistent with the exemptions provided under subsection (4) of this section for private schools and parents who home school their children.

Sec. 1202. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) ~~Beginning with the 1993-94 school year, school districts may not establish annual transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. ((Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.))~~ Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. **Sec. 1203.** The superintendent of public instruction shall work with appropriate organizations to ensure that every teacher, district and building administrator, and school director is aware of the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015.

NEW SECTION. **Sec. 1204.** (1) A legislative fiscal study committee is hereby created. The committee shall be comprised of two members from each caucus of the senate, appointed by the president of the senate, and two members from each caucus of the house of representatives, appointed by the speaker. In consultation with the office of the superintendent of public instruction, the committee shall study the state operating budget for the common school system and other sections of the budget that have a direct or indirect impact on the common school system.

(2) At a minimum, the study shall include an analysis of all K-12 related appropriations to determine which might be classified as being investments in prevention and which might be classified as remedial expenditures.

(3) By January 16, 1995, the committee shall report to the full legislature on its findings and any recommendations for a new funding model for the common school system.

RESTRUCTURING REPORTS

NEW SECTION. Sec. 1301. (1) Beginning with the 1994-95 school year, each school shall publish an annual school performance report to each parent and to the community. The annual report shall be published in a format that can be easily understood and be the basis of informed educational decisions by parents, guardians, and other members of the community who are not professional educators.

(2) Data and descriptive material included in the annual report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under section 202 of this act, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories. As data becomes available it shall include:

(a) The change in the percentage of students, including special education and gifted students, attaining mastery of the student learning goals;

(b) Attendance and completion rates;

(c) The use and condition of school facilities;

(d) The level of satisfaction by the community served by each school; and

(e) A brief description of the strategic restructuring plan for each school.

(3) The office of the superintendent of public instruction shall compile district data and report annually to the governor and the legislature beginning with the 1994-95 school year. The superintendent shall monitor the performance of districts and schools that demonstrate gaps in student learning based on students' gender, racial, and ethnic minority status.

(4) Each school shall have the annual school performance report delivered to the parents or guardians with whom children in attendance at the school reside. In addition to any periodic report concerning an individual student's progress, there shall be included with the annual school performance report an individual student report enabling a parent or guardian to determine whether his or her child is attaining mastery of the essential learning requirements.

Sec. 1302. RCW 28A.300.040 and 1992 c 198 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To give an annual address on the state of education in separate presentations to the house of representatives and the senate the week immediately following the second Monday in January.

(3) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools.

~~((3))~~ (4) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.305.130(9), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents.

~~((4))~~ (5) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials.

~~((5))~~ (6) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules and regulations related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount.

~~((6))~~ (7) To act as ex officio member and the chief executive officer of the state board of education.

~~((7))~~ (8) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the

superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to.

~~((9))~~ (9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

~~((9))~~ (10) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state.

~~((10))~~ (11) To issue certificates as provided by law.

~~((11))~~ (12) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education.

~~((12))~~ (13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction.

~~((13))~~ (14) To administer oaths and affirmations in the discharge of the superintendent's official duties.

~~((14))~~ (15) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office.

~~((15))~~ (16) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

~~((16))~~ (17) To perform such other duties as may be required by law.

NEW SECTION. Sec. 1303. (1) There is hereby created a joint select committee on education reform composed of twelve members as follows:

(a) Six members of the senate, three from each of the major caucuses, to be appointed by the president of the senate; and

(b) Six members of the house of representatives, three from each of the major caucuses, to be appointed by the speaker of the house of representatives.

(2) The cochair shall be designated by the speaker of the house of representatives and the president of the senate.

(3) The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochair of the joint select committee.

(4) The expenses of the committee members shall be paid by the legislature.

(5) The joint select committee on education reform shall monitor, review, and periodically report upon the enactment and implementation of education reform in Washington both at the state and local level, including the following:

(a) The progress of the commission on student learning in the completion of its tasks as designated by chapter 141, Laws of 1992, or any subsequent legislation relating to education reform;

(b) The progress of the commission on student learning in designing a state-wide assessment system that will accurately measure student mastery of essential academic learning requirements;

(c) The state board of education's implementation of teacher certification requirements that are required by law on the effective date of this section or subsequent to the effective date of this section, and whether such requirements as implemented are actually consistent with higher student achievement envisioned under a performance-based education system;

(d) Whether the shift to a performance-based education system is incurring or will incur resistance, and, if so, why;

(e) The progress and success of the commission on student learning in establishing essential learning requirements that accurately and clearly represent what students should know and be able to do at specified intervals in their schooling;

(f) The progress and success of the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges in carrying out such duties and completing tasks as designated by chapter 141, Laws of 1992, by the performance-based education act, chapter . . . , Laws of 1993 (House Bill No. 1209 or Senate Bill No. 5306), and any subsequent legislation relating to education reform;

(g) The percentage and identification of schools that are either authorized to or opt to participate in the performance-based education system under section 101(2) of this act, and whether schools not opting into the system but submitting restructuring plans under section 401 of this act are setting learning standards that are higher or lower than those required in the performance-based system; and

(h) Such other areas as the joint select committee may deem appropriate.

(6) The commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges shall each report to the joint select committee on education reform regarding their progress in completing tasks as designated by chapter 141, Laws of 1992, by the performance-based education act, chapter . . . , Laws of 1993 (House Bill No. 1209 or Senate Bill No. 5306), and any subsequent legislation relating to education reform.

(7) The joint select committee on education reform shall report its initial findings to the legislature by December 31, 1993, and shall report its findings annually thereafter until December 31, 1998, at which time the committee shall make its final report.

PART XIV SCHOOL-TO-WORK TRANSITIONS

NEW SECTION. Sec. 1401. (1) The legislature finds that demonstrated relevancy and practical application of school work is essential to improving student learning and to increasing the ability of students to transition successfully to the world of work. Employers have an increasing need for highly skilled people whether they are graduating from high school, a community college, a four-year university, or a technical college.

(2) The legislature further finds that the school experience must prepare students to make informed career direction decisions at appropriate intervals in their educational progress. The elimination of rigid tracking into educational programs will increase students' posthigh school options and will expose students to a broad range of interrelated career and educational opportunities.

(3) The legislature further finds that student motivation and performance can be greatly increased by the demonstration of practical application of course work content and its relevancy to potential career directions.

(4) The legislature further finds that secondary schools should provide students with multiple, flexible educational pathways. Each educational pathway should:

(a) Prepare students to demonstrate both core competencies common for all students and competencies in a career or interest area;

(b) Integrate academic and vocational education into a single curriculum; and

(c) Provide both classroom and workplace experience.

(5) The purpose of RCW 28A.630.862 through 28A.630.880 and section 1411 of this act is to equip students with improved school-to-work transition opportunities through the establishment of school-to-work transition model projects throughout the state.

Sec. 1402. RCW 28A.630.862 and 1992 c 137 s 2 are each amended to read as follows:

There is established in the office of the superintendent of public instruction (~~an academic and vocational integration development~~) a school-to-work transitions program which shall fund and coordinate (~~(pilot)~~) projects to develop model secondary school (~~(projects)~~) programs. The projects shall combine academic and vocational education into a single instructional system that is responsive to the educational needs of all students in secondary schools and shall provide multiple educational pathway options for all secondary students. Instruction shall include a combination of classroom and actual workplace learning. Workplace experience shall account for a minimum of forty percent of the total instruction provided over the life of the school-to-work transition program. Yearly percentages may vary during the program. Goals of the projects within the program shall include at a minimum:

(1) Integration of vocational and academic instructional curriculum into a single curriculum;

(2) Providing each student with a choice of multiple, flexible educational pathways based on the student's career or interest area;

~~(3)~~ Emphasis on increased vocational (~~(-personal)~~) and academic guidance and counseling for students as an essential component of the student's high school experience;

~~((3))~~ (4) Development of student essential academic learning requirements, methods of accurately measuring student performance, and goals for improved student learning;

(5) Partnership with local employers and employees to incorporate work sites as part of work-based learning experiences;

(6) Active participation of educators in the planning, implementation, and operation of the project, including increased opportunities for professional development and in-service training; ~~(and)~~

~~((4))~~ (7) Active participation by employers, private and public community service providers, parents, and community members in the development and operation of the project; and

(8) A list of and justification for any request for waivers from specific state statutes or administrative rules.

Sec. 1403. RCW 28A.630.864 and 1992 c 137 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop a process for schools or school districts to apply to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program. The office of the superintendent of public instruction shall review and select projects for grant awards, and monitor and evaluate the ~~((academic and vocational integration development))~~ program.

(2) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include collaboration with middle schools or junior high schools to develop school-to-work transition objectives. Middle school or junior high school programs may include career awareness and exploration, preparation for school-to-school transition, and preparation for educational pathway decisions.

(3) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include a tech prep site selected under P.L. 101-392 or other articulation agreements with a community or technical college.

(4) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals include the following elements: Paid student employment in an occupational area with growing labor market demand, instruction on the job from a mentor, demonstration of competency standards for program completion, and a contract to be signed by the participating student, the student's parent or legal guardian, the participating employer, and an education representative.

(5) The superintendent of public instruction, in selecting projects for grant awards, shall give additional consideration to schools or school districts whose proposals are consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board.

(6) The superintendent of public instruction and the state board of education may develop a process for teacher certification programs to apply to participate in the school-to-work transitions program. The office of the superintendent of public instruction and the state board of education may review and select projects for grant awards. Teacher preparation grants shall be used to improve teacher preparation in school-to-work transitions, including course work related to integrated curriculum, tech prep concepts, updating technical skills, improving school and private sector partnerships, and assessing students.

Sec. 1404. RCW 28A.630.866 and 1992 c 137 s 4 are each amended to read as follows:

The superintendent of public instruction shall appoint a ten-member task force on ~~((academic and vocational integration))~~ school-to-work transitions. The task force shall include at least one representative from the work force training and education coordinating board and the state board for community and technical colleges. The task force shall advise the superintendent of public instruction in the development of the process for applying to participate in the ~~((academic and vocational integration development))~~ school-to-work transitions program, in the review and selection of projects under RCW 28A.630.864, and the monitoring and evaluation of the projects.

Sec. 1405. RCW 28A.630.868 and 1992 c 137 s 6 are each amended to read as follows:

(1) The superintendent of public instruction shall administer RCW 28A.630.860 through RCW 28A.630.880.

(2) The ~~((academic and vocational integration development))~~ school-to-work transitions projects may be conducted for up to six years, if funds are provided.

Sec. 1406. RCW 28A.630.870 and 1992 c 137 s 7 are each amended to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW 28A.630.860 through 28A.630.880 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW 28A.630.860 through 28A.630.880.

(2) The ~~((academic and vocational integration development))~~ school-to-work transitions program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of 28A.630.860 through 28A.630.880. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 1407. RCW 28A.630.874 and 1992 c 137 s 9 are each amended to read as follows:

(1) The superintendent of public instruction, in coordination with the state board of education, the state board for community and technical colleges, the work force training and education coordinating board, and the higher education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, secondary schools, junior high schools, middle schools, technical colleges, and colleges and universities.

(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW 28A.630.860 through RCW 28A.630.880.

Sec. 1408. RCW 28A.630.876 and 1992 c 137 s 10 are each amended to read as follows:

(1) The superintendent of public instruction shall report to the education committees of the legislature on the progress of the schools for the ~~((academic and vocational integration development))~~ school-to-work transitions program by December 15 of each odd-numbered year.

(2) Each school district selected to participate in the academic and vocational integration development program shall submit an annual report to the superintendent of public instruction on the progress of the ~~((pilot))~~ project as a condition of receipt of continued funding.

Sec. 1409. RCW 28A.630.878 and 1992 c 137 s 11 are each amended to read as follows:

The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the ~~((academic and vocational integration development pilot))~~ school-to-work transitions projects.

Sec. 1410. RCW 28A.630.880 and 1992 c 137 s 12 are each amended to read as follows:

RCW 28A.630.860 through 28A.630.880 may be known and cited as the ~~((academic and vocational integration development))~~ school-to-work transitions program.

NEW SECTION. Sec. 1411. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.862 through 28A.630.880.

(1) "Integration of vocational and academic instruction" means an educational program that combines vocational and academic concepts into a single curriculum to increase the relevancy of course work, to strengthen and increase academic standards, and to enable students to apply knowledge and skills to career and educational objectives.

(2) "School-to-work transition" means a restructuring effort which provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests.

(3) "Work-based learning" means a competency-based educational experience that coordinates and integrates classroom instruction with structured, work site employment in which the student receives occupational training that advances student knowledge and skills in essential academic learning requirements.

PART XV DESERVING STUDENT SCHOLARSHIPS

NEW SECTION. Sec. 1501. By December 1, 1998, the higher education coordinating board shall develop a two-year scholarship plan for deserving students who have achieved a certificate of mastery and have graduated from high school. Deserving students shall be those whose family income is below the state-wide median family

income. Receiving students shall be allowed to use the scholarship at a community or technical college or a public, four-year institution of higher education.

PART XVI
MISCELLANEOUS

NEW SECTION. Sec. 1601. The superintendent of public instruction and the state board of education shall each adopt rules, as necessary, under chapter 34.05 RCW to implement the applicable provisions of chapter . . . , Laws of 1993 (this act).

NEW SECTION. Sec. 1602. RCW 28A.215.904 is decodified.

NEW SECTION. Sec. 1603. The following acts or parts of acts are each repealed:

- (1) 1992 c 141 s 505; and
- (2) RCW 28A.630.860 and 1992 c 137 s 1.

NEW SECTION. Sec. 1604. Part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 1605. (1) Section 101 of this act is added to chapter 28A.150 RCW;
(2) Sections 901 through 903, sections 1101 through 1105, 1203, and 1601 of this act are each added to chapter 28A.300 RCW;

- (3) Sections 202, 502, and 701 of this act are each added to chapter 28A.305 RCW;
- (4) Section 1301 of this act is added to chapter 28A.320 RCW;
- (5) Section 501 of this act is added to chapter 28A.410 RCW;
- (6) Section 401 of this act is added to chapter 28A.415 RCW;
- (7) Sections 1001 and 1303 of this act are each added to chapter 28A.600 RCW;
- (8) Section 801 of this act is added to chapter 28A.615 RCW;
- (9) Section 1411 of this act is added to chapter 28A.630 RCW; and
- (10) Section 1501 of this act is added to chapter 28B.80 RCW.

NEW SECTION. Sec. 1606. Section 1303 of this act shall expire January 1, 1999.

NEW SECTION. Sec. 1607. If specific funding for the purposes of section 801 of this act, referencing this section by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 801 of this act shall be null and void.

NEW SECTION. Sec. 1608. If specific funding for the purposes of section 904 of this act, referencing this section by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 904 of this act shall be null and void.

NEW SECTION. Sec. 1609. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.630.884, 28A.630.885, 28A.415.250, 28A.300.130, 28A.225.220, 28A.300.040, 28A.630.862, 28A.630.864, 28A.630.866, 28A.630.868, 28A.630.870, 28A.630.874, 28A.630.876, 28A.630.878, and 28A.630.880; adding a new section to chapter 28A.150 RCW; adding new sections to chapter 28A.305 RCW; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.240 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.615 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28B.80 RCW; creating new sections; decodifying RCW 28A.215.904; repealing RCW 28A.630.860; repealing 1992 c 141 s 505; and providing an expiration date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dorn moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1209 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Dorn, Cothorn and Brough as conferees on Engrossed Substitute House Bill No. 1209.

SENATE AMENDMENTS TO HOUSE BILL

April 1, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1260 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 81.04.130 and 1984 c 143 s 1 are each amended to read as follows:

Whenever any public service company, other than a railroad company, files with the commission any schedule, classification, rule, or regulation, the effect of which is to change any rate, fare, charge, rental, or toll previously charged, the commission has power, either upon its own motion or upon complaint, upon notice, to hold a hearing concerning the proposed change and the reasonableness and justness of it. Pending the hearing and the decision the commission may suspend the operation of the rate, fare, charge, rental, or toll, if the change is proposed by a common carrier subject to the jurisdiction of the commission, other than a solid waste collection company, for a period not exceeding seven months, and, if proposed by a ~~((public service company other than such a common carrier))~~ solid waste collection company, for a period not exceeding ten months from the time the change would otherwise go into effect. After a full hearing the commission may make such order in reference to the change as would be provided in a hearing initiated after the change had become effective.

At any hearing involving any change in any schedule, classification, rule, or regulation the effect of which is to increase any rate, fare, charge, rental, or toll theretofore charged, the burden of proof to show that such increase is just and reasonable is upon the public service company. When any common carrier subject to the jurisdiction of the commission files any tariff, classification, rule, or regulation the effect of which is to decrease any rate, fare, or charge, the burden of proof to show that such decrease is just and reasonable is upon the common carrier.

Sec. 2. RCW 81.28.050 and 1984 c 143 s 5 are each amended to read as follows:

Unless the commission otherwise orders, no change may be made in any classification, rate, fare, charge, rule, or regulation filed and published by a common carrier other than a rail carrier, except after thirty days' notice to the commission and to the public. In the case of a solid waste collection company, no such change may be made except after forty-five days' notice to the commission and to the public. The notice shall be published as provided in RCW 81.28.040 and shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rate, classification, fare, or charge will go into effect. All proposed changes shall be shown by printing, filing, and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. In the case of a change proposed by a rail carrier, except for changes to rail contracts between a rail carrier and a shipper authorized under RCW 81.34.070, which changes become effective in accordance with that section, a proposal resulting in a rate increase or a new rate shall not become effective for twenty days after the notice is published, and a proposal resulting in a rate decrease shall not become effective for ten days after the notice is published. The commission, for good cause shown, may by order allow changes in rates without requiring the notice and the publication time periods specified in this section. When any change is made in any rate, fare, charge, classification, rule, or regulation, attention shall be directed to the change by some character on the schedule. The character and its placement shall be designated by the commission. The commission may, by order, for good cause shown, allow changes in any rate, fare, charge, classification, rule, or regulation without requiring any character to indicate each and every change to be made.

NEW SECTION. Sec. 3. A new section is added to chapter 70.95 RCW to read as follows:

To provide solid waste collection companies with sufficient time to prepare and submit tariffs and rate filings for public comment and commission approval, the owner or operator of a transfer station, landfill, or facility used to burn solid waste shall provide seventy-five days' notice to solid waste collection companies of any change in tipping fees and disposal rate schedules. The notice period shall begin on the date individual notice to a collection company is delivered to the company or is postmarked.

A collection company may agree to a shorter notice period: PROVIDED, That such agreement by a company shall not affect the notice requirements for rate filings under RCW 81.28.050.

The owner of a transfer station, landfill or facility used to burn solid waste may agree to provide companies with a longer notice period.

"Solid waste collection companies" as used in this section means the companies regulated by the commission pursuant to chapter 81.77 RCW."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 81.04.130 and 81.28.050; and adding a new section to chapter 70.95 RCW." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved that the House do not concur on the Senate amendments to Substitute House Bill No. 1260 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Rust, Linville and Horn as conferees on Substitute House Bill No. 1260.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1458, with the following amendment:

On page 5, line 11, after "appeal." strike all material through "1990." on line 12 and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Zellinsky moved that the House do not concur in the Senate amendment to Substitute House Bill No. 1458 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Zellinsky, R. Meyers and Mielke as conferees on Substitute House Bill No. 1458.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1748 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.820 and 1985 c 390 s 35 are each amended to read as follows:

(1) Each institution of higher education shall deposit two and one-half percent of revenues collected from tuition and services and activities fees in an institutional long-term loan fund which is hereby created and which shall be held locally. Moneys in such fund shall be used to make guaranteed loans to eligible students except as provided for in subsections (9) and (10) of this section.

(2) With the exception of subsection (9) of this section, an "eligible student" for the purposes of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the loans made under subsection (1) of this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program. Twenty percent of the total institutional long-term loan fund shall be used for the sole purpose of long-term loans repayable by the borrower and twenty percent of the institutional long-term loan fund shall be used for the sole purpose of short-term loans repayable by the borrower.

(4) Before approving a guaranteed loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of loans under subsection (1) of this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges ~~((education))~~ and shall be conducted under procedures adopted by such state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, which are paid by or on behalf of borrowers of funds under subsection (1) of this section, shall be deposited in each institution's general local fund and shall be used to cover the costs of making the loans under subsection (1) of this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principle. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be used for the support of the institution's operating budget.

(7) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the state board for community and technical colleges ~~((education))~~, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(8) Lending activities under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term ~~((interim))~~ loans, not to exceed one ~~((hundred twenty days))~~ year, may be made from the institutional long-term loan fund to students ~~((eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section))~~ enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term

loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional long-term loan fund which are not used in making long or short term loans or transferred to institutional operating budgets may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee waiver programs. These funds shall be used in addition to and not to replace institutional funds which would otherwise support these locally-administered financial aid programs. Priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study."

On page 1, line 1 of the title, after "aid;" strike the remainder of the title and insert "and amending RCW 28B.15.820."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Jacobsen moved that the House do not concur in the Senate amendments to Engrossed House Bill No. 1748 and ask the Senate for a conference thereon.

Representative Jacobsen spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Jacobsen, Shin and Brumsickle as conferees to Engrossed House Bill No. 1748.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1910 with the following amendment:

On page 2, after line 7, insert the following:

NEW SECTION. Sec. 2. It is the purpose of sections 3 and 4 of this act to give authority to the office of archaeology and historic preservation to identify, record, and evaluate all state-owned facilities to determine which of these facilities may be considered historically significant, to require the office to provide copies of the inventory to departments, agencies, and institutions that have jurisdiction over the buildings and sites listed, and to authorize the office of archaeology and historic preservation to convene a task force of state agencies to develop guidelines for state agencies to identify, evaluate, and protect historic properties.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout section 4 of this act.

(1) "Agency" means the state agency, department, or institution that has ownership of historic property.

(2) "Historic properties" means those buildings, sites, objects, structures, and districts that are listed in or eligible for listing in the National Register of Historic Places.

(3) "Office" means the office of archaeology and historic preservation within the department of community development.

NEW SECTION. Sec. 4. (1) By January 2, 1994, the office shall provide each agency with a list of the agency's properties currently listed on the National Register of Historic Places. By January 2, 1995, agencies that own property shall provide to the office a list of those properties that are either at least fifty years old or that may be

eligible for listing in the National Register of Historic Places. If funding is available, the office may provide grants to state agencies to assist in the development of the agency's list. By June 30, 1995, the office shall compile and disseminate an inventory of state-owned historic properties.

(2) The office shall provide technical historic preservation training for agency staff involved with the identification and management of historic properties.

NEW SECTION. Sec. 5. (1) The office shall convene a task force to develop recommendations on establishing state agency historic preservation guidelines to identify, evaluate, and protect historic properties. The task force may include but not be limited to representatives of affected state agencies and other interested or affected parties. Topics the task force shall address include the following:

(a) Recommendations on long-range management strategies for the protection of state-owned historic properties; and

(b) Development of a process to review and comment on state agency actions that might affect identified historic properties.

(2) The task force shall present its recommendations to the governor and the legislature no later than October 31, 1995.

NEW SECTION. Sec. 6. Sections 3 and 4 of this act are each added to chapter 27.34 RCW."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 43.82 RCW; adding new sections to chapter 27.34 RCW; and creating new sections." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ogden moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1910 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, Ogden and Silver as conferees to Substitute House Bill No. 1910.

The Speaker (Representative Ogden presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1582,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1686,
HOUSE BILL NO. 1757,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760,
HOUSE BILL NO. 1773,

SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 1923,
SUBSTITUTE HOUSE BILL NO. 1926,
SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5567,
SUBSTITUTE SENATE BILL NO. 5606,
SUBSTITUTE SENATE BILL NO. 5612,
SUBSTITUTE SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5634,
ENGROSSED SENATE BILL NO. 5694,
SUBSTITUTE SENATE BILL NO. 5727,
SUBSTITUTE SENATE BILL NO. 5751,

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1128, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.515 and 1985 c 352 s 1 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than two hundred fifty dollars and not more than one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.05 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than five hundred dollars and not more than two thousand dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the

mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment ((facility)) program or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

(5)(a) In addition to penalties set forth in this section, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(6) The fee assessed under subsection (5) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.62.020, 3.62.040, or 10.82.040.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

NEW SECTION. Sec. 2. The Washington state patrol in conjunction with the traffic safety commission shall use a small percentage of the revenues generated under the 1993 amendments to RCW 46.61.515 contained in

section 1, chapter ..., Laws of 1993 (section 1 of this act), to perform a study to determine a mechanism for evaluating the best practice for increasing the conviction rate for persons driving under the influence of alcohol or drugs. The study must be completed and a report made to the appropriate committees of the legislature by June 30, 1995.

NEW SECTION. **Sec. 3.** The 1993 amendments to section 1 of this act expire June 30, 1995.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 2 of the title, after "testing;" strike the remainder of the title and insert "amending RCW 46.61.515; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Holm moved that the House do concur in the Senate amendments to Substitute House Bill No. 1128 and pass the bill as amended by the Senate.

Representative Foreman spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1128 as amended by the Senate.

Representative Holm spoke in favor of final passage of the bill.

On motion of Representative J. Kohl, Representative Patterson was excused.

On motion of Representative Wood, Representative Reams was excused.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1128 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1128, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1012, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

- (1) The demand for donor organs and body parts exceeds the available supply for transplant.
- (2) The discussion regarding advance directives including anatomical gifts is most appropriate with the primary care provider during an office visit.
- (3) Federal law requires hospitals, skilled nursing facilities, home health agencies, and hospice programs to provide information regarding advance directives.
- (4) Discretion and sensitivity must be used in discussion and requests for anatomical gifts.

The legislature declares that it is in the best interest of the citizens of Washington to provide a program that will increase the number of anatomical gifts available for donation, and the legislature further declares that wherever possible policies and procedures required in this chapter shall be consistent with the federal requirements.

NEW SECTION. Sec. 2. Unless the context requires otherwise, the definitions in this section apply throughout sections 1 through 16 of this act.

- (1) "Anatomical gift" means a donation of all or part of a human body to take effect upon or after death.
- (2) "Decedent" means a deceased individual.
- (3) "Document of gift" means a card, a statement attached to or imprinted on a motor vehicle operator's license, a will, or other writing used to make an anatomical gift.
- (4) "Donor" means an individual who makes an anatomical gift of all or part of the individual's body.
- (5) "Enucleator" means an individual who is qualified to remove or process eyes or parts of eyes.
- (6) "Hospital" means a facility licensed under chapter 70.41 RCW, or as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state, or a subdivision of a state.
- (7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid, or other portion of a human body.
- (8) "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, government, governmental subdivision or agency, or any other legal or commercial entity.
- (9) "Physician" or "surgeon" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathy and surgery under chapters 18.71 and 18.57 RCW.
- (10) "Procurement organization" means a person licensed, accredited, or approved under the laws of any state for procurement, distribution, or storage of human bodies or parts.
- (11) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- (12) "Technician" means an individual who is qualified to remove or process a part.

NEW SECTION. Sec. 3. (1) An individual who is at least eighteen years of age may (a) make an anatomical gift for any of the purposes stated in section 6(1) of this act, (b) limit an anatomical gift to one or more of those purposes, or (c) refuse to make an anatomical gift.

(2) An anatomical gift may be made by a document of gift signed by the donor. If the donor cannot sign, the document of gift must be signed by another individual and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other and state that it has been so signed.

(3) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's license, the document of gift must comply with subsection (2) of this section. Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

(4) The donee or other person authorized to accept the anatomical gift may employ or authorize a physician, surgeon, technician, or enucleator to carry out the appropriate procedures.

(5) An anatomical gift by will takes effect upon death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(6) A donor may amend or revoke an anatomical gift, not made by will, by:

- (a) A signed statement;
- (b) An oral statement made in the presence of two individuals;
- (c) Any form of communication during a terminal illness or injury; or

(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

(7) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in subsection (6) of this section.

(8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of a person after the donor's death.

(9) An individual may refuse to make an anatomical gift of the individual's body or part by (a) a writing signed in the same manner as a document of gift, (b) a statement attached to or imprinted on a donor's motor vehicle operator's license, or (c) another writing used to identify the individual as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(10) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under section 4 of this act.

(11) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to subsection (9) of this section.

NEW SECTION. Sec. 4. (1) A member of the following classes of persons, in the order of priority listed, absent contrary instructions by the decedent, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, at the time of death, had made an unrevoked refusal to make that anatomical gift:

(a) The appointed guardian of the person of the decedent at the time of death;

(b) The individual, if any, to whom the decedent had given a durable power of attorney that encompassed the authority to make health care decisions;

(c) The spouse of the decedent;

(d) A son or daughter of the decedent who is at least eighteen years of age;

(e) Either parent of the decedent;

(f) A brother or sister of the decedent who is at least eighteen years of age;

(g) A grandparent of the decedent.

(2) An anatomical gift may not be made by a person listed in subsection (1) of this section if:

(a) A person in a prior class is available at the time of death to make an anatomical gift;

(b) The person proposing to make an anatomical gift knows of a refusal or contrary indications by the decedent; or

(c) The person proposing to make an anatomical gift knows of an objection to making an anatomical gift by a member of the person's class or a prior class.

(3) An anatomical gift by a person authorized under subsection (1) of this section must be made by (a) a document of gift signed by the person or (b) the person's telegraphic, recorded telephonic, or other recorded message, or other form of communication from the person that is contemporaneously reduced to writing and signed by the recipient of the communication.

(4) An anatomical gift by a person authorized under subsection (1) of this section may be revoked by a member of the same or a prior class if, before procedures have begun for the removal of a part from the body of the decedent, the physician, surgeon, technician, or enucleator removing the part knows of the revocation.

(5) A failure to make an anatomical gift under subsection (1) of this section is not an objection to the making of an anatomical gift.

NEW SECTION. Sec. 5. (1) On or before admission to a hospital, or as soon as possible thereafter, a person designated by the hospital shall ask each patient who is at least eighteen years of age: "Are you an organ or tissue donor?" If the answer is affirmative the person shall request a copy of the document of gift. If the answer is negative or there is no answer, the person designated shall provide the patient information about the right to make a gift and shall ask the patient if he or she wishes to become an anatomical parts donor. If the answer is affirmative, the person designated shall provide a document of gift to the patient. The answer to the questions, an available copy of any document of gift or refusal to make an anatomical gift, and any other relevant information shall be placed in the patient's medical record.

(2) If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a representative designated by the administrator shall discuss the option to make or refuse to make an anatomical gift and request the making of an anatomical gift

under section 4(1) of this act. The request shall be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in section 6 of this act. An entry shall be made in the medical record of the patient, stating the name and affiliation of the individual making the request, and of the name, response, and relationship to the patient of the person to whom the request was made. The secretary of the department of health shall adopt rules to implement this subsection.

(3) The following persons shall make a reasonable search of the individual and his or her personal effects for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift:

(a) The agency assuming jurisdiction over the decedent, such as the coroner or medical examiner; or

(b) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available another source of that information.

(4) If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by subsection (3)(a) of this section, and the individual or body to whom it relates is taken to a hospital, the hospital shall be notified of the contents and the document or other evidence shall be sent to the hospital.

(5) If, at or near the time of death of a patient, a hospital knows that an anatomical gift has been made under section 4(1) of this act, or that a patient or an individual identified as in transit to the hospital is a donor, the hospital shall notify the donee if one is named and known to the hospital; if not, it shall notify an appropriate procurement organization. The hospital shall cooperate in the procurement of the anatomical gift or release and removal of a part.

(6) A person who fails to discharge the duties imposed by this section is not subject to criminal or civil liability.

(7) Hospitals shall develop policies and procedures to implement this section.

NEW SECTION. Sec. 6. (1) The following persons may become donees of anatomical gifts for the purposes stated:

(a) A hospital, physician, surgeon, or procurement organization for transplantation, therapy, medical or dental education, research, or advancement of medical or dental science;

(b) An accredited medical or dental school, college, or university for education, research, or advancement of medical or dental science; or

(c) A designated individual for transplantation or therapy needed by that individual.

(2) An anatomical gift may be made to a designated donee or without designating a donee. If a donee is not designated or if the donee is not available or rejects the anatomical gift, the anatomical gift may be accepted by any hospital.

(3) If the donee knows of the decedent's refusal or contrary indications to make an anatomical gift or that an anatomical gift made by a member of a class having priority to act is opposed by a member of the same class or a prior class under section 4(1) of this act, the donee may not accept the anatomical gift.

NEW SECTION. Sec. 7. (1) Delivery of a document of gift during the donor's lifetime is not required for the validity of an anatomical gift.

(2) If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after death. The document of gift, or a copy, may be deposited in a hospital, procurement organization, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of an interested person, upon or after the donor's death, the person in possession shall allow the interested person to examine or copy the document of gift.

NEW SECTION. Sec. 8. (1) Rights of a donee created by an anatomical gift are superior to rights of others except when under the jurisdiction of the coroner or medical examiner. A donee may accept or reject an anatomical gift. If a donee accepts an anatomical gift of an entire body, the donee, subject to the terms of the gift, may allow embalming and use of the body in funeral services. If the gift is of a part of a body, the donee, upon the death of the donor and before embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the person under obligation to dispose of the body.

(2) The time of death must be determined by a physician or surgeon who attends the donor at death or, if none, the physician or surgeon who certifies the death. Neither the physician or surgeon who attends the donor at

death nor the physician or surgeon who determines the time of death may participate in the procedures for removing or transplanting a part.

(3) If there has been an anatomical gift, a technician may remove any donated parts and an enucleator may remove any donated eyes or parts of eyes, after determination of death by a physician or surgeon.

NEW SECTION. Sec. 9. Each hospital in this state, after consultation with other hospitals and procurement organizations, shall establish agreements or affiliations for coordination of procurement and use of human bodies and parts.

NEW SECTION. Sec. 10. (1) A person may not knowingly, for valuable consideration, purchase or sell a part for transplantation or therapy, if removal of the part is intended to occur after the death of the decedent.

(2) Valuable consideration does not include reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transportation, or implantation of a part.

(3) A person who violates this section is guilty of a felony and upon conviction is subject to a fine not exceeding fifty thousand dollars or imprisonment not exceeding five years, or both.

NEW SECTION. Sec. 11. (1) An anatomical gift authorizes reasonable examination necessary to assure medical acceptability of the gift for the purposes intended.

(2) The provisions of sections 1 through 16 of this act are subject to the laws of this state governing the jurisdiction of the coroner or medical examiner.

(3) A hospital, physician, surgeon, coroner, medical examiner, local public health officer, enucleator, technician, or other person, who acts in accordance with sections 1 through 16 of this act or with the applicable anatomical gift law of another state or a foreign country or attempts in good faith to do so, is not liable for that act in a civil action or criminal proceeding.

(4) An individual who makes an anatomical gift under section 3 or 4 of this act and the individual's estate are not liable for injury or damage that may result from the making or the use of the anatomical gift.

NEW SECTION. Sec. 12. Sections 1 through 16 of this act apply to a document of gift, revocation, or refusal to make an anatomical gift signed by the donor or a person authorized to make or object to making an anatomical gift before, on, or after the effective date of this section.

NEW SECTION. Sec. 13. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. In any case where a patient is in need of corneal tissue for a transplantation, corneal tissue may be provided by eye banks licensed by the secretary of health under rules promulgated by the department of health.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act may be cited as the "uniform anatomical gift act."

NEW SECTION. Sec. 17. Sections 1 through 16 of this act are each added to chapter 68.50 RCW.

Sec. 18. RCW 46.20.113 and 1987 c 331 s 81 are each amended to read as follows:

The department of licensing shall provide a statement whereby the licensee may certify ((in the presence of two witnesses)) his or her willingness to make an anatomical gift under ((RCW 68.50.370)) section 3 of this act, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

Sec. 19. RCW 68.50.106 and 1987 c 331 s 59 are each amended to read as follows:

In any case in which an autopsy or post mortem is performed, the coroner or medical examiner, upon his or her own authority or upon the request of the prosecuting attorney or other law enforcement agency having jurisdiction, may make or cause to be made an analysis of the stomach contents, blood, or organs, or tissues of a deceased person and secure professional opinions thereon and retain or dispose of any specimens or organs of the deceased which in his or her discretion are desirable or needful for anatomic, bacteriological, chemical, or toxicological examination or upon lawful request are needed or desired for evidence to be presented in court. ~~(When the autopsy or post mortem requires examination in the region of the pituitary gland, that gland may be removed and utilized for any desirable or needful purpose: PROVIDED, That a reasonable effort to obtain consent as required under RCW 68.50.350 shall be made if that organ is to be so utilized.)~~ Costs shall be borne by the county.

Sec. 20. RCW 68.50.500 and 1987 c 331 s 71 are each amended to read as follows:

Each hospital shall develop procedures for identifying potential ~~((organ and tissue))~~ anatomical parts donors. The procedures shall require that any deceased individual's next of kin or other individual, as set forth in ~~((RCW 68.50.350))~~ section 4 of this act, and the medical record does not specify the deceased as a donor, at or near the time of notification of death be asked whether the deceased was ~~((an organ))~~ a part donor. If not, the family shall be informed of the option to donate ~~((organs and tissues))~~ parts pursuant to the uniform anatomical gift act. With the approval of the designated next of kin or other individual, as set forth in ~~((RCW 68.50.350))~~ section 4 of this act, the hospital shall then notify an established ~~((eye bank, tissue bank, or organ procurement agency))~~ procurement organization including those organ procurement agencies associated with a national organ procurement transportation network or other eligible donee, as specified in ~~((RCW 68.50.360))~~ section 6 of this act, and cooperate in the procurement of the anatomical gift or gifts. The procedures shall encourage reasonable discretion and sensitivity to the family circumstances in all discussions regarding donations of ~~((tissue or organs))~~ parts. The procedures may take into account the deceased individual's religious beliefs or obvious unsuitability for ~~((organ and tissue))~~ an anatomical parts donation. Laws pertaining to the jurisdiction of the coroner shall be complied with in all cases of reportable deaths pursuant to RCW 68.50.010.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) RCW 68.50.280 and 1989 1st ex.s. c 9 s 224, 1987 c 331 s 64, & 1975-'76 2nd ex.s. c 60 s 1;
- (2) RCW 68.50.340 and 1981 c 44 s 1 & 1969 c 80 s 2;
- (3) RCW 68.50.350 and 1987 c 331 s 66 & 1969 c 80 s 3;
- (4) RCW 68.50.360 and 1982 c 9 s 1, 1979 c 37 s 1, & 1969 c 80 s 4;
- (5) RCW 68.50.370 and 1987 c 331 s 67, 1975 c 54 s 2, & 1969 c 80 s 5;
- (6) RCW 68.50.380 and 1969 c 80 s 6;
- (7) RCW 68.50.390 and 1969 c 80 s 7;
- (8) RCW 68.50.400 and 1987 c 331 s 68 & 1969 c 80 s 8;
- (9) RCW 68.50.410 and 1987 c 331 s 69 & 1969 c 80 s 9; and
- (10) RCW 68.50.420 and 1987 c 331 s 70 & 1969 c 80 s 11."

On page 1, line 1 of the title, after "gifts;" strike the remainder of the title and insert "amending RCW 46.20.113, 68.50.106, and 68.50.500; adding new sections to chapter 68.50 RCW; repealing RCW 68.50.280, 68.50.340, 68.50.350, 68.50.360, 68.50.370, 68.50.380, 68.50.390, 68.50.400, 68.50.410, and 68.50.420; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dellwo moved that the House do concur in the Senate amendments to Substitute House Bill No. 1012 and pass the bill as amended by the Senate.

Representatives Dellwo and Miller spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1012 as amended by the Senate.

Representative Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1012 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1012, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1021, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "municipal research council" means the municipal research council created by chapter 43.110 RCW.

(3) The clerk of every city and town is directed to provide to the municipal research council or its designee, after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the municipal research council or its designee from time to time, and may provide such copies without charge. The municipal research council may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

Sec. 2. RCW 35.27.320 and 1965 c 7 s 35.27.320 are each amended to read as follows:

The violation of an ordinance of a town shall be a misdemeanor or a civil violation subject to a monetary penalty, and may be prosecuted by the authorities thereof in the name of the people of the state of Washington (~~or may be redressed by civil action~~).

Any person sentenced to imprisonment may be imprisoned in the town jail, or if the council by ordinance shall so prescribe and if the county (~~commissioners~~) legislative authority have consented thereto, he or she may be imprisoned in the county jail, the expense thereof to be a charge against the town and in favor of the county.

Sec. 3. RCW 35.22.288 and 1988 c 168 s 1 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the official newspaper of the city. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~ When the city publishes the title, the publication shall include:

- (1) The name of the city;
- (2) The formal identification or citation number of the ordinance;
- (3) The full title of the ordinance; and
- (4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 4. RCW 35.23.310 and 1988 c 168 s 2 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the official newspaper of the city. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~ When the city publishes the title, the publication shall include:

- (1) The name of the city;
- (2) The formal identification or citation number of the ordinance;
- (3) The full title of the ordinance; and
- (4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

Sec. 5. RCW 35.24.220 and 1988 c 168 s 4 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the city's official newspaper. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~ When the city publishes the title, the publication shall include:

- (1) The name of the city;
- (2) The formal identification or citation number of the ordinance;

(3) The full title of the ordinance; and

(4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 6. RCW 35.27.300 and 1988 c 168 s 5 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the official newspaper of the town. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the town publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~
When the town publishes the title, the publication shall include:

(1) The name of the town;

(2) The formal identification or citation number of the ordinance;

(3) The full title of the ordinance; and

(4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting town.

In addition to the requirement that a town publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every town shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the town's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the town determines will satisfy the intent of this requirement.

Sec. 7. RCW 35.30.018 and 1988 c 168 s 6 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the official newspaper of the city. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~
When the city publishes the title, the publication shall include:

(1) The name of the city;

(2) The formal identification or citation number of the ordinance;

(3) The full title of the ordinance; and

(4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary

agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 8. RCW 35A.12.160 and 1988 c 168 s 7 are each amended to read as follows:

Promptly after adoption, the text or title of each ordinance ~~((or a summary of the content of each ordinance))~~ shall be published at least once in the city's official newspaper. ~~((For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.))~~ When the city publishes the title, the publication shall include:

(1) The name of the city;

(2) The formal identification or citation number of the ordinance;

(3) The full title of the ordinance; and

(4) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

An inadvertent mistake or omission in publishing the title's text or ~~((a summary of))~~ the content of an ordinance shall not render the ordinance invalid.

The full text of any ordinance, the title rather than the text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting city.

In addition to the requirement that a city publish the text or ~~((a summary of the content))~~ title of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 9. RCW 65.16.160 and 1977 c 34 s 4 are each amended to read as follows:

(1) Whenever any county, city, or town is required by law to publish legal notices containing the full text of any proposed or adopted ordinance in a newspaper, the county, city, or town may publish ~~((a summary))~~ the title of the ordinance ~~((which summary shall be approved by the governing body and))~~, which shall include:

(a) The name of the county, city, or town;

(b) The formal identification or citation number of the ordinance;

(c) ~~((A descriptive))~~ The full title of the ordinance; and

(d) ~~((A section-by-section summary;~~

~~(e) Any other information which the county, city, or town finds is necessary to provide a complete summary;~~
and

~~(f))~~ (f)) A statement that the full text will be mailed upon request made within ninety days after publication of the title.

~~(2) ((Subsection (1) of this section notwithstanding, whenever any publication is made under this section and the proposed or adopted ordinance contains provisions regarding taxation or penalties or contains legal descriptions of real property, then the sections containing this matter shall be published in full and shall not be summarized. When a legal description of real property is involved, the notice shall also include the street address or addresses of the property described, if any. In the case of descriptions covering more than one street address, the street addresses of the four corners of the area described shall meet this requirement.~~

~~(3))~~ (3)) The full text of any ordinance ((which is summarized by publication)), the title rather than the full text of which is published under this section, shall be mailed without charge to any person who requests the text within ninety days after publication of the title from the adopting county, city, or town."

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.27.320, 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35.30.018, 35A.12.160, and 65.16.160; adding a new section to chapter 35.21 RCW; and prescribing penalties."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1021 and ask the Senate to recede therefrom.

Representative Edmondson spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1024 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 52.16.061 and 1984 c 186 s 39 are each amended to read as follows:

The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale of general obligation bonds of the district payable at such time or times not longer than ~~((six))~~ twenty years from the issuing date of the bonds. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW. Such bonds shall not exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the fire protection district, as the term "value of the taxable property" is defined in RCW 39.36.015."

On page 1, line 2 of the title, after "district;" strike the remainder of the title and insert "and amending RCW 52.16.061."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendments to House Bill No. 1024 and pass the bill as amended by the Senate.

Representative Edmondson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1024 as amended by the Senate.

Representative H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1024 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt,

Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

House Bill No. 1024, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1025 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.16.190 and 1977 ex.s. c 80 s 2 are each amended to read as follows:

If a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings, such incompetency or disability as determined according to chapter 11.88 RCW, or imprisoned on a criminal charge (~~(, or in execution under the sentence of a court for a term less than his natural life)~~) prior to sentencing, the time of such disability shall not be a part of the time limited for the commencement of action."

On page 1, line 1 of the title, after "prisoners;" strike the remainder of the title and insert "and amending RCW 4.16.190."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to House Bill No. 1025 and pass the bill as amended by the Senate.

Representative Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1025 as amended by the Senate.

Representative Ludwig spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1025 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

House Bill No. 1025, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1026 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.32.245 and 1991 c 363 s 62 are each amended to read as follows:

(1) No contract for the purchase of materials, equipment, supplies, or services may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least ten days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between two thousand five hundred and twenty-five thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(6) This section does not apply to contracting for public defender services by a county."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 36.32.245."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendments to Substitute House Bill No. 1026 and pass the bill as amended by the Senate.

Representative Edmondson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1026 as amended by the Senate.

Representative Ludwig spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1026 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1026, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1033 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Cities and counties have a significant interest in ensuring that inmates in their jails are productive citizens after their release in the community. The legislature finds that there is an expressed need for cities and counties to uniformly develop and coordinate jail industries technical information and program and public safety standards state-wide. It further finds that meaningful jail work industries programs that are linked to formal education and adult literacy training can significantly reduce recidivism, the rising costs of corrections, and criminal activities. It is the purpose and intent of the legislature, through this chapter, to establish a state-wide jail industries program designed to promote inmate rehabilitation through meaningful work experience and reduce the costs of incarceration. The legislature recognizes that inmates should have the responsibility for contributing to the cost of their crime through the wages earned while working in jail industries programs and that such income shall be used to offset the costs of implementing and maintaining local jail industries programs and the costs of incarceration.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the state-wide jail industries board of directors.
- (2) "City" means any city, town, or code city.
- (3) "Cost accounting center" means a specific industry program operated under the private sector prison industry enhancement certification program as specified in 18 U.S.C. Sec. 1761.
- (4) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior, district, or municipal court of the state of Washington for payment of restitution to a victim, a statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court appointed attorneys' fees and costs of defense, fines, and other legal financial obligations that are assessed as a result of a felony or misdemeanor conviction.
- (5) "Free venture industries" means types of industries which produce products, goods, or services through two modalities: (a) Employer model: An agreement between city or county and a private sector business or industry or nonprofit organization to produce goods or services to both public and private sectors; (b) customer model: An industry operated and managed to provide Washington state manufacturers or businesses with products or services currently produced, provided, and assembled by out-of-state or foreign suppliers.
- (6) "Jail inmate" means a preconviction or postconviction resident of a city or county jail who is determined to be eligible to participate in jail inmate work programs according to the eligibility criteria of the work program.

(7) "Private sector prison industry enhancement certification program" means that program authorized by the United States justice assistance act of 1984, 18 U.S.C. Sec. 1761.

NEW SECTION. Sec. 3. A state-wide jail industries board of directors is established. The board shall consist of the following members:

- (1) One sheriff and one police chief, to be selected by the Washington association of sheriffs and police chiefs;
- (2) One county commissioner or one county councilmember to be selected by the Washington state association of counties;
- (3) One city official to be selected by the association of Washington cities;
- (4) Two jail administrators to be selected by the Washington state jail association, one of whom shall be from a county or a city with an established jail industries program;
- (5) One prosecuting attorney to be selected by the Washington association of prosecuting attorneys;
- (6) One administrator from a city or county corrections department to be selected by the Washington correctional association;
- (7) One county clerk to be selected by the Washington association of county clerks;
- (8) Three representatives from labor to be selected by the governor. The representatives may be chosen from a list of nominations provided by state-wide labor organizations representing a cross-section of trade organizations;
- (9) Three representatives from business to be selected by the governor. The representatives may be chosen from a list of nominations provided by state-wide business organizations representing a cross-section of businesses, industries, and all sizes of employers;
- (10) The governor's representative from the employment security department;
- (11) One member representing crime victims, to be selected by the governor;
- (12) One member representing on-line law enforcement officers, to be selected by the governor;
- (13) One member from the department of trade and economic development to be selected by the governor;
- (14) One member representing higher education, vocational education, or adult basic education to be selected by the governor; and
- (15) The governor's representative from the correctional industries division of the state department of corrections shall be an ex officio member for the purpose of coordination and cooperation between prison and jail industries and to further a positive relationship between state and local government offender programs.

NEW SECTION. Sec. 4. The board shall, at the request of a city or county, offer advice in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

The board may also develop guidelines and provide technical assistance for the coordination of jail industries programs with basic educational programs.

NEW SECTION. Sec. 5. The board shall require a city or a county that establishes a jail industries program to develop a local advisory group, or to use an existing advisory group of the appropriate composition, to advise and guide jail industries program operations. Such an advisory group shall include an equal number of representatives from labor and business. Representation from a sheltered workshop, as defined in RCW 82.04.385, and a crime victim advocacy group, if existing in the local area, should also be included.

A local advisory group shall have among its tasks the responsibility of ensuring that a jail industry has minimal negative impact on existing private industries or the labor force in the locale where the industry operates and that a jail industry does not negatively affect employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385. In the event a conflict arises between the local business community or labor organizations concerning new jail industries programs, products, services, or wages, the city or county must use the arbitration process established pursuant to section 6 of this act.

NEW SECTION. Sec. 6. The board, in accordance with chapter 34.05 RCW, shall:

- (1) Establish an arbitration process for resolving conflicts arising among the local business community and labor organizations concerning new industries programs, products, services, or wages;
- (2) Encourage the development of the collection and analysis of jail industries program data, including long-term tracking information on offender recidivism;

(3) Determine, by applying established federal guidelines and criteria, whether a city or a county jail free venture industries program complies with the private sector prison industry enhancement certification program. In so doing, also determine if that industry should be designated as a cost accounting center for the purposes of the federal certification program; and

(4) Provide technical assistance with product marketing.

NEW SECTION. Sec. 7. The board may receive funds from local, county, state, or federal sources and may receive grants to support its activities. The board may establish a reasonable schedule of suggested fees that will support state-wide efforts to promote and facilitate jail industries that would be presented to cities and counties that have established jail industries programs.

NEW SECTION. Sec. 8. The board shall initially convene at the call of the representative of the correctional industries division of the state department of corrections, together with the jail administrator selected from a city or a county with an established jail industries program, no later than six months after the effective date of this act. Subsequent meetings of the board shall be at the call of the board chairperson. The board shall meet at least twice a year.

The board shall elect a chairperson and other such officers as it deems appropriate. However, the chairperson may not be the representative of the correctional industries division of the state department of corrections nor any representative from a state executive branch agency.

Members of the board shall serve terms of three years each on a staggered schedule to be established by the first board. For purposes of initiating a staggered schedule of terms, some members of the first board may initially serve two years and some members may initially serve four years.

The members of the board shall serve without compensation but may be reimbursed for travel expenses from funds acquired under this chapter.

NEW SECTION. Sec. 9. A city or a county that implements a jail industries program may establish a separate fund for the operation of the program. This fund shall be a special revenue fund with continuing authority to receive income and pay expenses associated with the jail industries program.

NEW SECTION. Sec. 10. Cities and counties participating in jail industries are authorized to provide for comprehensive work programs using jail inmate workers at worksites within jail facilities or at such places within the city or county as may be directed by the legislative authority of the city or county, as similarly provided under RCW 36.28.100.

NEW SECTION. Sec. 11. When an offender is employed in a jail industries program for which pay is allowed, deductions may be made from these earnings for court-ordered legal financial obligations as directed by the court in reasonable amounts that do not unduly discourage the incentive to work. These deductions shall be disbursed as directed in RCW 9.94A.145.

In addition, inmates working in jail industries programs shall contribute toward costs to develop, implement, and operate jail industries programs. This amount shall be a reasonable amount that does not unduly discourage the incentive to work. The amount so deducted shall be deposited in the jail industries special revenue fund.

Upon request of the offender, family support may also be deducted and disbursed to a designated family member.

NEW SECTION. Sec. 12. A jail inmate who works in a free venture industry shall be considered an employee of that industry only for the purpose of the Washington industrial safety and health act, chapter 49.17 RCW, as long as the public safety is not compromised, and for eligibility for industrial insurance benefits under Title 51 RCW. However, eligibility for benefits for either the inmate or the inmate's dependents or beneficiaries for temporary total disability or permanent total disability under RCW 51.32.090 or 51.32.060, respectively, shall not take effect until the inmate is discharged from custody by order of a court of appropriate jurisdiction. Nothing in this section shall be construed to confer eligibility for any industrial insurance benefits to any jail inmate who is employed in a nonfree venture industry.

NEW SECTION. **Sec. 13.** In the event of failure or discontinuance of a free venture industry agreement, responsibility for obligations under Title 51 RCW shall be borne by the city or county responsible for establishment of such free venture industry, as if the city or county had been the employing agency.

NEW SECTION. **Sec. 14.** To the extent possible, jail industries programs shall be augmented by education and training to improve worker literacy and employability skills. Such education and training may include, but is not limited to, basic adult education, work towards a certificate of educational competence following successful completion of the general educational development test, vocational and preemployment work maturity skills training, and apprenticeship classes.

NEW SECTION. **Sec. 15.** Until sufficient funding is secured by the board to adequately provide staffing, basic staff assistance shall be provided, to the extent possible, by the department of corrections.

NEW SECTION. **Sec. 16.** Sections 1 through 15 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. **Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "industries;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mastin moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1033 and pass the bill as amended by the Senate.

Representative Long spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1033 as amended by the Senate.

Representatives Mastin and H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1033 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Engrossed House Bill No. 1033, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1051, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a public agency incurs expenses in an emergency response. It is the intent of the legislature to allow a public agency to recover the expenses of an emergency response to an incident involving persons who operate a motor vehicle, boat or vessel, or a civil aircraft while under the influence of an alcoholic beverage or a drug, or the combined influence of an alcoholic beverage and a drug. It is the intent of the legislature that the recovery of expenses of an emergency response under this act shall supplement and shall not supplant other provisions of law relating to the recovery of those expenses.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; (3) use of a vessel while under the influence of alcohol or drugs, RCW 88.12.100; (4) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or (5) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

In no event shall a person's liability under this section for the expense of an emergency response exceed one thousand dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

Sec. 3. RCW 9.95.210 and 1992 c 86 s 1 are each amended to read as follows:

In granting probation, the court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (4) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation, ~~((and))~~ (5) to contribute to a county or interlocal drug fund, and (6) to make restitution to a public agency for the costs of an emergency response under section 2 of this act, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow implicitly the instructions of the secretary. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make

a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

Sec. 4. RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in section 2 of this act.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit [of] any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(32) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(33) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(34) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property.

The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (29) of this section are not eligible for the work crew program.

(35) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(36) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 5. RCW 38.52.010 and 1986 c 266 s 23 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person who is registered with a local emergency management organization or the department of community development and holds an identification card issued by the local emergency management director or the department of community development for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except section 2 of this act shall mean an event or set of circumstances which: ~~((a))~~ (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or ~~((b))~~ (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in section 2 of this act means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in section 2 of this act.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of community development.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the department of community development.

(12) "Emergency response" as used in section 2 of this act means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in section 2 of this act means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 9.95.210 and 38.52.010; reenacting and amending RCW 9.94A.030; adding a new section to chapter 38.52 RCW; and creating a new section."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to Substitute House Bill No. 1051 and pass the bill as amended by the Senate.

Representative Scott spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY THE SENATE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1051 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1051 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1051, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.300 and 1985 c 428 s 2 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a ~~((firearm))~~ weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (iii) held for extradition or as a material witness, or (iv) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) ~~((A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse))~~ Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for short firearms and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any firearm in the possession of a person licensed under RCW 9.41.070; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(4) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(5) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

~~(6) ((Subsection (1)(b) of this section does not apply to a judge or court employee or to any person licensed under RCW 9.41.070 who, before entering the restricted area, directly and promptly proceeds to the court administrator or the administrator's designee and obtains written permission to possess the firearm.~~

~~(7))~~ (7) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

~~((8))~~ (7) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

~~((9))~~ (8) Any person violating subsection (1) of this section is guilty of a misdemeanor.

(9) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 9.41.300; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1059 and pass the bill as amended by the Senate.

Representative Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1059 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1059 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Engrossed Substitute House Bill No. 1059, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1061 with the following amendments:

On page 1, beginning on line 16, delete "twenty-five" and insert "thirty"

On page 6, line 14, after "than" delete "twenty-five" and insert "thirty"

On page 6, after line 17, insert the following:

"NEW SECTION. Sec. 8. Nothing in RCW 87.03.530(2) and sections 2 through 7 of this act shall authorize the impairment or operate to impair any existing water rights."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rayburn moved that the House do concur in the Senate amendments to Substitute House Bill No. 1061 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1061 as amended by the Senate.

Representatives Rayburn and Chandler spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1061 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt,

Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1061, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1067, with the following amendments:

On page 2, line 34, after "employed" strike all material through "or" on line 35

On page 2, line 38, after "in the" strike "facility or"
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1067 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1067 as amended by the Senate.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1067 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman and Padden - 2.

Excused: Representatives Patterson and Reams - 2.

Engrossed House Bill No. 1067, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1068, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Beneficiary form" means a registration of a security that indicates the present owner of the security and the intention of the owner regarding the person who will become the owner of the security upon the death of the owner, referred to as a "beneficiary."

(2) "Devisee" means any person designated in a will to receive a disposition of real or personal property.

(3) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.

(4) "Person" means an individual, a corporation, an organization, or other legal entity.

(5) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.

(6) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

(7) "Register," including its derivatives, means to issue a certificate showing the ownership of a certificated security or, in the case of an uncertificated security, to initiate or transfer an account showing ownership of securities.

(8) "Registering entity" means a person who originates or transfers a security title by registration, and includes a broker maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

(9) "Security" means a share, participation, or other interest in property, in a business, or in an obligation of an enterprise or other issuer, and includes a certificated security, an uncertificated security, and a security account.

(10) "Security account" means (a) a reinvestment account associated with a security; a securities account with a broker; a cash balance in a brokerage account; or cash, interest, earnings, or dividends earned or declared on a security in an account, a reinvestment account, or a brokerage account, whether or not credited to the account before the owner's death; or (b) a cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death.

(11) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

NEW SECTION. Sec. 2. Only individuals whose registration of a security shows sole ownership by one individual or multiple ownership by two or more with right of survivorship, rather than as tenants in common, may obtain registration in beneficiary form. Multiple owners of a security registered in beneficiary form shall hold the security as joint tenants with right of survivorship either as separate property or as community property, and not as tenants in common.

NEW SECTION. Sec. 3. A registering entity may register a security in beneficiary form if the form is authorized by this chapter or a substantially identical statute of another state if the state is: (1) The state of organization of the issuer or registering entity, (2) the location of the registering entity's principal office, (3) the location of the office of its transfer agent or its office making the registration, or (4) the location of the owner's listed address at the time of registration. A registration governed by the law of a jurisdiction in which this or substantially identical legislation is not in force or was not in force when a registration in beneficiary form was made is nevertheless presumed to be valid and authorized as a matter of contract law.

NEW SECTION. Sec. 4. A security, whether evidenced by certificate or account, is registered in beneficiary form when the registration includes a designation of a beneficiary to take the ownership at the death of a sole owner or at the death of the last to die of multiple owners.

NEW SECTION. Sec. 5. Registration in beneficiary form may be shown by the words "transfer on death" or the abbreviation "TOD," or by the words "pay on death" or the abbreviation "POD," after the name of the registered owner or owners and before the name of a beneficiary.

NEW SECTION. Sec. 6. The designation of a TOD or POD beneficiary on a registration in beneficiary form has no effect on ownership of the security until the owner's death, or on community property rights and obligations of owners. A registration of a security in beneficiary form may be canceled or changed at any time by the sole owner or all then surviving owners, without the consent of the beneficiary.

NEW SECTION. Sec. 7. On death of a sole owner or the last to die of all multiple owners, ownership of securities registered in beneficiary form passes to the beneficiary or beneficiaries who survive all owners. On proof of death of all owners and compliance with any applicable requirements of the registering entity, a security registered in beneficiary form may be reregistered in the name of the beneficiary or beneficiaries who survived the death of all owners. Until division of the security after the death of all owners, multiple beneficiaries surviving the death of all owners hold their interests as tenants in common. If no beneficiary survives the death of all owners, the security belongs to the estate of the deceased sole owner or the estate of the last to die of all multiple owners.

NEW SECTION. Sec. 8. (1) A registering entity is not required to offer or to accept a request for security registration in beneficiary form. If a registration in beneficiary form is offered by a registering entity, the owner requesting registration in beneficiary form assents to the protections given to the registering entity by this chapter.

(2) By accepting a request for registration of a security in beneficiary form, the registering entity agrees that the registration will be implemented on death of the deceased owner as provided in this chapter.

(3) A registering entity is discharged from all claims to a security by the estate, creditors, heirs, or devisees of a deceased owner if it registers a transfer of a security in accordance with section 7 of this act and does so in good faith reliance (a) on the registration, (b) on this chapter, and (c) on information provided to it by affidavit of the personal representative of the deceased owner, or by the surviving beneficiary or by the surviving beneficiary's representatives, or other information available to the registering entity. The protections of this chapter do not extend to a reregistration or payment made after a registering entity has received written notice from any claimant to any interest in the security objecting to implementation of a registration in beneficiary form. No other notice or other information available to the registering entity affects its right to protection under this chapter.

(4) The protection provided by this chapter to a registering entity does not affect the rights of beneficiaries in disputes between themselves and other claimants to ownership of the security transferred or its value or proceeds.

NEW SECTION. Sec. 9. (1) A transfer on death resulting from a registration in beneficiary form is effective by reason of the contract regarding the registration between the owner and the registering entity and this chapter and is not testamentary.

(2) This chapter does not limit the rights of creditors of security owners against beneficiaries and other transferees under other laws of this state.

NEW SECTION. Sec. 10. (1) A registering entity offering to accept registrations in beneficiary form may establish the terms and conditions under which it will receive requests (a) for registrations in beneficiary form, and (b) for implementation of registrations in beneficiary form, including requests for cancellation of previously registered TOD beneficiary designations and requests for reregistration to effect a change of beneficiary. The terms and conditions so established may provide for proving death, avoiding or resolving any problems concerning fractional shares, and designating beneficiaries. Other rules for providing proofs and assurances needed to satisfy reasonable concerns by registering entities regarding conditions and identities relevant to accurate implementation of registrations in beneficiary form may be contained in a registering entity's terms and conditions.

(2) The following are illustrations of registrations in beneficiary form that a registering entity may authorize:

(a) Sole owner-sole beneficiary: John S. Brown TOD (or POD) John S. Brown Jr.

(b) Multiple owners-sole beneficiary: John S. Brown Mary B. Brown JT TEN TOD John S. Brown Jr.

(c) Multiple owners-multiple beneficiaries: John S. Brown Mary B. Brown JT TEN TOD John S. Brown Jr.

Peter Q. Brown.

NEW SECTION. **Sec. 11.** (1) This chapter shall be known as and may be cited as the uniform TOD security registration act.

(2) This chapter shall be liberally construed and applied to promote its underlying purposes and policy and to make uniform the laws with respect to the subject of this chapter among states enacting it.

(3) Unless displaced by the particular provisions of this chapter, the principles of law and equity supplement the provisions of this chapter.

NEW SECTION. **Sec. 12.** This chapter applies to registrations of securities in beneficiary form made before or after the effective date of this act, by decedents dying on or after the effective date of this act.

NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act shall constitute a new chapter in Title 21 RCW." On page 1, line 1 of the title, after "securities;" strike the remainder of the title and insert "and adding a new chapter to Title 21 RCW." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to House Bill No. 1068 and pass the bill as amended by the Senate.

Representative Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1068 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1068 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

House Bill No. 1068, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1384 with the following amendments:

On page 3, line 11, after "district," insert "the letting of any contract to the spouse of a school board member in a school district when such contract is solely for employment as a certificated employee of the school district,"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dorn moved that the House do not concur in the Senate amendments to House Bill No. 1384 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.73.081 and 1990 c 269 s 24 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

- (a) Ambulance, air ambulance, and aid vehicles and equipment;
- (b) Ambulance and aid services; and
- (c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for certification, recertification, decertification, or modification of certificates(~~(: PROVIDED, That there shall be no practical examination for recertification if the applicant received a passing grade on the state written examination and completed a program of ongoing training and evaluation, approved in rule by the county medical program director and the secretary);~~);

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

~~((d))~~ (e) Review and approval or disapproval of training programs; and

~~((e))~~ (f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors.

Sec. 2. RCW 43.70.110 and 1989 1st ex.s. c 9 s 263 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. ~~((Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate.))~~ The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 18.73.081 and 43.70.110."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dellwo moved that the House do not concur on the Senate amendments to Engrossed Substitute House Bill No. 1541 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Dellwo, Orr and Dyer as conferees on Engrossed Substitute House Bill No. 1541.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569, with the following amendments:

On page 5, beginning on line 21, strike all of section 4

On page 1, beginning on line 1 of the title, after "9A.36.080" strike "and 13.40.0357"
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1569 and pass the bill as amended by the Senate.

Representative Padden spoke against the motion.

Representatives Appelwick, Wineberry and J. Kohl spoke in favor of the motion.

Representative Padden again spoke against the motion.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1569 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1569 as amended by the Senate and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Brumsickle, Casada, Chandler, Chappell, Fuhrman, Lisk, Morton, Padden, Sheahan, Stevens and Tate - 12.

Excused: Representatives Patterson and Reams - 2.

Engrossed Substitute House Bill No. 1569, as amended by the House, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1673 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The subcommittee on the aerospace industry is established as a subcommittee of the executive-legislative committee on economic development created in chapter . . . (Senate Bill No. 5300), Laws of 1993. The subcommittee is to examine the overall impacts of the aerospace industry work slowdown and make recommendations to the full committee, the governor, and the legislature regarding:

(a) The need for short-term and long-term assistance for workers made unemployed by the slowdown, including extending unemployment benefits, job retraining, new employment assistance, family assistance, and other types of assistance; and

(b) A long-term approach to diversification of the region most affected by aerospace business fluctuations.

In conducting the examination, the subcommittee shall consider the impacts on: The state and substate regional economies; displaced workers and their families; and businesses not directly related to the aerospace industry.

(2) The subcommittee shall consist of at least three members of the full committee and may include advisory members. The advisory members may include representatives from: (a) The aerospace industry; (b) chambers of commerce and economic development councils; (c) unions representing aerospace workers; (d) county councils; (e) city governments; and (f) the work force training and education coordinating board.

(3) The subcommittee shall meet as soon as is practicable and make a preliminary report to the full committee, the governor, and the appropriate standing committees of the legislature by September 15, 1993, and a final report before December 1, 1993.

(4) This section shall expire December 31, 1993.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "force;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1673 and ask the Senate to recede therefrom.

Representative Forner spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2055, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Perpetuation of fish and wildlife in Washington requires clear, efficient, streamlined, scientific, management from a single state fish and wildlife agency. Such a consolidation will focus existing funds for the greatest protection of species and stocks. It will bring combined resources to bear on securing, managing, and enhancing habitats. It will simplify licensing, amplify research, increase field staff, avoid duplication, and magnify enforcement of laws and rules. It will provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent policies, procedures, and access.

NEW SECTION. Sec. 2. There is hereby created a department of state government to be known as the department of fish and wildlife. The department shall be vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law. All powers, duties, and functions of the department of fisheries and the department of wildlife are transferred to the department of fish and wildlife. All references in the Revised Code of Washington to the director or the department of fisheries or the director or department of wildlife shall be construed to mean the director or department of fish and wildlife.

NEW SECTION. Sec. 3. As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of fish and wildlife.
- (2) "Director" means the director of fish and wildlife.
- (3) "Commission" means the fish and wildlife commission.

NEW SECTION. Sec. 4. The executive head and appointing authority of the department shall be the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 5. In addition to other powers and duties granted or transferred to the director, the director shall have the following powers and duties:

- (1) Supervise and administer the department in accordance with law;
- (2) Appoint personnel and prescribe their duties. Except as otherwise provided, personnel of the department are subject to chapter 41.06 RCW, the state civil service law;
- (3) Enter into contracts on behalf of the agency;
- (4) Adopt rules in accordance with chapter 34.05 RCW, the administrative procedure act;
- (5) Delegate powers, duties, and functions as the director deems necessary for efficient administration but the director shall be responsible for the official acts of the officers and employees of the department;
- (6) Appoint advisory committees and undertake studies, research, and analysis necessary to support the activities of the department;
- (7) Accept and expend grants, gifts, or other funds to further the purposes of the department;
- (8) Carry out basic goals and objectives as prescribed by the fish and wildlife commission pursuant to RCW 77.04.055; and
- (9) Perform other duties as are necessary and consistent with law.

NEW SECTION. Sec. 6. The director shall appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 7. The director of fisheries, the director of wildlife, the food fish and shellfish advisory council, and the fish and wildlife commission, shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of fisheries and the department of wildlife into the department of fish and wildlife so that the department of fish and wildlife will operate as a single entity on July 1, 1994. The wildlife commission shall review its area of responsibility in the consolidated agency and submit recommendations to the governor on any necessary changes in its statutory authority.

NEW SECTION. Sec. 8. The department of fisheries and the department of wildlife are abolished and their powers, duties, and functions are transferred to the department of fish and wildlife.

NEW SECTION. Sec. 9. All reports, documents, surveys, books, records, files, papers, or written material connected with the powers, duties, and functions transferred in this act shall be delivered to the custody of the department of fish and wildlife. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in connection with the powers, duties, and functions transferred shall be made available to the department of fish and wildlife. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the department of fish and wildlife.

Any appropriations made in connection with the powers, duties, and functions transferred shall, on the effective date of this section, be transferred and credited to the department of fish and wildlife.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, or as to the powers, duties, and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 10. All classified employees employed in connection with the powers, duties, and functions transferred are transferred to the jurisdiction of the department of fish and wildlife. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of fish and wildlife to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 11. All rules and all pending business before any agency of state government pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of fish and wildlife. All existing contracts, obligations, and agreements shall remain in full force and shall be performed by the department of fish and wildlife.

NEW SECTION. Sec. 12. The transfer of the powers, duties, functions, and personnel shall not affect the validity of any act performed by any employee before the effective date of this section.

NEW SECTION. Sec. 13. If apportionments of budgeted funds are required because of the transfers directed by sections 9 through 12 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 14. Nothing contained in sections 9 through 13 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 15. RCW 41.06.070 and 1990 c 60 s 101 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

- (2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
- (3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community and technical colleges ~~((education))~~, and the higher education personnel board;
- (4) The officers of the Washington state patrol;
- (5) Elective officers of the state;
- (6) The chief executive officer of each agency;
- (7) In the departments of employment security, ~~((fisheries,))~~ social and health services, the director and ~~((his))~~ the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, ~~((his))~~ the director's confidential secretary, and ~~((his))~~ the director's statutory assistant directors;
- (8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
 - (a) All members of such boards, commissions, or committees;
 - (b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;
 - (c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;
 - (d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;
- (9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- (10) Assistant attorneys general;
- (11) Commissioned and enlisted personnel in the military service of the state;
- (12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;
- (13) The public printer or to any employees of or positions in the state printing plant;
- (14) Officers and employees of the Washington state fruit commission;
- (15) Officers and employees of the Washington state apple advertising commission;
- (16) Officers and employees of the Washington state dairy products commission;
- (17) Officers and employees of the Washington tree fruit research commission;
- (18) Officers and employees of the Washington state beef commission;
- (19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;
- (20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);
- (21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);
- (22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;
- (23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;
- (24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(26) All employees of the marine employees' commission;

(27) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

(28) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (24), (25), and (28) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 16. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) ~~((the department of fisheries, (6)))~~ the department of fish and wildlife, ~~((7))~~ (6) the department of transportation, ~~((8))~~ (7) the department of licensing, ~~((9))~~ (8) the department of general administration, ~~((10))~~ (9) the department of trade and economic development, ~~((11))~~ (10) the department of veterans affairs, ~~((12))~~ (11) the department of revenue, ~~((13))~~ (12) the department of retirement systems, ~~((14))~~ (13) the department of corrections, ~~((15))~~ (14) the department of community development, and ~~((16))~~ (15) the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 17. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) ~~((the director of fisheries, (6)))~~ the director of fish and wildlife, ~~((7))~~ (6) the secretary of transportation, ~~((8))~~ (7) the director of licensing, ~~((9))~~ (8) the director of general administration, ~~((10))~~ (9) the director of trade and economic development, ~~((11))~~ (10) the director of veterans affairs, ~~((12))~~ (11) the director of revenue, ~~((13))~~ (12) the director of retirement systems, ~~((14))~~ (13) the secretary of corrections, ~~((15))~~ (14) the director of community development, and ~~((16))~~ (15) the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year.))~~ The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 18. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of ~~((fisheries))~~ fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, ~~((the director of wildlife,))~~ the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges ~~((education))~~, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage ~~((commissioners))~~ commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 19. RCW 43.51.955 and 1987 c 506 s 93 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of fish and wildlife or the state fish and wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 20. RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are each reenacted and amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

- (1) "Director" means the director of (~~(fisheries))~~ fish and wildlife.
- (2) "Department" means the department of (~~(fisheries))~~ fish and wildlife.
- (3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.
- (4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.
- (5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.
- (7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.
- (8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.
- (9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.
- (10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.
- (11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.
- (12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.
- (13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.
- (14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
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<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

- (15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.
- (16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.
- (17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.
- (18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(20) "Emerging commercial fishery" means any commercial fishery:

(a) For food fish or shellfish so designated by rule of the director, except that no species harvested under a license limitation program contained in chapter 75.30 RCW may be designated as a species in an emerging commercial fishery.

(b) Which will include, subject to the limitation in (a) of this subsection, all species harvested for commercial purposes as of June 7, 1990, and the future commercial harvest of all other species in the waters of the state of Washington.

(21) "Experimental fishery permit" means a permit issued by the director to allow the recipient to engage in an emerging commercial fishery.

Sec. 21. RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 are each amended to read as follows:

The director (~~(of fisheries)~~) shall supervise the administration and operation of the department (~~(of fisheries)~~) and perform the duties prescribed by law. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

Sec. 22. RCW 75.08.035 and 1992 c 63 s 11 are each amended to read as follows:

(1) The department (~~(of fisheries)~~) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 23. RCW 75.08.055 and 1987 c 506 s 94 are each amended to read as follows:

(1) The director, (~~(and the director of wildlife)~~) with the concurrence of the fish and wildlife commission, may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the (~~(wildlife commission)~~) department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 24. RCW 75.08.400 and 1989 c 336 s 1 are each amended to read as follows:

The legislature finds that:

(1) The fishery resources of Washington are critical to the social and economic needs of the citizens of the state;

(2) Salmon production is dependent on both wild and artificial production;

(3) The department (~~(of fisheries)~~) is directed to enhance Washington's salmon runs; and

(4) Full utilization of the state's salmon rearing facilities is necessary to enhance commercial and recreational fisheries.

Sec. 25. RCW 75.10.010 and 1985 c 155 s 1 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers within their respective jurisdictions, shall enforce this title, rules of the director, and other statutes as prescribed by the legislature.

(2) When acting within the scope of subsection (1) of this section and when an offense occurs in the presence of the fisheries patrol officer who is not an ex officio fisheries patrol officer, the fisheries patrol officer may enforce all criminal laws of the state. The fisheries patrol officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a fisheries patrol officer rests with the department (~~(of fisheries)~~) unless the fisheries patrol officer acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department (~~(of fisheries)~~) and another agency.

(4) Fisheries patrol officers may serve and execute warrants and processes issued by the courts.

Sec. 26. RCW 75.10.200 and 1990 c 144 s 3 are each amended to read as follows:

Persons who violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are gross misdemeanors and are punishable under RCW 9.92.020:

(a) Violating RCW 75.20.100; and

(b) Violating department statutes that require fish screens, fish ladders, and other protective devices for fish.

(2) The following violations are a class C felony and are punishable under RCW 9A.20.021(1)(c):

(a) Discharging explosives in waters that contain adult salmon or sturgeon: PROVIDED, That lawful discharge of devices for the purpose of frightening or killing marine mammals or for the lawful removal of snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are exempt from this subsection; and

(b) To knowingly purchase food fish or shellfish with a wholesale value greater than two hundred fifty dollars that were taken by methods or during times not authorized by department (~~(of fisheries)~~) rules, or were taken by someone who does not have a valid commercial fishing license, a valid fish buyer's license, or a valid wholesale dealer's license, or were taken with fishing gear authorized for personal use.

Sec. 27. RCW 75.12.040 and 1985 c 147 s 1 are each amended to read as follows:

(1) It is unlawful to use, operate, or maintain a gill net which exceeds 250 fathoms in length or a drag seine in the waters of the Columbia river for catching salmon.

(2) It is unlawful to construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon. The director may authorize the use of this gear for scientific investigations.

(3) The department (~~(of fisheries)~~), in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

Sec. 28. RCW 75.20.005 and 1991 c 322 s 21 are each amended to read as follows:

The department of (~~(fisheries, the department of)~~) fish and wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

Sec. 29. RCW 75.20.050 and 1988 c 36 s 32 are each amended to read as follows:

It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director (~~(of fisheries and the director of wildlife)~~) notice of each application for a permit to divert or store water. The director (~~(of fisheries and director of wildlife have)~~) has thirty days after receiving the notice to state (~~(their)~~) his or her objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director (~~(of fisheries or director of wildlife)~~), issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

Sec. 30. RCW 75.20.100 and 1991 c 322 s 30 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 and 75.20.1002, the department (~~(of fisheries or the department of wildlife)~~) shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department (~~(of fisheries or the department of wildlife)~~) shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If (~~either~~) the department (~~(of fisheries or the department of wildlife)~~) denies approval, (~~that~~) the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department (~~(of fisheries or department of wildlife)~~), through (~~(their)~~) its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

Sec. 31. RCW 75.20.1001 and 1991 c 322 s 12 are each amended to read as follows:

The department (~~(of fisheries and the department of wildlife)~~) shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

Sec. 32. RCW 75.20.103 and 1991 c 322 s 31 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 and 75.20.1002, the department (~~(of fisheries or the department of wildlife)~~) shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department (~~(of fisheries or the department of wildlife)~~) shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If (~~either~~) the department (~~(of fisheries or the department of wildlife)~~) denies approval, (~~that~~) the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department (~~(of fisheries or the department of wildlife)~~) to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department (~~(granting approval)~~) may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department (~~(issuing the approval)~~) to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department (~~(that issued the approval)~~) may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department (~~(of fisheries or the department of wildlife)~~) as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department (~~(of fisheries or department of wildlife)~~), through (~~(their)~~) its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

Sec. 33. RCW 75.20.104 and 1991 c 322 s 18 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department (~~(of fisheries and the department of wildlife)~~), upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

Sec. 34. RCW 75.20.1041 and 1991 c 322 s 19 are each amended to read as follows:

The department (~~(of fisheries, the department of wildlife,)~~) and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 35. RCW 75.20.106 and 1988 c 36 s 35 are each amended to read as follows:

The department (~~(of fisheries and the department of wildlife)~~) may (~~(each)~~) levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director (~~(of the appropriate department)~~) or (~~(that)~~) the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director (~~(of the department levying the penalty)~~). Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director (~~(of the department of fisheries or the department of wildlife)~~) shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

Sec. 36. RCW 75.20.110 and 1988 c 36 s 36 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as ~~((jointly))~~ determined by the director ~~((of fisheries and the director of wildlife))~~.

(b) Except by ~~((concurrent))~~ order of the director ~~((of fisheries and director of wildlife))~~, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The director ~~((of fisheries and the director of wildlife))~~ may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2)(a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

Sec. 37. RCW 75.20.130 and 1989 c 175 s 160 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by ~~((either))~~ the department ~~((of fisheries or the department of wildlife))~~ under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 38. RCW 75.20.300 and 1989 c 213 s 3 are each amended to read as follows:

(1) The legislature intends to expedite flood-control, acquisition of sites for sediment retention, and dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director ~~((of fisheries and director of wildlife))~~ shall process hydraulic project applications submitted under RCW 75.20.100 within fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Cowlitz river from mile 22 to the confluence with the Columbia, and in the Toutle river from the mouth to the North Fork Toutle sediment dam site at North Fork mile 12, and to river mile 3 on the South Fork Toutle river, and volcano-affected areas of the Columbia river.

(3) For the purposes of this section, the emergency provisions of RCW 75.20.100 may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

(4) This section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

(5) This section expires on June 30, 1995.

Sec. 39. RCW 75.20.310 and 1988 c 36 s 39 are each amended to read as follows:

The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department ~~((of wildlife and the department of fisheries))~~ shall ~~((cooperatively))~~ operate and maintain a fish collection facility on the Toutle river. ~~((Each agency shall share in the cost of operating and maintaining the facility.))~~

Sec. 40. RCW 75.24.065 and 1985 c 256 s 2 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The department ~~((of fisheries))~~ shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

Sec. 41. RCW 75.25.005 and 1989 c 305 s 1 are each amended to read as follows:

The following recreational fishing licenses are administered and issued by the department ~~((of fisheries))~~ under authority of the director ~~((of fisheries))~~:

- (1) Hood Canal shrimp license;
- (2) Razor clam license;
- (3) Personal use fishing license;
- (4) Salmon license; and
- (5) Sturgeon license.

Sec. 42. RCW 75.25.080 and 1989 c 305 s 4 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department ~~((of fisheries))~~ official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 43. RCW 75.25.170 and 1989 c 305 s 16 are each amended to read as follows:

Fees received for recreational licenses required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department ~~((of fisheries))~~.

Sec. 44. RCW 75.25.180 and 1989 c 305 s 14 are each amended to read as follows:

Recreational licenses issued by the department ~~((of fisheries))~~ under this chapter are valid for the following periods:

- (1) Recreational licenses issued without charge to persons designated by this chapter are valid:
 - (a) For life for blind persons;
 - (b) For the period of continued state residency for qualified disabled veterans;
 - (c) For the period of continued state residency for persons sixty-five years of age or more;
 - (d) For the period of the disability for persons with a developmental disability;
 - (e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card; and
 - (f) Until a child reaches fifteen years of age.

(2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 45. RCW 75.50.010 and 1985 c 458 s 1 are each amended to read as follows:

Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department ((of fisheries)) is directed to dedicate its efforts to make increasing the productivity of the salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

Sec. 46. RCW 75.50.070 and 1989 c 426 s 1 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department ((of fisheries)). The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

Sec. 47. RCW 75.50.080 and 1989 c 426 s 4 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department ((of fisheries)).

Sec. 48. RCW 75.50.130 and 1992 c 88 s 1 are each amended to read as follows:

The director ((of fisheries)) shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

Sec. 49. RCW 75.52.010 and 1988 c 36 s 41 are each amended to read as follows:

The fish and ~~((game))~~ wildlife resources of the state benefit by the contribution of volunteer recreational and commercial fishing organizations, schools, and other volunteer groups in cooperative projects under agreement with the department ~~((of fisheries or the department of wildlife))~~. These projects provide educational opportunities, improve the communication between the natural resources agencies and the public, and increase the fish and game resources of the state. In an effort to increase these benefits and realize the full potential of cooperative projects, the department ~~((of fisheries and the department of wildlife each))~~ shall administer a cooperative fish and wildlife enhancement program and enter agreements with volunteer groups relating to the operation of cooperative projects.

Sec. 50. RCW 75.52.020 and 1988 c 36 s 42 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department ~~((of fisheries or the department of wildlife))~~ relating to a cooperative fish or ~~((game))~~ wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and ~~((game))~~ wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(3) "Department" means ~~((either))~~ the department of ~~((fisheries or the department of))~~ fish and wildlife ~~((, whichever is responsible for managing the species of fish or game most affected by the cooperative project))~~.

Sec. 51. RCW 75.52.035 and 1987 c 48 s 1 are each amended to read as follows:

The department ~~((of fisheries))~~ may authorize the sale of surplus salmon eggs and carcasses by permitted cooperative projects for the purposes of defraying the expenses of the cooperative project. In no instance shall the department allow a profit to be realized through such sales. The department shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 52. RCW 75.52.100 and 1989 c 85 s 3 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the ~~((state))~~ department ~~((of fisheries))~~. The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW to assist in the planning, construction, and operation of the spawning channel.

Sec. 53. RCW 75.52.110 and 1989 c 85 s 4 are each amended to read as follows:

The department ~~((of fisheries))~~ shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department ~~((of fisheries))~~, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130. The technical committee will be guided by a policy committee, also to be chaired by the department ~~((of fisheries))~~, which shall consist of not more than six members: One representative from the department ~~((of fisheries))~~, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130. The policy committee shall present a progress report to the senate and house of representatives natural resources and environment committees by January 1, 1990, and shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120.

Sec. 54. RCW 75.52.160 and 1989 c 85 s 10 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 not be met, the department ~~((of fisheries))~~ shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

Sec. 55. RCW 75.58.010 and 1988 c 36 s 43 are each amended to read as follows:

(1) The director of agriculture and the director (~~(of fisheries)~~) shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department (~~(of fisheries)~~) under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The director (~~(of fisheries)~~) shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department (~~(of fisheries)~~) by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 constitute the only authorities of the department (~~(of fisheries)~~) to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department (~~(of fisheries)~~), and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department (~~(of fisheries)~~) from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) It is unlawful for any person to violate the rules adopted under subsection (2) or (3) of this section or to violate RCW 75.58.040.

(5) In administering the program established under this section, the department (~~(of fisheries)~~) shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department (~~(of fisheries, the department of wildlife,)~~) or other fish-rearing entities.

Sec. 56. RCW 75.58.020 and 1985 c 457 s 9 are each amended to read as follows:

The directors of agriculture and (~~(fisheries)~~) fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010. The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010.

Sec. 57. RCW 75.58.030 and 1988 c 36 s 44 are each amended to read as follows:

(1) The director (~~(of fisheries)~~) shall consult regarding the disease inspection and control program established under RCW 75.58.010 with (~~(the department of wildlife,)~~) federal agencies(~~(,)~~) and Indian tribes to assure

protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director (~~(of fisheries)~~) may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director (~~(of fisheries)~~) shall provide for the creation and distribution of a roster of biologists having a specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

Sec. 58. RCW 75.58.040 and 1988 c 36 s 45 are each amended to read as follows:

All aquatic farmers as defined in RCW 15.85.020 shall register with the department (~~(of fisheries)~~). The director shall develop and maintain a registration list of all aquaculture farms. Registered aquaculture farms shall provide the department production statistical data. The state veterinarian (~~(and the department of wildlife)~~) shall be provided with registration and statistical data by the department.

Sec. 59. RCW 77.04.020 and 1987 c 506 s 4 are each amended to read as follows:

The department (~~(of wildlife)~~) consists of the state fish and wildlife commission and the director (~~(of wildlife)~~). The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed pursuant to RCW 77.04.055.

Sec. 60. RCW 77.04.030 and 1987 c 506 s 5 are each amended to read as follows:

The state fish and wildlife commission consists of (~~(six)~~) nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large effective July 1, 1993; one of whom shall serve a one and one-half year term to end December 31, 1994; one of whom shall serve a three and one-half year term to end December 31, 1996; and one of whom shall serve a five and one-half year term to end December 31, 1998. Thereafter all members are to serve a six-year term. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 61. RCW 77.04.040 and 1987 c 506 s 6 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of game fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of game fish and wildlife. Persons eligible for appointment as wildlife commissioners shall not have a monetary interest in any private business that is involved with consumptive or nonconsumptive use of game fish or wildlife.

Sec. 62. RCW 77.04.055 and 1990 c 84 s 2 are each amended to read as follows:

(1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate game fish and wildlife, and game fish and wildlife habitat. The commission shall maximize hunting and fishing recreational opportunities.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

Sec. 63. RCW 77.04.080 and 1987 c 506 s 9 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of fish and wildlife. The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director,

the governor shall consult with and be advised by the commission. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

Sec. 64. RCW 77.04.100 and 1985 c 208 s 2 are each amended to read as follows:

The director (~~(, in cooperation with the director of fisheries)~~) shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3).

Sec. 65. RCW 77.08.010 and 1989 c 297 s 7 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.
- (6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries (~~(commission)~~) service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.
- (12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.
- (13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.
- (14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.
- (15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.
- (16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director (~~(of fisheries)~~). The term "wildlife" includes all stages of development and the bodily parts of wildlife members.
- (17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).
- (18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.
- (19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

Sec. 66. RCW 77.12.055 and 1988 c 36 s 50 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department ((of wildlife)) and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 67. RCW 77.12.103 and 1989 c 314 s 3 are each amended to read as follows:

(1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.

(2) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.12.101 for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director ((of wildlife)), the fish and wildlife commission, or the department ((of wildlife)) may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with wildlife offenses.

Sec. 68. RCW 77.12.440 and 1987 c 506 s 47 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. Sec. 777). The department ((of wildlife and the department of fisheries)) shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 69. RCW 77.12.710 and 1990 c 110 s 2 are each amended to read as follows:

The legislature hereby directs the department ((of wildlife)) to determine the feasibility and cost of doubling the state-wide game fish production by the year 2000. The department shall seek to equalize the effort and investment expended on anadromous and resident game fish programs. The department ((of wildlife)) shall provide the legislature with a specific plan for legislative approval that will outline the feasibility of increasing game fish

production by one hundred percent over current levels by the year 2000. The plan shall contain specific provisions to increase both hatchery and naturally spawning game fish to a level that will support the production goal established in this section consistent with ~~((wildlife commission))~~ department policies. Steelhead trout, searun cutthroat trout, resident trout, and warmwater fish producing areas of the state shall be included in the plan. The department ~~((of wildlife))~~ shall provide the plan to the house of representatives and senate ways and means, environment and natural resources, environmental affairs, fisheries and wildlife, and natural resources committees by December 31, 1990.

The plan shall include the following critical elements:

- (1) Methods of determining current catch and production, and catch and production in the year 2000;
- (2) Methods of involving fishing groups, including Indian tribes, in a cooperative manner;
- (3) Methods for using low capital cost projects to produce game fish as inexpensively as possible;
- (4) Methods for renovating and modernizing all existing hatcheries and rearing ponds to maximize production capability;
- (5) Methods for increasing the productivity of natural spawning game fish;
- (6) Application of new technology to increase hatchery and natural productivity;
- (7) Analysis of the potential for private contractors to produce game fish for public fisheries;
- (8) Methods to optimize public volunteer efforts and cooperative projects for maximum efficiency;
- (9) Methods for development of trophy game fish fisheries;
- (10) Elements of coordination with the Pacific Northwest Power Council programs to ensure maximum Columbia river benefits;
- (11) The role that should be played by private consulting companies in developing and implementing the plan;
- (12) Coordination with federal fish and wildlife agencies, Indian tribes, and department ~~((of fisheries))~~ fish production programs;
- (13) Future needs for game fish predator control measures;
- (14) Development of disease control measures;
- (15) Methods for obtaining access to waters currently not available to anglers; and
- (16) Development of research programs to support game fish management and enhancement programs.

The department ~~((of wildlife))~~, in cooperation with the department of revenue, shall assess various funding mechanisms and make recommendations to the legislature in the plan. The department ~~((of wildlife))~~, in cooperation with the department of trade and economic development, shall prepare an analysis of the economic benefits to the state that will occur when the game fish production is increased by one hundred percent in the year 2000.

Sec. 70. RCW 77.12.730 and 1990 c 195 s 3 are each amended to read as follows:

(1) A ten-member firearms range advisory committee is hereby created to provide advice and counsel to the interagency committee for outdoor recreation. The members shall be appointed by the director of the interagency committee for outdoor recreation from the following groups:

- (a) Law enforcement;
- (b) Washington military department;
- (c) Black powder shooting sports;
- (d) Rifle shooting sports;
- (e) Pistol shooting sports;
- (f) Shotgun shooting sports;
- (g) Archery shooting sports;
- (h) Hunter education;
- (i) Hunters; and
- (j) General public.

(2) The firearms range advisory committee members shall serve two-year terms with five new members being selected each year beginning with the third year of the committee's existence. The firearms range advisory committee members shall not receive compensation from the firearms range account. However, travel and per diem costs shall be paid consistent with regulations for state employees.

(3) The interagency committee for outdoor recreation shall provide administrative, operational, and logistical support for the firearms range advisory committee. Expenses directly incurred for supporting this program may be charged by the interagency committee for outdoor recreation against the firearms range account. Expenses shall not exceed ten percent of the yearly income for the range account.

(4) The interagency committee for outdoor recreation shall in cooperation with the firearms range advisory committee:

- (a) Develop an application process;
- (b) Develop an audit and accountability program;
- (c) Screen, prioritize, and approve grant applications; and
- (d) Monitor compliance by grant recipients.

(5) The department of natural resources, the department of fish and wildlife, and the Washington military department are encouraged to provide land, facilitate land exchanges, and support the development of shooting range facilities.

Sec. 71. RCW 77.12.750 and 1992 c 63 s 13 are each amended to read as follows:

(1) The department (~~(of wildlife)~~) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

- Appoint a representative to the coordinating council;
- Develop project proposals;
- Administer project activities within the agency;
- Develop appropriate procedures for the use of volunteers;
- Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;
- Maintain project records and provide project reports;
- Apply for and accept grants or contributions for corps approved projects; and
- With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 72. RCW 77.16.060 and 1987 c 506 s 61 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by the commission or director (~~(of fisheries)~~). Game fish taken incidental to a lawful season established by the director (~~(of fisheries)~~) shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 73. RCW 77.16.135 and 1991 c 211 s 1 are each amended to read as follows:

(1) The director shall revoke all licenses and privileges extended under Title 77 RCW of a person convicted of assault on a state wildlife agent or other law enforcement officer provided that:

- (a) The wildlife agent or other law enforcement officer was on duty at the time of the assault; and
- (b) The wildlife agent or other law enforcement officer was enforcing the provisions of Title 77 RCW.

(2) For the purposes of this section, the definition of assault includes:

- (a) RCW 9A.32.030; murder in the first degree;
- (b) RCW 9A.32.050; murder in the second degree;
- (c) RCW 9A.32.060; manslaughter in the first degree;
- (d) RCW 9A.32.070; manslaughter in the second degree;
- (e) RCW 9A.36.011; assault in the first degree;
- (f) RCW 9A.36.021; assault in the second degree; and
- (g) RCW 9A.36.031; assault in the third degree.

(3) For the purposes of this section, a conviction includes:

- (a) A determination of guilt by the court;
- (b) The entering of a guilty plea to the charge or charges by the accused;
- (c) A forfeiture of bail or a vacation of bail posted to the court; or
- (d) The imposition of a deferred or suspended sentence by the court.

(4) No license described under Title 77 RCW shall be reissued to a person violating this section for a minimum of ten years, at ~~(that [which])~~ which time a person may petition the director (~~(of wildlife)~~) for a reinstatement of his or her license or licenses. The ten-year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section. Upon review by the director, and if all provisions of the court that imposed

sentencing have been completed, the director may reinstate in whole or in part the licenses and privileges under Title 77 RCW.

Sec. 74. RCW 77.16.170 and 1988 c 36 s 51 are each amended to read as follows:

It is unlawful to take a wild animal from another person's trap without permission, or to spring, pull up, damage, possess, or destroy the trap; however, it is not unlawful for a property owner, lessee, or tenant to remove a trap placed on the owner's, lessee's, or tenant's property by a trapper.

Trappers shall attach to the chain of their traps or devices a legible metal tag with either the department (~~(of wildlife)~~) identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

When an individual presents a trapper identification number to the department (~~(of wildlife)~~) and requests identification of the trapper, the department (~~(of wildlife)~~) shall provide the individual with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department (~~(of wildlife)~~) shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed.

Sec. 75. RCW 77.18.010 and 1991 c 253 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the (~~Washington~~) department of fish and wildlife.

(2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

(3) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

(4) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(5) "Person" means a natural person, corporation, trust, or other legal entity.

Sec. 76. RCW 77.32.380 and 1991 sp.s. c 7 s 12 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ten dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use department lands and access facilities when accompanied by the license holder.

Youth groups may use department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified department (~~(of wildlife)~~) lands shall exhibit the required license.

NEW SECTION. **Sec. 77.** A new section is added to chapter 77.12 RCW to read as follows:

Steelhead trout shall be managed solely as a recreational fishery for non-Indian fishermen under the rule-setting authority of the fish and wildlife commission.

Commercial non-Indian steelhead fisheries are not authorized.

NEW SECTION. **Sec. 78.** To aid and advise the department in the performance of its functions with regard to food fish and shellfish, a food fish and shellfish advisory council is created. The advisory council consists of six members appointed by the governor; four legislative ex officio nonvoting members, one appointed by each caucus in both the state senate and the house of representatives; and the director or his or her specifically appointed designee, who shall be the nonvoting chair. Of the members appointed by the governor, two shall represent non-Indian commercial fishers, two shall represent sports fishers, and two shall represent treaty Indian fishers. Of the treaty Indian fishers, one shall be selected from a list provided by the Washington state tribal coordinating body and one

shall be selected from a list provided by the Columbia river tribal coordinating body defined in 16 U.S.C. Sec. 3302 (5) and (18).

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

Members shall receive reimbursement through the department for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 79.** On July 1, 1994, the state treasurer shall follow the recommendations of the director of financial management on the disbursement of funds from the state wildlife fund to the department of fish and wildlife solely for the purposes of funding programs for wildlife and game fish. Funds from the state wildlife fund shall be used only for the department of fish and wildlife after June 30, 1994.

NEW SECTION. **Sec. 80.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.375 and 1991 c 253 s 5; and

(2) RCW 43.131.376 and 1991 c 253 s 6.

NEW SECTION. **Sec. 81.** Sections 1 through 6 and 78 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 82.** Sections 1 through 6, 8 through 77, and 79 of this act shall take effect July 1, 1994.

NEW SECTION. **Sec. 83.** The legislature finds that recreational fishing opportunities for salmon and marine bottomfish have been dwindling in recent years. It is important to restore diminished recreational fisheries and to enhance the salmon and marine bottomfish resource to assure sustained productivity. Investments made in recreational fishing programs will repay the people of the state many times over in increased economic activity and in an improved quality of life.

NEW SECTION. **Sec. 84.** There is created a new position in the department subject to the civil service law, chapter 41.06 RCW, to be known as the sport fishing program administrator. The sport fishing program administrator shall be an advocate for increasing recreational salmon and marine bottomfish harvesting opportunities through programs specifically designed to improve recreational fishing in south Puget Sound, central Puget Sound, north Puget Sound, Hood Canal, and Lake Washington.

NEW SECTION. **Sec. 85.** The duties of the sport fishing program administrator are to use resources within the department to: Develop a short-term program of hatchery-based salmon enhancement using freshwater pond sites for the final rearing phase; solicit support from cooperative projects, regional enhancement groups, and other supporting organizations; conduct comprehensive research on resident and migratory salmon production opportunities; and conduct research on marine bottomfish production limitations and on methods for artificial propagation of marine bottomfish.

Long-term duties of the sport fishing program administrator are to: Fully implement enhancement efforts for Puget Sound and Hood Canal resident salmon and marine bottomfish; identify opportunities to reestablish salmon runs into areas where they no longer exist; encourage naturally spawning salmon populations to develop to their fullest extent; and fully utilize hatchery programs to improve recreational fishing.

NEW SECTION. **Sec. 86.** The department shall seek recommendations from persons who are expert on the planning and operation of programs for enhancement of recreational fisheries. The department shall fully use the expertise of the University of Washington college of fisheries and the sea grant program to develop research and enhancement programs.

NEW SECTION. **Sec. 87.** The department shall develop new locations for the freshwater rearing of delayed-release chinook salmon. In calendar year 1994, at least one freshwater pond chinook salmon rearing site shall be developed and begin production in each of the following areas: South Puget Sound, central Puget Sound, north Puget Sound, and Hood Canal. Natural or artificial pond sites shall be preferred to net pens due to higher

survival rates experienced from pond rearing. Rigorous predatory bird control measures shall be implemented. The goal of the program is to increase the production and planting of delayed release chinook salmon to a level of three million fish annually by the year 2000.

NEW SECTION. **Sec. 88.** The department shall conduct research, develop methods, and implement programs for the artificial rearing and release of marine bottomfish species. Lingcod, halibut, rockfish, and Pacific cod shall be the species of primary emphasis due to their importance in the recreational fishery.

NEW SECTION. **Sec. 89.** The department shall undertake additional research to more fully evaluate improved enhancement techniques, hooking mortality rates, methods of mass marking, improvement of catch models, and sources of marine bottomfish mortality. Research shall be designed to give the best opportunity to provide information that can be applied to real-world recreational fishing needs.

NEW SECTION. **Sec. 90.** The department shall work with the department of ecology, the department of wildlife, and local government entities to streamline the siting process for new enhancement projects. The department is encouraged to work with the legislature to develop statutory changes that enable expeditious processing and granting of permits for fish enhancement projects.

NEW SECTION. **Sec. 91.** The department's information and education section shall develop a public awareness program designed to educate the public on the elements of the recreational fishing program and to recruit volunteers to assist the department in implementing recreational fishing projects. Economic benefits of the program shall be emphasized.

NEW SECTION. **Sec. 92.** The department shall increase efforts to document the effects of bird predators, harbor seals, sea lions, and predatory fish upon the salmon and marine fish resource. Every opportunity shall be explored to convince the federal government to amend the marine mammal protection act to allow for lethal removal of predatory marine mammals, as well as to work with the United States fish and wildlife service to achieve workable control measures for predatory birds.

NEW SECTION. **Sec. 93.** Indian tribal fishing interests and non-Indian commercial fishing groups shall be invited to participate in development of plans for selective fisheries that target hatchery-produced fish and minimize catch of naturally spawned fish. In addition, talks shall be initiated on the feasibility of altering the rearing programs of department hatcheries to achieve higher survival and greater production of chinook and coho salmon.

NEW SECTION. **Sec. 94.** The department shall coordinate the sport fishing program with the wild stock initiative to assure that the two programs are compatible and potential conflicts are avoided.

NEW SECTION. **Sec. 95.** The department shall develop plans for increased recreational access to salmon and marine fish resources. Proposals for new boat launching ramps and pier fishing access shall be developed.

NEW SECTION. **Sec. 96.** The department shall contract with private consultants, aquatic farms, or construction firms, where appropriate, to achieve the highest benefit-to-cost ratio for recreational fishing projects.

NEW SECTION. **Sec. 97.** The requirements and provisions of this chapter are to be performed in addition to and not at the expense of existing salmon programs of the department. Nothing in this chapter shall be construed to authorize the department to advocate or to improve recreational fishing at the expense of commercial fishing or to increase recreational enhancement to the detriment of commercial enhancement.

NEW SECTION. **Sec. 98.** Beginning January 1, 1994, persons who recreationally fish for salmon or marine bottomfish in marine area codes 5 through 13 shall be assessed an annual recreational surcharge of ten dollars, in addition to other licensing requirements. Funds from the surcharge shall be deposited in the recreational fisheries enhancement account created in section 99 of this act, except that the first five hundred thousand dollars shall be deposited in the general fund before June 30, 1995, to repay the appropriation made by section 102, chapter, Laws of 1993 (section 102 of this act).

NEW SECTION. **Sec. 99.** The recreational fisheries enhancement account is created in the state treasury. All receipts from section 98 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

NEW SECTION. **Sec. 100.** The department shall develop and present to the legislature, no later than January 1, 1994, proposed legislation for a recreational fishing capital facilities improvement program financed through general obligation bonds.

NEW SECTION. **Sec. 101.** Sections 84 through 99 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. **Sec. 102.** The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the recreational fisheries enhancement account created in section 99 of this act for the purpose of achieving early implementation of this act. Funds appropriated by this section shall be repaid to the general fund from the proceeds of the surcharge established in section 98 of this act. Repayment shall occur before June 30, 1995.

NEW SECTION. **Sec. 103.** Sections 83 through 102 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. **Sec. 104.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 41.06.070, 43.17.010, 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.035, 75.08.055, 75.08.400, 75.10.010, 75.10.200, 75.12.040, 75.20.005, 75.20.050, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.110, 75.20.130, 75.20.300, 75.20.310, 75.24.065, 75.25.005, 75.25.080, 75.25.170, 75.25.180, 75.50.010, 75.50.070, 75.50.080, 75.50.130, 75.52.010, 75.52.020, 75.52.035, 75.52.100, 75.52.110, 75.52.160, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.080, 77.04.100, 77.08.010, 77.12.055, 77.12.103, 77.12.440, 77.12.710, 77.12.730, 77.12.750, 77.16.060, 77.16.135, 77.16.170, 77.18.010, and 77.32.380; reenacting and amending RCW 75.08.011; adding a new section to chapter 77.12 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 75 RCW; creating new sections; repealing RCW 43.131.375 and 43.131.376; making an appropriation; providing effective dates; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Anderson moved that the House do not concur in the Senate amendments to Substitute House Bill No. 2055 and ask the Senate for a conference thereon.

Representative Forner spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Anderson, King and Reams as conferees on Substitute House Bill No. 2055.

RESOLUTION

HOUSE RESOLUTION NO. 93-4654, by Representatives Carlson, Springer, H. Myers, Morris, Peery and Ogden

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Clark College Debate and Speech Team has exhibited the highest level of excellence in winning the overall, or sweepstakes, competition at the 1993 National Community College Speech and Debate Championships held in Odessa, Texas, March 29 through April 2, 1993, its fourth consecutive national championship; and

WHEREAS, The Clark College Debate and Speech Team won the 1993 National Community College Speech and Debate Championships by taking gold medals in Lincoln-Douglas debate, impromptu speaking, and persuasive speaking, silver medals in team debate, and bronze medals in extemporaneous speaking and informative speaking; and

WHEREAS, Four members of the Clark College Debate and Speech Team returned to the championships from last year's team, when they were all national championship rookies; and

WHEREAS, The Clark College Debate and Speech Team debated the topic of whether the United Nations should use force to protect human rights, rather than respect state sovereignty; and

WHEREAS, The Clark College Debate and Speech Team coach, Orv Iverson, the team's coach and speech instructor since 1966, was awarded the prestigious Phi Rho Pi Distinguished Service Award, given to one coach each year by the National Organization for Community College Speech and Debate Programs; and

WHEREAS, Jeff Markle, a returnee from last year's championship team, won a gold medal in Lincoln-Douglas debate, in which individuals, rather than teams, debate each other, a gold medal in impromptu speaking, and a silver medal in team debate; and

WHEREAS, Jennifer Close, also a returnee from last year's championship team, won a gold medal in persuasive speaking and a silver medal in team debate; and

WHEREAS, Kim Triplett and Beth Houston, both returnees from last year's championship team, each won a bronze medal in extemporaneous speaking; and

WHEREAS, Bill Knight, the team's only rookie, won a bronze medal in informative speaking; and

WHEREAS, These accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, and community members, who backed them all the way; and

WHEREAS, The Clark College Debate and Speech Team coach, Orv Iverson, assistant coach, Roxanne Sutherland, and team members, Jeff Markle, Jennifer Close, Kim Triplett, Beth Houston, and Bill Knight, all share in the Clark College Debate and Speech Team's success by combining outstanding coaching with outstanding debating and speaking; and

WHEREAS, The individual and team achievements of the 1993 Clark College Debate and Speech Team will always be remembered when commemorating their winning year, and are a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1993 Clark College Debate and Speech Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to coach Orv Iverson, and Clark Community College President, Earl Johnson.

Representative Carlson moved adoption of the resolution.

Representatives Carlson and Ogden spoke in favor of the resolution.

House Resolution No. 4654 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1074 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.100.120 and 1982 c 35 s 169 are each amended to read as follows:

Corporations organized pursuant to this chapter shall render professional service and exercise its authorized powers under a name permitted by law and the professional ethics of the profession in which the corporation is so engaged. ~~((In the event that the words "company," "corporation" or "incorporated" or any other word, abbreviation, affix or prefix indicating that it is a corporation shall be used, it shall be accompanied with the abbreviation "P.S." or "P.C." or the words "professional service".))~~ The corporate name of a professional service corporation must contain either the words "professional service" or "professional corporation" or the abbreviation "P.S." or "P.C." The corporate name may also contain either the words "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd." With the filing of its first annual report and any filings thereafter, professional service corporation shall list its then shareholders: PROVIDED, That notwithstanding the foregoing provisions of this section, the corporate name of a corporation organized to render dental services shall contain the full names or surnames of all shareholders and no other word than "chartered" or the words "professional services" or the abbreviation "P.S." or "P.C."

Sec. 2. RCW 50.04.165 and 1991 c 72 s 57 are each amended to read as follows:

~~((1))~~ Services performed by ((corporate officers as defined in subsection (2) of this section, [other than those]) a person appointed as an officer of a corporation under RCW 23B.08.400, other than those covered by chapter 50.44 RCW, shall not be considered services in employment. However, a corporation may elect to cover not less than all of its corporate officers under RCW 50.24.160. If an employer does not elect to cover its corporate officers under RCW 50.24.160, the employer must notify its corporate officers in writing that they are ineligible for unemployment benefits. If the employer fails to notify any corporate officer, then that person shall not be considered to be a corporate officer for the purposes of this section.

~~((2) The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer.)~~

Sec. 3. RCW 23B.14.300 and 1989 c 165 s 163 are each amended to read as follows:

The superior courts may dissolve a corporation:

(1) In a proceeding by the attorney general if it is established that:

- (a) The corporation obtained its articles of incorporation through fraud; or
- (b) The corporation has continued to exceed or abuse the authority conferred upon it by law;

(2) In a proceeding by a shareholder if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered, or the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally, because of the deadlock;

(b) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent;

(c) The shareholders are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired; ~~((or))~~

(d) The corporate assets are being misapplied or wasted; or

(e) The corporation has ceased all business activity and has failed, within a reasonable time, to dissolve, to liquidate its assets, or to distribute its remaining assets among its shareholders;

(3) In a proceeding by a creditor if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment was returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

NEW SECTION. Sec. 4. A new section is added to chapter 23B.07 RCW to read as follows:

(1) An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation even though it is inconsistent with one or more other provisions of this title in that it:

- (a) Eliminates the board of directors or restricts the discretion or powers of the board of directors;
 - (b) Governs the authorization or making of distributions whether or not in proportion to ownership of shares, subject to the limitations in RCW 23B.06.400;
 - (c) Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal;
 - (d) Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies;
 - (e) Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any shareholder, director, officer, or employee of the corporation or among any of them;
 - (f) Transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation;
 - (g) Resolves any issue about which there exists a deadlock among directors or shareholders;
 - (h) Requires dissolution of the corporation at the request of one or more shareholders or upon the occurrence of a specified event or contingency; or
 - (i) Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors, and the corporation, or among any of them, and is not contrary to public policy.
- (2) An agreement authorized by this section shall be:
- (a) Set forth in a written agreement that is signed by all persons who are shareholders at the time of the agreement and is made known to the corporation;
 - (b) Subject to amendment only by all persons who are shareholders at the time of the amendment, unless the agreement provides otherwise; and
 - (c) Valid for ten years, unless the agreement provides otherwise.
- (3) The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate for outstanding shares or on the information statement required by RCW 23B.06.260(2). If at the time of the agreement the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate or information statement shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement shall be entitled to rescission of the purchase. A purchaser shall be deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate or information statement for the shares in compliance with this subsection and, if the shares are not represented by a certificate, the information statement is delivered to the purchaser at or prior to the time of purchase of the shares. An action to enforce the right of rescission authorized by this subsection must be commenced within the earlier of ninety days after discovery of the existence of the agreement or two years after the time of purchase of the shares.
- (4) An agreement authorized by this section shall cease to be effective when shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association.
- (5) An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.
- (6) The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.
- (7) Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by this section if no shares have been issued when the agreement is made.

Sec. 5. RCW 23B.16.220 and 1991 c 72 s 41 are each amended to read as follows:

- (1) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall deliver to the secretary of state for filing initial and annual reports that set forth:

(a) The name of the corporation and the state or country under whose law it is incorporated;
(b) The street address of its registered office and the name of its registered agent at that office in this state;
(c) In the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated;
(d) The address of the principal place of business of the corporation in this state;
(e) The names and addresses of its directors, if the corporation has dispensed with or limited the authority of its board of directors pursuant to RCW 23B.08.010, in an agreement authorized under section 4 of this act, or analogous authority, the names and addresses of persons who will perform some or all of the duties of the board of directors;

(f) A brief description of the nature of its business; and

(g) The names and addresses of its chairperson of the board of directors, if any, president, secretary, and treasurer, or of individuals, however designated, performing the functions of such officers.

(2) Information in an initial report or an annual report must be current as of the date the report is executed on behalf of the corporation.

(3) A corporation's initial report must be delivered to the secretary of state within one hundred twenty days of the date on which the articles of incorporation for a domestic corporation were filed, or on which a foreign corporation's certificate of authority was filed. Subsequent annual reports must be delivered to the secretary of state on, or prior to, the date on which the domestic or foreign corporation is required to pay its annual corporate license fee, and at such additional times as the corporation elects."

On page 1, line 1 of the title, after "corporations;" strike the remainder of the title and insert "amending RCW 18.100.120, 50.04.165, 23B.14.300, and 23B.16.220; and adding a new section to chapter 23B.07 RCW." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to House Bill No. 1074 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1074 as amended by the Senate.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1074 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

House Bill No. 1074 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1077, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This section applies to all nonprobate assets, wherever situated, held at the time of entry by a superior court of this state of a decree of dissolution of marriage or a declaration of invalidity.

(2)(a) If a marriage is dissolved or invalidated, a provision made prior to that event that relates to the payment or transfer at death of the decedent's interest in a nonprobate asset in favor of or granting an interest or power to the decedent's former spouse is revoked. A provision affected by this section must be interpreted, and the nonprobate asset affected passes, as if the former spouse failed to survive the decedent, having died at the time of entry of the decree of dissolution or declaration of invalidity.

(b) This subsection does not apply if and to the extent that:

(i) The instrument governing disposition of the nonprobate asset expressly provides otherwise;

(ii) The decree of dissolution or declaration of invalidity requires that the decedent maintain a nonprobate asset for the benefit of a former spouse or children of the marriage, payable on the decedent's death either outright or in trust, and other nonprobate assets of the decedent fulfilling such a requirement for the benefit of the former spouse or children of the marriage do not exist at the decedent's death; or

(iii) If not for this subsection, the decedent could not have effected the revocation by unilateral action because of the terms of the decree or declaration, or for any other reason, immediately after the entry of the decree of dissolution or declaration of invalidity.

(3)(a) A payor or other third party in possession or control of a nonprobate asset at the time of the decedent's death is not liable for making a payment or transferring an interest in a nonprobate asset to a decedent's former spouse whose interest in the nonprobate asset is revoked under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the nonprobate asset, before the payor or other third party has actual knowledge of the dissolution or other invalidation of marriage. A payor or other third party is liable for a payment or transfer made or other action taken after the payor or other third party has actual knowledge of a revocation under this section.

(b) This section does not require a payor or other third party to pay or transfer a nonprobate asset to a beneficiary designated in a governing instrument affected by the dissolution or other invalidation of marriage, or to another person claiming an interest in the nonprobate asset, if the payor or third party has actual knowledge of the existence of a dispute between the former spouse and the beneficiaries or other persons concerning rights of ownership of the nonprobate asset as a result of the application of this section among the former spouse and the beneficiaries or among other persons, or if the payor or third party is otherwise uncertain as to who is entitled to the nonprobate asset under this section. In such a case, the payor or third party may, without liability, notify in writing all beneficiaries or other persons claiming an interest in the nonprobate asset of either the existence of the dispute or its uncertainty as to who is entitled to payment or transfer of the nonprobate asset. The payor or third party may also, without liability, refuse to pay or transfer a nonprobate asset in such a circumstance to a beneficiary or other person claiming an interest until the time that either:

(i) All beneficiaries and other interested persons claiming an interest have consented in writing to the payment or transfer; or

(ii) The payment or transfer is authorized or directed by a court of proper jurisdiction.

(c) Notwithstanding subsections (1) and (2) of this section and (a) and (b) of this subsection, a payor or other third party having actual knowledge of the existence of a dispute between beneficiaries or other persons concerning rights to a nonprobate asset as a result of the application of this section may condition the payment or transfer of the nonprobate asset on execution, in a form and with security acceptable to the payor or other third party, of a bond in an amount that is double the fair market value of the nonprobate asset at the time of the decedent's death or the amount of an adverse claim, whichever is the lesser, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset.

(d) As used in this subsection, "actual knowledge" means, for a payor or other third party in possession or control of the nonprobate asset at or following the decedent's death, written notice to the payor or other third party, or to an officer of a payor or third party in the course of his or her employment, received after the decedent's death and

within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge. The notice must identify the nonprobate asset with reasonable specificity. The notice also must be sufficient to inform the payor or other third party of the revocation of the provisions in favor of the decedent's spouse by reason of the dissolution or invalidation of marriage, or to inform the payor or third party of a dispute concerning rights to a nonprobate asset as a result of the application of this section. Receipt of the notice for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(4)(a) A person who purchases a nonprobate asset from a former spouse or other person, for value and without actual knowledge, or who receives from a former spouse or other person payment or transfer of a nonprobate asset without actual knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the nonprobate asset. However, a former spouse or other person who, with actual knowledge, not for value, or not in satisfaction of a legally enforceable obligation, receives payment or transfer of a nonprobate asset to which that person is not entitled under this section is obligated to return the payment or nonprobate asset, or is personally liable for the amount of the payment or value of the nonprobate asset, to the person who is entitled to it under this section.

(b) As used in this subsection, "actual knowledge" means, for a person described in (a) of this subsection who purchases or receives a nonprobate asset from a former spouse or other person, personal knowledge or possession of documents relating to the revocation upon dissolution or invalidation of marriage of provisions relating to the payment or transfer at the decedent's death of the nonprobate asset, received within a time after the decedent's death and before the purchase or receipt that is sufficient to afford the person purchasing or receiving the nonprobate asset reasonable opportunity to act upon the knowledge. Receipt of the personal knowledge or possession of the documents for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(5) As used in this section, "nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under only the following written instruments or arrangements other than the decedent's will:

(a) A payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account;

(b) A payable-on-death, trust, or joint with right of survivorship bank account;

(c) A trust of which the person is a grantor and that becomes effective or irrevocable only upon the person's death; or

(d) Transfer on death beneficiary designations of a transfer on death or pay on death security, if such designations are authorized under Washington law.

NEW SECTION. **Sec. 2.** Section 1 of this act shall constitute a new chapter in Title 11 RCW.

Sec. 3. RCW 41.26.510 and 1991 c 365 s 31 are each amended to read as follows:

(1) Except as provided in section 1 of this act, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 4. RCW 41.32.805 and 1991 c 365 s 30 are each amended to read as follows:

(1) Except as provided in section 1 of this act, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.32.765(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.32.785 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.765(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions

standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 5. RCW 41.40.700 and 1991 c 365 s 28 are each amended to read as follows:

(1) Except as provided in section 1 of this act, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.40.630(1), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives."

On page 1, line 2 of the title, after "marriage;" strike the remainder of the title and insert "amending RCW 41.26.510, 41.32.805, and 41.40.700; and adding a new chapter to Title 11 RCW." and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to Substitute House Bill No. 1077 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1077 as amended by the Senate.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1077 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1077, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1078 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.62.010 and 1988 c 64 s 25 and 1988 c 29 s 2 are each reenacted and amended to read as follows:

(1) At any time after forty days from the date of a decedent's death, any person who is indebted to or who has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by said person which meets the requirements of subsection (2) of this section.

(2) An affidavit which is to be made pursuant to this section shall state:

(a) The claiming successor's name and address, and that the claiming successor is a "successor" as defined in RCW 11.62.005;

(b) That the decedent was a resident of the state of Washington on the date of his death;

(c) That the value of the decedent's entire estate subject to probate, not including the surviving spouse's community property interest in any assets which are subject to probate in the decedent's estate, wherever located, less liens and encumbrances, does not exceed ~~((the amount specified in RCW 6.13.030))~~ sixty thousand dollars;

(d) That forty days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) A description of the personal property and the portion thereof claimed, together with a statement that such personal property is subject to probate;

(h) That the claiming successor has given written notice, either by personal service or by mail, identifying his or her claim, and describing the property claimed, to all other successors of the decedent, and that at least ten days have elapsed since the service or mailing of such notice; and

(i) That the claiming successor is either personally entitled to full payment or delivery of the property claimed or is entitled to full payment or delivery thereof on the behalf and with the written authority of all other successors who have an interest therein.

(3) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to be the successor with respect to such security upon the presentation of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section. Any governmental agency required to issue certificates of ownership or of license registration to personal property shall issue a new certificate of ownership or of license registration to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section.

(4) No release from any Washington state or local taxing authority may be required before any assets or debts are paid or delivered to a successor of a decedent as required under this section.

NEW SECTION. Sec. 2. (1) An otherwise effective written instrument of transfer may not be deemed testamentary solely because of a provision for a nonprobate transfer at death in the instrument.

(2) "Provision for a nonprobate transfer at death" as used in subsection (1) of this section includes, but is not limited to, a written provision that:

(a) Money or another benefit up to that time due to, controlled, or owned by a decedent before death must be paid after the decedent's death to a person whom the decedent designates either in the instrument or a separate writing, including a will, executed at any time;

(b) Money or another benefit due or to become due under the instrument ceases to be payable in the event of the death of the promisee or the promisor before payment or demand; or

(c) Property, controlled by or owned by the decedent before death, that is the subject of the instrument passes to a person the decedent designates either in the instrument or in a separate writing, including a will, executed at any time.

(3) "Otherwise effective written instrument of transfer" as used in subsection (1) of this section means: An insurance policy; a contract of employment; a bond; a mortgage; a promissory note; a certified or uncertified security; an account agreement; a compensation plan; a pension plan; an individual retirement plan; an employee benefit plan; a joint tenancy; a community property agreement; a trust; a conveyance; a deed of gift; a contract; or another written instrument of a similar nature that would be effective if it did not contain provision for a nonprobate transfer at death.

(4) This section only eliminates a requirement that instruments of transfer comply with formalities for executing wills under chapter 11.12 RCW. This section does not make a written instrument effective as a contract, gift, conveyance, deed, or trust that would not otherwise be effective as such for reasons other than failure to comply with chapter 11.12 RCW.

(5) This section does not limit the rights of a creditor under other laws of this state.

NEW SECTION. Sec. 3. A provision in a lease of a safety deposit repository to the effect that two or more persons have access to the repository, or that purports to create a joint tenancy in the repository or in the contents of the repository, or that purports to vest ownership of the contents of the repository in the surviving lessee, is ineffective to create joint ownership of the contents of the repository or to transfer ownership at death of one of the lessees to the survivor. Ownership of the contents of the repository and devolution of title to those contents is determined according to rules of law without regard to the lease provisions.

NEW SECTION. Sec. 4. RCW 11.02.090 and 1974 ex.s. c 117 s 54 are each repealed.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each added to chapter 11.02 RCW." On page 1, line 2 of the title, after "death;" strike the remainder of the title and insert "amending RCW 11.62.010; adding new sections to chapter 11.02 RCW; and repealing RCW 11.02.090." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to House Bill No. 1078 and pass the bill as amended by the Senate.

Representative Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1078 as amended by the Senate.

Representative Ludwig spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1078 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representative Wang - 1.

Excused: Representatives Patterson and Reams - 2.

House Bill No. 1078, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1081 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court

judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7)(a) ~~Until July 1, 1995, "uniformed personnel" means ((a)): (i) Law enforcement officers as defined in RCW 41.26.030 ((as now or hereafter amended,)) of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more((, or (b))): (ii) fire fighters as that term is defined in RCW 41.26.030((, as now or hereafter amended)); (iii) security forces established under RCW 43.52.520; (iv) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (v) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vi) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.~~

(b) Beginning on July 1, 1995, "uniformed personnel" means: (i) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of seven thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of thirty-five thousand or more; (ii) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (iii) security forces established under RCW 43.52.520; (iv) fire fighters as that term is defined in RCW 41.26.030; (v) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (vi) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vii) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

Sec. 2. RCW 41.56.460 and 1988 c 110 s 1 are each amended to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c)(i) For employees listed in RCW 41.56.030(7)(a) ~~((and 41.56.495))~~ (i) and (iii), comparison of the wages, hours and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(ii) For employees listed in RCW 41.56.030(7)~~((b))~~(a)(ii) and (iv) through (vi), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers shall not be considered;

(d) The average consumer prices for goods and services, commonly known as the cost of living;

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

NEW SECTION. Sec. 3. A new section is added to chapter 41.56 RCW to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

- (1) The constitutional and statutory authority of the employer;
- (2) Stipulations of the parties;
- (3)(a) For employees listed in RCW 41.56.030(7)(b)(i) through (iii), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;
- (b) For employees listed in RCW 41.56.030(7)(b)(iv) through (vii), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;
- (4) The average consumer prices for goods and services, commonly known as the cost of living;
- (5) Changes in any of the circumstances under subsection (1) through (4) of this section during the pendency of the proceedings; and
- (6) Such other factors, not confined to the factors under subsection (1) through (5) of this section, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(b)(i) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

Sec. 4. RCW 41.56.123 and 1989 c 46 s 1 are each amended to read as follows:

- (1) After the termination date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.
- (2) This section does not apply to provisions of a collective bargaining agreement which both parties agree to exclude from the provisions of subsection (1) of this section and to provisions within the collective bargaining agreement with separate and specific termination dates.
- (3) This section shall not apply to the following:
 - (a) Bargaining units covered by RCW 41.56.430 et seq. for factfinding and interest arbitration;
 - (b) Collective bargaining agreements authorized by chapter 53.18 RCW; or
 - (c) ~~((Security forces established under RCW 43.52.520; or~~
 - ~~(d))~~ Collective bargaining agreements authorized by chapter 54.04 RCW.
- (4) This section shall not apply to collective bargaining agreements in effect or being bargained on July 23, 1989.

NEW SECTION. **Sec. 5.** RCW 41.56.460 and 1988 c 110 s 1, 1987 c 521 s 2, 1983 c 287 s 4, 1979 ex.s. c 184 s 3, & 1973 c 131 s 5 are each repealed.

NEW SECTION. **Sec. 6.** RCW 41.56.495 and 1988 c 110 s 3 & 1985 c 150 s 1 are each repealed.

NEW SECTION. **Sec. 7.** (1) Sections 3 and 5 of this act shall take effect July 1, 1995.

(2) Sections 1, 2, 4, and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "bargaining;" strike the remainder of the title and insert "amending RCW 41.56.460 and 41.56.123; reenacting and amending RCW 41.56.030; adding a new section to chapter 41.56 RCW; repealing RCW 41.56.460 and 41.56.495; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1081 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1081 as amended by the Senate.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1081 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Engrossed House Bill No. 1081, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1082, with the following amendment:

On page 2, line 21, after "university." insert "A chapter meeting or gathering with only chapter members in attendance shall not be considered a party under this subsection."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Substitute House Bill No. 1082 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1082 as amended by the Senate.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1082 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1082, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 2.36 RCW to read as follows:

The supreme court is requested to adopt court rules to be effective by September 1, 1994, regarding methodology and standards for merging the list of registered voters in Washington state with the list of licensed drivers and identocard holders in Washington state for purposes of creating an expanded jury source list. The rules should specify the standard electronic format or formats in which the lists will be provided to requesting superior courts by the department of information services. In the interim, and until such court rules become effective, the methodology and standards provided in section 3 of this act shall apply. An expanded jury source list shall be available to the courts for use by September 1, 1994.

NEW SECTION. Sec. 2. A new section is added to chapter 2.36 RCW to read as follows:

Not later than January 1, 1994, the secretary of state, the department of licensing, and the department of information services shall adopt administrative rules as necessary to provide for the implementation of the methodology and standards established pursuant to sections 1 and 3 of this act or by supreme court rule.

NEW SECTION. Sec. 3. A new section is added to chapter 2.36 RCW to read as follows:

Unless otherwise specified by rule of the supreme court, the jury source list and master jury list for each county shall be created as provided by this section.

(1) The superior court of each county, after consultation with the county clerk and county auditor of that jurisdiction, shall annually notify the department of information services not later than March 1 of each year of its election to use either a jury source list that is merged by the county or a jury source list that is merged by the department of information services. The department of information services shall annually furnish at no charge to the superior court of each county a separate list of the registered voters residing in that county as supplied annually by the secretary of state and a separate list of driver's license and identocard holders residing in that county as supplied annually by the department of licensing, or a merged list of all such persons residing in that county, in accordance with the annual notification required by this subsection. The lists provided by the department of information services shall be in an electronic format mutually agreed upon by the superior court requesting it and the department of information services. The annual merger of the list of registered voters residing in each county with the list of licensed drivers and identocard holders residing in each county to form a jury source list for each county shall be in accordance with the standards and methodology established in this chapter or by superseding court rule whether the merger is accomplished by the department of information services or by a county.

(2) Persons on the lists of registered voters and driver's license and identicard holders shall be identified by a minimum of last name, first name, middle initial where available, date of birth, gender, and county of residence. Identifying information shall be used when merging the lists to ensure to the extent reasonably possible that persons are only listed once on the merged list. Conflicts in addresses are to be resolved by using the most recent record by date of last vote in a general election, date of driver's license or identicard address change or date of voter registration.

(3) The department of information services shall provide counties that elect to receive a jury source list merged by department of information services with a list of names which are possible duplicates that cannot be resolved based on the identifying information required under subsection (2) of this section. If a possible duplication cannot subsequently be resolved satisfactorily through reasonable efforts by the county receiving the merged list, the possible duplicate name shall be stricken from the jury source list until the next annual jury source list is prepared.

Sec. 4. RCW 2.36.010 and 1992 c 93 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) A jury is a body of persons temporarily selected from the qualified inhabitants of a particular district, and invested with power—

(a) To present or indict a person for a public offense.

(b) To try a question of fact.

(2) "Court" when used without further qualification means any superior court or court of limited jurisdiction in the state of Washington.

(3) "Judge" means every judicial officer authorized to hold or preside over a court. For purposes of this chapter "judge" does not include court commissioners or referees.

(4) "Juror" means any person summoned for service on a petit jury, grand jury, or jury of inquest as defined in this chapter.

(5) "Grand jury" means those twelve persons impaneled by a superior court to hear, examine, and investigate evidence concerning criminal activity and corruption.

(6) "Petit jury" means a body of persons twelve or less in number in the superior court and six in number in courts of limited jurisdiction, drawn by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact.

(7) "Jury of inquest" means a body of persons six or fewer in number, but not fewer than four persons, summoned before the coroner or other ministerial officer, to inquire of particular facts.

(8) "Jury source list" means the list of all registered voters for any county, ~~((as compiled by each county auditor pursuant to the provisions of chapter 29.07 RCW))~~ merged with a list of licensed drivers and identicard holders who reside in the county. The list shall specify each ~~((voter's))~~ person's name ~~((and residence address))~~ and residence address ~~((and precinct as shown on the original registration card of each qualified voter))~~ and conform to the methodology and standards set pursuant to the provisions of section 3 of this act or by supreme court rule. The list shall be filed with the superior court by the county auditor.

(9) "Master jury list" means the list of prospective jurors from which jurors summoned to serve will be randomly selected. The master jury list shall be either randomly selected from the jury source list or may be an exact duplicate of the jury source list.

(10) "Jury term" means a period of time of one or more days, not exceeding one month, during which summoned jurors must be available to report for juror service.

(11) "Juror service" means the period of time a juror is required to be present at the court facility. This period of time may not extend beyond the end of the jury term, and may not exceed two weeks, except to complete a trial to which the juror was assigned during the two-week period.

(12) "Jury panel" means those persons randomly selected for jury service for a particular jury term.

Sec. 5. RCW 2.36.055 and 1988 c 188 s 4 are each amended to read as follows:

The ~~((county auditor shall prepare and file with the))~~ superior court at least annually ~~((, at a time or times set forth in an order of the judges of the superior court from the original registration files of voters of the county a list of all registered voters. The list may be divided into the respective voting precincts))~~ shall cause a jury source list to be compiled from a list of all registered voters and a list of licensed drivers and identicard holders residing in the county.

The superior court upon receipt of the jury source list ~~((of registered voters filed by the county auditor shall use that list as the jury source list and))~~ shall compile a master jury list ~~((from the source list)).~~ The master jury list

shall be certified by the superior court and filed with the county clerk. All previous jury source lists and master jury lists shall be superseded. In the event that, for any reason, a county's jury source list is not timely created and available for use at least annually, the most recent previously compiled jury source list for that county shall be used by the courts of that county on an emergency basis only for the shortest period of time until a current jury source list is created and available for use.

Upon receipt of amendments to the list of registered voters (~~(from the county auditor)~~) and licensed drivers and identicard holders residing in the county the superior court may update the jury source list and master jury list as maintained by the county clerk accordingly.

Sec. 6. RCW 2.36.063 and 1988 c 188 s 5 are each amended to read as follows:

The judge or judges of the superior court of any county may employ a properly programmed electronic data processing system or device to compile the jury source list, and to compile the master jury list and to randomly select jurors from the master jury list.

Sec. 7. RCW 2.36.065 and 1988 c 188 s 6 are each amended to read as follows:

It shall be the duty of the judges of the superior court to ensure continued random selection of the master jury list and jury panels, which shall be done without regard to whether a person's name originally appeared on the list of registered voters, or on the list of licensed drivers and identicard holders, or both. The judges shall review the process from time to time and shall cause to be kept on file with the county clerk a description of the jury selection process. Any person who desires may inspect this description in said office.

Nothing in this chapter shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jury panels is achieved.

Sec. 8. RCW 2.36.095 and 1992 c 93 s 4 are each amended to read as follows:

(1) Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service. The county clerk shall issue summons and thereby notify persons selected for jury duty. The clerk may issue summons for any jury term, in any consecutive twelve-month period, at any time thirty days or more before the beginning of the jury term for which the summons are issued. However, when applicable, the provisions of RCW 2.36.130 apply.

(2) In courts of limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the county clerk may summon jurors for any and all courts in the county or judicial district.

(3) The county clerk shall notify the county auditor of each summons for jury duty that is returned by the postal service as undeliverable.

NEW SECTION. Sec. 9. A new section is added to chapter 2.36 RCW to read as follows:

Each court shall establish a means to preliminarily determine by a written declaration signed under penalty of perjury by the person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to their appearance at the court to which they are summoned to serve. Upon receipt by the summoning court of a written declaration stating that a declarant does not meet the qualifications set forth in RCW 2.36.070, that declarant shall be excused from appearing in response to the summons. If a person summoned to appear for jury duty fails to sign and return a declaration of his or her qualifications to serve as a juror prior to appearing in response to a summons and is later determined to be unqualified for one of the reasons set forth in RCW 2.36.070, that person shall not be entitled to any compensation as provided in RCW 2.36.150. Information provided to the court for preliminary determination of statutory qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose, except that the court, or designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

Sec. 10. RCW 29.04.160 and 1977 ex.s. c 226 s 1 are each amended to read as follows:

No later than February 15th and no later than August 15th of each year, the secretary of state shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the state central committee of each major political party~~((s))~~ at actual duplication cost, ~~((and))~~ shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the statute law committee without cost, and shall provide a duplicate copy of the master state-wide computer tape or electronic data file of registered voters to the department of information services for purposes of creating the jury source list without cost. The master state-wide

computer tape or data file of registered voters or portions of the tape or file shall be available to any other political party, at actual duplication cost, upon written request to the secretary of state. Restrictions as to the commercial use of the information on the state-wide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29.04.110 and 29.04.120 as now existing or hereafter amended.

Sec. 11. RCW 29.07.220 and 1991 c 81 s 22 are each amended to read as follows:

Each county auditor shall maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county. Where it is necessary or advisable, the auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as it now exists or is hereafter amended. The computer file shall include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, sex, date of registration, applicable taxing district and precinct codes and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates: PROVIDED, That if the voter has not voted at least five times since establishing his or her current registration record, only the available dates shall be included.

NEW SECTION. Sec. 12. A new section is added to chapter 46.20 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall annually provide to the department of information services at no charge a computer tape or electronic data file of all licensed drivers and identicard holders who are eighteen years of age or older and whose records have not expired for more than two years and which shall contain the following information on each such person: Full name, date of birth, residence address including county, sex, and most recent date of application, renewal, replacement, or change of driver's license or identicard.

(2) Before complying with subsection (1) of this section, the department shall remove from the tape or file the names of any certified participants in the Washington state address confidentiality program under chapter 40.24 RCW that have been identified to the department by the secretary of state.

NEW SECTION. Sec. 13. If specific funding for section 11 of this act, referencing section 11 of this act by bill number, is not provided by June 30, 1994, in the omnibus appropriations act, section 11 of this act is null and void.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. (1) Sections 1, 2, 3, 6, 8, and 13 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

(2) Sections 10 and 12 of this act shall take effect March 1, 1994.

(3) The remainder of this act shall take effect September 1, 1994."

On page 1, line 1 of the title, after "lists;" strike the remainder of the title and insert "amending RCW 2.36.010, 2.36.055, 2.36.063, 2.36.065, 2.36.095, 29.04.160, and 29.07.220; adding new sections to chapter 2.36 RCW; adding a new section to chapter 46.20 RCW; creating a new section; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1084 and pass the bill as amended by the Senate.

Representative Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1084 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1084 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Engrossed Substitute House Bill No. 1084, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, with the following amendment:

On page 14, line 29, after "shall" strike "give consideration to the federal time lines for the implementation of required control technology" and insert "~~((give consideration to the federal time lines for the implementation of required control technology))~~ establish requirements consistent with Title IV of the federal clean air act"

On page 24, after line 35 insert the following:

"(9) The department shall report to the appropriate standing committees of the legislature by December 1, 1995, regarding the appropriateness of the fee structures authorized under this section for those sources not subject to permit program requirements as of the effective date of this act but which later become subject to such permit program requirements. In preparing the report, the department shall consult with representatives of such sources, local air authorities, environmental groups, and other interested parties. Fee structures as authorized under this section shall remain in effect until such time as the legislature authorizes an alternative structure following receipt of the report required by this subsection."

On page 26, line 37, after "renewal" strike ", except as provided under subsection (3) (d) or (e) of this section" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1089 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1089 as amended by the Senate.

Representative Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1089 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 85, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 85.

Voting nay: Representatives Chandler, Edmondson, Fuhrman, Lisk, Morton, Padden, Schoesler, Sheahan, Silver, Stevens and Van Luven - 11.

Excused: Representatives Patterson and Reams - 2.

Engrossed Substitute House Bill No. 1089, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please change my vote from a "YEA" to a "NAY" on Substitute House Bill No. 1089.

TODD MIELKE, 6th District

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1100, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.93 RCW to read as follows:

(1) By January 1, 1994, each county or city with a staffed transfer station or landfill in its jurisdiction shall adopt an ordinance to reduce litter from vehicles. The ordinance shall require the operator of a vehicle transporting solid waste to a staffed transfer station or landfill to secure or cover the vehicle's waste in a manner that will prevent spillage. The ordinance may provide exemptions for vehicle operators transporting waste that is unlikely to spill from a vehicle.

The ordinance shall, in the absence of an exemption, require a fee, in addition to other landfill charges, for a person arriving at a staffed landfill or transfer station without a cover on the vehicle's waste or without the waste secured.

(2) The fee collected under subsection (1) of this section shall be deposited, no less often than quarterly, with the city or county in which the landfill or transfer station is located.

(3) A vehicle transporting sand, dirt, or gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load pursuant to ordinances adopted under this section."

On page 1, line 1 of the title, after "materials;" strike the remainder of the title and insert "and adding a new section to chapter 70.93 RCW."

and the same are herewith transmitted.

MOTION

Representative Rust moved that the House do concur in the Senate amendment to Substitute House Bill No. 1100 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1100 as amended by the Senate.

Representative Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1100 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Edmondson, Fuhrman, Lisk, Mielke, Morton, Padden, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Tate, Thomas, Vance and Van Luven - 24.

Excused: Representatives Patterson and Reams - 2.

Substitute House Bill No. 1100, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1110 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.020 and 1988 c 142 s 1 are each amended to read as follows:

For the purpose of and as used in this chapter:

- (1) "Court" means the superior court of the state of Washington, juvenile department.
- (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.
- (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ~~((pediatry))~~ podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.
- (4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.
- (5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Child abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons not able to provide for their own protection through the criminal justice system" shall be defined as those persons over the age of eighteen years who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW ~~((71.20.016))~~ 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a "sexually aggressive youth."

NEW SECTION. Sec. 2. A new section is added to chapter 26.44 RCW to read as follows:

(1) If a law enforcement agency receives a complaint that alleges that a child under age twelve has committed a sex offense as defined in RCW 9.94A.030, the agency shall investigate the complaint. If the investigation reveals that probable cause exists to believe that the youth may have committed a sex offense and the child is at least eight years of age, the agency shall refer the case to the proper county prosecuting attorney for appropriate action to determine whether the child may be prosecuted or is a sexually aggressive youth. If the child is less than eight years old, the law enforcement agency shall refer the case to the department.

(2) If the prosecutor or a judge determines the child cannot be prosecuted for the alleged sex offense because the child is incapable of committing a crime as provided in RCW 9A.04.050 and the prosecutor believes that probable cause exists to believe that the child engaged in acts that would constitute a sex offense, the prosecutor shall refer the child as a sexually aggressive youth to the department. The prosecutor shall provide the department with an affidavit stating that the prosecutor has determined that probable cause exists to believe that the juvenile has committed acts that could be prosecuted as a sex offense but the case is not being prosecuted because the juvenile is incapable of committing a crime as provided in RCW 9A.04.050.

(3) The department shall investigate any referrals that allege that a child is a sexually aggressive youth. The purpose of the investigation shall be to determine whether the child is abused or neglected, as defined in this chapter, and whether the child or the child's parents are in need of services or treatment. The department may offer appropriate available services and treatment to a sexually aggressive youth and his or her parents or legal guardians as provided in RCW 74.13.075 and may refer the child and his or her parents to appropriate treatment and services available within the community. If the parents refuse to accept or fail to obtain appropriate treatment or services under circumstances that indicate that the refusal or failure is child abuse or neglect, as defined in this chapter, the department may pursue a dependency action as provided in chapter 13.34 RCW.

(4) Nothing in this section shall affect the responsibility of a law enforcement agency to report incidents of abuse or neglect as required in RCW 26.44.030(5).

Sec. 3. RCW 74.13.075 and 1990 c 3 s 305 are each amended to read as follows:

(1) For the purposes of funds appropriated for the treatment of ~~((at-risk juvenile sex offenders, "at-risk juvenile sex offenders"))~~ sexually aggressive youth, the term "sexually aggressive youth" means those juveniles who:

(a) Are in the care and custody of the state ~~((who))~~ and:

~~((a))~~ (i) Have been abused; and

~~((b))~~ (ii) Have committed a sexually aggressive or other violent act that is sexual in nature; or

~~((c))~~ (b) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) In expending these funds, the department of social and health services shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment; ~~((and))~~

(e) The cost of the treatment; and

(f) The ability of the juvenile's parent or guardian to pay for the treatment.

NEW SECTION. Sec. 4. The secretary of the department of social and health services is authorized to transfer surplus, unused treatment funds from the civil commitment center operated under chapter 71.09 RCW to the division of children and family services to provide treatment services for sexually aggressive youth."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 26.44.020 and 74.13.075; adding a new section to chapter 26.44 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Riley moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1110 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1110 as amended by the Senate.

Representative Vance spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1110 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Patterson and Reams - 2.

Engrossed House Bill No. 1110, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1115 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall

report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report ~~((of incidents, conditions, or circumstances))~~ of child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department ~~((of social and health services))~~ shall ~~((, within funds appropriated for this purpose,))~~ use a risk assessment ~~((tool))~~ process when investigating child abuse and neglect referrals. ~~((The tool shall be used,~~

~~on a pilot basis, in three local office service areas.))~~ The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the ~~((ways and means))~~ appropriate committees of the senate and house of representatives on the ~~((use))~~ effectiveness of the ~~((tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool))~~ risk assessment process.

(14) Upon receipt of ~~((such))~~ a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and amending RCW 26.44.030."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Riley moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1115 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1115 as amended by the Senate.

On motion of Representative J. Kohl, Representative Leonard was excused.

Representative Cooke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1115 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

Engrossed House Bill No. 1115, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Any minor who is sixteen years of age or older and who is a resident of this state may petition in the superior court for a declaration of emancipation.

NEW SECTION. Sec. 2. (1) A petition for emancipation shall be signed and verified by the petitioner, and shall include the following information: (a) The full name of the petitioner, the petitioner's birthdate, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address, and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) A reasonable filing fee not to exceed fifty dollars shall be set by the court.

NEW SECTION. Sec. 3. The petitioner shall serve a copy of the filed petition and notice of hearing on the petitioner's parent or parents, guardian, or custodian at least fifteen days before the emancipation hearing. No summons shall be required. Service shall be waived if proof is made to the court that the address of the parent or parents, guardian, or custodian is unavailable or unascertainable. The petitioner shall also serve notice of the hearing on the department if the petitioner is subject to dependency disposition order under RCW 13.34.130. The hearing shall be held no later than sixty days after the date on which the petition is filed.

NEW SECTION. Sec. 4. The hearing on the petition shall be before a judge, sitting without a jury. Prior to the presentation of proof the judge shall determine whether: (1) The petitioning minor understands the consequences of the petition regarding his or her legal rights and responsibilities; (2) a guardian ad litem should be appointed to investigate the allegations of the petition and file a report with the court.

NEW SECTION. Sec. 5. (1) The court shall grant the petition for emancipation, except as provided in subsection (2) of this section, if the petitioner proves the following facts by clear and convincing evidence: (a) That the petitioner is sixteen years of age or older; (b) that the petitioner is a resident of the state; (c) that the petitioner has the ability to manage his or her financial affairs; and (d) that the petitioner has the ability to manage his or her personal, social, educational, and nonfinancial affairs.

(2) A parent, guardian, custodian, or in the case of a dependent minor, the department, may oppose the petition for emancipation. The court shall deny the petition unless it finds, by clear and convincing evidence, that denial of the grant of emancipation would be detrimental to the interests of the minor.

(3) Upon entry of a decree of emancipation by the court the petitioner shall be given a certified copy of the decree. The decree shall instruct the petitioner to obtain a Washington driver's license or a Washington identification card and direct the department of licensing make a notation of the emancipated status on the license or identification card.

NEW SECTION. Sec. 6. (1) An emancipated minor shall be considered to have the power and capacity of an adult, except as provided in subsection (2) of this section. A minor shall be considered emancipated for the purposes of, but not limited to:

(a) The termination of parental obligations of financial support, care, supervision, and any other obligation the parent may have by virtue of the parent-child relationship, including obligations imposed because of marital dissolution;

(b) The right to sue or be sued in his or her own name;

(c) The right to retain his or her own earnings;

(d) The right to establish a separate residence or domicile;

(e) The right to enter into nonvoidable contracts;

(f) The right to act autonomously, and with the power and capacity of an adult, in all business relationships, including but not limited to property transactions;

(g) The right to work, and earn a living, subject only to the health and safety regulations designed to protect those under age of majority regardless of their legal status; and

(h) The right to give informed consent for receiving health care services.

(2) An emancipated minor shall not be considered an adult for: (a) The purposes of the adult criminal laws of the state unless the decline of jurisdiction procedures contained in RCW 13.40.110 are used; (b) the criminal laws of the state when the emancipated minor is a victim and the age of the victim is an element of the offense; or (c) those specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, and other health and safety regulations relevant to the minor because of the minor's age.

NEW SECTION. Sec. 7. A declaration of emancipation obtained by fraud is voidable. The voiding of any such declaration shall not affect any obligations, rights, or interests that arose during the period the declaration was in effect.

NEW SECTION. Sec. 8. The office of the administrator for the courts shall prepare and distribute to the county court clerks appropriate forms for minors seeking to initiate a petition of emancipation.

Sec. 9. RCW 49.12.121 and 1989 c 1 s 3 are each amended to read as follows:

(1) The ~~((committee, or the director,))~~ department may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business, or occupation in the state of Washington and may adopt special rules for the protection of the safety, health, and welfare of minor employees. ~~((The minimum wage for minors shall be as prescribed in RCW 49.46.020.))~~ However, the rules may not limit the hours per day or per week, or other specified work period, that may be worked by minors who are emancipated by court order.

(2) The ~~((committee))~~ department shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the standards ~~((set forth concerning))~~ for the health, safety, and welfare of minors as set forth in the rules ~~((and regulations promulgated))~~ adopted by the ~~((committee))~~ department. No minor person shall be employed in any occupation, trade, or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian, or other person having legal custody of the minor and with the approval of the school which such minor may then be attending. However, the consent of a parent, guardian, or other person, or the approval of the school which the minor may then be attending, is unnecessary if the minor is emancipated by court order.

(3) The minimum wage for minors shall be as prescribed in RCW 49.46.020.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 13 RCW.

NEW SECTION. Sec. 11. This act shall take effect January 1, 1994." On page 1, line 1 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 49.12.121; adding a new chapter to Title 13 RCW; and providing an effective date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Riley moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1157 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1157 as amended by the Senate.

Representative Padden spoke against the passage of the bill and Representative Ludwig spoke for it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1157 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 78, Nays - 17, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Carlson, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 78.

Voting nay: Representatives Brumsickle, Casada, Chappell, Forner, Fuhrman, Horn, Lisk, Mielke, Morton, Padden, Schoesler, Silver, Stevens, Tate, Thomas, Vance and Van Luven - 17.

Excused: Representatives Leonard, Patterson and Reams - 3.

Engrossed Substitute House Bill No. 1157, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1165 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist;

(3) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter;

(4) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

Sec. 2. RCW 13.34.100 and 1988 c 232 s 1 are each amended to read as follows:

(1) The court shall in all contested cases appoint ~~((an attorney and/or))~~ a guardian ad litem for a child who is ~~((a party to the proceedings in all contested proceedings))~~ the subject of an action under this chapter, unless a court~~((r))~~ for good cause~~((r))~~ finds the appointment unnecessary. ~~((An attorney and/or))~~ A guardian ad litem may be appointed at the discretion of the court in uncontested proceedings~~((: PROVIDED, That))~~. The requirement of a guardian ad litem shall be deemed satisfied if the child is represented by independent counsel in the proceedings.

~~((A))~~

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed. ((Such attorney and/or))

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem; and

(e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter. ((A report by the guardian ad litem to the court shall contain, where relevant, information on the legal status of a child's membership in any Indian tribe or band.))

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To represent and be an advocate for the best interests of the child;

(b) To collect relevant information about the child's situation;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; and

(d) To report to the court information on the legal status of a child's membership in any Indian tribe or band.

(2) The guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(4), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

Sec. 4. RCW 26.44.053 and 1987 c 524 s 11 and 1987 c 206 s 7 are each reenacted and amended to read as follows:

(1) In any contested judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child: PROVIDED, That the requirement of a guardian ad litem ~~((shall))~~ may be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be ~~((a child subjected to abuse or neglect))~~ abused or neglected shall be a party to any proceeding that may ~~((as a practical matter))~~ impair or impede such person's interest in and custody or control of ~~((his or her))~~ the child.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

On page 1, line 1 of the title, after "litem;" strike the remainder of the title and insert "amending RCW 13.34.030 and 13.34.100; reenacting and amending RCW 26.44.053; adding a new section to chapter 13.34 RCW; and creating a new section."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Riley moved that the House do concur in the Senate amendment to House Bill No. 1165 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1165 as amended by the Senate.

Representative Cooke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1165 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

House Bill No. 1165, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1183, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.44.270 and 1987 c 458 s 3 are each amended to read as follows:

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (4) or (5) of this section.

(3) ~~((This section does))~~ Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years."

On page 1, line 2 of the title, after "public;" strike the remainder of the title and insert "amending RCW 66.44.270; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Substitute House Bill No. 1183 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1183 as amended by the Senate.

Representative Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1183 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

Substitute House Bill No. 1183, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1188, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 60.68.015 and 1992 c 133 s 1 are each amended to read as follows:

(1) Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens must be recorded for record in accordance with this chapter.

(2) Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens shall be recorded in the office of the recorder of the county in which the real property subject to the liens is situated. A lien may be recorded only upon certification that a copy of the lien document has been sent by registered or certified mail, with return receipt, to the owner of the real property subject to the lien.

(3) Notices of federal liens upon personal property, whether tangible or intangible, for obligations payable to the United States and certificates and notices affecting the liens shall be filed with the department of licensing." In line 1 of the title, after "liens;" strike the remainder of the title and insert "and amending RCW 60.68.015." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to House Bill No. 1188 and pass the bill as amended by the Senate.

Representative Morton spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1188 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1188 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

House Bill No. 1188, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1195 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 68.50.160 and 1992 c 108 s 1 are each amended to read as follows:

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.

(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person (~~, unless other directions have been given by the decedent,~~) vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:

((4)) (a) The surviving spouse.

((2)) (b) The surviving adult children of the decedent.

((3)) (c) The surviving parents of the decedent.

(d) The surviving siblings of the decedent.

(e) A person acting as a representative of the decedent under the signed authorization of the decedent.

(4) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent (~~(hereinbefore mentioned)~~) in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent."

In line 2 of the title, after "remains;" strike the remainder of the title and insert "and amending RCW 68.50.160."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Substitute House Bill No. 1195 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1195 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1195 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

Substitute House Bill No. 1195, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1211, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.310.200 and 1990 c 159 s 1 and 1990 c 33 s 278 are each reenacted and amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board.

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230.

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the state board of education and the acquisition or alienation of all such property shall be subject to such provisions as the board may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender. The authority to borrow under this subsection shall be limited to educational service districts serving a minimum of two hundred thousand students in grades kindergarten through twelve.

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide

cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district.

(8) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

~~((9))~~ (9) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

NEW SECTION. Sec. 2. The Washington state institute for public policy shall submit to the legislature by January 10, 1994, a report with recommendations for the design of a comprehensive study of the role and performance of educational service districts."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "reenacting and amending RCW 28A.310.200; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dorn moved that the House do concur in the Senate amendment to Substitute House Bill No. 1211 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1211 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1211 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

Substitute House Bill No. 1211, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1219 with the following amendment:

On page 2, after line 27, insert the following:

"**Sec. 3.** RCW 39.12.042 and 1989 c 12 s 11 are each amended to read as follows:

If any agency of the state, or any county, municipality, or political subdivision created by its laws shall (~~wilfully~~) knowingly fail to comply with the provisions of RCW 39.12.040 as now or hereafter amended, such agency of the state, or county, municipality, or political subdivision created by its laws, shall be liable to all workers, laborers, or mechanics to the full extent and for the full amount of wages due, pursuant to the prevailing wage requirements of RCW 39.12.020."

On page 1, line 2 of the title, after "39.12.070" insert "and 39.12.042" and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Substitute House Bill No. 1219 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1219 as amended by the Senate.

Representative Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1219 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 60, Nays - 35, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sheldon, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Lisk, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 35.

Excused: Representatives Leonard, Patterson and Reams - 3.

Substitute House Bill No. 1219, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1226 with the following amendment:

On page 3, line 19, after "in" strike "this"

On page 3, line 19, after "subsection" insert "(2) of this section" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Zellinsky moved that the House do concur in the Senate amendment to Substitute House Bill No. 1226 and pass the bill as amended by the Senate.

Representative Mielke spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1226 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1226 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

Substitute House Bill No. 1226, as amended by the House, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1271 with the following amendment:

On page 1, line 10, after "~~forty-~~" strike "five" and insert "six" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1271 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1271 as amended by the Senate.

Representative R. Fisher spoke in favor of passage for bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1271 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

Engrossed House Bill No. 1271, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1316 with the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 35.21.770 and 1974 ex.s. c 60 s 1 are each amended to read as follows

Notwithstanding any other provision of law, the legislative body of any city or town, by resolution adopted by ~~((unanimous))~~ a two-thirds vote of the full legislative body, may authorize any of its members to serve as volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers, or both, and to receive the same compensation, insurance and other benefits as are applicable to other volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers employed by the city or town.

Sec. 2. RCW 35A.11.110 and 1974 ex.s. c 60 s 2 are each amended to read as follows:

Notwithstanding any other provision of law, the legislative body of any code city, by resolution adopted by ~~((unanimous))~~ a two-thirds vote of the full legislative body, may authorize any of its members to serve as volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers, or both, and to receive the same compensation, insurance and other benefits as are applicable to other volunteer ~~((firemen))~~ fire fighters or reserve law enforcement officers employed by the code city."

On page 1, line 2 of the title, after "capacities;" strike the remainder of the title and insert "and amending RCW 35.21.770 and 35A.11.110." and the same is/are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendment to Substitute House Bill No. 1316 and pass the bill as amended by the Senate.

Representatives Springer and Edmondson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1316 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1316 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Reams - 3.

Substitute House Bill No. 1316, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1325, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department, in consultation with associations of local governments, shall develop a proposal to offer contracts for air service fares to local government employees at the best available rates. In developing the proposal, the elements to be considered include, but are not limited to:

(1) Guidelines for predicting and reporting the volume, frequency, and destinations of air travel requirements of local government employees;

(2) A cost-effective system for aggregating bookings, accounting, and payments for local employee air travel;

(3) The most appropriate means for preparing invitations to bid, that will offer the greatest possible opportunity for local governments to take advantage of bulk rates in a manner that will avoid delay in putting the contracts into place;

(4) Establishment of an ongoing clearinghouse of favorable rates, schedules, and destinations that can be made readily available to local government managers in planning air travel for their employees; and

(5) Any other services that will assist local governments in planning air travel on essential public business.

The results of the consultation and progress on the proposal shall be reported to the senate committee on government operations and the house of representatives committee on local government by December 15, 1993."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendment to Substitute House Bill No. 1325 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1325 as amended by the Senate.

Representative Edmondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1325 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Riley - 3.

Substitute House Bill No. 1325, as amended by the Senate, having received the constitutional majority, was declared passed.

On motion of Representative J. Kohl, Representative Riley was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The ability of utilities to acquire cost effective conservation measures is instrumental in assuring that Washington citizens have reasonable energy rates and that utilities have adequate energy resources to meet future energy demands;

(b) Customers may be more willing to accept investments in energy efficiency and conservation if real and perceived impediments to property transactions are avoided;

(c) Potential purchasers of real property should be notified of any utility conservation charges at the earliest point possible in the sale.

(2) It is the intent of the legislature to encourage utilities to develop innovative approaches designed to promote energy efficiency and conservation that have limited rate impacts on utility customers. It is not the intent of the legislature to restrict the authority of the utilities and transportation commission to approve tariff schedules.

(3) It is also the intent of the legislature that utilities which establish conservation tariffs should undertake measures to assure that potential purchasers of property are aware of the existence of any conservation tariffs. Measures that may be considered include, but are not limited to:

(a) Recording a notice of a conservation tariff payment obligation, containing a legal description, with the county property records;

(b) Annually notifying customers who have entered agreements of the conservation tariff obligation;

(c) Working with the real estate industry to provide for disclosure of conservation tariff obligations in standardized listing agreements and earnest money agreements; and

(d) Working with title insurers to provide recorded conservation tariff obligations as an informational note to the preliminary commitment for policy of title insurance.

NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW to read as follows:

(1) Upon request by an electrical or gas company, the commission may approve a tariff schedule that contains rates or charges for energy conservation measures, services, or payments provided to individual property owners or customers. The tariff schedule shall require the electrical or gas company to enter into an agreement with the property owner or customer receiving services at the time the conservation measures, services, or payments are initially provided. The tariff schedule may allow for the payment of the rates or charges over a period of time and for the application of the payment obligation to successive property owners or customers at the premises where the conservation measures or services were installed or performed or with respect to which the conservation payments were made.

(2) The electrical or gas company shall record a notice of a payment obligation, containing a legal description, resulting from an agreement under this section with the county auditor or recording officer as provided in RCW 65.04.030.

(3) The commission may prescribe by rule other methods by which an electrical or gas company shall notify property owners or customers of any such payment obligation.

NEW SECTION. Sec. 3. A new section is added to chapter 64.04 RCW to read as follows:

Prior to closing, the seller of real property subject to a rate or charge for energy conservation measures, services, or payments provided under a tariff approved by the utilities and transportation commission pursuant to section 2 of this act shall disclose to the purchaser of the real property the existence of the obligation and the possibility that the purchaser may be responsible for the payment obligation.

NEW SECTION. Sec. 4. A new section is added to chapter 48.29 RCW to read as follows:

The existence of notices of payment obligations in section 2 of this act may be disclosed as an informational note to a preliminary commitment for policy of title insurance. Neither the inclusion nor the exclusion of any such informational note shall create any liability against such title insurer under any preliminary commitment for title insurance, policy or otherwise."

On page 1, line 2 of the title, after "owners;" strike the remainder of the title and insert "adding a new section to chapter 80.28 RCW; adding a new section to chapter 64.04 RCW; adding a new section to chapter 48.29 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Grant moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1326 and pass the bill as amended by the Senate.

Representative Casada spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1326 as amended by the Senate.

Representative Finkbeiner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1326 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton,

Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Riley - 3.

Engrossed Substitute House Bill No. 1326, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) The number of youth who are members and associates of gangs and commit gang violence has significantly increased throughout the entire greater Puget Sound, Spokane, and other areas of the state;

(2) Youth gang violence has caused a tremendous strain on the progress of the communities impacted. The loss of life, property, and positive opportunity for growth caused by youth gang violence has reached intolerable levels. Increased youth gang activity has seriously strained the budgets of many local jurisdictions, as well as threatened the ability of the educational system to educate our youth;

(3) Among youth gang members the high school drop-out rate is significantly higher than among nongang members. Since the economic future of our state depends on a highly educated and skilled work force, this high school drop-out rate threatens the economic welfare of our future work force, as well as the future economic growth of our state;

(4) The unemployment rate among youth gang members is higher than that among the general youth population. The unusual unemployment rate, lack of education and skills, and the increased criminal activity could significantly impact our future prison population;

(5) Most youth gangs are subcultural. This implies that gangs provide the nurturing, discipline, and guidance to gang youth and potential gang youth that is generally provided by communities and other social systems. The subcultural designation means that youth gang participation and violence can be effectively reduced in Washington communities and schools through the involvement of community, educational, criminal justice, and employment systems working in a unified manner with parents and individuals who have a firsthand knowledge of youth gangs and at-risk youth; and

(6) A strong unified effort among parents and community, educational, criminal justice, and employment systems would facilitate: (a) The learning process; (b) the control and reduction of gang violence; (c) the prevention of youth joining negative gangs; and (d) the intervention into youth gangs.

NEW SECTION. Sec. 2. It is the intent of the legislature to cause the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government. It is also the intent of the legislature that if the prevention and intervention pilot programs are determined to be effective in reducing problems associated with youth gang violence, that other counties in the state be eligible to receive special state funding to establish similar positive prevention and intervention programs.

NEW SECTION. Sec. 3. Unless the context otherwise requires, the following definitions shall apply throughout sections 1 through 11 of this act:

(1) "School" means any public school within a school district any portion of which is in a county with a population of over one hundred ninety thousand.

(2) "Community organization" means any organization recognized by a city or county as such, as well as private, nonprofit organizations registered with the secretary of state.

(3) "Gang risk prevention and intervention pilot program" means a community-based positive prevention and intervention program for gang members, potential gang members, at-risk youth, and elementary through high school-aged youth directed at all of the following:

- (a) Reducing the probability of youth involvement in gang activities and consequent violence.
- (b) Establishing ties, at an early age, between youth and community organizations.
- (c) Committing local business and community resources to positive programming for youth.
- (d) Committing state resources to assist in creating the gang risk prevention and intervention pilot programs.

(4) "Cultural awareness retreat" means a program that temporarily relocates at-risk youth or gang members and their parents from their usual social environment to a different social environment, with the specific purpose of having them performing activities which will enhance or increase their positive behavior and potential life successes.

NEW SECTION. Sec. 4. (1) The department of community development may recommend existing programs or contract with either school districts or community organizations, or both, through a request for proposal process for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1994-95 session, and last for a duration of two years.

(3) The school district or community organization proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the department of community development. To the extent possible, proposals shall contain empirical data on current problems, such as drop-out rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

(4) Grants awarded under this section may not be used for the administrative costs of the school district or the individual school.

NEW SECTION. Sec. 5. (1) A school district in a county with a population of over one hundred ninety thousand may request proposals for establishing gang risk prevention and intervention pilot programs from either public entities that apply jointly with individual schools or community organizations. The proposals shall be reviewed and recommendations for awarding grants shall be made by a committee made up of: (a) A representative from the school district taking the proposal, appointed by the school district's board of directors; (b) a representative appointed by the director of the department of community development or designate; and (c) a representative from the local juvenile court administration.

(2) A school district or community organization, upon its election to enter into a contract pursuant to section 4 of this act, shall, no later than March 1, 1994, submit a standard request for proposals.

(3) Proposals made to the department of community development must comply with the conditions of the grant.

(4) The department of community development shall additionally monitor and evaluate the gang risk prevention and intervention pilot programs pursuant to the following criteria:

(a) Success in obtaining stated goals.

(b) Reduction in drop-out rates.

(c) Reduction in violence among students, on and off campus.

(d) Development of techniques for early identification of at-risk youth.

(5) The school district or community organization shall report to the department of community development the results of the program.

(6) Grants awarded under this section may not be used for administrative costs of the school district or the individual school.

NEW SECTION. Sec. 6. Gang risk prevention and intervention pilot programs shall include, but are not limited to:

- (1) Counseling for targeted at-risk students, parents, and families, individually and collectively.
- (2) Exposure to positive sports and cultural activities, promoting affiliations between youth and the local community.
- (3) Job training, which may include apprentice programs in coordination with local businesses, job skills development at the school, or information about vocational opportunities in the community.
- (4) Positive interaction with local law enforcement personnel.
- (5) The use of local organizations to provide job search training skills.
- (6) Cultural awareness retreats.
- (7) The use of specified state resources, as requested.
- (8) Full service schools under section 9 of this act.
- (9) Community service such as volunteerism and citizenship.

NEW SECTION. Sec. 7. (1) Upon request from the local community organization receiving an award under section 5 of this act or the granting local school district, or both, the employment security department shall provide a job counselor or counselors to assist at cultural awareness retreats. The counselor shall provide assistance with the following:

- (a) Testing for job occupation preferences.
- (b) Information on the skills needed for different occupations.
- (c) Coordinating the personal appearance of small business owners or corporate managers to explain the type of skills and characteristics businesses currently need in prospective employees, as well as those of prospective future employees.
- (d) Establishing a business mentor program between the small business owners or corporate managers and the youth who are willing to participate.
- (e) Establishing a specific program that provides help with employment opportunities for youth who attend cultural awareness retreats.

The department may provide other services than those specified.

(2) Upon request from the local community organization awarded the grant, the local school district, or both, the department may provide those services specified in subsection (1) of this section for the youth who are receiving services from the local community organization.

NEW SECTION. Sec. 8. Upon request from the local community organization receiving an award under section 5 of this act or the granting local school district, or both, the department of labor and industries shall:

- (1) Provide information and assistance with regards to the skills and educational backgrounds needed to apply for apprenticeship programs.
- (2) Provide direction and assistance with applications for apprenticeship programs.
- (3) Explore and examine the feasibility of establishing preapprenticeship programs for those youth who cannot qualify for apprenticeships because of age or educational deficiencies, and are participating or have participated in the retreat.
- (4) Provide assistance for and coordination of the personal appearance of representatives of the joint apprenticeship committee with the specific purpose of discussing the skills needed to perform different occupations.
- (5) Provide assistance for and coordination of the establishment of a joint apprenticeship mentor program with those youth who are participating or have participated in the retreat program.

The department may provide other services.

Upon request from the local community organization receiving the award under section 5 of this act or the local school district, or both, the department shall provide the services in this section either at the grant-receiving school or at the cultural awareness retreat, or both.

NEW SECTION. Sec. 9. (1) The purpose of a full service school shall be to increase the interaction between youth and the community at large. A full service school shall provide a wide range of opportunities for all citizens, including goals under RCW 28A.620.010 (1), (2), (3), and (6), and subsection (2) of this section.

(2) Either the local school district or the local community organization, or both, that received a grant under section 5 of this act shall work with other community organizations, the superintendent of public instruction, and

school personnel in the selected school to determine the services needed by the community that shall be offered at the full service school.

NEW SECTION. Sec. 10. (1) Upon request, the division of juvenile rehabilitation shall through cooperation with private business or through interagency agreement with the state parks and recreation commission or department of natural resources, or both, provide facilities for cultural awareness retreats. The requests for facilities must be made by one of the following: (a) The community organization receiving the grant, or (b) the local school district that assisted in awarding the grant. The division may provide other services as requested.

(2) The services may be, but are not limited to, persons knowledgeable of juvenile gang behavior.

(3) Upon receiving a request for cultural awareness retreat facilities, the division shall notify the departments of employment security and labor and industries of the organization requesting the retreat, and the time, place, and date of the retreat.

NEW SECTION. Sec. 11. Cultural awareness retreats shall include but are not limited to the following programs:

- (1) To develop positive attitudes and self-esteem.
- (2) To develop youth decision-making ability.
- (3) To assist with career development and educational development.
- (4) To help develop respect for the community, and ethnic origin.

NEW SECTION. Sec. 12. Sections 2 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating new sections." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1333 and pass the bill as amended by the Senate.

Representative Forner spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1333 as amended by the Senate.

Representatives Flemming and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1333 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Leonard, Patterson and Riley - 3.

Engrossed Substitute House Bill No. 1333, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that seeking or obtaining health care is fundamental to public health and safety.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Health care facility" means a facility that provides health care services directly to patients, including but not limited to, a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, neuropsychiatric or mental health facility, hospice, or nursing home.

(2) "Health care provider" has the same meaning as defined in RCW 7.70.020 (1) and (2), and also means an officer, director, employee, or agent of a health care facility who sues or testifies regarding matters within the scope of his or her employment.

(3) "Aggrieved" means:

(a) A person, physically present at the health care facility when the prohibited actions occur, whose access is or is about to be obstructed or impeded;

(b) A person, physically present at the health care facility when the prohibited actions occur, whose care is or is about to be disrupted;

(c) The health care facility, its employees, or agents;

(d) The owner of the health care facility or the building or property upon which the health care facility is located.

NEW SECTION. Sec. 3. It is unlawful for a person except as otherwise protected by state or federal law, alone or in concert with others, to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly disrupt the normal functioning of such facility by:

(1) Physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas of the real property upon which the facility is located;

(2) Making noise that unreasonably disturbs the peace within the facility;

(3) Trespassing on the facility or the common areas of the real property upon which the facility is located;

(4) Telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose; or

(5) Threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone under his or her control to be used for such purpose.

NEW SECTION. Sec. 4. A violation of section 3 of this act is a gross misdemeanor. A person convicted of violating section 3 of this act shall be punished as follows:

(1) For a first offense, a fine of not less than two hundred fifty dollars and a jail term of not less than twenty-four consecutive hours;

(2) For a second offense, a fine of not less than five hundred dollars and a jail term of not less than seven consecutive days; and

(3) For a third or subsequent offense, a fine of not less than one thousand dollars and a jail term of not less than thirty consecutive days.

Sec. 5. RCW 10.31.100 and 1988 c 190 s 1 are each amended to read as follows: A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((9))~~ (9) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.12.100 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of section 3 of this act may arrest such person.

~~(10)~~ Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((40))~~ (11) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 6. (1) A person or health care facility aggrieved by the actions prohibited by section 3 of this act may seek civil damages from those who committed the prohibited acts and those acting in concert with them. A plaintiff in an action brought under this chapter shall not recover more than his or her actual damages and additional sums authorized in section 7 of this act. Once a plaintiff recovers his or her actual damages and any additional sums authorized under this chapter, additional damages shall not be recovered. A person does not have to be criminally convicted of violating section 3 of this act to be held civilly liable under this section. It is not necessary to prove actual damages to recover the additional sums authorized under section 7 of this act, costs, and attorneys' fees. The prevailing party is entitled to recover costs and attorneys' fees.

(2) The superior courts of this state shall have authority to grant temporary, preliminary, and permanent injunctive relief to enjoin violations of this chapter.

In appropriate circumstances, any superior court having personal jurisdiction over one or more defendants may issue injunctive relief that shall have binding effect on the original defendants and persons acting in concert with the original defendants, in any county in the state.

Due to the nature of the harm involved, injunctive relief may be issued without bond in the discretion of the court, notwithstanding any other requirement imposed by statute.

The state and its political subdivisions shall cooperate in the enforcement of court injunctions that seek to protect against acts prohibited by this chapter.

NEW SECTION. Sec. 7. In a civil action brought under this chapter, an individual plaintiff aggrieved by the actions prohibited by section 3 of this act may be entitled to recover up to five hundred dollars for each day that the actions occurred, or up to five thousand dollars for each day that the actions occurred if the plaintiff aggrieved by the actions prohibited under section 3 of this act is a health care facility.

NEW SECTION. Sec. 8. Nothing in section 3 of this act shall prohibit either lawful picketing or other publicity for the purpose of providing the public with information.

NEW SECTION. Sec. 9. A court having jurisdiction over a criminal or civil proceeding under this chapter shall take all steps reasonably necessary to safeguard the individual privacy and prevent harassment of a health care patient or health care provider who is a party or witness in a proceeding, including granting protective orders and orders in limine.

Sec. 10. RCW 10.97.070 and 1977 ex.s. c 314 s 7 are each amended to read as follows:

(1) Criminal justice agencies may, in their discretion, disclose to persons who have suffered physical loss, property damage, or injury compensable through civil action, the identity of persons suspected as being responsible for such loss, damage, or injury together with such information as the agency reasonably believes may be of assistance to the victim in obtaining civil redress. Such disclosure may be made without regard to whether the suspected offender is an adult or a juvenile, whether charges have or have not been filed, or a prosecuting authority has declined to file a charge or a charge has been dismissed.

(2) Unless the agency determines release would interfere with an ongoing criminal investigation, in any action brought pursuant to this chapter, criminal justice agencies shall disclose identifying information, including photographs of suspects, if the acts are alleged by the plaintiff or victim to be a violation of section 3 of this act.

(3) The disclosure by a criminal justice agency of investigative information pursuant to subsection (1) of this section shall not establish a duty to disclose any additional information concerning the same incident or make any subsequent disclosure of investigative information, except to the extent an additional disclosure is compelled by legal process.

NEW SECTION. Sec. 11. Nothing in this chapter shall be construed to limit the right to seek other available criminal or civil remedies. The remedies provided in this chapter are cumulative, not exclusive.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** Sections 2 through 4, 6 through 9, and 11 of this act shall constitute a new chapter in Title 9A RCW.

NEW SECTION. **Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "delivery;" strike the remainder of the title and insert "amending RCW 10.31.100 and 10.97.070; adding a new chapter to Title 9A RCW; creating a new section; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1338 and pass the bill as amended by the Senate.

Representative Padden spoke against the motion and Representative Appelwick spoke in favor of the motion. The motion was carried.

The Speaker called on Representative Wang to preside.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Wang presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1338 as amended by the Senate.

Representative Padden spoke against passage of the bill and Representatives Thibaudeau, Forner, Ludwig, Miller and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1338 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Scott, Sehlín, Sheldon, Shin, Sommers, Springer, Thibaudeau, Thomas, Valle, Vance, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 81.

Voting nay: Representatives Ballard, Casada, Chandler, Fuhrman, Mielke, Morton, Padden, Schoesler, Sheahan, Silver, Stevens, Talcott, Tate and Van Luven - 14.

Excused: Representatives Leonard, Patterson and Riley - 3.

Engrossed Substitute House Bill No. 1338, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 1, 1993

The Speaker assumed the chair.

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1356 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.119A.030 and 1991 c 304 s 3 are each amended to read as follows:

(1) The secretary or his or her designee or the local health officer may declare a public health emergency.

As limited by RCW 70.119A.040, the department may impose penalties for violations of laws or regulations that are determined to be a public health emergency.

(2) As limited by RCW 70.119A.040, the department may impose penalties for ~~((failure to comply with an order of the department, or of an authorized local board of health, when the order:~~

~~(a) Directs any person to stop work on the construction or alteration of a public water system when plans and specifications for the construction or alteration have not been approved as required by the regulations, or when the work is not being done in conformity with approved plans and specifications;~~

~~(b) Requires any person to eliminate a cross-connection to a public water system by a specified time; or~~

~~(c) Requires any person to cease violating any regulation relating to public water systems, to take specific actions within a specified time to place a public water system in compliance with regulations adopted under chapters 43.20 and 70.119 RCW, to apply for an operating permit as required under RCW 70.119A.110 or to comply with any conditions or requirements imposed as part of an operating permit)) violation of laws or rules regulating public water systems and administered by the department of health.~~

Sec. 2. RCW 70.119A.040 and 1990 c 133 s 8 are each amended to read as follows:

(1)(a) In addition to or as an alternative to any other penalty ~~((provided))~~ or action allowed by law, ~~((every))~~ a person who ~~((commits any of the acts or omissions in RCW 70.119A.030 shall be subjected))~~ violates a law or rule regulating public water systems and administered by the department of health is subject to a penalty ~~((in an amount of not less than five hundred dollars. The maximum penalty shall be))~~ of not more than five thousand dollars per day for every such violation, or, in the case of a violation that has been determined to be a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation.

~~(b) In addition, a person who constructs, modifies, or expands a public water system or who commences the construction, modification, or expansion of a public water system without first obtaining the required departmental approval is subject to penalties of not more than five thousand dollars per service connection, or, in the case of a system serving a transient population, a penalty of not more than four hundred dollars per person based on the highest average daily population the system is anticipated to serve. The total penalty that may be imposed pursuant to this subsection (1)(b) is five hundred thousand dollars.~~

~~(c) Every person who, through an act of commission or omission, procures, aids, or abets ((in the))~~ a violation ~~((shall be))~~ is considered to have violated the provisions of this section and ~~((shall be))~~ is subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil ~~((fine))~~ penalty is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for ~~((remission or mitigation is made as provided in subsection (3) of this section or unless application for))~~ an adjudicative proceeding is filed as provided in subsection ~~((4))~~ (3) of this section.

(3) ~~((Within fourteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall not mitigate the fines below the minimum penalty prescribed in subsection (1) of this section. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner as it may deem proper. When an application for~~

~~remission or mitigation is made, a penalty incurred under this section is due twenty-eight days after receipt of the notice setting forth the disposition of the application, unless an application for an adjudicative proceeding to contest the disposition is filed as provided in subsection (4) of this section.~~

~~(4))~~ Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.

~~((5))~~ (4) A penalty imposed by a final administrative order ((after an adjudicative proceeding)) is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served and such reasonable attorney's fees as are incurred in securing the final administrative order.

(5) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorney's fees for the cost of the attorney general's office in representing the department.

~~(6) ((The attorney general may bring an action in the name of the department in the superior court of Thurston county, or of any county in which such violator may do business, to collect a penalty.~~

(7)) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the public water system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(7) A judgment entered under subsection (5) or (6) of this section shall have the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(8) All penalties imposed under this section shall be payable to the state treasury and credited to the general fund.

(9) Except in cases of public health emergencies, the department may not impose monetary penalties under this section unless a prior effort has been made to resolve the violation informally.

Sec. 3. RCW 70.119A.050 and 1989 c 422 s 8 are each amended to read as follows:

Each local board of health that is enforcing the regulations under an agreement with the department allocating state and local responsibility is authorized to impose and collect civil penalties for violations within the area of its responsibility under the same limitations and requirements imposed upon the department by RCW 70.119A.030 and 70.119A.040, except that judgment shall be entered in the name of the local board penalties shall be placed into the general fund of the county, city, or town operating the local board of health ~~((, and the prosecuting attorney, or city, or town attorney shall bring the actions to collect the unpaid penalties))~~.

NEW SECTION. Sec. 4. A new section is added to chapter 70.119A RCW to read as follows:

(1)(a) Except as otherwise provided in (b) of this subsection, the secretary or his or her designee shall have the right to enter a premises under the control of a public water system at reasonable times with prior notification in order to determine compliance with laws and rules administered by the department of health to test, inspect, or sample features of a public water system and inspect, copy, or photograph monitoring equipment or other features of a public water system, or records required to be kept under laws or rules regulating public water systems. For the purposes of this section, "premises under the control of a public water system" does not include the premises or private property of a customer of a public water system past the point on the system where the service connection is made.

(b) The secretary or his or her designee need not give prior notification to enter a premises under (a) of this subsection if the purpose of the entry is to ensure compliance by the public water system with a prior order of the department or if the secretary or the secretary's designee has reasonable cause to believe the public water system is violating the law and poses a serious threat to public health and safety.

(2) The secretary or his or her designee may apply for an administrative search warrant to a court official authorized to issue a criminal search warrant. An administrative search warrant may be issued for the purposes of inspecting or examining property, buildings, premises, place, books, records, or other physical evidence, or conducting tests or taking samples. The warrant shall be issued upon probable cause. It is sufficient probable cause to show any of the following:

(a) The inspection, examination, test, or sampling is pursuant to a general administrative plan to determine compliance with laws or rules administered by the department; or

(b) The secretary or his or her designee has reason to believe that a violation of a law or rule administered by the department has occurred, is occurring, or may occur.

(3) The local health officer or the designee of a local health officer of a local board of health that is enforcing rules regulating public water systems under an agreement with the department allocating state and local responsibility is authorized to conduct investigations and to apply for, obtain, and execute administrative search warrants necessary to perform the local board's agreed-to responsibilities under the same limitations and requirements imposed on the department under this section." On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 70.119A.030, 70.119A.040, and 70.119A.050; adding a new section to chapter 70.119A RCW; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved that the House do concur in the Senate amendment to Substitute House Bill No. 1356 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1356 as amended by the Senate.

Representatives Rust and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1356 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representatives Karahalios and Sehlin - 2.

Excused: Representatives Leonard, Patterson and Riley - 3.

Substitute House Bill No. 1356, as amended by the Senate, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5066,
SUBSTITUTE SENATE BILL NO. 5068,

SUBSTITUTE SENATE BILL NO. 5134,
SUBSTITUTE SENATE BILL NO. 5159,
SENATE BILL NO. 5290,
SENATE BILL NO. 5309,
SUBSTITUTE SENATE BILL NO. 5310,
SENATE BILL NO. 5541,
SENATE BILL NO. 5578,
SENATE BILL NO. 5649,
SENATE BILL NO. 5759,
SENATE BILL NO. 5835,
SENATE BILL NO. 5906,

POINT OF PARLIAMENTARY INQUIRY

Representative Padden: Mr. Speaker, earlier today on a Conference Committee dealing with the education reform bill you appointed, and that's Engrossed Substitute House Bill No. 1209, you appointed three individuals all who have voted yes on the bill to be House members of the Conference Committee. Under Joint Rule 23 we are required to appoint two in the majority and one in the minority position. On that bill there were twelve individuals who voted nay, two from the majority party and ten from the minority party, and one of those individuals should have been appointed to the Conference Committee.

Mr. Speaker: I believe Representative Padden, the rules states two from the majority party and one from the minority party and to the extent possible to reflect the position of the members of the bill, is that your interpretation?

Representative Padden: Mr. Speaker, if I might respectfully suggest it actually says that the majority and minority positions to the extent possible. I have the rule right here Mr. Speaker, I'll read it. The presiding officer of each House shall appoint on each Conference Committee three members selecting them so as to represent in each case the majority and minority positions to the extent possible as it relates to the subject matter and the majority and minority political parties. Since there were individuals from both political parties who voted no to the extent possible, it is possible to appoint members who voted no, on that Conference Committee according to our rules.

Mr. Speaker: Representative Padden, the Speaker followed the recommendation of the minority leader in making the Republican appointment. If you would take up your issue with the minority leader maybe we can work it out.

With the consent of the House, the House resumed consideration of Substitute House Bill No. 1275.

SPEAKER'S RULING

Representative Rust has raised a point of order to the scope and object of Senate amendment #561 to Substitute House Bill No. 1275.

In ruling on the Point of Order, the Speaker finds that Substitute House Bill No. 1275 is a measure which exempts site exploration and investigation activities that meet certain criteria from the requirements of substantial development permits.

Senate amendment #561 (on page 6, after line 21) merely adds an alternative to one of the criteria specified in the bill.

The Speaker therefore finds that Senate Amendment #561 does not change the scope and object of the bill and that the Point of Order is not well taken.

MOTION

Representative Rust moved that the House do not concur with the Senate amendment #561 and ask the Senate to recede therefrom. The motion was carried.

With the consent of the House, the House resumed consideration of Substitute House Bill No. 1350.

SPEAKER'S RULING

Representative Rust has raised a Point of Order to the scope and object of Senate amendment #754 to Substitute House Bill No. 1350.

The Speaker finds that Substitute House Bill No. 1350 is a measure which relates solely to the regulation of commercial fishing of ocean pink shrimp, a species identified in the bill as "Pandalus Jordani".

Senate amendment #754 (on page 5, after line 11) relates to burrowing shrimp on registered aquatic farms.

The Speaker therefore finds that Senate amendment #754 does change the scope and object of the bill and that the Point of Order is well taken.

With the consent of the House, the House resumed consideration of House Bill No. 1984.

SPEAKER'S RULING

Representative Rust has raised a Point of Order to the scope and object of the Senate amendment to page 2 of House Bill No. 1984.

In ruling on the Point of Order, the Speaker finds that House Bill No. 1984 is a measure revising pilotage law. Among other provisions, it addresses the membership of the board of pilotage commissioners.

The Senate amendments to page 2 merely take away the voting privileges of two of the existing board members.

The Speaker therefore finds that the Senate amendments do not change the scope and object of the bill and that the Point of Order is not well taken.

MOTION

Representative R. Fisher moved that the House do not concur in the Senate amendments to House Bill No. 1984 and ask the Senate to recede therefrom.

Representative Schmidt spoke against the motion.

A division was called. The Speaker called on the House to divide. The results of the division was: 61-YEAS; 34-NAYS. The motion was carried.

With the consent of the House, the House resumed consideration of Substitute House Bill No. 1350.

MOTION

Representative King moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1350 on page 4, line 13 and ask the Senate to recede therefrom.

Representative King spoke in favor of the motion and Representative Fuhrman spoke against it. The motion was carried.

STATEMENT FOR THE JOURNAL

Had I been present I would have voted as follows on the roll call votes taken today.

SUBSTITUTE HOUSE BILL NO. 1128 YES
SUBSTITUTE HOUSE BILL NO. 1012 YES
HOUSE BILL NO. 1024 YES
HOUSE BILL NO. 1025 YES
SUBSTITUTE HOUSE BILL NO. 1026 YES

ENGROSSED HOUSE BILL NO. 1033 YES
SUBSTITUTE HOUSE BILL NO. 1051 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059 YES
SUBSTITUTE HOUSE BILL NO. 1061 YES
ENGROSSED HOUSE BILL NO. 1067 YES
HOUSE BILL NO. 1068 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569 YES
HOUSE BILL NO. 1074 YES
SUBSTITUTE HOUSE BILL NO. 1077 YES
HOUSE BILL NO. 1078 YES
ENGROSSED HOUSE BILL NO. 1081 YES
SUBSTITUTE HOUSE BILL NO. 1082 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089 YES
SUBSTITUTE HOUSE BILL NO. 1100 YES
ENGROSSED HOUSE BILL NO. 1110 YES
ENGROSSED HOUSE BILL NO. 1115 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157 YES
HOUSE BILL NO. 1165 YES
SUBSTITUTE HOUSE BILL NO. 1183 YES
HOUSE BILL NO. 1188 YES
SUBSTITUTE HOUSE BILL NO. 1195 YES
SUBSTITUTE HOUSE BILL NO. 1211 YES
SUBSTITUTE HOUSE BILL NO. 1219 YES
SUBSTITUTE HOUSE BILL NO. 1226 YES
ENGROSSED HOUSE BILL NO. 1271 YES
SUBSTITUTE HOUSE BILL NO. 1316 YES
SUBSTITUTE HOUSE BILL NO. 1325 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338 YES
SUBSTITUTE HOUSE BILL NO. 1356 YES

JULIA PATTERSON, 33rd District

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

MOTION

On motion of Representative Miller, the House adjourned until 9:00 a.m., Tuesday, April 20, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-NINTH DAY, APRIL 19, 1993

JOURNAL OF THE HOUSE

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

ONE HUNDREDTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 20, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative Jacobsen presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Collin Conway and Sarah Scott. Prayer was offered by Reverend Kenneth Bates, First Baptist Church of Napavine.

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

MESSAGES FROM THE SENATE

April 19, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1057,
HOUSE BILL NO. 1395,
ENGROSSED HOUSE BILL NO. 1415,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1461,
HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1535,
ENGROSSED HOUSE BILL NO. 1824,
ENGROSSED HOUSE BILL NO. 2111,
HOUSE JOINT MEMORIAL NO. 4008,

and the same are herewith transmitted.

Marty Brown, Secretary

April 19, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5443,
SENATE BILL NO. 5883,
SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5911,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SENATE BILL NO. 5917,
SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016,
SENATE JOINT MEMORIAL NO. 8021,

and the same are herewith transmitted.

Marty Brown, Secretary

April 18, 1993

Mr. Speaker:

The Senate passed the GO Committee amendments (1792-s AAS 4/18/93 S2958.1) to SUBSTITUTE HOUSE BILL NO. 1792.

The Senate failed to pass SUBSTITUTE HOUSE BILL NO. 1792 as amended by the Senate. and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5075,
SENATE BILL NO. 5107,
SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5343,
SENATE BILL NO. 5349,
SENATE BILL NO. 5371,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5379,
SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5404,
SENATE BILL NO. 5441,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
SENATE BILL NO. 5695,
SENATE BILL NO. 5791,

MESSAGES FROM THE SENATE

April 19, 1993

Mr. Speaker:

The Senate has failed to pass ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 19, 1993

Mr. Speaker:

The Senate has failed to pass SUBSTITUTE HOUSE BILL NO. 1650, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 19, 1993

Mr. Speaker:

The Senate has failed to pass HOUSE BILL NO. 1812, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 19, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5056,
SENATE BILL NO. 5079,
SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5124,

SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 19, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5443,
SENATE BILL NO. 5883,
SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5911,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SENATE BILL NO. 5917,
SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016,
SENATE JOINT MEMORIAL NO. 8021,

and the same are herewith transmitted.

Marty Brown, Secretary

April 19, 1993

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1497,
SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1559,
SUBSTITUTE HOUSE BILL NO. 1582,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1686,
HOUSE BILL NO. 1757,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1760,
HOUSE BILL NO. 1773,
SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
HOUSE BILL NO. 1864,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 1923,
SUBSTITUTE HOUSE BILL NO. 1926,

and the same are herewith transmitted.

Marty Brown, Secretary

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1118 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 70.74.010 and 1972 ex.s. c 88 s 5 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) The terms "authorized", "approved" or "approval" shall be held to mean authorized, approved, or approval by the department of labor and industries.

(2) The term "blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

(3) The term "explosive" or "explosives" whenever used in this chapter, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as class A, class B, and class C explosives by the federal department of transportation(~~(= PROVIDED, That)~~). For the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives, unless possessed or used for a purpose inconsistent with small arms use or other lawful purpose.

(4) Classification of explosives shall include but not be limited to the following:

(a) CLASS A EXPLOSIVES: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.

(b) CLASS B EXPLOSIVES: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.

(c) CLASS C EXPLOSIVES: (Including certain types of manufactured articles which contain class A or class B explosives, or both, as components but in restricted quantities) blasting caps in quantities of 1000 or less.

(5) The term "explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

(6) The term "magazine", shall be held to mean and include any building or other structure, other than a factory building, used for the storage of explosives.

(7) The term "improvised device" means a device which is fabricated with explosives or destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and which is designed to disfigure, destroy, distract, or harass.

(8) The term "inhabited building", shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

(9) The term "explosives manufacturing plant" shall be held to mean and include all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

(10) The term "explosives manufacturing building", shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(11) The term "railroad" shall be held to mean and include any steam, electric, or other railroad which carries passengers for hire.

(12) The term "highway" shall be held to mean and include any public street, public alley, or public road.

(13) The term "efficient artificial barricade" shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

(14) The term "person" shall be held to mean and include any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(15) The term "dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

(16) The term "forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal department of transportation.

(17) The term "handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

(18) The term "handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

(19) The term "fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

(20) The term "motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

(21) The term "natural barricade" shall be held to mean and include any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

(22) The term "oxidizer" shall be held to mean a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

(23) The term "propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

(24) The term "public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(25) The term "public utility transmission system" shall mean power transmission lines over 10 KV, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

(26) The term "purchaser" shall be held to mean any person who buys, accepts, or receives any explosives or blasting agents.

(27) The term (~~("pyrotechnics")~~) "pyrotechnic" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(28) The term "small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(29) The term "small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

(30) The term "smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

(31) The term "user" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

Words used in the singular number shall include the plural, and the plural the singular.

Sec. RCW 70.74.022 and 1988 c 198 s 10 are each amended to read as follows:

(1) It is unlawful for any person to manufacture, purchase, sell, offer for sale, use, possess, transport, or store any explosive, improvised device, or components that are intended to be assembled into an explosive or improvised device without having a validly issued license from the department of labor and industries, which license has not been revoked or suspended. Violation of this section is a (~~(gross misdemeanor)~~) class C felony.

(2) Upon notice from the department of labor and industries or any law enforcement agency having jurisdiction, a person manufacturing, purchasing, selling, offering for sale, using, possessing, transporting, or storing any explosive, improvised device, or components of explosives or improvised devices without a license shall immediately surrender (~~(any and all such)~~) those explosives, improvised devices, or components to the department or to the respective law enforcement agency.

(3) At any time that the director of labor and industries requests the surrender of explosives, improvised devices, or components of explosives or improvised devices, from any person pursuant to subsection (2) of this section, the director may in addition request the attorney general to make application to the superior court of the county in which the unlawful practice exists for a temporary restraining order or such other relief as appears to be appropriate under the circumstances.

Sec. RCW 70.74.160 and 1969 ex.s. c 137 s 19 are each amended to read as follows:

No person, except (~~(an official as authorized herein)~~) the director of labor and industries or the director's authorized agent, the owner, the owner's agent, or a person authorized to (~~(do so by the owner thereof, or his agent, shall)~~) enter by the owner or owner's agent, or a law enforcement officer acting within his or her official capacity, may enter any explosives manufacturing building, magazine or car, vehicle or other common carrier containing explosives in this state. Violation of this section is a gross misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. Unless otherwise allowed to do so under this chapter, a person who exhibits a device designed, assembled, fabricated, or manufactured, to convey the appearance of an explosive or improvised device, and who intends to, and does, intimidate or harass a person, is guilty of a class C felony.

Sec. RCW 70.74.191 and 1985 c 191 s 2 are each amended to read as follows:

The laws contained in this chapter and the ensuing regulations prescribed by the department of labor and industries shall not apply to:

(1) Explosives or blasting agents in the course of transportation by way of railroad, water, highway or air under the jurisdiction of, and in conformity with, regulations adopted by the federal department of transportation, the Washington state utilities and transportation commission and the Washington state patrol;

(2) The laboratories of schools, colleges and similar institutions if confined to the purpose of instruction or research and if not exceeding the quantity of one pound;

(3) Explosives in the forms prescribed by the official United States Pharmacopoeia;

(4) The transportation, storage and use of explosives or blasting agents in the normal and emergency operations of federal agencies and departments including the regular United States military departments on military reservations, or the duly authorized militia of any state or territory, or to emergency operations of any state department or agency, any police, or any municipality or county;

(5) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes;

(6) The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures as conducted by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosives and blasting agents for such use shall meet the requirements of regulations adopted by the director of labor and industries; and

(7) Any violation under this chapter if any existing ordinance of any city, municipality or county is more stringent than this chapter.

Sec. RCW 70.74.270 and 1992 c 7 s 49 are each amended to read as follows:

Every person who maliciously places any explosive (~~(substance or material)~~) or improvised device in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure it if exploded, shall be punished as follows:

(1) If the circumstances and surroundings are such that the safety of any person might be endangered by the explosion, by imprisonment in a state correctional facility for not more than twenty years;

(2) In every other case by imprisonment in a state correctional facility for not more than five years.

Sec. RCW 70.74.295 and 1972 ex.s. c 88 s 3 are each amended to read as follows:

It shall be unlawful for any person to abandon explosives or (~~(explosive substances)~~) improvised devices. Violation of this section is a gross misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. (1) Explosives, improvised devices, and components of explosives and improvised devices that are possessed, manufactured, stored, sold, purchased, transported, abandoned, detonated, or used in violation of a provision of this chapter are subject to seizure and forfeiture by a law enforcement agency and no property right exists in them.

(2) Seizure of explosives, improvised devices, and components of explosives and improvised devices under subsection (1) of this section may be made if:

(a) The seizure is incident to arrest or a search under a search warrant;

(b) The explosives, improvised devices, or components have been the subject of a prior judgment in favor of the state in an injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the explosives, improvised devices, or components are directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the explosives, improvised devices, or components were used or were intended to be used in violation of this chapter.

(3) A law enforcement agency shall destroy explosives seized under this chapter when it is necessary to protect the public safety and welfare. When destruction is not necessary to protect the public safety and welfare, and the explosives are not being held for evidence, a seizure pursuant to this section commences proceedings for forfeiture.

(4) The law enforcement agency under whose authority the seizure was made shall issue a written notice of the seizure and commencement of the forfeiture proceedings to the person from whom the explosives were seized, to any known owner of the explosives, and to any person who has a known interest in the explosives. The notice shall be issued within fifteen days of the seizure. The notice of seizure and commencement of the forfeiture proceedings shall be served in the same manner as provided in RCW 4.28.080 for service of a summons. The law enforcement agency shall provide a form by which the person or persons may request a hearing before the law enforcement agency to contest the seizure.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the explosives, improvised devices, or components within thirty days of the date the notice was issued, the seized explosives, devices, or components shall be deemed forfeited.

(6) If, within thirty days of the issuance of the notice, any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items seized, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement or the officer's designee of the seizing agency, except that the person asserting the claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the items seized is more than five hundred dollars. The hearing and any appeal shall be conducted

according to chapter 34.05 RCW. The seizing law enforcement agency shall bear the burden of proving that the person (a) has no lawful right of ownership or possession and (b) that the items seized were possessed, manufactured, stored, sold, purchased, transported, abandoned, detonated, or used in violation of a provision of this chapter with the person's knowledge or consent.

(7) The seizing law enforcement agency shall promptly return the items seized to the claimant upon a determination that the claimant is entitled to possession of the items seized.

(8) If the items seized are forfeited under this statute, the agency shall destroy the explosives. When explosives are destroyed either to protect public safety or because the explosives were forfeited, the person from whom the explosives were seized loses all rights of action against the law enforcement agency or its employees acting within the scope of their employment, or other governmental entity or employee involved with the seizure and destruction of explosives.

(9) This section is not intended to change the seizure and forfeiture powers, enforcement, and penalties available to the department of labor and industries pursuant to chapter 49.17 RCW as provided in RCW 70.74.390.

NEW SECTION. **Sec.** A person who knows of a theft or loss of explosives for which that person is responsible under this chapter shall report the theft or loss to the local law enforcement agency within twenty-four hours of discovery of the theft or loss. The local law enforcement agency shall immediately report the theft or loss to the department of labor and industries.

NEW SECTION. **Sec.** Sections 4, 8, and 9 of this act are each added to chapter 70.74 RCW.

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

On page 1, line 1 of the title, after "explosives;" strike the remainder of the title and insert "amending RCW 70.74.010, 70.74.022, 70.74.160, 70.74.191, 70.74.270, and 70.74.295; adding new sections to chapter 70.74 RCW; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to Substitute House Bill No. 1118 and pass the bill as amended by the Senate.

Representative Padden spoke against the motion.

The motion was carried.

On motion of Representative J. Kohl, Representative Patterson was excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1118 as amended by the Senate.

Representative Orr spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1118 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1118, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1169, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. A new section is added to chapter 90.48 RCW to read as follows:

(1) For the purposes of this section "marine finfish rearing facilities" means those private and public facilities located within the salt water of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale.

(2) Not later than October 31, 1994, the department shall adopt criteria under chapter 34.05 RCW for allowable sediment impacts from organic enrichment due to marine finfish rearing facilities.

(3) Not later than June 30, 1995, the department shall adopt standards under chapter 34.05 RCW for waste discharges from marine finfish rearing facilities. In establishing these standards, the department shall review and incorporate, to the extent possible, studies conducted by state and federal agencies on waste discharges from marine finfish rearing facilities, and any reports and other materials prepared by technical committees on waste discharges from marine finfish rearing facilities. The department shall approve or deny discharge permit applications for marine finfish rearing facilities within one hundred eighty days from the date of application, unless a longer time is required to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the requirements of the state environmental policy act under chapter 43.21C RCW. The department shall notify applicants as soon as it determines that a proposed discharge meets or fails to comply with the standards adopted pursuant to this section, or if a time period longer than one hundred eighty days is necessary to satisfy public participation requirements of the state environmental policy act.

(4) The department may adopt rules to exempt marine finfish rearing facilities not requiring national pollutant discharge elimination system permits under the federal water pollution control act from the discharge permit requirement.

NEW SECTION. Sec. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 90.48 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative King moved that the House do concur in the Senate amendment to Substitute House Bill No. 1169 and pass the bill as amended by the Senate.

Representative King spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1169 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1169 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Locke and Patterson - 2.

Substitute House Bill No. 1169, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 9.41.098 and 1989 c 222 s 8 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess. ~~((All firearms legal for citizen possession that are judicially forfeited or forfeited due to failure to make a claim under RCW 63.32.010, 63.40.010, or 63.35.020 shall be submitted for auction to commercial sellers once a year if the submitting agency has accumulated at least ten firearms authorized for sale. Law enforcement agencies may conduct joint auctions for the purpose of maximizing efficiency. A maximum of ten percent of such firearms may be retained for use by local law enforcement agencies and the Washington state patrol. Before submission for auction, a court may temporarily retain forfeited firearms if needed for evidence. The proceeds from any sale shall be divided as follows: The local jurisdiction and the Washington state patrol shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155.~~

~~If a firearm is delivered to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm by auction as provided by this subsection. The public auctioning agency shall, as a minimum, maintain a record of all forfeited firearms by manufacturer, model, caliber, serial number, date and circumstances of forfeiture, and final disposition. The records shall be open to public inspection and copying.) A court may temporarily retain forfeited firearms needed for evidence.~~

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993, and applies only if the law enforcement agency has complied with (b) of this subsection.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding the effective date of this act; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 77.12.720. All trades or auctions of firearms under this subsection shall be to commercial sellers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 77.12.720.

(c) Antique firearms as defined by RCW 9.41.150 and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to commercial sellers.

(d) Firearms in the possession of the Washington state patrol on or after the effective date of this act that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to commercial sellers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "firearms;" strike the remainder of the title and insert "amending RCW 9.41.098; and declaring an emergency."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1259 and pass the bill as amended by the Senate.

Representatives Ludwig and Campbell spoke in favor of the motion and Representative Padden spoke against the motion.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1259 as amended by the Senate.

Representative Padden spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1259 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 67, Nays - 29, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Leonard, Linville, Ludwig, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Edmondson, Forner, Fuhrman, Grant, Horn, King, Kremen, Lemmon, Lisk, Long, Mastin, Mielke, Morton, Padden, Rayburn, Schoesler, Sheahan, Sheldon, Stevens, Tate, Vance and Van Luven - 29.

Excused: Representatives Locke and Patterson - 2.

Engrossed Substitute House Bill No. 1259, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please change my vote on Engrossed Substitute House Bill No. 1259 to a "NAY" instead of a "YEA".

BRIAN THOMAS, 5th District

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1379, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 46.12.050 and 1990 c 238 s 3 are each amended to read as follows:

The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have ~~((the))~~ a certificate of ownership thereof in the applicant's name, shall ~~((thereupon))~~ issue an appropriate electronic record of ownership or a written certificate of ownership, over the director's signature, authenticated by seal, and if required, a new written certificate of license registration if certificate of license registration is required.

~~((Both))~~ The certificates of ownership and the certificates of license registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a ~~((change of registration))~~ transfer of ownership.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

Sec. RCW 46.68.010 and 1989 c 68 s 1 are each amended to read as follows:

Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the ~~((person paying the fee, upon satisfactory proof to the director of licensing, shall be))~~ payor is entitled to have refunded the amount so erroneously paid. A renewal license fee paid prior to the actual expiration date of the license being renewed shall be deemed to be erroneously paid if the vehicle for which the renewal license ~~((is being))~~ was purchased is destroyed or permanently removed from the state prior to the beginning date of the registration period for which the renewal fee ~~((is being))~~ was paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto ~~((: PROVIDED, That))~~. No claim for refund shall be allowed for such erroneous payments unless filed with the director within ~~((thirteen months))~~ three years after such claimed erroneous payment was made.

If due to error a person has been required to pay a vehicle license fee under this title and an excise tax ~~((which))~~ under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.

Sec. RCW 82.44.120 and 1990 c 42 s 307 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director (~~(of licensing)~~) determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then the payor shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected.

In case no claim is to be made for the refund of the license fee or any part thereof, but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter and a vehicle license fee pursuant to Title 46 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

Any claim for refund of an erroneously excessive amount of excise tax or overpayment of excise tax with a motor vehicle license fee must be filed with the director within three years after the claimed erroneous payment was made.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds (~~(and the other refunds herein provided for)~~) from the general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement under which he or she obtains any amount of refund to which he or she is not entitled under the provisions of this section is guilty of a gross misdemeanor.

Sec. RCW 46.70.021 and 1988 c 287 s 2 are each amended to read as follows:

It is unlawful for any person, firm, or association to act as a vehicle dealer or vehicle manufacturer, to engage in business as such, serve in the capacity of such, advertise himself, herself, or themselves as such, solicit sales as such, or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter, unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to (~~(one)~~) five thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. A distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter. Nothing in this chapter prohibits financial institutions from cooperating with vehicle dealers licensed under this chapter in dealer sales or leases. However, financial institutions shall not broker vehicles and cooperation is limited to organizing, promoting, and financing of such dealer sales or leases.

Sec. RCW 46.70.023 and 1991 c 339 s 28 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display (~~(and repair)~~) of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

Sec. RCW 46.70.041 and 1990 c 250 s 64 are each amended to read as follows:

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) ~~((Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;~~

~~(j))~~ (j) A certificate by a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established;

~~((k))~~ (j) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;

~~((H))~~ (k) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

~~((m))~~ (l) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. RCW 46.70.051 and 1989 c 301 s 3 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW ~~((46.70.180 or 46.70.200))~~ 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

Sec. RCW 46.70.083 and 1991 c 140 s 2 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date that is twelve consecutive months from the date of issuance. The license may be renewed by filing with the department prior to the expiration of the license, a renewal application containing such information as the department may require to indicate the number of vehicle sales transacted during the past year, and any material change in the information contained in the original application. Failure by the dealer to comply is grounds for denial of the renewal application or dealer license plate renewal.

The dealer's established place of business shall be certified by a representative of the department at least once every ~~((thirty-two))~~ thirty-six months, or more frequently as determined necessary by the department. The certification will verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply at any time is grounds for license suspension or revocation, denial of the renewal application, or monetary assessment.

Sec. RCW 46.70.140 and 1973 1st ex.s. c 132 s 17 are each amended to read as follows:

Any vehicle dealer who ~~((shall))~~ knowingly or with reason to know, buys or receives, sells or disposes of, conceals or ~~((have in his))~~ has in the dealer's possession, any vehicle from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who ~~((shall))~~ removes from or installs in any motor vehicle registered with the department by motor block number, a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any vehicle dealer who ~~((shall))~~ loans or permits the use of vehicle dealer license plates by any person not entitled to the use thereof, ~~((shall be))~~ is guilty of a gross misdemeanor.

Sec. RCW 46.70.290 and 1971 ex.s. c 231 s 23 are each amended to read as follows:

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, ~~((salesmen,))~~ distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

Sec. RCW 46.70.300 and 1981 c 152 s 2 are each amended to read as follows:

(1) The provisions of this chapter relating to the licensing and regulation of vehicle dealers(~~(-salesmen-)~~) and manufacturers shall be exclusive, and no county, city, or other political subdivision of this state shall enact any laws, rules, or regulations licensing or regulating vehicle dealers(~~(-salesmen-)~~) or manufacturers.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business and occupation tax upon vehicle dealers or manufacturers maintaining an office within that political subdivision if a business and occupation tax is levied by such a political subdivision upon other types of businesses within its boundaries.

Sec. RCW 46.87.020 and 1991 c 163 s 4 are each amended to read as follows:

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact), chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, each as separate and licensable vehicles. For IRP jurisdictions that require the registration of nonmotor vehicles, this term may include trailers, semitrailers, and pole trailers as applicable, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle by the registering jurisdiction under the Western Compact. Under the IRP, it is a certificate of registration issued by the base jurisdiction for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Commercial vehicle" is a term used by the Western Compact and means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or

(b) Is a motor vehicle having three or more axles with a declared gross weight in excess of twelve thousand pounds; or

(c) Is a motor vehicle, trailer, pole trailer, or semitrailer used in combination when the gross weight or declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Although a two-axle motor vehicle, trailer, pole trailer, semitrailer, or any combination of such vehicles with an actual or declared gross weight or declared combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand is not considered to be a commercial vehicle, at the option of the owner, such vehicles may be considered as "commercial vehicles" for the purpose of proportional registration. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, and buses. Trailers, pole trailers, and semitrailers, will also be considered as commercial vehicles for those jurisdictions who require registration of such vehicles.

(4) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(5) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(6) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(7) "Department" means the department of licensing.

(8) "Fleet" means one or more commercial vehicles in the Western Compact and one or more apportionable vehicles in the IRP.

(9) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(10) "IRP" means the International Registration Plan.

(11) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign (~~county [country]~~) **country**, and a state or province of a foreign country.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months (~~immediately prior to July 1st of the year immediately preceding the commencement of~~) ending three months before the registration or license year for which proportional registration is sought.

(14) "Properly registered," as applied to the place of registration under the provisions of the Western Compact, means:

(a) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which the vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from that place of business, and the vehicle has been assigned to that place of business; or

(b) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by that jurisdiction.

In case of doubt or dispute as to the proper place of registration of a commercial vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(15) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(16) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(17) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction. (~~The "registration year" for Washington is the period from January 1st through December 31st of each calendar year.~~)

(18) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

(19) "Western Compact" means the Uniform Vehicle Registration, Proration, and Reciprocity Agreement.

Sec. RCW 46.87.030 and 1987 c 244 s 18 are each amended to read as follows:

(1) When application to register an apportionable or commercial vehicle is made after (~~March 31st of a~~) the third month of the owner's registration year, the Washington prorated fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. (~~The filing of any application with the department incurs liability for the fees and taxes applicable to the vehicles contained in the application.~~) If a vehicle is being added to a currently registered fleet, the prorate percentage previously established for the fleet for such registration year shall be used in the computation of the proportional fees and taxes due.

(2) If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under this chapter, the registrant of the fleet shall notify the department on appropriate forms prescribed by the department. The department may require the registrant to surrender credentials that were issued to the vehicle. If a motor vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the fleet registrant, the unused portion of the licensing fee paid under RCW 46.16.070 with respect to the vehicle reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current registration year in which the vehicle was registered and the date the notice of withdrawal, accompanied by such credentials as may be required, is received in the department, shall be credited to the fleet proportional registration account of the registrant. Credit shall be applied against the licensing fee liability for subsequent additions of motor vehicles to be proportionally registered in the fleet during such registration year or for additional licensing fees due under RCW 46.16.070 or to be due upon audit under RCW 46.87.310. If any credit is less than fifteen dollars, no credit will be entered. In lieu of credit, the registrant may choose to transfer the unused portion of the licensing fee for the motor vehicle to the new owner, in which case it shall remain with the motor vehicle for which it was originally paid. In no event may any amount be credited against fees other than those for the registration year from which the credit was obtained nor is any amount subject to refund.

Sec. RCW 46.87.080 and 1987 c 244 s 23 are each amended to read as follows:

(1) Upon making satisfactory application and payment of applicable fees and taxes for proportional registration under this chapter, the department shall issue a cab card and validation tab for each vehicle, and to vehicles of Washington-based fleets, two distinctive apportionable license plates for each motor vehicle and one such plate for each trailer, semitrailer, pole trailer, or converter gear listed on the application. License plates shall be displayed on vehicles as required by RCW 46.16.240. The number and plate shall be of a design, size, and color determined by the department. The plates shall be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPORTIONED," both words to appear in full and without abbreviation.

(2) The cab card serves as the certificate of registration for a proportionally registered vehicle. The face of the cab card shall contain the name and address of the registrant as contained in the records of the department, the license plate number assigned to the vehicle by the base jurisdiction, the vehicle identification number, and such other description of the vehicle and data as the department may require. The cab card shall be signed by the registrant, or a designated person if the registrant is a business firm, and shall at all times be carried in or on the vehicle to which it was issued. In the case of nonpowered vehicles, the cab card may be carried in or on the vehicle supplying the motive power instead of in or on the nonpowered vehicle.

(3) The apportioned license plates are not transferrable from vehicle to vehicle unless otherwise determined by rule and shall be used only on the vehicle to which they are assigned by the department for as long as they are legible or until such time as the department requires them to be removed and returned to the department.

(4) ((A)) Distinctive validation tab(s) of a design, size, and color determined by the department shall be affixed to the apportioned license plate(s) as prescribed by the department to indicate the month, if necessary, and year for which the vehicle is registered. Foreign-based vehicles proportionally registered in this state under the provisions of the Western Compact shall display the validation tab on a backing plate or as otherwise prescribed by the department.

(5) Renewals shall be effected by the issuance and display of such tab(s) after making satisfactory application and payment of applicable fees and taxes.

(6) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation. However, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle may be operated in interstate or intrastate commerce in this state unless the owner has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless the vehicle is being operated in conformity with that authority.

(7) The department may issue temporary authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee shall be collected for each permit issued. The permit fee shall be deposited in the motor vehicle fund, and the filing fee shall be deposited in the highway safety fund. The department may adopt rules for use and issuance of the permits.

(8) The department may refuse to issue any license or permit authorized by subsection (1) or (7) of this section to any person: (a) Who formerly held any type of license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW that has been revoked for cause, which cause has not been removed; or (b) who is a subterfuge for the real party in interest whose license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW and has been revoked for cause, which cause has not been removed; or (c) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (d) who has an unsatisfied debt to the state assessed under either chapter 46.16, 46.85, 46.87, 82.36, 82.37, 82.38, or 82.44 RCW.

(9) The department may revoke the license or permit authorized by subsection (1) or (7) of this section issued to any person for any of the grounds constituting cause for denial of licenses or permits set forth in subsection (8) of this section.

(10) Before such refusal or revocation under subsection (8) or (9) of this section, the department shall grant the applicant a hearing and at least ten days written notice of the time and place of the hearing.

Sec. RCW 46.87.310 and 1987 c 244 s 44 are each amended to read as follows:

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the preceding year or period upon which the application is based. These records shall be complete and shall include, but not be limited to, the following: Copies of proportional registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with other jurisdictions; vehicle license or trip permits; temporary authorization permits; documents establishing the latest purchase year and cost of each fleet vehicle in ready-for-the-road condition; weight certificates indicating the unladen, ready-for-the-road, weight of each vehicle in the fleet; periodic summaries of mileage by fleet and by individual vehicles; individual trip reports, driver's daily logs, or other source documents maintained for each individual trip that provide trip dates, points of origin and destinations, total miles traveled, miles traveled in each jurisdiction, routes traveled, vehicle equipment number, driver's full name, and all other information pertinent to each trip. Upon request of the department, the owner shall make the records available to the department at its designated office for audit as to accuracy of records, computations, and payments. The department shall assess and collect any unpaid fees and taxes found to be due the state and provide credits or refunds for overpayments of Washington fees and taxes as determined in accordance with formulas and other requirements prescribed in this chapter. If the owner fails to maintain complete records as required by this section, the department shall attempt to reconstruct or reestablish such records. However, if the department is unable to do so and the missing or incomplete records involve mileages accrued by vehicles while they are part of the fleet, the department may assess an amount not to exceed the difference between the Washington proportional fees and taxes paid and one hundred percent of the fees and taxes. Further, if the owner fails to maintain complete records as required by this section, or if the department determines that the owner should have registered more vehicles in this state under this chapter, the department may deny the owner the right of any further benefits provided by this chapter until any final audit or assessment made under this chapter has been satisfied.

The department may audit the records of any owner and may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any fees, taxes, penalties, or interest found to be due and owing the state upon audit shall bear interest at ~~((twelve percent per annum from the date on which the deficiency is incurred))~~ the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount should have been paid until the date of payment. If the audit discloses a deliberate and willful intent to evade the requirements of payment under RCW 46.87.140, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of five dollars has been made, the department shall certify the overpayment to the state treasurer who shall issue a warrant for the overpayment to the vehicle operator. Overpayments shall bear interest at the rate of eight percent per annum from the date on which the overpayment is incurred until the date of payment.

Sec. RCW 46.87.340 and 1987 c 244 s 47 are each amended to read as follows:

If an owner of proportionally registered vehicles liable for the remittance of fees and taxes imposed by this chapter (~~for which an assessment has become final~~) fails to pay the fees and taxes, the amount thereof, including any interest, penalty, or addition to the fees and taxes together with any additional costs that may accrue, constitutes a lien in favor of the state upon all franchises, property, and rights to property, whether the property is employed by the person for personal or business use or is in the hands of a trustee, receiver, or assignee for the benefit of creditors, from the date the fees and taxes were due and payable until the amount of the lien is paid or the property is sold to pay the lien. The lien has priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that the lien is not valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached before the time the department has filed and recorded notice of the lien as provided in this chapter.

In order to avail itself of the lien created by this section, the department shall file with any county auditor a statement of claim and lien specifying the amount of delinquent fees and taxes, penalties, and interest claimed by the department. From the time of filing for record, the amount required to be paid constitutes a lien upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by the person in the county. Any lien as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state is of no effect, however, until the lien or a copy of it has been filed with the county auditor in the county where the property is located. When a lien is filed in compliance with this section and with the secretary of state, the filing has the same effect as if the lien had been duly filed for record in the office of each county auditor of this state.

NEW SECTION. Sec. A new section is added to chapter 46.87 RCW to read as follows:

The department may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. The extension or diminishment of a vehicle license registration period must be by rule of the department. The rule shall provide for the collection of proportionally increased or decreased vehicle license registration fees and of excise or other taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

NEW SECTION. Sec. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(2) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

NEW SECTION. Sec. (1) Vessel dealer display decals may only be used:

(a) To demonstrate vessels held for sale when operated by a prospective customer holding a dated demonstration permit, and must be carried in the vessel at all times it is being operated by the individual;

(b) On vessels owned or consigned for sale that are in fact available for sale and being used only for vessel dealer business purposes by an officer of the corporation, a partner, a proprietor, or by a bona fide employee of the firm if a card so identifying the individual is carried in the vessel at all times it is so operated.

(2) A violation of this section and the rules adopted by the department under this section is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(3) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be credited to the current expense fund of the arresting jurisdiction.

(4) All law enforcement officers have the authority to enforce this section and the rules adopted by the department under this section.

NEW SECTION. Sec. (1) Vessel dealers shall maintain an established place of business as follows:

(a) A place of business in the state of Washington, in an area where vessel dealer business may be lawfully conducted in accordance with the terms of all applicable building code, zoning, and other land use regulatory ordinances;

(b) Display of a sign, permanently affixed to the land or building, clearly visible to the public, identifying the nature of the business as marine sales, service, repair, or manufacturing;

(c) The dealer shall keep the place of business open or maintain a telecommunications system so that the public and representatives of the department may contact the vessel dealer or dealer's salesperson at reasonable times;

(d) The books, records, and files necessary to conduct the business shall be kept and maintained at the place of business listed on the vessel dealer's registration, and shall be available for inspection by representatives of the department at reasonable times.

(2) The department may waive any requirements pertaining to a vessel dealer's established place of business if the waiver both serves the purposes of this chapter and is necessary due to unique circumstances such as a highly specialized business or impediments to displaying a sign.

NEW SECTION. Sec. For the purposes of an investigation or proceeding under this chapter the director or an officer designated by the director may administer oaths and affirmations, subpoena witnesses and records, compel their attendance, take evidence, and require the production of documents or records that the director deems relevant or material to the inquiry.

NEW SECTION. Sec. A vessel dealer who receives cash or a negotiable instrument of deposit in excess of one thousand dollars, or a deposit of any amount that will be held for more than fourteen calendar days, shall place the funds in a separate trust account. Only cash or negotiable instruments from a retail purchaser are required to be placed in a trust account.

(1) Upon receipt, the cash or negotiable instrument must be immediately set aside and endorsed to the trust account.

(2) The dealer shall deposit the cash or negotiable instrument in the trust account by the close of banking hours on the day after receipt.

(3) After delivery of the purchaser's vessel the vessel dealer shall remove the deposited funds from the trust account.

(4) The dealer shall not commingle the trust account funds with any other funds.

(5) The funds must remain in the trust account until the delivery of the purchased vessel. However, upon written agreement from the purchaser, the vessel dealer may remove and release trust funds before delivery.

NEW SECTION. Sec. If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. The director shall give reasonable notice of an opportunity for hearing. The director may issue a temporary order pending a hearing. The temporary order remains in effect until ten days after the hearing is held and becomes final if the person to whom notice is addressed does not request a hearing within twenty days after receipt of this notice.

NEW SECTION. Sec. The department may adopt rules under chapter 34.05 RCW to ensure the implementation, proper operation, and enforcement of this chapter.

NEW SECTION. Sec. RCW 46.12.120 and 46.12.140 are each recodified as sections in chapter 46.70 RCW.

NEW SECTION. Sec. Sections 18 through 24 of this act and the following sections, upon recodification, shall constitute a new chapter in Title 88 RCW: RCW 88.02.060, 88.02.112, 88.02.115, 88.02.118, 88.02.125, 88.02.184, 88.02.188, 88.02.210, and 88.02.230.

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

RCW 46.70.150 and 1961 c 12 s 46.70.150;

RCW 46.87.160 and 1987 c 244 s 29;

RCW 88.02.023 and 1987 c 149 s 4;

RCW 88.02.078 and 1987 c 149 s 2; and

RCW 88.02.220 and 1991 c 339 s 33 & 1987 c 149 s 11.

NEW SECTION. Sec. The code reviser's office may correct all statutory references affected by the recodifications directed by sections 25 and 26 of this act."

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.12.050, 46.68.010, 82.44.120, 46.70.021, 46.70.023, 46.70.041, 46.70.051, 46.70.083, 46.70.140, 46.70.290, 46.70.300, 46.87.020, 46.87.030, 46.87.080, 46.87.310, and 46.87.340; adding a new section to chapter 46.87 RCW; adding new sections to chapter 46.70 RCW; adding a new chapter to Title 88 RCW; recodifying RCW 46.12.120, 46.12.140, 88.02.060, 88.08.112, 88.02.115, 88.02.118, 88.02.125, 88.02.184, 88.02.188, 88.02.210, and 88.02.230; repealing RCW 46.70.150, 46.87.160, 88.02.023, 88.02.078, and 88.02.220; and prescribing penalties." On page 1, line 1 of the title after "vehicles" insert "and vessels" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendment to House Bill No. 1379 and pass the bill as amended by the Senate.

POINT OF ORDER

Representative Mielke: Mr. Speaker, I would like a ruling on scope and object of the amendment.

With the consent of the House, further consideration of House Bill No. 1379 was deferred.

April 13, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. FINDINGS AND STATE POLICY. (1) The legislature finds that:

(a) Each year in Washington approximately fifteen thousand teenage girls become pregnant;

(b) The public cost of adolescent pregnancy is substantial. Eighty percent of teen prenatal care and deliveries are publicly funded. Over fifty percent of the women on public assistance became mothers as teenagers; and

(c) The personal costs of adolescent pregnancy can be socially and economically overwhelming. These too young mothers are often unable to finish high school. Their economic potential is diminished, their probability of dependence on public assistance increases, and their children are more likely to grow up in poverty. The cycle of teen mothers raising children in poverty jeopardizes their future educational opportunity and economic viability of future generations.

(2) The legislature therefore declares that in the interest of health, welfare, and economics, it is the policy of the state to reduce the incidence of unplanned teen pregnancy. To reduce the rate of teen pregnancy in Washington, the legislature hereby:

- (a) Establishes four-year projects to prevent teen pregnancy;
- (b) Initiates a teen pregnancy prevention media campaign;
- (c) Increases funding for family planning education, outreach, and services; and
- (d) Expands medicaid eligibility for postpartum family planning services.

NEW SECTION. Sec. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means an individual political subdivision of the state, a group of such political subdivisions, or a geographic area within a political subdivision.

(2) "Department" means the department of health.

NEW SECTION. Sec. TEEN PREGNANCY PREVENTION PROJECTS. There is established in the department a program to coordinate and fund community-based teen pregnancy prevention projects. Selection of projects shall be made competitively based upon compliance with the requirements of sections 4 and 5 of this act. To the extent practicable, the projects shall be geographically distributed throughout the state. Criteria shall be established by the department in consultation with other state agencies and groups involved in teen pregnancy prevention.

NEW SECTION. Sec. TEEN PREGNANCY PREVENTION PROJECTS--REQUIREMENTS. (1) Each project shall be designed to reduce the incidence of unplanned teen pregnancy in the defined community, and may include preteens.

(2) At least fifty percent of the funding for teen pregnancy prevention projects shall be community matching funds provided by private or public entities. In-kind contributions such as, but not limited to, staff, materials, supplies, or physical facilities may be considered as all or part of the funding provided by the communities.

(3) The department shall perform evaluations of the projects. Each project shall be evaluated solely on the rate by which the teen pregnancy rates in the community are reduced, measured from the rates prior to the implementation of the project. Projects that demonstrate by empirical evidence that they have been successful in reducing the teen pregnancy rate in their community shall be eligible for consideration if reauthorized funding becomes available.

NEW SECTION. Sec. TEEN PREGNANCY PREVENTION PROJECTS-- APPLICATIONS. Applications for teen pregnancy prevention project funding shall:

- (1) Define the community requesting funding;
- (2) Designate a lead agency or organization for the project;
- (3) Contain evidence of the active participation of entities in the community that will participate in the project;
- (4) Demonstrate the participation of teens in the development of the project;

- (5) Describe the specific activities that will be undertaken by the project;
- (6) Identify the community matching funds required under section 4 of this act;
- (7) Include statistics on teen pregnancy rates in the community over at least the past five years;
- (8) Include components that will demonstrate sensitivity to religious, cultural, and socioeconomic differences; and
- (9) Include components giving emphasis to the importance of sexual abstinence as a method of pregnancy prevention, as provided in RCW 28A.230.070 and 70.24.210.

The department shall not discriminate against applicants for teen pregnancy prevention project funding based on the type of pregnancy prevention strategies and services included in the applicant's proposal.

NEW SECTION. Sec. REPORT. The department shall submit an annual report on the state's teen pregnancy rates over the previous five years, both state-wide and in the specific communities in which teen pregnancy prevention projects are located, to the appropriate standing committees of the legislature in the years 1995 through 1999.

NEW SECTION. Sec. TEEN PREGNANCY PREVENTION MEDIA CAMPAIGN. The department shall develop a teen pregnancy prevention media campaign in collaboration with major media organizations and other organizations and corporations interested in playing a positive and constructive role in their communities. The media campaign shall be designed to reduce the incidence of teen pregnancies. The media campaign shall be directed to teens, their parents, and individuals and organizations working with teens. The department may subcontract all or part of the activities associated with the media campaign to qualified private, nonprofit organizations.

NEW SECTION. Sec. Sections 1 through 7 of this act shall expire June 30, 1999.

Sec. RCW 74.09.790 and 1990 c 151 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 74.09.760 through 74.09.820 and 74.09.510:

(1) "At-risk eligible person" means an eligible person determined by the department to need special assistance in applying for and obtaining maternity care, including pregnant women who are substance abusers, pregnant and parenting adolescents, pregnant minority women, and other eligible persons who need special assistance in gaining access to the maternity care system.

(2) "County authority" means the board of county commissioners, county council, or county executive having the authority to participate in the maternity care access program or its designee. Two or more county authorities may enter into joint agreements to fulfill the requirements of this chapter.

(3) "Department" means the department of social and health services.

(4) "Eligible person" means a woman in need of maternity care or a child, who is eligible for medical assistance pursuant to this chapter or the prenatal care program administered by the department.

(5) "Maternity care services" means inpatient and outpatient medical care, case management, and support services necessary during prenatal, delivery, and postpartum periods.

(6) "Support services" means, at least, public health nursing assessment and follow-up, health and childbirth education, psychological assessment and counseling, outreach services, nutritional assessment and counseling, needed vitamin and nonprescriptive drugs, transportation, family planning services, and child care. Support services may include alcohol and substance abuse treatment for pregnant women who are addicted or at risk of being addicted to alcohol or drugs to the extent funds are made available for that purpose.

(7) "Family planning services" means planning the number of one's children by use of contraceptive techniques.

Sec. RCW 74.09.800 and 1989 1st ex.s. c 10 s 5 are each amended to read as follows:

The department shall, consistent with the state budget act, develop a maternity care access program designed to ensure healthy birth outcomes as follows:

(1) Provide maternity care services to low-income pregnant women and health care services to children in poverty to the maximum extent allowable under the medical assistance program, Title XIX of the federal social security act;

(2) Provide maternity care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act;

(3) By January 1, 1990, have the following procedures in place to improve access to maternity care services and eligibility determinations for pregnant women applying for maternity care services under the medical assistance program, Title XIX of the federal social security act:

(a) Use of a shortened and simplified application form;

(b) Outstationing department staff to make eligibility determinations;

(c) Establishing local plans at the county and regional level, coordinated by the department; and

(d) Conducting an interview for the purpose of determining medical assistance eligibility within five working days of the date of an application by a pregnant woman and making an eligibility determination within fifteen working days of the date of application by a pregnant woman;

(4) Establish a maternity care case management system that shall assist at-risk eligible persons with obtaining medical assistance benefits and receiving maternity care services, including transportation and child care services;

(5) Within available resources, establish appropriate reimbursement levels for maternity care providers;

(6) Implement a broad-based public education program that stresses the importance of obtaining maternity care early during pregnancy;

~~(7) ((Study the desirability and feasibility of implementing the presumptive eligibility provisions set forth in section 9407 of the federal omnibus budget reconciliation act of 1986 and report to the appropriate committees of the legislature by December 1, 1989; and~~

~~(8)) Refer persons eligible for maternity care services under the program established by this section to persons, agencies, or organizations with maternity care service practices that primarily emphasize healthy birth outcomes;~~

~~(8) Provide family planning services including information about the synthetic progestin capsule implant form of contraception, for twelve months immediately following a pregnancy to women who were eligible for medical assistance under the maternity care access program during that pregnancy or who were eligible only for emergency labor and delivery services during that pregnancy; and~~

~~(9) Within available resources, provide family planning services to women who meet the financial eligibility requirements for services under subsections (1) and (2) of this section.~~

NEW SECTION. Sec. Sections 1 through 7 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "amending RCW 74.09.790 and 74.09.800; adding a new chapter to Title 70 RCW; creating new sections; and providing an expiration date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Leonard moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1408 and pass the bill as amended by the Senate.

Representatives Leonard and Cooke spoke in favor of the motion and Representative Padden spoke against it. The motion was carried.

The Speaker called on Representative R. Meyers to preside.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1408 as amended by the Senate.

Representatives Leonard, Miller, Sommers and Cooke spoke in favor of passage of the bill and Representatives Sheahan and Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1408 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 85, Nays - 12, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 85.

Voting nay: Representatives Ballard, Casada, Chandler, Chappell, Fuhrman, Mielke, Morton, Padden, Sheahan, Stevens, Tate and Van Luven - 12.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1408, as amended by the Senate, having received the constitutional majority, was declared passed.

April 12, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1444, with the following amendment:

On page 2, beginning on line 9, strike all material through "applicant;" on line 10 and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendment to House Bill No. 1444 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1444 as amended by the Senate.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1444 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 1444, as amended by the Senate, having received the constitutional majority, was declared passed.

April 13, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1456 with the following amendment:

On page 2, line 34, after "record" insert "at his previous job or at a job that has comparable wages, benefits and permanency"e and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1456 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1456 as amended by the Senate.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1456 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed House Bill No. 1456, as amended by the Senate, having received the constitutional majority, was declared passed.

April 7, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500 with the following amendment

Strike everything after the enacting clause and insert the following:

"Sec. RCW 18.35.010 and 1991 c 3 s 80 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Department" means the department of health.
- (2) "~~((council))~~ Board" means the ~~((council))~~ board on fitting and dispensing of hearing aids.
- (3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords and ear molds.
- (4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes.
- (5) "Secretary" means the secretary of health.
- (6) "Establishment" means any facility engaged in the fitting and dispensing of hearing aids.

Sec. RCW 18.35.050 and 1989 c 198 s 3 are each amended to read as follows:

Except as otherwise provided in this chapter an applicant for license shall appear at a time and place and before such persons as the department may designate to be examined by written and practical tests. The department shall give an examination in May and November of each year. The examination shall be reviewed annually by the ~~((council))~~ board and the department, and revised as necessary. No examination of any established association may be used as the exclusive replacement for the examination unless approved ~~((and developed))~~ by the ~~((council))~~ board.

Sec. RCW 18.35.060 and 1991 c 3 s 82 are each amended to read as follows:

- (1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that:
 - (a) The applicant is at least eighteen years of age;

(b) If issued a trainee license, would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed in good standing as a fitter-dispenser for at least one year unless otherwise approved by the ((~~council~~)) board; and

(c) Has paid an application fee determined by the secretary as provided in RCW 43.70.250, to the department.

The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and that person shall execute an acknowledgment of responsibility for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if the trainee is under the direct supervision of a person licensed under this chapter in a capacity other than as a trainee. Direct supervision by a licensed fitter-dispenser shall be required whenever the trainee is engaged in the fitting or dispensing of hearing aids during the trainee's first three months of full-time employment. The ((~~council~~)) board shall develop and adopt guidelines on any additional supervision or training it deems necessary.

(4) The trainee license shall expire one year from the date of its issuance except that on recommendation of the ((~~council~~)) board the license may be reissued for one additional year only.

(5) No person licensed under this chapter may assume the responsibility for more than two trainees at any one time, except that the department may approve one additional trainee if none of the trainees is within the initial ninety-day period of direct supervision and the licensee demonstrates to the department's satisfaction that adequate supervision will be provided for all trainees.

Sec. RCW 18.35.110 and 1987 c 150 s 22 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed under this chapter may be subject to disciplinary action by the ((~~council~~)) board for any of the following causes:

(1) For unethical conduct in dealing in hearing aids. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing aid;

(c) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(d) Falsifying hearing test or evaluation results;

(e)(i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;

(D) Acute or chronic dizziness;

(E) Any unilateral hearing loss;

(F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;

(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;

(H) Pain or discomfort in the ear; or

(I) Any other conditions that the ((~~department~~)) board may by rule establish. It is a violation of this subsection for any licensee or that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid. No such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within six months of the date of purchase. The licensee or the licensee's employees or putative agents shall obtain a signed statement from the hearing aid user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the licensee shall maintain a copy of either the physician's statement showing that the prospective hearing aid user has had a medical evaluation or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing aid. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;

(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing aids replaced within six months of their purchase;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word "doctor," "clinic," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate;

(g) Permitting another to use his or her license;

(h) Stating or implying that the use of any hearing aid will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiotically unsupportable claim regarding the efficiency of a hearing aid;

(i) Representing or implying that a hearing aid is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

(j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the licensee, or to influence any person to refrain from dealing in the products of competitors.

(2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020 (~~as now or hereafter amended~~).

(3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

Sec. RCW 18.35.140 and 1983 c 39 s 11 are each amended to read as follows:

The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:

(1) ~~(To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for license.)~~ To provide facilities necessary to carry out the examination of applicants for license.

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic examination of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids, as reasonably required within the discretion of the department.

Sec. RCW 18.35.150 and 1989 c 198 s 7 are each amended to read as follows:

(1) There is created hereby the ~~((council))~~ board on fitting and dispensing of hearing aids. The ~~((council))~~ board shall consist of ~~((nine))~~ seven members to be appointed by the governor.

(2) Members of the ~~((council))~~ board shall be residents of this state. ~~((Five))~~ Two members shall represent the public. Two members shall be persons experienced in the fitting of hearing aids who shall hold valid licenses under this chapter and who do not have a masters level college degree in audiology. One advisory nonvoting member shall be a medical ((doctor)) or osteopathic physician specializing in diseases of the ear. ~~((One member shall be a nondispensing audiologist. Two members shall represent the public.))~~ Two members must be experienced in the fitting of hearing aids, must be licensed under this chapter, and shall have received at a minimum a masters level college degree in audiology.

(3) The term of office of a member is three years. No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The ~~((chairman))~~ chair of the ~~((council))~~ board shall be elected from the membership of the ~~((council))~~ board at the beginning of each year. In event of a tie, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The ~~((council))~~ board shall meet at least once each year, at a place, day and hour determined by the ~~((council))~~ board, unless otherwise directed by a majority of ~~((council))~~ board members. The ~~((council))~~ board shall also meet at such other times and places as are requested by the department or by three members of the ~~((council))~~ board.

(6) Members of the ~~((council))~~ board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. RCW 18.35.161 and 1987 c 150 s 23 are each amended to read as follows:

The ~~((council))~~ board shall have the following powers and duties:

(1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest;

- (2) To develop guidelines on the training and supervision of trainees;
- (3) To adopt any other rules (~~(or regulations)~~) necessary to implement this chapter and which are not inconsistent with it;
- (4) To develop, approve, and administer all licensing examinations required by this chapter; and
- (5) To require a licensee to make restitution to any individual injured by a violation of this chapter or chapter 18.130 RCW, the uniform disciplinary act. The authority to require restitution does not limit the ~~((councils))~~ board's authority to take other action deemed appropriate and provided for in this chapter or chapter 18.130 RCW.

Sec. RCW 18.35.170 and 1973 1st ex.s. c 106 s 17 are each amended to read as follows:

A member of the ~~((council))~~ board on fitting and dispensing of hearing aids shall not be permitted to take the examination provided under this chapter unless he or she has first satisfied the department that adequate precautions have been taken to assure that he or she does not and will not have any knowledge, not available to the members of the public at large, as to the contents of the examination.

Sec. RCW 18.35.185 and 1989 c 198 s 12 are each amended to read as follows:

(1) In addition to any other rights and remedies a purchaser may have, the purchaser of a hearing aid shall have the right to rescind the transaction for other than the ~~((seller's))~~ licensee's breach if:

(a) The purchaser, for reasonable cause, returns the hearing aid or holds it at the ~~((seller's))~~ licensee's disposal, if the hearing aid is in its original condition less normal wear and tear. "Reasonable cause" shall be defined by the ~~((council))~~ board but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser about wearing a hearing aid; and

(b) The purchaser sends notice of the cancellation ~~((to the licensee at the licensee's place of business))~~ by certified mail, return receipt requested, to the establishment employing the licensee at the time the hearing aid was originally purchased, and the notice is posted not later than thirty days following the date of delivery, but the purchaser and the ~~((seller))~~ licensee may extend the deadline for posting of the notice of rescission by mutual, written agreement. In the event the hearing aid is in the possession of the ~~((seller))~~ licensee or the ~~((seller's))~~ licensee's representative during the thirty days following the date of delivery, the deadline for posting the notice of rescission shall be extended by an equal number of days that the aid is in the possession of the ~~((seller))~~ licensee or the ~~((seller's))~~ licensee's representative. Where the hearing aid is returned to the ~~((seller))~~ licensee for any inspection for modification or repair, and the ~~((seller))~~ licensee has notified the purchaser that the hearing aid is available for redelivery, and where the purchaser has not responded by either taking possession of the hearing aid or instructing the ~~((seller))~~ licensee to forward it to the purchaser, then the deadline for giving notice of the rescission shall begin seven working days after this notice.

(2) If the transaction is rescinded under this section or as otherwise provided by law and the hearing aid is returned to the licensee, the licensee shall refund to the purchaser any payments or deposits for that hearing aid. However, the licensee may retain, for each hearing aid, fifteen percent of the total purchase price or one hundred dollars, whichever is less. The licensee shall also return any goods traded in contemplation of the sale, less any costs incurred by the licensee in making those goods ready for resale. The refund shall be made within ten days after the rescission. The buyer shall incur no additional liability for such rescission.

(3) For the purposes of this section, the purchaser shall have recourse against the bond held by the establishment entering into a purchase agreement with the buyer, as provided by RCW 18.35.240.

Sec. RCW 18.35.220 and 1987 c 150 s 25 are each amended to read as follows:

(1) If the ~~((council))~~ board determines following notice and hearing, or following notice if no hearing was timely requested, that a person has:

(a) Violated any provisions of this chapter or chapter 18.130 RCW; or

(b) Violated any lawful order, or rule of the ~~((council))~~ board

an order may be issued by the ~~((council))~~ board requiring the person to cease and desist from the unlawful practice. The ~~((council))~~ board shall then take affirmative action as is necessary to carry out the purposes of this chapter.

(2) If the ~~((council))~~ board makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, a temporary cease and desist order may be issued. Prior to issuing a temporary cease and desist order, the ~~((council))~~ board, whenever possible, shall give notice by telephone or otherwise of the proposal to issue a temporary cease and desist order to the person to whom the order would be directed. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether the order becomes permanent.

(3) The department, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, or rule or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The department shall not be required to post a bond in any court proceedings.

Sec. RCW 18.35.240 and 1991 c 3 s 85 are each amended to read as follows:

(1) Every establishment engaged in the fitting and dispensing of hearing aids shall file with the department a surety bond in the sum of ten thousand dollars, running to the state of Washington, for the benefit of any person injured or damaged as a

result of any violation by the establishment's employees or agents of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the establishment may file with the department a cash deposit or other negotiable security acceptable to the department. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit is filed, the department shall deposit the funds with the state treasurer. The cash or other negotiable security deposited with the department shall be returned to the depositor one year after the establishment has discontinued the fitting and dispensing of hearing aids if no legal action has been instituted against the establishment, its agents or employees, or the cash deposit or other security. The establishment owners shall notify the department if the establishment is sold or has discontinued the fitting and dispensing of hearing aids in order that the cash deposit or other security may be released at the end of one year from that date.

(4) A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.

(5) Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.

(6) The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked.

(7) Each invoice for the purchase of a hearing aid provided to a customer must clearly display on the first page the bond number of the establishment or the licensee selling the hearing aid.

NEW SECTION. Sec. A new section is added to chapter 18.35 RCW to read as follows:

(1) A person licensed under this chapter and not actively fitting and dispensing hearing aids may be placed on inactive status by the department at the written request of the licensee. The board shall define by rule the conditions for inactive status licensure. In addition to the requirements of RCW 43.24.086, the licensing fee for a licensee on inactive status shall be directly related to the costs of administering an inactive license by the department. A person on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the licensing fee for the licensing year, and complying with subsection (2) of this section.

(2) Inactive licensees applying for active licensure shall comply with the following: A licensee who has not fitted or dispensed hearing aids for more than five years from the expiration of the licensee's full fee license shall retake the practical examinations required under this chapter and shall have completed continuing education requirements within the previous twelve-month period. Persons who have been on inactive status from two to five years must have within the previous twelve months completed continuing education requirements. Persons who have been on inactive status for one year or less shall upon application be reinstated as active licensees. Persons who have inactive status in this state but who are actively licensed and in good standing in any other state shall not be required to meet continuing education requirements or to take the practical examinations, but must submit an affidavit attesting to their knowledge of the current Washington Administrative Code rules and Revised Code of Washington statutes pertaining to the fitting and dispensing of hearing aids." On page 1, line 1 of the title, after "aids;" strike the remainder of the title and insert "amending RCW 18.35.010, 18.35.050, 18.35.060, 18.35.110, 18.35.140, 18.35.150, 18.35.161, 18.35.170, 18.35.185, 18.35.220, and 18.35.240; and adding a new section to chapter 18.35 RCW." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Johnson moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1500 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1500 as amended by the Senate.

Representative L. Johnson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1500 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1500, as amended by the Senate, having received the constitutional majority, was declared passed.

April 12, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1501 with the following amendment:

On page 2, line 16, strike "In addition, each student must acknowledge receipt of the information in a manner selected by the institution."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Quall moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1501 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1501 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1501 as amended by the House as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed House Bill No. 1501, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1507 with the following amendment:

On page 1, line 16, after "for" strike "a" and insert "restitution in the amount of the"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendment to Substitute House Bill No. 1507 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1507 as amended by the Senate.

Representative R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1507 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Long - 1.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1507, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1520 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. As retraining becomes a common part of adult work life, it is important that all vocational education opportunities be used to the maximum extent possible. Skill centers established to provide vocational training for high school students are used during the morning and early afternoon. These facilities are idle during the late afternoon and evening hours. At the same time, community colleges have more students applying than they can accommodate. To assure that we meet the needs of our citizens in seeking training or retraining, all vocational training facilities should be used to the maximum extent possible.

NEW SECTION. Sec. Skill centers, to the extent funds are available, are encouraged to operate afternoon and evening programs.

NEW SECTION. Sec. The community colleges are encouraged to contract with skill centers to use the skill center facilities. The community colleges shall not be required to count the enrollments under these agreements toward the community college enrollment lid. Skill centers may charge fees to adult students under RCW 28A.225.220.

NEW SECTION. Sec. Sections 1 through 3 of this act shall constitute a new chapter in Title 28C RCW."

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "and adding a new chapter to Title 28C RCW."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dorn moved that the House do concur in the Senate amendment to Substitute House Bill No. 1520 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1520 as amended by the Senate.

Representatives Dorn and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1520 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1520, as amended by the Senate, having received the constitutional majority, was declared passed.

April 16, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1072 with the following amendment:

On page 1, line 12, after "(2)" insert "Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem; and

(e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

(3)" On page 2, line 3, after "subsection" strike "(3)" and insert "(((3))) (4)"

On page 2, at the beginning of line 5, strike "(3)" and insert "(((3))) (4)"

On page 2, line 11, after "subsection" strike "(2)" and insert "(((2))) (3)"
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to Substitute House Bill No. 1072 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1072 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1072 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1072, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec.** RCW 49.46.020 and 1989 c 1 s 2 are each amended to read as follows:

(1) Every employer shall pay to each of his or her employees who has reached the age of eighteen years wages at a rate of not less than ~~((three dollars and eighty five cents per hour except as may be otherwise provided under this section. Beginning January 1, 1990, the state minimum wage shall be))~~ four dollars and ~~((twenty five))~~ ninety cents per hour.

(2) The director shall by regulation establish the minimum wage for employees under the age of eighteen years.

NEW SECTION. Sec. This act shall take effect January 1, 1994."

On page 1, line 1 of the title, after "wage;" strike the remainder of the title and insert "amending RCW 49.46.020; and providing an effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative G. Cole moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1393 and ask the Senate to recede therefrom.

Representative Lisk moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1393.

Representative Vance demanded an electronic roll call vote on the motion to concur and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1393, and the motion failed the House by the following vote: Yeas - 57, Nays - 40, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veltoria, Wang, Wineberry, Wolfe and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Kremen, Lemmon, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 40.

Excused: Representative Patterson - 1.

The motion not to concur was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505 with the following amendment:

On page 7, after line 16, insert the following:

"NEW SECTION. Sec. A new section is added to chapter 18.27 RCW to read as follows:

(1) By July 1, 1994, the department shall develop and implement a voluntary certificate of competency program for general and specialty contractors registered under this chapter.

(2) The department shall prepare appropriate examinations for general and specialty contractors' certificates of competency to be administered to eligible applicants. The examination must be constructed to determine:

(a) Whether the applicant possesses varied general knowledge of the technical information and practical procedures identified with the construction trade; and

(b) Whether the applicant is familiar with the applicable building codes, statutory requirements, and administrative rules pertaining to the construction trade.

(3)(a) An applicant for a contractor certificate of competency shall submit the required fee and, except as otherwise provided in subsection (4) of this section, an application to take the competency examination on the form and in the manner prescribed by the department. The applicant must be a registered contractor, and, except as otherwise provided in subsection (4) of this section, must provide written evidence that he or she has completed a course of study in the construction trade for general or specialty contractors, as appropriate, at a school or training program approved by the department. If the director determines that the applicant is eligible to take the examination, the director shall notify the applicant of the time and place of the examination. The director shall establish reasonable rules for the conduct of examinations.

(b) The department shall certify the results of the examination and shall notify the applicant in writing whether he or she has passed or failed. An applicant who has failed the examination may retake the examination, on the terms and after a period of time determined by the department by rule. The number of times that an applicant may take the examination may not be limited.

(4) The department shall issue a certificate of competency to an applicant who has passed the examination and has paid all appropriate fees, or to a registered contractor engaged in a bona fide contracting business with at least two years of experience, who has paid all appropriate fees. The certificate must bear the date of issuance, and must expire on the birthdate of the holder immediately following the date of issuance. The certificate is renewable every other year, upon application and payment of a fee, on or before the holder's birthdate. A doubled fee shall be charged for failure to renew the certificate by the renewal date. A holder shall retake the examination and pay the examination fee if he or she does not renew the certificate within ninety days of the renewal date in order to renew the certificate.

(5) The department shall establish certification fees that cover the full cost of processing applications for certification, developing and administering the examination, and issuing and renewing certification.

(6) The holder of a certificate of competency may verbally represent that he or she holds a certificate of competency and may include the information that he or she holds the certificate in documents, including but not limited to advertising, contracts, business cards, and signs. A making of a claim by a contractor that he or she holds a certificate of competency when such a certificate has not been lawfully issued to the contractor or is not in force under this chapter is an infraction and the contractor is subject to having his or her registration suspended for up to two years.

NEW SECTION. Sec. A new section is added to chapter 18.27 RCW to read as follows:

(1) There is created a state advisory committee of construction contractors, comprised of seven members appointed by the director. One member shall be from each of the following construction classifications: (a) Commercial/retail construction; (b) highway/industrial construction; (c) municipal/utility construction; (d) marine construction; (e) residential single-family

construction; and (f) residential multifamily construction. The seventh member shall be a representative of the general public who is familiar with the business and trade of construction.

(2) The initial terms of the members of the advisory committee shall be as follows: For the members representing commercial/retail and marine construction, one year; for the members representing highway/industrial, residential single-family construction, and the general public, two years; and for the members representing municipal/utility and residential multifamily construction, three years. The regular term of the members of the advisory committee shall be three years. The director shall appoint or reappoint committee members to fill vacancies created by the completion of terms. In the case of a vacancy on the committee for any other reason, the director shall appoint a successor from the same construction classification to serve out the term of the person whose position has become vacant.

(3) It shall be the purpose and function of the committee to advise the department on all matters pertaining to the development, implementation, and enforcement of the voluntary certificate of competency program for general and specialty contractors registered under this chapter.

(4) Each member of the committee shall be reimbursed for travel expenses and paid special per diem rates in accordance with RCW 43.03.050 and 43.03.060 for each day such member is engaged in bona fide business of the advisory committee.

NEW SECTION. Sec. Sections 12 and 13 of this act shall take effect January 1, 1994.

NEW SECTION. Sec. The director of the department of labor and industries may take such steps as are necessary to ensure that sections 12 and 13 of this act are implemented on their effective date."

On page 1, line 3 of the title, after "18.27.320;" strike "creating a new section; and prescribing penalties" and insert "adding new sections to chapter 18.27 RCW; creating new sections; prescribing penalties; and providing an effective date" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do not concur in the Senate amendment to Engrossed Substitute House Bill No. 1505 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, with the following amendment:

On page 2, after line 7, strike all the material through and including "located." on page 3, line 2, and insert the following:

"(1) A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 84.52.054.

(2) The additional property tax levies may not be imposed until:

(a) The governing body of the county, city, or town declares the existence of an emergency with respect to the availability of housing that is affordable to very low-income households in the taxing district; and

(b) The governing body of the county, city, or town adopts an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy authorized under this section, and the governing body determines that the affordable housing financing plan is consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy, required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended.

(3) For purposes of this section, the term "very low-income household" means a single person, or family whose income is at or below fifty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located."

On page 2, line 18, after "county." insert "If any levy imposed under this section, when added to any levies imposed under RCW 84.52.069 and 84.34.230 together exceed fifty cents per thousand dollars of assessed valuation, the levy imposed

under this section shall be reduced or eliminated so that the combined levies shall not exceed fifty cents per thousand dollars of assessed valuation on any property."

On page 4, strike all of section 4.

On page 1, line 4 of the title, strike "84.52.010,"
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1562 and ask the Senate to recede therefrom.

Representative Vance moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1562.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

Representatives Foreman, Mielke, Padden, Schoesler, Brown, Sheahan and Vance spoke in favor to concur in the amendments and Representatives H. Myers and Sommers spoke against it.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1562, and the motion to concur failed the House by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dellwo, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 44.

Voting nay: Representatives Anderson, Appelwick, Bray, Brough, Brown, Cole, G., Cothorn, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 53.

Excused: Representative Patterson - 1.

The motion not to concur was carried.

STATEMENTS FOR THE JOURNAL

Please change my vote from "YEA" to a "NAY" on the motion to do not concur on Engrossed Substitute House Bill No. 1562.

STEVE CONWAY, 21st District

Please change my vote from "YEA" to a "NAY" on the motion to do not concur on Engrossed Substitute House Bill No. 1562.

DENNIS DELLWO, 3rd District

Representative R. Meyers declared the House at recess until 1:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order.

The Clerk called the roll and a quorum was present.

MESSAGES FROM THE SENATE

April 20, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1028,
SUBSTITUTE HOUSE BILL NO. 1063,
HOUSE BILL NO. 1111,
HOUSE BILL NO. 1142,
SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1150,
SUBSTITUTE HOUSE BILL NO. 1156,
HOUSE BILL NO. 1212,
HOUSE BILL NO. 1225,
HOUSE BILL NO. 1227,
HOUSE BILL NO. 1244,
HOUSE BILL NO. 1263,
HOUSE BILL NO. 1292,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
HOUSE BILL NO. 1317,
HOUSE BILL NO. 1328,
HOUSE BILL NO. 1351,
SUBSTITUTE HOUSE BILL NO. 1352,
ENGROSSED HOUSE BILL NO. 1353,
HOUSE BILL NO. 1355,
SUBSTITUTE HOUSE BILL NO. 1370,
HOUSE BILL NO. 1401,
HOUSE BILL NO. 1407,
HOUSE BILL NO. 1993,
ENGROSSED HOUSE BILL NO. 2009,
HOUSE BILL NO. 2048,
HOUSE BILL NO. 2073,
HOUSE JOINT RESOLUTION NO. 4201,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1458. The President has appointed the following members as Conferees: Senators: Moore, Cantu and Vognild, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 19, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5195 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Moore, Amondson and Sheldon, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Zellinsky moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5195 and again ask the Senate to concur therein. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1644, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 29.36.120 and 1983 1st ex.s. c 71 s 1 are each amended to read as follows:

At any primary or election, general or special, the county auditor may, in any precinct having fewer than ~~((one))~~ two hundred registered voters at the time of closing of voter registration as provided in RCW 29.07.160, conduct the voting in that precinct by mail ballot. For any precinct having fewer than ~~((one))~~ two hundred registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. Such application is valid for all subsequent mail ballot elections in that precinct so long as the voter remains qualified to vote.

~~((At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.~~

~~In no instance shall any special election be conducted by mail ballot in any precinct with more than one hundred registered voters if candidates for partisan office are to be voted upon.))~~

For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter a mail ballot and an envelope, preaddressed to the issuing officer.

NEW SECTION. Sec. A new section is added to chapter 29.36 RCW to read as follows:

(1) At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

In no instance shall any special election be conducted by mail ballot in any precinct with two hundred or more registered voters if candidates for partisan office are to be voted upon.

(2) In an odd-numbered year, the county auditor may conduct by mail ballot a primary or a special election concurrently with the primary:

(a) For any office or ballot measure of a special purpose district which is entirely within the county;

(b) For any office or ballot measure of a special purpose district which lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(c) For any ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

A primary in an odd-numbered year may not be conducted by mail ballot in any precinct with two hundred or more registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

(3) For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days before the date of such election, mail or deliver to each registered voter a mail ballot and an envelope, preaddressed to the issuing officer. The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

(4) To the extent they are not inconsistent with subsections (1) through (3) of this section, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

Sec. RCW 29.36.122 and 1983 1st ex.s. c 71 s 2 are each amended to read as follows:

For any special election conducted by mail, the county auditor shall send a mail ballot with a return identification envelope to each registered voter of the district in which the special election is being conducted not sooner than the twenty-fifth day before the date of the election and not later than the fifteenth day before the date of the election. The envelope in which the ballot is mailed ~~((shall be clearly marked "Do Not Forward Return to Sender Return Postage Guaranteed."))~~ must clearly indicate that the ballot is not to be forwarded and is to be returned to the sender with return postage guaranteed.

Sec. RCW 29.36.126 and 1983 1st ex.s. c 71 s 4 are each amended to read as follows:

Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor ~~((by United States mail or to any other place of deposit designated by the county auditor))~~. The ballot must be returned in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the election. Otherwise, the ballot must

be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the election.

Sec. RCW 29.36.130 and 1990 c 59 s 76 are each amended to read as follows:

All mail ballots authorized by RCW 29.36.120 or section 2 of this act shall contain the same offices, names of candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided in ~~((RCW 29.36.120 and 29.36.122 through 29.36.126 and 29.36.139, such))~~ this chapter, mail ballots shall be issued and canvassed in the same manner as absentee ballots issued pursuant to the request of the voter. The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of ~~((at least three election officials))~~ the canvassing board or their authorized representatives and the results not revealed to any unauthorized person until ~~((the polls have closed))~~ 8:00 p.m. or later if the auditor so directs. If electronic vote tallying devices are used, political party observers shall be afforded the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.33.350 prior to the count of ballots. Political party observers ~~((shall be allowed to count by hand ballots from up to ten precincts selected by the observers))~~ may select at random ballots to be counted manually as provided by RCW 29.54.025. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.85.225.

Sec. RCW 29.36.139 and 1983 1st ex.s. c 71 s 6 are each amended to read as follows:

(1) A mail ballot shall be counted only if it is returned in the return identification envelope, if the envelope is signed by the registered voter to whom the ballot is issued, and if the signature is verified as provided in this subsection. The county auditor shall verify the signature of each voter on the return identification envelope with the signature on the voter's registration record. ~~((If the county auditor determines that a registered voter to whom a replacement ballot has been issued has voted more than once, the county auditor shall not count any ballot cast by that voter. The county auditor must notify both the county prosecuting attorney and the state attorney general of every instance in which a voter has voted more than once.))~~ A person who votes or attempts to vote more than once in a mail ballot election is subject to the penalties provided in chapter 29.85 RCW.

(2) Any mail ballot may be challenged in the same manner as an absentee ballot.

Sec. RCW 29.36.150 and 1987 c 346 s 19 are each amended to read as follows:

The secretary of state shall adopt rules ~~((not inconsistent with the provisions of this chapter))~~ to:

- (1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (2) Establish standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (3) Provide uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections; and
- (4) Facilitate the operation of the provisions of this chapter regarding out-of-state voters, overseas voters, and service voters.

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors.

Sec. RCW 29.10.180 and 1991 c 363 s 31 are each amended to read as follows:

(1) The county auditor may enter one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor finds that information received under such a contract gives the appearance that a voter has changed his or her residence address, the auditor shall notify the voter concerning the requirements of state and federal laws governing voter registration and residence.

(2) Whenever any vote-by-mail ballot, notification to voters following reprecincting of the county, notification to voters of selection to serve on jury duty, notification under subsection (1) of this section, or initial voter identification card is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.

(3) The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The notice shall also contain a warning that the county auditor must receive a response within ninety days from the date of mailing the notice of inquiry in a case resulting from a returned vote-by-mail ballot or forty-five days from the date of mailing in all other cases or the individual's voter registration will be canceled.

(4) The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the address information on the permanent registration record no later than the ninetieth day or forty-fifth day, as appropriate, after the date of mailing the inquiry.

(5) Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make any address corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within ninety days after the date of mailing the notice in a case resulting from a returned vote-by-mail ballot, or, in all other cases, within forty-five days after the date of mailing.

(6) The county auditor shall notify any voter whose registration has been canceled by sending, by first class mail, a written notice to the address indicated on the voter's permanent registration record and to any other address to which the original inquiry was sent. Upon receipt of a satisfactory voter response, the auditor shall reinstate the voter.

(7) A voter whose registration has been canceled under this section and who offers to vote at the next ensuing election shall be issued a questioned ballot. Upon receipt of such a questioned ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration shall be immediately reinstated, and the voter's questioned ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's questioned ballot shall not be counted.

NEW SECTION. Sec. A new section is added to chapter 10.64 RCW to read as follows:

Within fourteen days of the entry of a judgment of conviction of an individual for an infamous crime, the clerk of the court shall send a notice of the conviction including the full name of the defendant and his or her residential address to the county auditor or custodian of voting records in the county of the defendant's residence.

NEW SECTION. Sec. A new section is added to chapter 29.10 RCW to read as follows:

Upon receiving notice under section 9 of this act, if the convicted person is a registered voter in the county, the county auditor or custodian of voting records shall strike the name of the defendant from the roll of registered voters." On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 29.36.120, 29.36.122, 29.36.126, 29.36.130, 29.36.139, 29.36.150, and 29.10.180; adding a new section to chapter 29.36 RCW; adding a new section to chapter 10.64 RCW; adding a new section to chapter 29.10 RCW; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Anderson: Mr. Speaker, I would like a ruling on scope and object of the amendment to House Bill No. 1644.

SPEAKER'S RULING

Representative Anderson has raised a point of order to the scope and object of the Senate amendment to House Bill No. 1644.

In ruling on the point of order, the Speaker finds that House Bill No. 1644 is a measure which relates solely to voting by mail.

The Senate amendment includes a provision relating to canceling the voter registration of certain convicted felons.

The Speaker therefore finds that the Senate amendment does change the scope and object of the bill and the point of order is well taken.

MOTION

Representative Anderson moved that the House do not concur in the Senate amendment to House Bill No. 1644 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1648 with the following amendment:

On page 2, after line 21, insert the following:

"Sec. RCW 29.13.047 and 1985 c 45 s 2 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year under RCW 29.13.010, the state of Washington shall assume a prorated share of the costs of that state primary or general election.

(2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29.68 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

(3) Whenever a presidential preference primary election is held under chapter 29.19 RCW, the state of Washington shall assume all costs of holding the election if it is held alone. If any other election or elections are held at the same time, the state is liable only for its prorated share.

(4) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29.13.045 and shall file such expense claims with the secretary of state.

~~((4))~~ (5) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

Sec. RCW 29.19.050 and 1989 c 4 s 5 are each amended to read as follows:

Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state partisan primary, including the certification of the election returns by the secretary of state. The requirement of rotation of names on the ballot does not apply to the candidates listed on the presidential preference primary ballot. County auditors may combine and consolidate two or more precincts for the purpose of conducting the presidential preference primary only if precinct vote totals for the primary can still be made available and the consolidation does not require a voter to go to a location different from that of the last regular election.

Each person desiring to vote in the presidential preference primary shall ~~((receive a ballot request form on which the voter shall sign his or her name and address and declare))~~ orally request the ballot for the party primary in which he or she wishes to participate. No record may be made of which party's ballot a voter receives and no voter may receive more than one ballot.

~~((The secretary shall prescribe rules for providing each party central committee a list of the voters who participated in the presidential primary of that party.~~

~~The signed ballot request forms shall be maintained in the centralized containers by the county auditor for a period of time as specified by rule of the secretary of state, after which time they shall be destroyed, unless otherwise directed by federal law.)~~

At a presidential preference primary, a voter may cast no more than one vote on a ballot. Any presidential preference primary ballot with more than one vote is void, and notice to this effect, couched in clear, simple language, and printed in large type, shall appear on the face of each presidential preference primary ballot. Where voting machines or electronic voting devices are in use, the notice shall be displayed on or about each machine or device."

On page 1, line 1 of the title, after "29.07.160" insert ", 29.13.047, and 29.19.050" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Anderson: Mr. Speaker, I would request ruling on scope and object of the Senate amendment to House Bill No. 1648.

SPEAKER'S RULING

Representative Anderson has raised a point of order to the scope and object of the Senate amendment to House Bill No. 1648.

In ruling on the point of order, the Speaker finds that House Bill No. 1648 is a measure which relates to voter registration periods.

The Senate amendment relates to the costs and procedures of presidential preference primary elections.

The Speaker therefore finds that the Senate amendment does change the scope and object of the bill and the point of order is well taken.

MOTION

Representative Anderson moved that the House do not concur in the Senate amendment to House Bill No. 1648 and ask the Senate to recede therefrom.

Representative Carlson spoke against the motion.

The motion not to concur was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1521, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 43.09.270 and 1991 sp.s. c 16 s 920 are each amended to read as follows:

The expense of maintaining and operating the division (~~(shall be paid out of the state general fund: PROVIDED, That)) of municipal corporations and~~ those expenses directly related to the prescribing of accounting systems, training, maintenance of working capital including reserves for late and uncollectible accounts and necessary adjustments to billings, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

~~((During the fiscal biennium ending June 30, 1993, the expense of maintaining and operating the division of municipal corporations shall be paid from the municipal revolving fund under RCW 43.09.282.))~~

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 1 of the title, after "office;" strike the remainder of the title and insert "amending RCW 43.09.270; providing an effective date; and declaring an emergency."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Valle moved that the House do concur in the Senate amendment to House Bill No. 1521 and pass the bill as amended by the Senate.

Representative Valle spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1521 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1521 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 1521, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature finds that many of the systems currently in place for assuring accountability in state government programs are not operated comprehensively, do not take advantage of modern management techniques, and do not contribute adequately to the optimum use of scarce resources. Critical variables that are not always taken into account include whether stated goals and objectives are being achieved, and whether desired results are being accomplished.

Agency executives need more accurate information for setting policy, determining whether new or existing programs are effective, and improving internal controls for agency management. These needs must be met at all levels of operation, and must be clearly communicated to the legislature and all interested parties.

Ensuring accountability in government involves a long-term commitment to policy planning, quality management, and results-oriented evaluation. It is the intent of this act to facilitate program evaluations and performance audits of selected state agencies and programs through the coordinated resources of the executive and legislative branches of state government.

Sec. RCW 43.88.020 and 1991 c 358 s 6 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation into monthly detail representing the best estimate of how the appropriation will be expended.

(26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(27) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(28) "Performance audit" means an audit which determines the following: (a) Whether a government entity is acquiring, protecting, and using its resources economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; (c) whether the entity has complied with laws and regulations applicable to the program; (d) the extent to which the desired results or benefits established by the legislature are being achieved; and (e) the effectiveness of organizations, programs, activities, or functions.

(29) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.

(30) "Success measures" include, but are not limited to the following types of indicators: (a) Indicators of service efforts, stated in terms of human and material resource inputs expended on a service during a specific period; (b) indicators of service accomplishments or outputs, such as the amount of workload accomplished; and outcomes, such as numeric indicators of program results and service quality; and (c) indicators that relate service efforts to service accomplishments, such as indexes of productivity, efficiency, or effectiveness.

Sec. RCW 43.88.090 and 1989 c 273 s 26 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

~~(2) (Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results.)~~ For the purpose of assessing program performance, each state agency shall establish results-oriented goals and objectives, and develop success measures based on these goals and objectives, for each major program in its budget. Each agency shall express the success measures in an objective, quantifiable, and measurable form unless permitted by the office of financial management to adopt a different standard.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

(3) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. RCW 43.88.160 and 1992 c 118 s 8 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The

accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency which will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal controls following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

~~((b))~~ (c) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

~~((c))~~ (d) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

~~((d))~~ (e) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

~~((e))~~ (f) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

~~((f) Promulgate regulations)~~ (g) Adopt rules to effectuate provisions contained in (a) through ~~((e))~~ (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such

individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include ~~((at least the following))~~ determinations as to whether agencies, in making expenditures, complied with the laws of this state ~~((: PROVIDED, That nothing in this section may be construed to grant))~~. The state auditor ((the right)) is authorized to perform or participate in performance audits only as expressly authorized by the legislature in the omnibus biennial appropriations acts. A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. ~~((The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085-))~~ The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW, may report to the legislative budget committee or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit: PROVIDED, That the auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. A new section is added to chapter 44.28 RCW to read as follows:

(1) In conducting program evaluations as defined in RCW 43.88.020, the legislative budget committee shall establish a biennial work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plan are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree.

(2) The project description for each program evaluation shall include start and completion dates, the proposed research approach, and cost estimates.

(3) The overall plan may include proposals to employ contract evaluators. As conditions warrant, the program evaluation work plan may be amended from time to time. All biennial work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

Sec. RCW 44.28.085 and 1975 1st ex.s. c 293 s 15 are each amended to read as follows:

The legislative budget committee shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any public agency, officer, administrator, or employee has discharged the responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by ~~((subsection (3) of))~~ RCW 43.88.160 ~~((as now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor)).~~

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.88.020, 43.88.090, 43.88.160, and 44.28.085; adding a new section to chapter 44.28 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Anderson moved that the House do not concur in the Senate amendment to Engrossed Substitute House Bill No. 1372 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Sommers, Pruitt and Reams as conferees on Engrossed Substitute House Bill No. 1372

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature acknowledges the academic freedom of institutions of higher education, and seeks to improve their efficiency and effectiveness in carrying out their missions. By this act, the legislature intends to increase the flexibility of institutions of higher education to manage personnel, construction, purchasing, printing, and tuition.

PART I PURCHASING, PRINTING, AND CONSTRUCTION AUTHORITY

NEW SECTION. Sec. A new section is added to chapter 28B.10 RCW to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.550 through 43.19.637. The community and technical colleges shall comply

with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.1935, 43.19.19363, and 43.19.19368. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution.

Sec. RCW 43.19.190 and 1991 c 238 s 135 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by said legislature: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital ((service)) group purchasing organizations ((as defined in section 501(c) of the Internal Revenue Code, or its successor)): PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935 ~~((as now or hereafter amended))~~: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under section 101 of this act;

(3) Provide the required staff assistance for the state supply management advisory board through the division of purchasing;

(4) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, ~~((as now or hereafter amended,))~~ or from policies established by the director after consultation with the state supply management advisory board: PROVIDED FURTHER, That delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the supply management advisory board;

(10) Provide for the maintenance of inventory records of supplies, materials, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(12) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

(13) Conduct periodic visits to state agencies, including those educational institutions to which this section applies, to determine if statutory provisions and supporting purchasing and material control policies are being fully implemented, and based upon such visits, take corrective action to achieve compliance with established purchasing and material control policies under existing statutes when required.

Sec. RCW 43.19.1906 and 1992 c 85 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939(~~, as now or hereafter amended~~). This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 (~~as now or hereafter amended~~) or under section 101 of this act. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies(~~, including purchases of specialized equipment, instructional, and research equipment and materials by colleges and universities;~~) if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 (~~as now or hereafter amended~~);

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital (service) group purchasing organizations (~~as defined in section 501(e) of the Internal Revenue Code, or its successor~~);

(7) Purchases by institutions of higher education not exceeding fifteen thousand dollars (~~that are funded by research grant or contract funds, or other nonstate appropriated funds~~): PROVIDED, That for purchases between two thousand five hundred dollars and fifteen thousand dollars quotations shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. A record of competition for all such purchases made from two thousand five hundred to fifteen thousand dollars shall be documented for audit purposes (~~on a standard state form approved by the forms management center under provisions of RCW 43.19.510~~); and

(8) Beginning on July 1, (~~1989~~) 1995, and on July 1 of each succeeding odd-numbered year, the (~~five thousand~~) dollar limits specified in (~~subsection (2) of~~) this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. RCW 43.78.030 and 1988 c 102 s 1 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, ~~((or))~~ to the printing of bond certificates or bond offering disclosure documents, or to any printing done or contracted for by institutions of higher education: PROVIDED, That institutions of higher education, in consultation with the public printer, develop vendor selection procedures comparable to those used by the public printer for contracted printing jobs. Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any ~~((institution of higher learning,))~~ institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern. ~~((Further, where any printing or binding needed by an institution of higher education is to be paid for from research grant or contract funds, short course revenues, or other nonstate appropriated funding source, such printing or binding may be done by any private printing company in the state of Washington, irrespective of the dollar limit specified in this section, when in the judgment of the officer of the institution so ordering, the saving in time or cost justifies the award to such local private printing concern.))~~

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

NEW SECTION. Sec. A new section is added to chapter 43.78 RCW to read as follows:

The public printer may use the state printing plant for the purposes of printing or furnishing materials under RCW 43.78.100 if an intercal agreement under chapter 39.34 RCW has been executed between an institution of higher education and the public printer.

Sec. RCW 43.78.100 and 1965 c 8 s 43.78.100 are each amended to read as follows:

The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. This section does not apply to institutions of higher education.

Sec. RCW 43.78.110 and 1982 c 164 s 3 are each amended to read as follows:

Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, ~~((he))~~ the public printer may obtain such work or supplies from such private sources. ~~((The public printer shall notify day training centers, group training homes, and sheltered workshops providing printing and related trade services under RCW 43.19.532 of the opportunity to bid on the provision of such work or supplies under this section.))~~

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

Sec. RCW 28B.50.330 and 1991 c 238 s 48 are each amended to read as follows:

The boards of trustees of college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ~~((fifteen))~~ twenty-five thousand dollars, complete plans and specifications for such work shall be prepared ~~((and such work shall be prepared))~~ and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not

apply when a contract is awarded by the small works procedure authorized in RCW 39.04.150: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any college of any building, improvements, or repairs, or other work, is less than ~~((five))~~ twenty-five thousand dollars, the publication requirements of RCW 39.04.020 ~~((and 39.04.070))~~ shall be inapplicable.

Sec. RCW 28B.10.350 and 1985 c 152 s 1 are each amended to read as follows:

(1) When the cost to The Evergreen State College, any regional university, or state university, of any building, construction, renovation, remodeling, or demolition other than maintenance or repairs will equal or exceed the sum of twenty-five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling, or demolition equals or exceeds the sum of twenty-five thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage," under chapter 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works procedure authorized in RCW 28B.10.355.

(2) The Evergreen State College, any regional university, or state university may require a project to be put to public bid even when it is not required to do so under subsection (1) of this section.

(3) Where the estimated cost to The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling, or demolition is less than twenty-five thousand dollars or the contract is awarded by the small works procedure authorized in RCW 28B.10.355, the publication requirements of RCW 39.04.020 ~~((and 39.04.090))~~ shall be inapplicable.

(4) In the event of any emergency when the public interest or property of The Evergreen State College, regional university, or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of such college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. RCW 28B.10.355 and 1985 c 152 s 2 are each amended to read as follows:

Each board of regents of the state universities and each board of trustees of the regional universities and The Evergreen State College may establish a small works roster. The small works roster authorized by this section may be used for any public works project for which the estimated cost is less than ~~((fifty))~~ one hundred thousand dollars. Each board shall adopt rules to implement this section.

The roster shall be composed of all responsible contractors who have requested to be on the list. Each board shall establish a procedure for securing telephone or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. This procedure shall require either that a good faith effort be made to request quotations from all contractors on the small works roster who have indicated the capability of performing the kind of public works being contracted or that the board shall solicit quotations from at least five contractors in a manner that will equitably distribute the opportunity among contractors on the roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection and available by telephone inquiry. Each board may adopt a procedure to prequalify contractors for inclusion on the small works roster. No board may be required to make available for public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

The small works roster shall be revised at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the state. Responsible contractors shall be added to the list at any time they submit a written request.

Sec. RCW 39.04.020 and 1986 c 282 s 2 are each amended to read as follows:

Whenever the state(¿) or any municipality shall determine that any public work is necessary to be done, it shall cause plans, specifications, or both thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board, or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state(¿) or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of fifteen thousand dollars or the amounts specified in RCW 28B.10.350 or 28B.10.355 for colleges and universities, or the amounts specified in RCW 28B.50.330 or 39.04.150 for community colleges and technical colleges, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general

circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Sec. RCW 39.04.150 and 1988 c 36 s 12 are each amended to read as follows:

(1) As used in this section, "agency" means the department of general administration, the department of fisheries, the department of wildlife, and the state parks and recreation commission.

(2) In addition to any other power or authority that an agency may have, each agency, alone or in concert, may establish a small works roster consisting of all qualified contractors who have requested to be included on the roster.

(3) The small works roster may make distinctions between contractors based on the geographic areas served and the nature of the work the contractor is qualified to perform. At least once every year, the agency shall advertise in a newspaper of general circulation the existence of the small works roster and shall add to the roster those contractors who request to be included on the roster.

(4) Construction, repair, or alteration projects estimated to cost less than fifty thousand dollars, or less than one hundred thousand dollars for projects managed by the department of general administration for community colleges and technical colleges, as defined under chapter 28B.50 RCW, are exempt from the requirement that the contracts be awarded after advertisement and competitive bid as defined by RCW 39.04.010. In lieu of advertisement and competitive bid, the agency shall solicit at least five quotations, confirmed in writing, from contractors chosen by random number generated by computer from the contractors on the small works roster for the category of job type involved and shall award the work to the party with the lowest quotation or reject all quotations. If the agency is unable to solicit quotations from five qualified contractors on the small works roster for a particular project, then the project shall be advertised and competitively bid. The agency shall solicit quotations randomly from contractors on the small works roster in a manner which will equitably distribute the opportunity for these contracts among contractors on the roster: PROVIDED, That whenever possible, the agency shall invite at least one proposal from a minority contractor who shall otherwise qualify to perform such work. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone request.

(5) The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount for bidding is contrary to public policy and is prohibited.

(6) The director of general administration shall adopt by rule a procedure to prequalify contractors for inclusion on the small works roster. Each agency shall follow the procedure adopted by the director of general administration. No agency shall be required to make available for public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

(7) An agency may adopt by rule procedures to implement this section which shall not be inconsistent with the procedures adopted by the director of the department of general administration pursuant to subsection (6) of this section.

PART II LOCAL TUITION AUTHORITY

Sec. RCW 28B.15.031 and 1987 c 15 s 2 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be ~~((transmitted to the state treasurer within thirty five days of receipt to be deposited in the state general fund))~~ deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That two and one-half percent of ~~((moneys received as))~~ operating fees ~~((be exempt from such deposit and))~~ shall be retained by the institutions, except the technical colleges, for the purposes of RCW 28B.15.820~~((: PROVIDED FURTHER, That money received by institutions of higher education from the periodic payment plan authorized by RCW 28B.15.411 shall be transmitted to the state treasurer within five days following the close of registration of the appropriate quarter or semester))~~.

Sec. RCW 28B.15.202 and 1992 c 231 s 7 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the University of Washington and at Washington State University for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine,

the total tuition fees shall be thirty-three percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (2) of this section: PROVIDED, That the building fees for each academic year shall be three hundred and forty-two dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) For full time nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (5) of this section: PROVIDED, That the building fees for each academic year shall be five hundred and fifty-five dollars. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(7) The governing boards of the state universities shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. RCW 28B.15.402 and 1992 c 231 s 10 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the regional universities and The Evergreen State College for other than the summer term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be twenty-five percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(4) For full time nonresident graduate students, the total tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(5) The governing boards of each of the regional universities and The Evergreen State College shall charge to and collect from each student, a services and activities fee. The governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. RCW 28B.15.502 and 1992 c 231 s 11 are each amended to read as follows:

Tuition fees and maximum services and activities fees at each community college for other than the summer term shall be set by the state board for community and technical colleges as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents. Beginning with the 1995-96 academic year the building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the higher education coordinating board and be based on the actual percentage the building fee is of total tuition in the 1994-95 academic year, rounded up to the nearest half percent.

(3) The governing boards of each of the state community colleges shall charge to and collect from each student a services and activities fee. Each governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident student tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with subsection (3) of this section shall be set by the state board for community and technical colleges for summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

Subject to the limitations of RCW 28B.15.910, each governing board may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules and regulations of the state board for community and technical colleges.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

NEW SECTION. Sec. A new section is added to chapter 28B.15 RCW to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act and the estimated interest on operating fees revenue, minus obligations under RCW 28B.15.820 and 43.99I.040 and minus the amount of waived operating fees authorized under RCW 28B.15.910;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910.

NEW SECTION. Sec. RCW 28B.15.824 and 1992 c 231 s 36 are each repealed.

PART III EMPLOYMENT RELATIONS

NEW SECTION. Sec. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter shall apply to institutions of higher education with respect to the employees included in a bargaining unit that has exercised the option specified in section 304 of this act.

Sec. RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter (~~as designated by RCW 41.56.020~~), or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

Sec. RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each amended to read as follows:

(1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute (~~(involving a political subdivision, municipal corporation, or the community college system of the state)~~) arising under a collective bargaining statute administered by the commission, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, (~~he~~) the director shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort.

NEW SECTION. Sec. A new section is added to chapter 41.56 RCW to read as follows:

(1) At any time after July 1, 1993, an institution of higher education and the exclusive bargaining representative of a bargaining unit of employees classified under chapter 28B.16 or 41.06 RCW as appropriate may exercise their option to have their relationship and corresponding obligations governed entirely by the provisions of this chapter by complying with the following:

(a) The parties will file notice of the parties' intent to be so governed, subject to the mutual adoption of a collective bargaining agreement permitted by this section recognizing the notice of intent. The parties shall provide the notice to the higher education personnel board or its successor and the commission;

(b) During the negotiation of an initial contract between the parties under this chapter, the parties' scope of bargaining shall be governed by this chapter and any disputes arising out of the collective bargaining rights and obligations under this subsection shall be determined by the commission. If the commission finds that the parties are at impasse, the notice filed under (a) of this subsection shall be void and have no effect; and

(c) On the first day of the month following the month during which the institution of higher education and the exclusive bargaining representative provide notice to the higher education personnel board or its successor and the commission that they have executed an initial collective bargaining agreement recognizing the notice of intent filed under (a) of this subsection, chapter 28B.16 or 41.06 RCW as appropriate shall cease to apply to all employees in the bargaining unit covered by the agreement.

(2) All collective bargaining rights and obligations concerning relations between an institution of higher education and the exclusive bargaining representative of its employees who have agreed to exercise the option permitted by this section shall be determined under this chapter, subject to the following:

(a) The commission shall recognize, in its current form, the bargaining unit as certified by the higher education personnel board or its successor and the limitations on collective bargaining contained in RCW 41.56.100 shall not apply to that bargaining unit.

(b) If, on the date of filing the notice under subsection (1)(a) of this section, there is a union shop authorized for the bargaining unit under rules adopted by the higher education personnel board or its successor, the union shop requirement shall continue in effect for the bargaining unit and shall be deemed incorporated into the collective bargaining agreement applicable to the bargaining unit.

(c) Salary increases negotiated for the employees in the bargaining unit shall be subject to the following:

(i) Salary increases shall continue to be appropriated by the legislature. The exclusive bargaining representative shall meet before a legislative session with the governor or governor's designee and the representative of the institution of higher education concerning the total dollar amount for salary increases and health care contributions that will be contained in the appropriations proposed by the governor under RCW 43.88.060;

(ii) The collective bargaining agreements may provide for salary increases from local efficiency savings that are different from or that exceed the amount or percentage for salary increases provided by the legislature in the omnibus appropriations act for the institution of higher education or allocated to the board of trustees by the state board for community and technical colleges, but the base for salary increases provided by the legislature under (c)(i) of this subsection shall include only those amounts appropriated by the legislature, and the base shall not include any additional salary increases provided under this subsection (2)(c)(ii);

(iii) Any provisions of the collective bargaining agreements pertaining to salary increases provided under (c)(i) of this subsection shall be subject to modification by the legislature. If any provision of a salary increase provided under (c)(i) of this subsection is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision.

(3) Nothing in this section may be construed to permit an institution of higher education to bargain collectively with an exclusive bargaining representative concerning any matter covered by: (a) Chapter 41.05 RCW, except for the related cost or dollar contributions or additional or supplemental benefits as permitted by chapter (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993; or (b) chapter 41.32 or 41.40 RCW.

Sec. RCW 28B.16.040 and 1990 c 60 s 201 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and (~~chairmen~~) chairpersons; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, ~~((his))~~ the director's confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges ~~((education))~~.

(4) The personnel director of the higher education personnel board and ~~((his))~~ the director's confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, ~~((and principal assistants to executive heads of major administrative or academic divisions,))~~ as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. RCW 28B.16.200 and 1979 c 151 s 18 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, the budget for which shall be subject to review and approval and appropriation by the legislature. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges ~~((education))~~ and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

(2) If employees cease to be classified under this chapter pursuant to an agreement authorized by section 304 of this act, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel board service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel board service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board based on the salaries and wages of the remaining employees classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature. The director of financial management shall report the amount and impact of any across-the-board reductions made under this section to the appropriations committee of the house of representatives and the ways and means committee of the senate, or appropriate successor committees, within thirty days of making the reductions.

(3) Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

NEW SECTION. Sec. A new section is added to chapter 28B.16 RCW to read as follows:

At any time after July 1, 1993, an institution of higher education and the exclusive bargaining representative of a bargaining unit of employees classified under this chapter or chapter 41.06 RCW as appropriate may exercise their option to have their relationship and corresponding obligations governed entirely by the provisions of chapter 41.56 RCW, by filing notice of the parties' intent to be so governed, subject to the mutual adoption of a collective bargaining agreement recognizing the notice of intent. The parties shall provide the notice to the board or its successor and the public employment relations commission. On the first day of the month following the month during which the institution of higher education and the exclusive bargaining representative provide notice to the board or its successor and the public employment relations commission that they have executed an initial collective bargaining agreement recognizing the notice of intent, this chapter shall cease to apply to all employees in the bargaining unit covered by the agreement, and all labor relations functions of the board or its successor with respect to these employees shall be transferred to the public employment relations commission.

PART IV MISCELLANEOUS

NEW SECTION. Sec. The sum of . . . dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from each public four-year institution's and the community colleges' operating fees account established in RCW 28B.15.824 to the respective institution's local account for the purposes of sections 201 through 205 of this act.

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

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 3 of the title, after "tuition;" strike the remainder of the title and insert "amending RCW 43.19.190, 43.19.1906, 43.78.030, 43.78.100, 43.78.110, 28B.50.330, 28B.10.350, 28B.10.355, 39.04.020, 39.04.150, 28B.15.031, 28B.15.202, 28B.15.402, 28B.15.502, 41.58.020, 28B.16.040, and 28B.16.200; reenacting and amending RCW 41.56.030; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.78 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 41.56 RCW; adding a new section to chapter 28B.16 RCW; creating a new section; repealing RCW 28B.15.824; making an appropriation; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Jacobsen moved that the House do not concur in the Senate amendment to Engrossed Substitute House Bill No. 1509 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Locke, Sommers and Brumsickle as conferees on Engrossed Substitute House Bill No. 1509.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1931 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec.** RCW 47.60.120 and 1984 c 7 s 307 are each amended to read as follows:

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(3) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence (~~and being exercised~~) at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

~~((While any revenue bonds issued by the department under the provisions of this chapter are outstanding no additional bonds may be issued for the purposes of acquiring, constructing, operating, or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the department unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of the outstanding bonds. The provisions of this section are binding upon the state, and all of its departments, agencies, and instrumentalities, as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, towns, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.))~~

NEW SECTION. Sec. A new section is added to chapter 47.60 RCW to read as follows:

The ten-mile distance in RCW 47.60.120 means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

Sec. RCW 81.84.010 and 1961 c 14 s 81.84.010 are each amended to read as follows:

(1) No (~~steamboat company shall~~) commercial ferry may hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued before or after the effective date of this act to a commercial ferry operator shall be exercised by the operator in a manner consistent with the conditions established in the certificate or tariffs: PROVIDED, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross annual earnings of such vessel: PROVIDED, That nothing herein shall be construed to affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, (~~being served~~) held by a certificate carrier without first acquiring the rights granted to such certificate holder under the certificate, nor shall this chapter be construed to affect, amend, or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter, or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a (~~steamboat company~~) commercial ferry, notwithstanding the provisions of any act or parts of acts inconsistent herewith.

(2) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. However, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

(3) The commission shall review certificates in existence as of the effective date of this act, where service is not being provided on all or any portion of the route or routes certificated. Based on progress reports required under subsection (2) of this section, the commission may grant an extension beyond that provided in subsection (2) of this section. Such additional extension may not exceed a total of two years.

Sec. RCW 81.84.020 and 1961 c 14 s 81.84.020 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities and counties, and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder (~~shall fail and refuse~~) has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that (~~such steamboat company~~) the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more (~~steamboat companies~~) commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of (~~said companies~~) the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the (~~companies to whom such~~) ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of the effective date of this act.

NEW SECTION. Sec. A new section is added to chapter 81.84 RCW to read as follows:

The commission, in granting a certificate to operate as a commercial ferry, shall require the operator to first obtain liability and property damage insurance from a company licensed to write liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each vessel or ferry to be used, in the amount of not less than one hundred thousand dollars for any recovery for personal injury by one person, and not less than one million dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury and property damage by reason of one act of negligence, and not less than fifty thousand dollars for damage to property of any person other than the insured; or combined bodily injury and property damage liability insurance of not less than one million dollars, and to maintain such liability and property damage insurance or surety bond in force on each vessel or ferry while so used. Each policy for liability or property damage insurance or surety bond required by this section must be filed with the commission and kept in full force and effect, and failure to do so is cause for revocation of the operator's certificate.

Sec. RCW 81.84.030 and 1961 c 14 s 81.84.030 are each amended to read as follows:

No certificate or any right or privilege thereunder held, owned, or obtained under the provisions of this chapter shall be sold, assigned, leased, mortgaged, or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization by the commission first obtained. ~~((The commission may at any time by its order duly entered after hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter, if the holder thereof wilfully violates or fails to observe the provisions or conditions of the certificate, or the orders, rules or regulations of the commission, or the provisions of this title.))~~

Sec. RCW 81.84.050 and 1961 c 14 s 81.84.050 are each amended to read as follows:

Every ~~((steamboat company))~~ commercial ferry and every officer, agent, or employee of any ~~((steamboat company))~~ commercial ferry who violates or who procures, aids, or abets in the violation of any provision of this title, or any order, rule, regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or, if application for remission or mitigation has not been made, within fifteen days after the violator has received notice of the disposition of such application, the attorney general shall bring an action to recover the penalty in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered by the state under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

NEW SECTION. Sec. A new section is added to chapter 81.84 RCW to read as follows:

The commission, upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter on any of the following grounds:

(1) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);

(2) Failure of the certificate holder to file an annual report;

(3) The filing by a certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(4) The violation of any provision of this chapter;

(5) The violation of or failure to observe the provisions or conditions of the certificate or tariffs;

(6) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;

(7) Failure of a certificate holder to maintain the required insurance coverage in full force and effect; or

(8) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that a provision of this section has been violated.

NEW SECTION. Sec. A new section is added to chapter 81.84 RCW to read as follows:

The commission may, with or without a hearing, issue temporary certificates to operate under this chapter, but only after it finds that the issuance of the temporary certificate is necessary due to an immediate and urgent need and is otherwise consistent with the public interest. The certificate may be issued for a period of up to one hundred eighty days. The commission may prescribe such special rules and impose special terms and conditions on the granting of the certificate as in its judgment are reasonable and necessary in carrying out this chapter. The commission shall collect a filing fee, not to exceed two hundred dollars, for each application for a temporary certificate. The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application by another commercial ferry operator is pending.

Sec. RCW 81.04.010 and 1991 c 272 s 3 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association, or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm, or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise, or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, (~~steamboat companies~~) commercial ferries, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

"(~~Steamboat company~~) Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

Sec. RCW 81.24.030 and 1981 c 13 s 5 are each amended to read as follows:

Every (~~steamboat company~~) commercial ferry shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year."

In line 1 of the title, after "operators;" strike the remainder of the title and insert "amending RCW 47.60.120, 81.84.010, 81.84.020, 81.84.030, 81.84.050, 81.04.010, and 81.24.030; adding a new section to chapter 47.60 RCW; adding new sections to chapter 81.84 RCW; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do not concur in the Senate amendment to Substitute House Bill No. 1931 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives R. Fisher, Zellinsky and Schmidt as conferees on Substitute House Bill No. 1931.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1175, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 28A.150.220 and 1990 c 33 s 105 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.250 and 28A.150.260:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(b) "Instruction in work skills" shall include instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(2) Satisfaction of the basic education goal identified in RCW 28A.150.210 shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours. A minimum of ninety-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, foreign languages, which may be American Indian languages, mathematics, social studies,

science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills: PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met.

(4) Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish: PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.

(7) Handicapped education programs, vocational-technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

Sec. RCW 28A.150.220 and 1992 c 141 s 503 are each amended to read as follows:

(1) Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a foreign language requirement, the requirement may be met by students receiving instruction in one or more American Indian languages.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early

release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. RCW 28A.230.090 and 1992 c 141 s 402 and 1992 c 60 s 1 are each reenacted and amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students. Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district foreign language graduation requirement.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.

Sec. RCW 28A.600.060 and 1991 c 116 s 22 are each amended to read as follows:

The recipients of the Washington state honors awards shall be selected based on student achievement in both verbal and quantitative areas, as measured by a test or tests of general achievement selected by the superintendent of public instruction, and shall include student performance in the academic core areas of English, mathematics, science, social studies, and foreign languages, which may be American Indian languages. The performance level in such academic core subjects shall be determined by grade point averages, numbers of credits earned, and courses enrolled in during the beginning of the senior year.

NEW SECTION. Sec. Section 2 of this act shall take effect September 1, 1998. However, section 2 of this act shall not take effect if, by September 1, 1998, a law is enacted stating that a school accountability and academic assessment system is not in place."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.220, 28A.150.220, and 28A.600.060; reenacting and amending RCW 28A.230.090; and providing a contingent effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cothorn moved that the House do not concur in the Senate amendment to Engrossed House Bill No. 1175 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Dorn, Jacobsen and Brough as conferees on Engrossed House Bill No. 1175.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 13.34.145 and 1989 1st ex.s. c 17 s 18 are each amended to read as follows:

(1) In all cases where a child has been placed in substitute care for at least fifteen months, the agency having custody of the child shall prepare a permanency ((planning)) plan and present it in a hearing ((shall be)) held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130((4))(5). In addition the court shall: (a) Approve a ((permanent plan of care)) permanency plan which ((can)) shall include one of the following: Adoption, guardianship, ((or)) placement of the child in the home of the child's parent, relative placement with written permanency plan, or family foster care with written permanency agreement; (b) require filing of a petition for termination of parental rights; or (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond eighteen months, based on ((a permanent plan of care)) the permanency plan. Extensions may only be granted in increments of twelve months or less.

Sec. RCW 13.34.180 and 1990 c 246 s 7 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(7), and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and
(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and
(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and
(4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(a) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(b) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(c) Severe abuse of a child under age thirteen inflicted by a parent, or by any person known by the parent, if the parent: (i) Knew or should have known that the person was abusing the child; (ii) did not intervene to protect the child; and (iii) was able to protect the child. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; and

(6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the state ensures that family reconciliation and other necessary services have been provided to the parent.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will

appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. RCW 13.34.190 and 1992 c 145 s 15 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), (5), and (6) are established beyond a reasonable doubt; or

(3) The allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider whether one or more of the ~~(following:~~

~~(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;~~

~~(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;~~

~~(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;~~

~~(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;~~

~~(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;~~

~~(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim)) aggravated circumstances listed in RCW 13.34.130(2) exist; and~~

(4) Such an order is in the best interests of the child.

Sec. RCW 13.34.232 and 1981 c 195 s 3 are each amended to read as follows:

If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a guardianship for the child.

The order shall:

(1) Appoint a person or agency to serve as guardian;

(2) Specify the guardian's rights and responsibilities concerning the care, custody, and control of the child. A guardian shall not have the authority to consent to the child's adoption;

(3) Specify an appropriate frequency of visitation between the parent and the child; and

(4) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

The order shall not affect the child's status as a dependent child, and the child shall remain dependent for the duration of the guardianship.

Sec. RCW 26.09.191 and 1989 c 375 s 11 and 1989 c 326 s 1 are each reenacted and amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) If there is a conviction in a criminal action, or if a court in an action under this chapter finds by clear and convincing evidence, that a parent requesting residential time has sexually abused a child living in the parent's household at any time during the parent's life or any other child within the previous ten years, then there is a rebuttable presumption that the court shall not allow residential time to a parent and shall enter a permanent restraining order prohibiting the parent from contacting the child directly or indirectly.

(b) The presumption may be rebutted only after a finding that:

(i) The offending parent has successfully engaged in court-approved treatment for sexual offenders or is engaged in and making progress in such treatment and the treatment provider believes such contact is appropriate and poses minimal risk to the child;

(ii) If the child was sexually abused by the parent requesting residential time and if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest; and

(iii) An adequate plan for supervision of such residential time in accordance with the provisions of this chapter has been approved by the court.

(c) If the court finds that the presumption has been rebutted, the court may allow a parent who has been found to have sexually abused a child to have residential time with the child supervised by a neutral and independent adult. Unless the nonoffending parent approves the supervisor, the court shall make a finding that the proposed supervisor is neutral, independent, willing to supervise, and capable of intervening between the child and the parent if necessary. The court shall enter findings of fact regarding the qualifications of the appointed supervisor and shall notify the supervisor of the court's requirements regarding supervision. The court may immediately remove the supervisor from the supervisory role upon evidence being presented that the supervisor failed to supervise the residential time adequately.

(d) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

~~((b))~~ (e) The limitations imposed by the court shall be reasonably calculated to protect the child from physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. If the court expressly finds limitation on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child. If the parent requesting residential time is currently residing with another person who has a history of physical or sexual abuse of a child, whether that person is an adult or a juvenile, the court shall order that all residential time take place outside the presence of that person.

~~((a))~~ (f) Except as provided in (a), (b), and (c) of this subsection, if the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. RCW 26.10.160 and 1989 c 326 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) If there is a conviction in a criminal action, or if a court in an action under this chapter finds by clear and convincing evidence, that a parent requesting visitation has sexually abused a child living in the parent's household at any time during the parent's life or any other child within the previous ten years, then there is a rebuttable presumption that the court shall not allow visitation to a parent and shall enter a permanent restraining order prohibiting the parent from contacting the child directly or indirectly.

(b) The presumption may be rebutted only after a finding that:

(i) The offending parent has successfully engaged in court-approved treatment for sexual offenders or is engaged in and making progress in such treatment and the treatment provider believes such contact is appropriate and poses minimal risk to the child;

(ii) If the child was sexually abused by the parent requesting visitation and if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest; and

(iii) An adequate plan for supervision of such visitation in accordance with the provisions of this chapter has been approved by the court.

(c) If the court finds that the presumption has been rebutted, the court may allow a parent who has been found to have sexually abused a child to have visitation with the child supervised by a neutral and independent adult. Unless the nonoffending

parent approves the supervisor, the court must make a finding that the proposed supervisor is neutral, independent, willing to supervise, and capable of intervening between the child and the parent if necessary. The court shall enter findings of fact regarding the qualifications of the appointed supervisor and shall notify the supervisor of the court's requirements regarding supervision. The court may immediately remove the supervisor from the supervisory role upon evidence being presented that the supervisor failed to supervise the residential time adequately.

(d) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

~~((b))~~ (e) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child. If the parent requesting visitation is currently residing with another person who has a history of physical or sexual abuse of a child, whether that person is an adult or a juvenile, the court shall order that all visitation take place outside the presence of that person.

~~((c))~~ (f) Except as provided in (a), (b), and (c) of this subsection, if the court expressly finds that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection, or if the court expressly finds the parent's conduct did not have an impact on the child, then the court need not apply the limitations of ~~((a) and (b))~~ (d) and (e) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

NEW SECTION. Sec. A new section is added to chapter 13.34 RCW to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate plan of treatment. The plan of treatment must be signed by treatment provider and the affected person. The initial written report based on the treatment plan and response to treatment shall be sent to appropriate persons six weeks after initiation of treatment, and after three months, after six months, after twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

The report with the treatment plan shall be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for alcoholism shall meet the program requirements contained in RCW 10.05.150.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding: (a) The person's cooperation with the treatment plan proposed; and (b) the person's progress in treatment.

(4) In addition, if the party fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse treatment program.

NEW SECTION. Sec. A new section is added to chapter 13.34 RCW to read as follows:

(1) The court or the department, upon receiving a report under section 7(4) of this act, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. RCW 13.34.110 and 1991 c 340 s 3 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if ~~((all))~~ the parties, their attorneys, the guardian ad litem, and court-appointed special advocates are all in agreement~~((-but))~~. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. RCW 13.34.120 and 1987 c 524 s 5 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file ~~((and))~~ social study, guardian ad litem report, the court-appointed special advocates report and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. RCW 13.34.150 and 1990 c 246 s 6 are each amended to read as follows:

Any order made by the court in the case of a dependent child may be changed, modified, or set aside, only upon a showing of a change in circumstance or as provided in section 8 of this act.

Sec. RCW 13.34.162 and 1988 c 275 s 15 are each amended to read as follows:

A determination of child support shall be based upon the child support schedule and standards ~~((adopted))~~ provided under chapter 26.19 RCW ((26.19.040)).

NEW SECTION. Sec. A new section is added to chapter 26.44 RCW to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(4) A person reporting injury, abuse, or neglect to an adult dependent person shall not suffer negative consequences if the person reporting believes in good faith that the adult dependent person has been found legally incompetent or disabled.

Sec. RCW 26.44.020 and 1988 c 142 s 1 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice ~~((podiatry)) podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.~~

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) ~~((Child)) Abuse or neglect~~ shall mean the injury, sexual abuse, sexual exploitation, ~~((or)) negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed ((thereby)). An abused child is a child who has been subjected to child abuse or neglect as defined herein(= PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap)).~~

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons ~~((not able to provide for their own protection through the criminal justice system))~~" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW ~~((or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW)).~~

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child ~~((for commercial purposes as those acts are defined by state law))~~ by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW ~~((71.20.016))~~ 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and

neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

Sec. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered abuse or neglect. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department (~~(of social and health services)~~) shall (~~(within funds appropriated for this purpose)~~) use a risk assessment (~~(tool)~~) process when investigating child abuse and neglect referrals. (~~(The tool shall be used, on a pilot basis, in three local office service areas.)~~) The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the (~~(ways and means)~~) appropriate committees of the senate and house of representatives on the (~~(use)~~) effectiveness of the (~~(tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool)~~) risk assessment process.

(14) Upon receipt of (~~(such)~~) a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

Sec. RCW 26.44.040 and 1987 c 206 s 4 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child or adult dependent or developmentally disabled person;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult dependent or developmentally disabled person;
- (3) The nature and extent of the injury or injuries;
- (4) The nature and extent of the neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's or adult dependent or developmentally disabled person's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

Sec. RCW 26.44.063 and 1988 c 190 s 3 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

- (a) Molesting or disturbing the peace of the alleged victim;
- (b) Entering the family home of the alleged victim except as specifically authorized by the court; or
- (c) Having any contact with the alleged victim, except as specifically authorized by the court.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

Sec. RCW 26.44.067 and 1989 c 373 s 23 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order (~~when requested by any peace officer of the state~~) shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section shall bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. RCW 26.44.100 and 1985 c 183 s 1 are each amended to read as follows:

The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this (~~act~~) chapter, provided that nothing contained in this (~~act~~) chapter shall cause any delay in protective custody action.

NEW SECTION. Sec. A new section is added to chapter 26.44 RCW to read as follows:

(1) If a person who has unsupervised visitation rights with a minor child pursuant to a court order is accused of sexually or physically abusing a child and the alleged abuse has been reported to the proper authorities for investigation, the law enforcement officer conducting the investigation may file a motion with the court for a temporary restraining order to restrain the alleged abuser's visitation rights during the investigation. The investigating law enforcement officer shall submit an affidavit stating that the person is currently under investigation for sexual or physical abuse of a child, that there is a risk of harm to the child if a temporary restraining order is not entered, and that the prosecuting attorney has informed the officer that the attorney does not have enough information at the time to determine whether prosecution is warranted. The restraining order shall be issued for up to ninety days or until the investigation has been concluded in favor of the alleged abuser, whichever is shorter.

(2) Willful violation of a court order entered under this section is a misdemeanor. The court order shall state: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject the violator to arrest."

NEW SECTION. Sec. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;

(4) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(5) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth.

(6) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

(7) Study and develop a statutory proposal for the emancipation of minors and report its findings and recommendations to the legislature by January 1, 1994.

NEW SECTION. Sec. Sections 5 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.145, 13.34.180, 13.34.190, 13.34.232, 26.10.160, 13.34.110, 13.34.120, 13.34.150, 13.34.162, 26.44.020, 26.44.030, 26.44.040, 26.44.063, 26.44.067, and 26.44.100; reenacting and amending RCW 26.09.191; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.44 RCW; adding a new section to chapter 74.14A RCW; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Riley moved that the House do not concur in the Senate amendment to Engrossed Substitute House Bill No. 1512 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Appelwick, Leonard and Brough as conferees on Engrossed Substitute House Bill No. 1512.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 1992 c 232 s 112 is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ((955,000))

1,000,000

Sec. 1992 c 232 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ((27,687,000))

27,921,000

Public Safety and Education

Account Appropriation \$ 26,352,000
 Judicial Information System
 Account Appropriation \$ 200,000
 Drug Enforcement and Education Account
 Appropriation \$ 850,000
 TOTAL APPROPRIATION \$ ~~((55,089,000))~~

55,323,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(20,850,000))~~ 21,084,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) \$688,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) \$6,507,000 of the public safety and education account appropriation and \$850,000 of the drug enforcement and education account appropriation are provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(6) In implementing the cost reduction measures required by this act, the administrator for the courts may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

(7) \$345,000 of the general fund--state appropriation is provided solely for implementation of Substitute House Bill No. 2459. The amount provided in this subsection is contingent on enactment of Substitute House Bill No. 2459 (superior court judges) and House Bill No. 2887 or 2997 (appellate court filing fees). If neither House Bill No. 2887 or 2997 is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) \$10,000 of the general fund appropriation is provided solely for the jury source list task force to continue to develop methodology and standards for merging the list of registered voters with the list of licensed drivers and identocard holders to form an expanded jury source list for use in the state. The task force shall include the department of information services. By November 2, 1992, the task force shall report its recommendations to the supreme court and the appropriate committees of the legislature. However, if Substitute House Bill No. 2945 is enacted by June 30, 1992, the amount provided in this subsection is provided solely to implement the bill.

Sec. 1992 c 232 s 117 is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ ~~((1,762,000))~~ 1,842,000

Sec. 1992 c 232 s 118 is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation \$ ~~((8,038,000))~~ 12,480,081

Archives and Records Management Account
 Appropriation \$ 3,522,000
 Savings Recovery Account Appropriation \$ 569,000
 TOTAL APPROPRIATION \$ ~~((12,129,000))~~

16,571,081

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(809,000))~~ 4,330,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of presidential preference, primary, and general election costs and the costs of conducting mandatory recounts on state measures.

(2) ~~\$(2,919,000))~~ 3,384,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION. Sec. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation \$ 239,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for defending tribal shellfish litigation (*U.S. v. Washington*, subproceeding 89-3).

Sec. 1991 sp.s. c 16 s 126 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ ~~((20,563,000))~~

19,345,000

General Fund--Federal Appropriation \$ 101,000

Savings Recovery Account Appropriation \$ 1,932,000

Public Safety and Education Account

Appropriation \$ 290,000

Motor Vehicle Fund Appropriation \$ 108,000

TOTAL APPROPRIATION \$ ~~((22,994,000))~~

21,776,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

Sec. 1992 c 232 s 129 is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund

Appropriation \$ ~~((16,749,000))~~

16,771,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) \$163,000 is provided solely to implement management excellence initiatives to improve selection criteria, performance evaluations, and training assessments for state managers.

Sec. 1992 c 232 s 134 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 29,076,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,403,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902, chapter 16, Laws of 1991 sp. sess. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.

(2) \$~~((4,077,000))~~ 907,000 is provided solely for the one-time implementation costs of Engrossed Substitute House Bill No. 2947 (early retirement), including the preparation of information on early retirement by the combined benefits communications project. ~~((If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.))~~

(3) \$170,000 is provided solely for the one-time implementation costs of the 1993 early retirement legislation. If the legislation is not enacted by June 30, 1993, this amount shall lapse.

Sec. 1992 c 232 s 136 is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ ~~((96,370,000))~~

96,802,000

Timber Tax Distribution Account Appropriation \$ 4,241,000

State Toxics Control Account Appropriation \$ ~~((90,000))~~

83,115

Solid Waste Management Account Appropriation \$ 82,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ 226,000

Vehicle Tire Recycling Account Appropriation \$ 122,000

Air Operating Permit Account Appropriation \$ 42,000

Oil/Hazardous Substance Cleanup Account

Appropriation \$ 27,000

Litter Control Account Appropriation \$ 96,000

TOTAL APPROPRIATION \$ ~~((101,296,000))~~

101,721,115

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,145,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management". Authority to expend this amount is conditioned on compliance with section 902, chapter 16, Laws of 1991 sp. sess.

(2) \$584,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

(4) \$100,000 of the general fund appropriation is provided solely for the implementation of Substitute House Bill No. 2672 (cellular phone study). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(5) \$432,000 of the general fund appropriation is provided solely for defense of the state in legal actions involving utility litigation relating to property tax.

(6) The entire litter control account appropriation is provided solely for the implementation of House Bill No. 2635 (litter/recycling assessment). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 1992 c 232 s 139 is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

General Fund--State Appropriation \$ ~~((42,000))~~

46,000

Sec. 1992 c 232 s 141 is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ ~~((4,467,000))~~

5,207,000

General Fund--Federal Appropriation \$ 1,649,000

General Fund--Private/Local Appropriation \$ 274,000

Savings Recovery Account Appropriation \$ 1,070,000

Risk Management Account Appropriation \$ 1,151,000

Motor Transport Account Appropriation \$ 8,568,000

Central Stores Revolving Account Appropriation \$ 3,965,000

Industrial Insurance Premium Refund Account \$ 18,514

Air Pollution Control Account Appropriation \$ 111,000

General Administration Facilities and Services

Revolving Fund Appropriation \$ 20,749,000

TOTAL APPROPRIATION \$ ~~((42,004,000))~~

42,762,514

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) ~~\$((2,850,000))~~ 2,176,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$3,965,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of this amount \$155,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

Sec. 1992 c 232 s 152 is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ ~~((8,906,000))~~

8,960,000

General Fund--Federal Appropriation \$ 7,582,000

General Fund--Private/Local Appropriation \$ 180,000

TOTAL APPROPRIATION \$ ~~((16,668,000))~~

16,722,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

2

PART II
HUMAN SERVICES

Sec. 1991 sp.s. c 16 s 201 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) ~~((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose))~~ The appropriations in sections 201 through 218 of chapter 16, Laws of 1991 1st sp. sess., as amended, shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1993, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) Appropriations in this act derived from the \$31,600,000 federal child care block grant and the Title IV-A grant are subject to the following conditions and limitations:

(a) \$13,290,000 is provided solely for vendor rate increases for child care facilities. Increases by cluster shall result in rates set at a uniform percentile of child care provider rates across clusters. Rates set by other methods shall result in the same percentage increase as the state-wide average increase for rates set by cluster. The department shall transfer rate increase funds among child care programs as necessary to maintain a uniform rate policy.

(b) \$1,000,000 is provided solely to contract with eligible providers for specialized child care and respite care for children of homeless parents. Providers shall demonstrate that licensed child-care facilities are available to provide specialized child care for children under six years of age. Respite child-care providers shall demonstrate that respite child care is available for children under six years of age and shall submit to a felony background check through the state patrol. Child-care services provided by shelters shall be subject to department of community development rules on applicant eligibility criteria. The total allocation to providers within a county shall be not less than twenty-five thousand dollars per fiscal year in counties that had at least one hundred children under the age of five served in emergency shelters for the preceding year as reported by the department of community development and not less than ten thousand dollars for all other counties. If Substitute Senate Bill No. 5653 (homeless child care) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(c) \$450,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(d) \$100,000 is provided solely for licensing and regulation activities of the department of social and health services.

(e) \$100,000 is provided solely for data collection, evaluation, and reporting activities of the department of social and health services.

(f) \$4,609,000 is provided solely to increase child care slots for low-income families.

(g) \$100,000 is provided solely for transfer through interagency agreement to the department of health to fund increased child care licensing workload.

Sec. 1992 c 232 s 201 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation	\$ ((277,041,000))	<u>276,734,000</u>
General Fund--Federal Appropriation	\$ ((471,473,000))	<u>179,051,000</u>
Drug Enforcement and Education		
Account Appropriation	\$ 4,000,000	
Public Safety and Education		
Account Appropriation	\$ 2,418,000	
TOTAL APPROPRIATION	\$ ((454,932,000))	<u>462,203,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$607,000 of the general fund--state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) \$513,000 is provided solely to expand family reconciliation services.

(2) \$2,949,000 of the general fund--state appropriation and \$691,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and five percent on January 1, 1993, for children's out-of-home residential providers except interim care, including but not limited to foster parents and child placement agencies, and ~~((3-4))~~ two percent on July 1, 1992, and three percent on January 1, 1993, for other providers, except child care providers.

(3) \$1,150,000 of the general fund--state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

(4) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).

(5) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(6) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(7) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

(8) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

(9) The amounts in subsections (7) and (8) of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

(10) \$100,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

(11) Up to \$25,000 of the general fund--state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

(12) \$1,500,000 of the general fund--state appropriation is provided solely for increased funding for domestic violence programs.

(13) \$480,000 of the general fund--state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

(14) \$1,000,000 of the general fund--state appropriation is provided solely for the transfer of children who are inappropriately housed in crisis residential centers to residential services designed to meet their specific needs.

(15) \$30,000 of the general fund--state appropriation is provided solely to fund follow-up research on the Childhaven therapeutic childcare study.

Sec. 1992 c 232 s 202 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$ (53,246,000)	<u>50,377,000</u>
General Fund--Federal Appropriation	\$ 135,000	
Drug Enforcement and Education		
Account Appropriation	\$ 1,762,000	
TOTAL APPROPRIATION	\$ (55,143,000)	<u>52,274,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$670,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of two percent on July 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and two percent on July 1, 1992, and three percent on January 1, 1993, for other vendors.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$ (57,750,000)	<u>60,291,000</u>
General Fund--Federal Appropriation	\$ 949,000	
Drug Enforcement and Education		
Account Appropriation	\$ 940,000	
TOTAL APPROPRIATION	\$ (59,639,000)	<u>62,180,000</u>

(3) PROGRAM SUPPORT

General Fund Appropriation	\$ (2,996,000)	<u>3,014,000</u>
Drug Enforcement and Education Account Appropriation	\$ 342,000	
TOTAL APPROPRIATION	\$ (3,338,000)	<u>3,356,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

Sec. 1992 c 232 s 203 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation	\$ (219,896,000)	<u>220,467,000</u>
General Fund--Federal Appropriation	\$ (109,490,000)	<u>125,492,000</u>
General Fund--Local Appropriation	\$ (3,360,000)	<u>8,828,000</u>
TOTAL APPROPRIATION	\$ (332,746,000)	<u>354,787,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,444,000 of the general fund--state appropriation and \$1,602,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(b) \$23,971,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) \$6,400,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund--state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) \$9,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund--state appropriation is provided solely for regional support networks for acquisition and implementation of local management information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund--state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund--state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund--state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) \$500,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided solely for up to five performance-based contracts for the delivery of children's mental health services with regional support networks that have developed interagency children's mental health services delivery plans. To be eligible for a contract, the interagency children's mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children's mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

(c) \$((~~1,500,000~~)) 2,571,000 of the general fund--state appropriation is provided solely for transportation services.

(d) \$2,000,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$ ((193,404,000))	<u>193,351,000</u>
General Fund--Federal Appropriation	\$ ((62,735,000))	<u>68,735,000</u>
TOTAL APPROPRIATION	\$ ((256,139,000))	<u>262,086,000</u>

(3) CIVIL COMMITMENT

General Fund--State Appropriation	\$ ((4,908,000))	<u>4,383,000</u>
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(4) SPECIAL PROJECTS

General Fund--State Appropriation	\$ 1,889,000	
General Fund--Federal Appropriation	\$ ((2,966,000))	<u>2,629,000</u>
TOTAL APPROPRIATION	\$ ((4,855,000))	<u>4,518,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$31,000 of the general fund--state appropriation is provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(5) PROGRAM SUPPORT

General Fund--State Appropriation	\$ ((5,959,000))	<u>5,296,000</u>
General Fund--Federal Appropriation	\$ ((1,867,000))	<u>2,185,000</u>
TOTAL APPROPRIATION	\$ ((7,826,000))	<u>7,481,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$338,000 from the general fund--state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

Sec. 1992 c 232 s 205 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$ ((183,785,000))	<u>175,431,000</u>
General Fund--Federal Appropriation	\$ ((113,221,000))	<u>99,904,000</u>
TOTAL APPROPRIATION	\$ ((297,006,000))	<u>275,335,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$500,000 of the general fund--state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

(b) \$631,000 of the general fund--state appropriation and \$815,000 of the general fund--federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

(c) \$1,500,000 of the general fund--state appropriation is provided solely for the family support services program.

(d) \$4,674,000 of the general fund--state appropriation and \$4,674,000 of the general fund--federal appropriation are provided solely for community-based residential programs for up to seventy-three clients who during the 1991-93 biennium transfer from residential habilitation centers.

(e) \$400,000 of the general fund--state appropriation is provided solely for costs related to additional case management.

(f) \$800,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$ ((141,371,000))	<u>144,718,000</u>
General Fund--Federal Appropriation	\$ ((181,440,000))	<u>185,928,000</u>
TOTAL APPROPRIATION	\$ ((322,811,000))	<u>330,646,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The general fund--state appropriation shall be reduced by the amount that has been expended as of the effective date of this act from the appropriation under section 207, chapter 16, Laws of 1991 sp. sess.

(b) \$100,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(3) PROGRAM SUPPORT

General Fund--State Appropriation	\$ ((5,585,000))	<u>5,458,000</u>
General Fund--Federal Appropriation	\$ ((1,001,000))	<u>1,018,000</u>
TOTAL APPROPRIATION	\$ ((6,586,000))	<u>6,476,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,015,000 of the general fund--state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

Sec. 1992 c 232 s 210 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund--State Appropriation	\$ ((538,176,000))	<u>529,198,000</u>
General Fund--Federal Appropriation	\$ ((643,550,000))	<u>621,378,000</u>
TOTAL APPROPRIATION	\$ ((1,181,726,000))	<u>1,150,576,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and 3.4 percent on July 1, 1992.

(2) \$1,000,000 of the general fund--state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least \$16,015,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services programs.

(4) \$714,000 of the general fund--state appropriation is provided solely to continue funding for the volunteer chore services program.

(5) \$3,387,000 of the general fund--state appropriation and \$1,668,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(6) \$5,001,000 of the general fund--state appropriation and \$3,751,000 of the general fund--federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPEs workers (agency and individual providers), Title XIX personal care contracted workers, and respite care workers.

(7) \$1,477,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for increases in the assisted living program.

(8) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

(9) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

(10) Within the appropriations provided in this section, the department shall implement House Bill No. 2811 (AIDS nursing supply costs).

Sec. 1992 c 232 s 211 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation	\$ ((619,135,000))	<u>593,340,000</u>
General Fund--Federal Appropriation	\$ ((685,111,000))	<u>718,950,000</u>
TOTAL APPROPRIATION	\$ ((1,304,246,000))	<u>1,312,290,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(2) \$563,000 of the general fund--state appropriation and \$616,000 of the general fund--federal appropriation are provided solely for a two percent vendor rate increase on July 1, 1992, and a three percent increase on January 1, 1993.

(3) \$ ~~((5,182,000))~~ 4,827,000 of the general fund--state appropriation and \$ ~~((5,284,000))~~ 5,812,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance--special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal three percent on January 1, 1993.

(4) \$1,008,000 of the general fund--state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).

Sec. 1992 c 232 s 212 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation	\$ ((41,458,000))	<u>40,101,000</u>
General Fund--Federal Appropriation	\$ ((41,642,000))	<u>44,803,000</u>
Drug Enforcement and Education Account		
State Appropriation	\$ 38,236,000	
TOTAL APPROPRIATION	\$ ((41,336,000))	<u>123,140,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,781,000 of the general fund--state appropriation and \$44,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(2) \$50,000 of the general fund--state appropriation is provided solely for a program to inform clients in substance abuse programs of the consequences of the use of drugs and alcohol during pregnancy.

Sec. 1992 c 232 s 213 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation	\$ ((1,009,929,000))	<u>1,007,523,000</u>
General Fund--Federal Appropriation	\$ ((1,205,576,000))	<u>1,264,344,000</u>
General Fund--Local Appropriation	\$ 58,904,000	
TOTAL APPROPRIATION	\$ ((2,274,409,000))	<u>2,330,771,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,995,000 of the general fund--state appropriation and \$6,182,000 of the general fund--federal appropriation is provided solely for a two percent vendor rate increase on July 1, 1992, and a three percent increase on January 1, 1993.

(2) \$341,000 of the general fund--state appropriation and \$370,000 of the general fund--federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.

(3) The department shall adopt measures to realize savings of \$7,500,000 in general fund--state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.

(4) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.

(5) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

(6) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(7) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(8) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(9) \$125,000 of the general fund--state appropriation and \$150,000 of the general fund--federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

(10) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(11) \$435,000, of which \$217,500 is appropriated from the general fund--federal appropriation, is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(12) \$49,000,000 of the general fund--federal appropriation and \$40,000,000 of the general fund--private/local appropriation are provided solely to establish a hospital assistance program through the disproportionate share mechanism. The program shall assist Harborview Medical Center, University of Washington Medical Center, small and rural hospitals as determined by the department.

(13) \$341,000 of the general fund--state appropriation and \$427,000 of the general fund--federal appropriation are provided solely to restore foot care services by podiatric physicians and surgeons beginning July 1, 1992.

Sec. 1992 c 232 s 214 is amended to read as follows:

(1) \$((~~29,540,000~~)) 31,193,000 is appropriated from the general fund--state and \$((~~34,532,000~~)) 38,093,000 is appropriated from the general fund--federal for the fiscal period beginning September 1, 1991, and ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the components of the disproportionate share adjustment under section 9 of this act. The appropriation in this subsection shall lapse on the date that sections 1 through 4 of this act expire. Amounts that have been paid under this subsection, but are properly attributable to a period after the expiration of sections 1 through 4 of this act, shall be repaid or credited to the state as provided in rules of the department.

(2) \$13,713,000 is appropriated from the general fund--state and \$16,762,000 is appropriated from the general fund--federal for the biennium ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the medical indigency care components of the disproportionate share adjustment under RCW 74.09.730(1) (b) and (c).

(3) The allotments from the appropriations in this section shall be made so as to enable expenditure of the appropriations through the end of the 1991-93 biennium.

(4) The appropriations in this section are supplemental to other appropriations to the medical assistance program. The department of social and health services shall not use the moneys appropriated in this section in lieu of any other appropriations for the medical assistance program.

Sec. 1992 c 232 s 215 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation	\$ ((16,077,000))	<u>14,434,000</u>
General Fund--Federal Appropriation	\$ ((55,803,000))	<u>61,678,000</u>
TOTAL APPROPRIATION	\$ ((71,880,000))	<u>76,112,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund--state appropriation is provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(2) \$1,621,000 of the general fund--state appropriation and \$3,576,000 of the general fund--federal appropriation are provided solely to enhance vocational rehabilitation services.

(3) \$800,000 of the general fund--state appropriation and \$2,420,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for severely handicapped individuals who completed a high school curriculum in 1989 or 1990, or who will complete a high school curriculum during the 1991-93 biennium.

Sec. 1992 c 232 s 216 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation	\$ ((49,428,000))	<u>44,601,000</u>
General Fund--Federal Appropriation	\$ ((36,372,000))	<u>39,453,000</u>
Industrial Insurance Premium Refund Account Appropriation	\$ 80,000	
TOTAL APPROPRIATION	\$ ((85,800,000))	<u>84,134,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).

(2) The secretary shall require each regional office of the developmental disabilities division, each aging and adult field services regional office, each county alcohol and substance abuse program, and each mental health regional support network to enter into written collaborative agreements by October 1, 1992. The agreements shall define specific actions each party will take to reduce the number and length of state and local psychiatric hospitalizations by persons in the nonmental health agency's target population, including persons with developmental disabilities, persons with age-related dementia and traumatic brain injury, and persons with chemical dependencies. By November 1, 1992, the secretary shall report to the human services and appropriations committees of the house of representatives and the health and long-term care and ways and means committees of the senate on the actions each party in each regional support network catchment area will take to reduce hospitalization of each target population.

Sec. 1992 c 232 s 217 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation	\$ ((193,987,000))	<u>193,049,000</u>
General Fund--Federal Appropriation	\$ ((204,785,000))	<u>212,795,000</u>
TOTAL APPROPRIATION	\$ ((398,772,000))	<u>405,844,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$68,000 of the general fund--state appropriation and \$20,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.
- (2) \$1,748,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for the supplemental security income pilot project.
- (3) \$500,000 of the general fund--state appropriation is provided solely to implant section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.
- (4) \$249,000 of the general fund--state appropriation and \$419,000 of the general fund--federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.
- (5) \$250,000 of the general fund--state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.
- (6) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.
- (7) \$599,000 of the general fund--state appropriation and \$1,103,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.
- (8) \$962,000 of the general fund--state appropriation and \$962,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.
- (9) \$800,000 of the general fund--state appropriation is provided solely to expand refugee services.
- (10) \$600,000 of the general fund--state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.
- (11) \$80,000 of the general fund--state appropriation and \$80,000 of the general fund--federal appropriation are provided solely for a program to inform clients in community service offices of the consequences of the use of drugs and alcohol during pregnancy.
- (12) \$183,000 of the general fund--state appropriation is provided for the department's continued administration of the development of the automated client eligibility system (ACES).

Sec. 1992 c 232 s 218 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation	\$ ((46,106,000))	<u>49,958,000</u>
General Fund--Federal Appropriation	\$ ((92,698,000))	<u>100,356,000</u>
General Fund--Local Appropriation	\$ 280,000	
Public Safety and Education		
Account Appropriation	\$ 5,049,000	
TOTAL APPROPRIATION	\$ ((144,133,000))	<u>155,643,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$5,049,000 from the public safety and education account appropriation is provided solely to county officials to provide child support enforcement services.
- (2) The department shall increase federal support for current state programs. It is the intent of the legislature that the department increase federal support by at least \$2,000,000. If necessary, the department shall retain outside experts to assist in increasing federal support.

Sec. 1992 c 232 s 219 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation	\$ ((31,223,000))	<u>30,523,000</u>
General Fund--Federal Appropriation	\$ ((11,249,000))	

TOTAL APPROPRIATION \$ ((42,472,000))

13,280,000

43,803,000

Sec. 1992 c 232 s 222 is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ ((402,767,000))

98,499,000

General Fund--Federal Appropriation \$ 202,410,000

General Fund--Private/Local Appropriation \$ 1,370,000

Public Safety and Education Account Appropriation \$ 7,794,000

Fire Service Trust Account \$ 164,000

Building Code Council Account Appropriation \$ 974,000

Public Works Assistance Account Appropriation \$ 1,022,000

Fire Service Training Account Appropriation \$ 1,103,000

State Toxics Control Account Appropriation \$ ((726,000))

670,450

Drug Enforcement and Education Account Appropriation \$ 4,188,000

Low Income Weatherization Account Appropriation \$ 2,563,000

Washington Housing Trust Fund Appropriation \$ 13,500,000

Oil Spill Administration Account Appropriation \$ 395,000

Enhanced 911 Account Appropriation \$ 1,936,000

Water Quality Account Appropriation \$ 1,500,000

TOTAL APPROPRIATION \$ ((342,412,000))

338,088,450

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,331,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program.

(2) \$970,000 of the general fund--state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(3) \$50,000 of the general fund--state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

(4) \$3,213,000 of the general fund--state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(5) \$20,000 of the general fund--state appropriation is provided solely for a grant for the Children's Museum.

(6) \$225,000 of the general fund--state appropriation is provided solely for continuation of the Washington state games.

(7) \$198,000 of the general fund--state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

(8) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(9) \$12,095,000 of the general fund--state appropriation is provided solely for growth management planning grants to local governments.

(10) \$4,129,000 of the general fund--state appropriation is provided solely to implement chapter 32, Laws of 1991 sp. sess. (Engrossed Substitute House Bill No. 1025, growth management). Of the amount provided in this subsection \$2,433,000 is provided solely for planning grants to local governments additional to those provided for under subsection (9) of this section.

(11) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1992 as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

- (g) \$225,000 to the Washington state patrol for a technical support unit.
- (h) \$375,000 to the Washington state patrol for support of law enforcement task forces.
- (i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.
- (j) \$150,000 to the Washington state patrol for coordination of local drug task forces.
- (k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.
- (l) \$180,000 to the department of community development for general administration of grants.
- (12) \$8,087,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1993 as follows:
 - (a) \$4,180,000 to local units of government to continue existing local drug task forces.
 - (b) \$440,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department.
 - (c) \$749,000 to the department of community development to continue the state-wide drug prosecution assistance program.
 - (d) \$231,000 to the department of community development for a state-wide drug offense indigent defense program.
 - (e) \$300,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.
 - (f) \$50,000 to the Washington state patrol for data management.
 - (g) \$225,000 to the Washington state patrol for a technical support unit.
 - (h) \$543,000 to the Washington state patrol for support of law enforcement task forces.
 - (i) \$150,000 to the Washington state patrol for coordination of local drug task forces.
 - (j) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.
 - (k) \$225,000 to the department of community development for general administration of grants.
 - (l) \$140,000 to the department of community development to conduct a program evaluation in accordance with federal regulations.
 - (m) \$404,000 to the Washington state patrol for implementing changes in managing criminal history records in accordance with new federal standards.
 - (n) \$100,000 to the Washington state patrol for the crime lab program.
 - (o) \$150,000 to the criminal justice training commission for law enforcement training.
 - (p) If the department determines insufficient state match dollars are available in managing state and federal drug programs, it is the intent of the legislature that funds appropriated to the supreme court in section 109(1) of this act be used as match, as appropriate, to ensure the receipt of all available federal funding.
- (13) \$170,000 of the state toxics control account appropriation is provided solely for a contract with the Washington state patrol for continued funding of the clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.
- (14) \$980,000 of the general fund--state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.
- (15) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).
- (16) \$150,000 of the general fund--state appropriation is provided solely for the Mount St. Helen's monitoring system and emergency medical services.
- (17) \$290,000 of the general fund--state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.
- (18) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.
- (19) \$46,000 of the general fund--state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).
- (20) \$220,000 of the general fund--state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:
 - (a) Acting as a clearinghouse for and providing information and referral services;
 - (b) Providing management training courses designed for nonprofit managers, staff, and boards;
 - (c) Providing direct assistance to individual organizations;
 - (d) Assisting organizations in soliciting and managing volunteers; and

(e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(21) \$40,000 of the general fund--state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

(22) \$50,000 of the general fund--state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(23) \$25,000 of the general fund--state appropriation is provided solely for Washington's share of costs associated with the Bi-State Policy Advisory Committee.

(24) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

(25) \$50,000 of the general fund--state appropriation is provided solely for the community development finance program to continue assistance to timber-dependent communities.

(26) \$545,000 of the general fund--state appropriation is provided solely for the local development matching fund program.

(27) \$135,000 of the general fund--state appropriation is provided solely for administration of the development loan fund.

(28) \$2,400,000 of the public safety and education account appropriation is provided solely for civil representation of indigent persons in accordance with Engrossed Substitute House Bill No. 1378 or House Bill No. 2997 (indigent civil legal services). If neither bill is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(29) \$50,000 of the state building code council appropriation is provided to fund training related to state building code requirements for accessibility as related to the federal fair housing amendments act of 1988 and Americans with disabilities act of 1990.

(30) \$50,000 of the general fund--state appropriation is provided solely for the department to contract for long-term care ombudsperson services.

Sec. 1991 sp.s. c 16 s 221 is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation	\$ ((4,292,000))	
		<u>4,047,000</u>
General Fund--Federal Appropriation	\$ 942,000	
General Fund--Private/Local Appropriation	\$ 520,000	
TOTAL APPROPRIATION	\$ ((5,754,000))	<u>5,509,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund--local/private appropriation is provided solely for the provision of technical assistance services by the department.

Sec. 1992 c 232 s 224 is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$ ((107,000))	
		<u>162,000</u>
Worker and Community Right-to-Know Account		
Appropriation	\$ 20,000	
Accident Fund Appropriation	\$ 8,602,000	
Medical Aid Fund Appropriation	\$ 8,602,000	
TOTAL APPROPRIATION	\$ ((17,331,000))	<u>17,386,000</u>

Sec. 1991 sp.s. c 16 s 225 is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$ ((3,247,000))	
		<u>3,079,000</u>

Sec. 1992 c 232 s 228 is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation	\$ ((22,005,000))	
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General Fund--Federal Appropriation \$ 6,708,000

General Fund--Local Appropriation \$ 10,429,000

TOTAL APPROPRIATION \$ ((~~39,142,000~~))

22,827,000

39,964,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

(2) \$((~~10,092,000~~)) 10,632,000 of the general fund--state appropriation, \$4,269,000 of the general fund--federal appropriation, and \$7,296,000 of the general fund--local appropriation are provided solely for operation of the veterans' home at Retsil.

(3) \$((~~6,928,000~~)) 7,173,000 of the general fund--state appropriation, \$2,439,000 of the general fund--federal appropriation, and \$3,133,000 of the general fund--local appropriation are provided solely for operation of the soldiers' home and colony at Orting.

Sec. 1992 c 232 s 229 is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ ((~~132,613,000~~))

124,362,000

General Fund--Federal Appropriation \$ 129,786,000

General Fund--Local Appropriation \$ 17,817,000

Hospital Commission Account Appropriation \$ 2,919,000

Medical Disciplinary Account Appropriation \$ 1,677,000

Health Professions Account Appropriation \$ 25,350,000

Public Safety and Education Account Appropriation \$ 82,000

State Toxics Control Account Appropriation \$ ((~~3,321,000~~))

3,067,755

Drug Enforcement and Education Account Appropriation \$ 492,000

Medical Test Site Licensure Account Appropriation \$ 489,000

Safe Drinking Water Account Appropriation \$ 710,000

TOTAL APPROPRIATION \$ ((~~304,453,000~~))

306,751,755

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,038,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund--state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

(3) \$165,000 of the general fund--state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

(4) \$((~~1,000,000~~)) 847,000 of the general fund--state appropriation is provided solely for expanding the high priority infant tracking program.

(5) \$((~~2,410,000~~)) 2,251,000 of the general fund--state appropriation is provided solely to continue implementation of the trauma system plan.

(6) \$((~~2,400,000~~)) 2,394,000 of the general fund--state appropriation is provided solely for expansion of migrant health clinic services.

(7) \$1,100,000 of the general fund--state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

(8) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

(9) \$450,000 of the general fund--state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

(10) \$((~~1,000,000~~)) 983,800 of the general fund--state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

(11) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6069 (bone marrow donor program). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(12) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2337 (malpractice insurance/retired). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(13) The department of health, in consultation with the current poison center network, shall prepare a plan to consolidate the network into one center. The plan shall include proposed funding methods that minimize the need for increased general fund--state support. The plan shall take maximum advantage of efficiencies realized through consolidation. The plan shall include a proposed site or host institution. Any proposed increases in the quantity or quality of service shall be separately identified as potential additions to the plan. The plan shall be delivered to the fiscal and health committees of the house of representatives and senate by December 1, 1992.

(14) By October 1, 1992, each regional AIDS network shall enter a written collaborative agreement with each mental health regional support network in its catchment area. The agreement shall define specific actions each party will take to reduce state and local psychiatric hospitalizations of persons with AIDS-related dementia. By November 1, 1992, the department of health shall report to the human services and appropriations committees of the house of representatives and to the health and long-term care and ways and means committees of the senate on the actions each regional AIDS network will take to reduce hospitalization of persons with AIDS-related dementia.

Sec. 1992 c 232 s 230 is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, after May 1, 1993, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$ ((403,115,000))	
		<u>101,781,000</u>
Drug Enforcement and Education Account Appropriation	\$ ((7,604,000))	
		<u>7,156,000</u>
Public Safety and Education Account Appropriation	\$ 195,000	
TOTAL APPROPRIATION	\$ ((410,914,000))	<u>109,132,000</u>

The appropriations in this subsection are limited to the following conditions and limitations:

(a) \$195,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$ ((340,687,000))	
		<u>352,172,000</u>
Drug Enforcement and Education Account Appropriation	\$ 37,837,000	
TOTAL APPROPRIATION	\$ ((378,524,000))	<u>390,009,000</u>

~~((The appropriations in this subsection are subject to the following conditions and limitations:~~

~~(1) \$10,560,000 of the general fund--state appropriation is provided solely for the start up and operation of new correctional capacity. Expenditure of any portion of this amount shall be subject to the prior written authorization of the director of the office of financial management, which shall be transmitted to the legislative fiscal committees. If the new correctional capacity is not completed during fiscal year 1993, up to \$1,497,000 of this amount may be expended to support emergency capacity.~~

~~(2) If the secretary determines that institutional overcrowding constitutes an emergency and the availability of additional new capacity can alleviate this emergency, the department may, subject to the authorization of the director of financial management, exceed its allotment authority to accelerate new facility start up. Notice of any such action shall be transmitted to appropriate legislative committees. This subsection does not authorize the department to exceed its biennial appropriation.))~~

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$ ((35,234,000))	
		<u>35,934,000</u>
Drug Enforcement and Education Account Appropriation	\$ 2,140,000	
Industrial Insurance Premium Refund Account	Appropriation \$ 208,000	
TOTAL APPROPRIATION	\$ ((37,582,000))	<u>38,282,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~\$(350,000)~~ 1,050,000 of the general fund appropriation is provided solely to mitigate the one-time impact of state institutions on local communities (~~in the manner provided under RCW 72.72.030(2)~~).

(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(c) Within the appropriations in this subsection, amounts may be deposited into the community services revolving fund and used to satisfy outstanding court-ordered costs and restitution, consistent with the authority granted under RCW 9.95.360, of a Washington state inmate who is a foreign national seeking transfer to the United Kingdom pursuant to RCW 43.06.350. The foreign national shall execute a promissory note for the full amount paid by the department, plus interest, to satisfy outstanding court-ordered costs and restitution costs.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation \$ 3,348,000

Sec. 1992 c 232 s 232 is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation ~~\$(40,713,000)~~

39,713,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.

(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91.

(3) A maximum of ~~\$(3,881,000)~~ \$4,106,000 of the general fund appropriation may be expended for the administration of the plan.

(4) \$550,000 of the general fund appropriation is provided solely for unanticipated changes in rates, enrollment mix or member attrition after April 1, 1993.

PART III
NATURAL RESOURCES

Sec. 1992 c 232 s 303 is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation ~~\$(65,589,000)~~

58,859,000

General Fund--Federal Appropriation \$ 38,234,000

General Fund--Private/Local Appropriation \$ 1,015,000

Special Grass Seed Burning Research Account

Appropriation \$ 132,000

Reclamation Revolving Account Appropriation \$ 513,000

Emergency Water Project Revolving Account

Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s. \$ 300,000

Litter Control Account Appropriation \$ 7,674,000

State and Local Improvements Revolving Account--

Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26) \$ 2,547,000

State and Local Improvements Revolving Account--

Waste Disposal Facilities 1980: Appropriation pursuant to chapter 159, Laws of 1980 (Referendum 39) \$ 908,000

State and Local Improvements Revolving Account--

Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38) \$ 1,298,000

Stream Gaging Basic Data Fund Appropriation \$ 302,000

Vehicle Tire Recycling Account Appropriation \$ 7,820,000

Water Quality Account Appropriation \$ 3,461,000

Wood Stove Education Account Appropriation \$ 1,380,000

Worker and Community Right-to-Know Fund

Appropriation \$ 393,000

State Toxics Control Account--State

Appropriation ~~\$(50,482,000)~~

46,599,963

State Toxics Control Account--Federal Appropriation \$ 7,527,000

Local Toxics Control Account Appropriation \$ 3,220,000
 Water Quality Permit Account Appropriation \$ 14,532,000
 Solid Waste Management Account Appropriation \$ 7,918,000
 Underground Storage Tank Account Appropriation \$ 3,862,000
 Hazardous Waste Assistance Account Appropriation \$ 5,543,000
 Air Pollution Control Account Appropriation \$ 8,555,000
 Aquatic Lands Enhancement Account Appropriation \$ 50,000
 Oil Spill Response Account Appropriation \$ 2,863,000
 Oil Spill Administration Account Appropriation \$ 3,156,000
 Fresh Water Aquatic Weed Control Account
 Appropriation \$ 895,000
 Air Operating Permit Account Appropriation \$ 2,511,000
 Water Pollution Control Revolving Account
 Appropriation \$ 1,094,000
 TOTAL APPROPRIATION \$ ((239,775,000))

233,161,963

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(8,648,000))~~ 8,445,000 of the general fund--state appropriation and \$1,149,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$5,174,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$1,323,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).

(4) \$1,000,000 of the general fund--state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.

(5) \$961,000 of the general fund--state appropriation, \$3,459,000 of the general fund--federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from the river to minimize flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) \$295,000 of the general fund--state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) ~~\$(8,000,000))~~ 6,062,740 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(10) \$286,000 of the general fund--state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system interties).

(11) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

(12) \$200,000 of the general fund--state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

(13) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to

address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

(14) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(15) \$144,000 of the general fund--state appropriation is provided solely for the wastewater treatment operator certification and training program. Of this amount, no more shall be expended than the amount anticipated to be deposited by June 30, 1993, into the general fund from revenues from wastewater treatment operator certification and training fees.

Sec. 1992 c 232 s 306 is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ ~~((4,131,000))~~

1,158,000

The appropriation in this section is subject to the following conditions and limitations: \$67,000 is provided solely for an additional administrative law judge.

Sec. 1992 c 232 s 307 is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation \$ ~~((33,708,000))~~

31,047,000

Motor Vehicle Fund Appropriation \$ 564,000

Solid Waste Management Account Appropriation \$ 1,800,000

Litter Control Account Appropriation \$ 2,200,000

TOTAL APPROPRIATION \$ ~~((38,272,000))~~

35,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.

(2) \$2,200,000 of the litter control account appropriation and \$1,800,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) for the 1991-1993 biennium. If House Bill No. 2635 (litter/recycling assessment) is not enacted by June 30, 1992, \$1,200,000 from the litter control account appropriation and \$800,000 from the solid waste management account appropriation shall lapse.

(3) \$1,800,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

(4) \$1,040,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities.

(5) \$7,565,000 of the general fund appropriation is provided solely for the Washington high technology center.

(6) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices.

(7) \$90,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

(8) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding for associate development organizations (ADOs). In determining revisions of contract amounts for grants to ADOs the department shall seek to maintain current grant levels for ADOs that serve rural or economically distressed communities.

(9) \$30,000 of the general fund appropriation is provided solely for the Taiwan office.

(10) \$40,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 6494 (Hanford lease). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 1992 c 232 s 311 is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ ~~((61,034,000))~~

57,378,000

General Fund--Federal Appropriation \$ ~~((17,928,000))~~

22,428,000

General Fund--Private/Local Appropriation \$ ~~((8,313,000))~~

Aquatic Lands Enhancement Account Appropriation \$ 1,083,000
 Oil Spill Administration Account Appropriation \$ 410,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 4,000
 TOTAL APPROPRIATION \$ ~~((88,772,000))~~

10,813,000

92,116,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$263,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,153,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(4) \$427,000 of the general fund--state appropriation is provided solely for increased enforcement activities.

(5) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs, on behalf of the department of fisheries, in defending the state in tribal halibut litigation (*United States v. Washington*, subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

Sec. 1992 c 232 s 312 is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ 10,843,000
 ORV (Off-Road Vehicle) Account Appropriation \$ ~~((275,000))~~

325,000

Aquatic Lands Enhancement Account Appropriation \$ 1,096,000
 Public Safety and Education Account Appropriation \$ 589,000
 Wildlife Fund--State Appropriation \$ 50,002,000
 Wildlife Fund--Federal Appropriation \$ ~~((16,308,000))~~

19,511,000

Wildlife Fund--Private/Local Appropriation \$ ~~((2,120,000))~~

4,648,000

Game Special Wildlife Account Appropriation \$ 832,000
 Oil Spill Administration Account Appropriation \$ 565,000
 TOTAL APPROPRIATION \$ ~~((82,630,000))~~

88,411,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$498,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program.

(4) During the 1991-93 biennium the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund--state appropriation and \$3,872,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement.

(5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

(6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall funding level for the agency.

Sec. 1992 c 232 s 313 is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation \$ ~~((59,058,000))~~

65,986,000

General Fund--Federal Appropriation \$ ~~((604,000))~~

704,000

General Fund--Private/Local Appropriation \$ 12,000
 ORV (Off-Road Vehicle) Account Appropriation \$ 4,521,000

Forest Development Account Appropriation	\$ ((30,155,000))	
		<u>30,755,000</u>
Survey and Maps Account Appropriation	\$ 1,074,000	
Natural Resources Conservation Area Stewardship Account Appropriation	\$ 1,080,000	
Aquatic Lands Enhancement Account Appropriation	\$ 1,716,000	
Resource Management Cost Account Appropriation	\$ ((79,555,000))	
		<u>78,955,000</u>
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$ 814,000	
State Toxics Control Account Appropriation	\$ ((764,000))	
		<u>705,744</u>
Air Pollution Control Account Appropriation	\$ ((430,000))	
		<u>835,000</u>
Oil Spill Administration Account Appropriation	\$ 128,000	
Litter Control Account Appropriation	\$ 500,000	
Industrial Insurance Premium Refund Account Appropriation	\$ 82,000	
TOTAL APPROPRIATION	\$ ((480,493,000))	<u>187,867,744</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) \$450,000 of the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) \$((10,695,000)) 17,623,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(4) \$1,862,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) \$2,698,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(6) \$1,433,000 of the general fund--state appropriation is provided solely for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) \$2,930,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, \$1,126,000 is provided solely for monitoring and enforcement of forest practices permit conditions, reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: \$722,000 to the department of fisheries, \$626,000 to the department of wildlife, and \$456,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) \$((429,000)) 835,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system. Expenditure of this amount is contingent on receipt of a nonstate match of equal value, as determined by the department.

(13) \$1,575,000 of the general fund--state appropriation is provided for fiscal year 1993 solely for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

Sec. 1992 c 232 s 314 is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation	\$ ((18,776,000))	<u>22,043,000</u>
General Fund--Federal Appropriation	\$ 1,226,000	
State Toxics Control Account Appropriation	\$ ((1,109,000))	<u>1,025,337</u>
Weights and Measures Account Appropriation	\$ 400,000	
TOTAL APPROPRIATION	\$ ((21,511,000))	<u>24,694,337</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.

(2) \$100,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$836,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount, \$506,000 is provided solely for noxious weed control grants.

(4) \$97,000 of the general fund--state appropriation is provided solely to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

(5) \$30,000 of the general fund--state appropriation is provided solely for the Taiwan office.

(6) The following amounts are for the weights and measures program as provided in Substitute Senate Bill 6483:

(a) \$50,000 of the general fund--state appropriation is provided solely for a study regarding funding for the weights and measures program;

(b) \$150,000 of the general fund--state appropriation is provided solely for the consumer protection activities of the weights and measures program; and

(c) \$400,000 of the weights and measures account appropriation is provided solely to implement the weights and measures program.

(7) \$3,125,000 of the general fund--state appropriation is provided solely for the department's costs directly associated with the survey and eradication of the Asian Gypsy Moth (AGM) in western Washington. The department shall not contribute greater than twenty-five percent of the total cost of the AGM program.

Sec. 1991 sp.s. c 16 s 317 is amended to read as follows:

FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation	\$ 3,162,000	
State Toxics Control Account Appropriation	\$ ((372,000))	<u>341,604</u>
TOTAL APPROPRIATION	\$ ((3,534,000))	<u>3,503,604</u>

PART IV
TRANSPORTATION

Sec. 1992 c 232 s 402 is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$ 17,575,000	
Architects' License Account Appropriation	\$ 861,000	
Cemetery Account Appropriation	\$ 203,000	
Health Professions Account Appropriation	\$ 506,000	
Professional Engineers' Account Appropriation	\$ ((2,096,000))	

Real Estate Commission Account Appropriation \$ 7,396,000
 Air Pollution Control Account Appropriation \$ 106,000
 Master Licensing Account Appropriation \$ 3,310,000
 TOTAL APPROPRIATION \$ ((~~32,053,000~~))

2,128,000

32,085,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

(a) Chapter 334, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5124, licensing private security guards) \$ 538,000

(b) Chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, licensing private detectives) \$ 145,000

(c) Chapter 236, Laws of 1991 (Substitute House Bill No. 1712, athlete agent registration) \$ 42,000

The appropriation in this subsection (1)(c) shall be reduced by any amount expended as of the effective date of this act from the appropriation in section 10, chapter 236, Laws of 1991.

(d) Chapter 324, Laws of 1991 (Engrossed Substitute House Bill No. 1136, cosmetology regulations) \$ 329,000

(2) The entire master licensing account appropriation is contingent on enactment of Senate Bill No. 6461 (master license fees). If the bill is not enacted by June 30, 1992, the appropriation is null and void.

PART V
 EDUCATION

Sec. 1992 c 232 s 502 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ((~~5,183,846,000~~))

5,229,704,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((~~499,307,000~~)) 499,786,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((21.44))~~ 21.25 percent in the 1991-92 school year and ~~((20.30))~~ 20.75 percent in the 1992-93 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((18.84))~~ 19.09 percent in the 1991-92 school year and ~~((18.53))~~ 18.66 percent in the 1992-93 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,690,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of \$1,766,000 may be expended in fiscal year 1992 and a maximum of \$1,856,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and 5.0 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

Sec. 1992 c 232 s 503 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ~~((206,433,000))~~

208,927,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12A, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12A.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12A" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on January 15, 1992, at 12:00 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of ~~((4.2047))~~ 1.2061 for certificated salaries and ~~((4.1534))~~ 1.1559 for classified salaries for the 1991-92 school year. For the 1992-93 school year, the rate for certificated salaries shall be ~~((4.1966))~~ 1.2011 and the rate for classified salaries shall be ~~((4.1503))~~ 1.1516.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for the 1991-92 school year, and further increased by 3.0 percent for the 1992-93 school year, as shown on LEAP Document 12A.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for the 1991-92 school year and further increased by 3.0 percent for the 1992-93 school year, as shown on LEAP Document 12A.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For the 1991-92 school year, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12A, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For the 1992-93 school year, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12A, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	20,801	21,363	21,945	22,528	24,400
1	21,482	22,063	22,664	23,285	25,212
2	22,178	22,776	23,395	24,076	26,035
3	22,908	23,525	24,161	24,880	26,874
4	23,652	24,307	24,961	25,718	27,764
5	24,430	25,102	25,775	26,589	28,668
6	25,240	25,910	26,620	27,492	29,603
7	26,064	26,750	27,478	28,407	30,569
8	26,899	27,624	28,368	29,374	31,566
9	28,528	29,309	30,352	32,595	
10	30,262	31,379	33,653		
11	32,437	34,760			
12	33,461	35,897			
13	37,062				
14	38,233				
15 or more		39,227			

Service BA+135 MA MA+45 MA+90

0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049
13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

or PHD

1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service BA+135 MA MA+45 MA+90

or PHD

0	26,514	25,824	27,762	29,012	
1	27,372	26,608	28,603	29,869	
2	28,263	27,428	29,456	30,759	
3	29,188	28,260	30,324	31,685	
4	30,148	29,128	31,246	32,645	
5	31,139	30,029	32,182	33,637	
6	32,144	30,965	33,150	34,642	
7	33,202	31,912	34,151	35,699	
8	34,290	32,913	35,183	36,788	
9	35,411	33,924	36,248	37,908	
10	36,561	34,989	37,344	39,058	
11	37,742	36,085	38,490	40,239	
12	38,972	37,224	39,667	41,469	
13	40,232	38,401	40,874	42,729	
14	41,539	39,615	42,165	44,036	
15 or more	42,619	40,644	43,261	45,181	
Years of					
Service	BA	BA+15	BA+30	BA+45	BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,126	22,724	23,343	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,679
4	24,361	25,036	25,709	26,489	28,596
5	25,162	25,854	26,547	27,386	29,527
6	25,997	26,686	27,418	28,317	30,490
7	26,845	27,552	28,302	29,258	31,485
8	27,705	28,452	29,219	30,255	32,513
9	29,384	30,188	31,261	33,572	
10	31,169	32,320	34,661		
11	33,409	35,802			
12	34,464	36,973			
13	38,173				
14	39,379				
15 or more		40,403			

Years of
Service BA+135 MA MA+45 MA+90

or PHD

0	26,374	25,687	27,615	28,858	
1	27,226	26,467	28,452	29,710	
2	28,113	27,282	29,300	30,596	
3	29,033	28,110	30,163	31,517	
4	29,988	28,973	31,080	32,472	
5	30,974	29,870	32,011	33,458	
6	31,974	30,801	32,974	34,458	
7	33,026	31,742	33,969	35,510	
8	34,109	32,739	34,997	36,593	
9	35,223	33,744	36,056	37,707	
10	36,367	34,804	37,145	38,851	
11	37,542	35,893	38,286	40,026	
12	38,765	37,027	39,457	41,249	
13	40,018	38,197	40,657	42,502	
14	41,319	39,404	41,941	43,803	
15 or more	42,393	40,429	43,032	44,942	

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(10) The superintendent of public instruction, in cooperation with the legislative budget committee, shall conduct a study to verify the accuracy of education credits reported by school districts to the superintendent for purposes of calculating staff-mix ratios used in the 1991-93 biennial operating budget process. The study shall be presented to the fiscal committees of the senate and house of representatives by November 1, 1992.

NEW SECTION. Sec. 1992 c 239 s 5 (unmodified) is repealed.

Sec. 1992 c 232 s 504 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ((42,885,000))

42,986,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be the same as those specified in section 503(3) of this act.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by \$((18.66)) 18.68 per pupil for the 1991-92 school year and by \$((32.99)) 33.11 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by \$((14.15)) 14.18 per pupil for the 1991-92 school year and by \$((25.12)) 25.15 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by \$((11.05)) 11.06 per pupil for the 1991-92 school year and by \$((17.59)) 17.65 per pupil for the 1992-93 school year.

(d) Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by \$1.28 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

Sec. 1992 c 232 s 505 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ ((84,890,000))

84,866,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$317.79 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$43.71 per month for the 1991-92 school year and an additional \$27.84 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional \$.25 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional \$6.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional \$2.13 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional \$4.51 per pupil for the 1992-93 school year.

Sec. 1992 c 232 s 506 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ (~~299,292,000~~)

303,484,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$26,183,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$873,000 may be expended for regional transportation coordinators.

(3) A maximum of \$65,000 may be expended for bus driver training.

(4) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.

(5) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(6) \$755,000 of the general fund--state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.

(7) \$90,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

Sec. 1992 c 232 s 508 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ (~~691,264,000~~)

691,418,000

General Fund--Federal Appropriation \$ 83,900,000

TOTAL APPROPRIATION \$ (~~775,164,000~~)

775,318,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$62,792,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$192,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund--federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 1992 c 232 s 509 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education

Account Appropriation \$ 8,358,000
General Fund--State Appropriation \$ ((2,293,000))

2,002,000

TOTAL APPROPRIATION \$ ((10,561,000))

10,360,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,086,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) Not more than \$596,000 may be expended for regional traffic safety education coordinators.
- (3) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.
- (4) The remainder of the appropriation shall be expended to provide up to \$137.16 for other students completing the program. School districts receiving moneys from this appropriation may make refunds to traffic safety students for program fee increases implemented during the 1991-92 school year as a result of funding reductions under section 510, chapter 16, Laws of 1991 sp. sess.

Sec. 1992 c 232 s 510 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ ((10,466,000))

10,478,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).
- (2) \$475,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

Sec. 1992 c 232 s 511 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ ((149,244,000))

149,578,000

The appropriation in this section is provided for state matching funds pursuant to RCW 28A.500.010.

Sec. 1992 c 232 s 513 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ ((24,906,000))

25,036,000

General Fund--Federal Appropriation \$ 7,700,000

TOTAL APPROPRIATION \$ ((32,606,000))

32,736,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$4,071,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.
- (2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.
- (3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.
- (4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.
- (5) The superintendent of public instruction shall:
 - (a) Define what constitutes a full time equivalent student;
 - (b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;
 - (c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and
 - (d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

Sec. 1992 c 232 s 514 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ((~~9,926,000~~))

9,966,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) Up to \$975,000 is for distribution to school districts for the remaining months of the 1990-91 school year.
- (2) Allocations for school district programs for highly capable students during the 1991-92 school year shall be distributed at a maximum rate of \$((~~397.16~~)) 397.48 per student and for the 1992-93 school year shall be distributed at a maximum rate of \$((~~355.77~~)) 356.70 per student for up to one and one-half percent of each district's full time equivalent enrollment.
- (3) A maximum of \$494,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 1992 c 232 s 517 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ((~~29,687,000~~))

29,808,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at the rates of \$((~~508.82~~)) 509.37 and \$((~~505.69~~)) 507.43, respectively, per eligible student.
- (3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.
- (4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 1992 c 232 s 518 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ((~~92,442,000~~))

93,529,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,817,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$((~~426~~)) 426.77 and \$425 per unit, respectively, as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.
- (3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 1992 c 232 s 520 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ ((~~57,710,000~~))

57,745,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:
 - (a) Prevention and intervention services in the elementary grades;
 - (b) Reduction of class size;
 - (c) Early childhood education;

- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

- (i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
 - (ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
 - (ii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.
- (b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

NEW SECTION. Sec. The appropriations in sections 501, 502, 504, 506, 507, 509, and 511 through 514 of this act include amounts sufficient for state retirement system contributions by school districts and educational service districts to implement the following:

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the retiree's age sixty-five allowance. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the retiree's age sixty-five allowance. This increase shall be calculated using the formulas and definitions contained in RCW 41.32.575 and 41.40.325 except that: (a) In calculating the increase to be paid from May 1, 1992, through June 30, 1993, to members who retired after age 65, "Index A" shall be the index for the calendar year prior to the year the member retired; and (b) the limitations imposed by RCW 41.32.575(2)(b) and 41.40.325(2)(b) do not apply. The increase provided in this subsection shall be effective for the remainder of the 1991-93 biennium.

(2) Chapter 234, Laws of 1992 (early retirement).

PART VI HIGHER EDUCATION

Sec. 1992 c 238 s 1 is amended to read as follows:

HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2)(a) "Student quality standard" means, for each four-year institution and the community and technical colleges as a whole, the following amount divided by the budgeted enrollment levels specified in (b) of this subsection: The combined operating appropriations under this act from the general fund--state and the institutional operating fees account, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are excluded, and with the exception of the state board for community and technical colleges, where technical college operations and FTE enrollments, the Seattle vocational institute operations and FTE enrollments, and supplemental funding and enrollments for timber-dependent communities are excluded.

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus four percent or minus two percent (~~(, except each branch campus shall enroll within plus or minus twelve percent)~~). If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution (~~(or branch campus)~~) (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than four percent above or two percent below the budgeted amount, (~~(or twelve percent above or below the budgeted amount for each branch campus,)~~) then an amount equal to the student

quality standard multiplied by the number of full time equivalent students above or below the variances shall revert to the state general fund. The variance allowance for the state board for community and technical colleges excludes the technical colleges.

Average
1991-93
Budgeted
FTEs

University of Washington	<u>TOTAL 30,674</u>
Main campus	29,981
Tacoma branch	345
Bothell branch	348
Washington State University	<u>TOTAL 16,776</u>
Main campus	15,806
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	160
Eastern Washington University	7,281
Central Washington University	6,361
The Evergreen State College	3,159
Western Washington University	8,913
State Board for Community and Technical Colleges	88,350

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(3)(a) Each four-year institution of higher education shall reduce the amount of operating fee foregone revenue from tuition waivers by 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast.

(b) The state board for community and technical colleges shall reduce the amount of operating fee foregone revenue from tuition waivers, for the community college system as a whole, by 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast, excluding the adult basic education program.

(4)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993.

1991-92 1992-93

University of Washington	\$ 2,888,000	7,391,000
Washington State University	\$ 1,157,000	3,264,000
Eastern Washington University	\$ 435,000	1,084,000
Central Washington University	\$ 393,000	958,000
The Evergreen State College	\$ 185,000	459,000
Western Washington University	\$ 540,000	1,317,000

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, and 2.5 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address its most serious salary inequities among exempt staff within these classifications.

1991-92 1992-93

University of Washington	\$ 918,000	2,500,000
Washington State University	\$ 625,000	1,748,000
Eastern Washington University	\$ 118,000	320,000
Central Washington University	\$ 93,000	253,000
The Evergreen State College	\$ 79,000	212,000
Western Washington University	\$ 138,000	374,000
Higher Education Coordinating Board	\$ 25,000	69,000

(d) \$4,342,000 for fiscal year 1992 and \$10,657,000 for fiscal year 1993 are provided solely for the state board for community and technical colleges to provide faculty and exempt staff for the community college system as a whole excluding the technical colleges, average salary increases of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(5)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.0 percent across-the-board increase effective January 1, 1993. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

1991-92 1992-93

University of Washington	\$ 1,422,000	4,068,000
Washington State University	\$ 868,000	2,496,000
Eastern Washington University	\$ 214,000	613,000
Central Washington University	\$ 172,000	494,000
The Evergreen State College	\$ 131,000	374,000
Western Washington University	\$ 232,000	683,000
State Board for Community and Technical Colleges	\$ 1,323,000	3,800,000
Higher Education Coordinating Board	\$ 12,000	34,000

(b) The salary increases granted in this subsection (5) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (5) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(6) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on January 3, 1991, and revised by the board on February 14, 1991. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

University of Washington	\$ 2,386,000
Washington State University	\$ 1,057,000
Eastern Washington University	\$ 239,000
Central Washington University	\$ 198,000
The Evergreen State College	\$ 265,000
Western Washington University	\$ 289,000
State Board for Community College Education	\$ 1,634,000
Higher Education Coordinating Board	\$ 26,000

Sec. 1992 c 238 s 2 is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation \$ ((~~735,024,000~~))

735,984,000

Community Colleges Operating Fees Account

Appropriation \$ 62,123,000

General Fund--Federal Appropriation \$ 4,700,000

TOTAL APPROPRIATION \$ ((~~801,847,000~~))

802,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,549,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.

(2) \$1,463,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.

(3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community and technical colleges, and contained in the legislative budget notes.

(4) \$2,204,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber-dependent communities).

(5) \$1,000,000 of the general fund--state appropriation is provided solely for grants to the community college districts to fund unusually high start-up costs for training programs.

(6) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. An ((~~maximum~~)) amount of \$1,000,000 for fiscal years 1992 and 1993 and \$1,240,000 for fiscal year 1993 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community and technical colleges shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.

(7) \$78,731,000 of the general fund--state appropriation is provided solely for vocational programs and adult basic education at technical colleges. ((Of this amount, \$7,800,000 of expenditures may be accrued but not disbursed.))

(8) \$2,315,000 of the general fund--state appropriation is provided solely for technical college employee salary increases of four percent in fiscal year 1992 and three percent in fiscal year 1993.

(9) \$783,000 of the general fund--state appropriation is provided solely for technical college employees' insurance benefit increases. A maximum of \$307,325 is provided for fiscal year 1992 and \$475,675 is provided for fiscal year 1993.

(10) \$1,414,000 of the general fund--state appropriation is provided solely to lease computer equipment, reprogram software and data bases, and to provide for other initial operating costs necessary to merge the computer systems of the technical colleges into the community and technical college system created under chapter 238, Laws of 1991. The apportionment of this amount among the technical colleges shall be made by the director of the state board for community and technical colleges.

(11) \$1,481,000 of the general fund--state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, transportation, child care, and other support services.

(12) \$4,700,000 of the general fund--federal appropriation is provided solely for adult basic education and other related purposes as may be defined by federal regulations.

(13) \$3,064,000 of the general fund--state appropriation is provided solely for the Seattle vocational institute.

(14) The state board for community and technical colleges shall reduce spending for the entire system by \$625,000 for travel. These funds are to be used to mitigate enrollment reductions as part of the agency's 2.5 percent allotment reduction.

(15) \$585,000 of the general fund--state appropriation is provided solely for English instruction to non-English speaking immigrants.

(16) \$500,000 of the general fund--state appropriation is provided solely for 225 supplemental FTE enrollment slots for Grays Harbor Community College to expand educational and training opportunities for workers displaced from the timber and wood products industries.

(17) \$175,000 of the general fund--state appropriation is provided solely for mitigation of the effect of Renton Technical College business and technical building connection to the Renton sewer system.

(18) \$225,000 of the general fund--state appropriation is provided solely to Renton Technical College to settle a negotiated construction contract claim.

Sec. 1992 c 238 s 3 is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$ ((596,503,000))	<u>598,810,000</u>
University of Washington Operating Fees Account		
Appropriation	\$ 73,803,000	
Medical Aid Fund Appropriation	\$ 3,818,000	
Accident Fund Appropriation	\$ 3,818,000	
Death Investigations Account Appropriation	\$ ((1,145,000))	<u>1,257,000</u>
Oil Spill Administration Account Appropriation	\$ 229,000	
TOTAL APPROPRIATION	\$ ((679,316,000))	<u>681,735,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,782,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) \$7,472,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(4) \$679,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(5) \$561,000 is provided solely to operate the Olympic natural resources center.

(6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).

(7) \$4,255,000 of the general fund appropriation is provided solely for evening degree program enrollment levels of 337 student FTEs in the first year and 375 student FTEs in the second year.

(8) The University of Washington shall reduce spending by \$630,000 for travel. These funds are to be used to mitigate enrollment reductions planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) \$40,000 of the general fund appropriation is provided solely for the planning for learning project.

Sec. 1992 c 238 s 4 is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$ ((336,148,000))	<u>336,816,000</u>
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Washington State University Operating Fees Account

Appropriation \$ 35,977,000

Industrial Insurance Premium Refund Account

Appropriation \$ 27,920

TOTAL APPROPRIATION \$ ((372,125,000))

372,820,920

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,719,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. At least \$500,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) \$6,947,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) \$6,929,000 of the general fund appropriation is provided solely to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(4) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$293,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$60,000 of the general fund appropriation is provided solely for the aquatic animal health program.

(7) \$779,000 of the general fund appropriation is provided solely to operate the international marketing program for agriculture commodities and trade (IMPACT). If House Bill No. 2316 (IMPACT sunset termination) is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) Washington State University shall reduce spending by \$562,000 for travel. These funds are to be used to mitigate enrollment reductions of planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) Funding for the agricultural experimental stations shall not be reduced by more than 2.5 percent from the initial 1991-93 biennial allotted level.

Sec. 1992 c 238 s 6 is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((75,926,000))

76,059,000

Central Washington University Operating Fees

Account Appropriation \$ 9,727,000

Industrial Insurance Premium Refund Account

Appropriation \$ 13,000

TOTAL APPROPRIATION \$ ((85,653,000))

85,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$147,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Central Washington University shall reduce spending by \$111,000 for travel. These funds are to be used to improve instruction.

Sec. 1992 c 232 s 613 is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ ((3,921,000))

3,971,000

General Fund--Federal Appropriation \$ 33,067,000

TOTAL APPROPRIATION \$ ((36,988,000))

37,038,000

PART VII
SPECIAL APPROPRIATIONS

Sec. 1992 c 232 s 706 is amended to read as follows:

FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ ((1,503,000))

3,003,000

Special Fund Agency Tort Defense Services

Revolving Fund Appropriation \$ 850,000

TOTAL APPROPRIATION \$ ((2,353,000))

3,853,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, ((the state treasurer)) each affected agency is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

FOR THE GOVERNOR--FIRE PROTECTION CONTRACTS

General Fund--State Appropriation \$ 155,000

The appropriation in this section is subject to the following conditions and limitations: The governor shall distribute the moneys appropriated in this section to agencies engaged in mandatory negotiations with cities for fire protection contracts. The funding is based on one cent per square foot valuation of state property subject to negotiations. State agencies may request the money from the office of financial management and the money will be released based on demonstrated need.

Sec. 1992 c 232 s 707 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ ((762,000))

1,578,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Archives and Records Management Account \$ ((874))

1,005

Winter Recreational Program Account \$ 75

Snowmobile Account \$ 226

Flood Control Assistance Account \$ ((1,354))

34,460

Aquatic Lands Enhancement \$ 110

State Investment Board Expense Account \$ ((1,995))

4,330

State Toxics Control Account \$ ((674))

161,542

State Emergency Water Projects Revolving
Account \$ 16

Charitable, Educational Penal (CEP), and
Reformatory Institutions (RI) Account \$ 19,384

State and Local Improvement Revolving Account--
Waste Disposal Facilities \$ 384

Local Toxics Control Account \$ 51,879

Litter Control Account \$ ((299))

1,564

State Patrol Highway Account \$ 120,300

State Wildlife Fund \$ 31,900

Highway Safety Account \$ 597

Motor Vehicle Fund \$ 46,932

High Capacity Transportation Account \$ 7,110

Public Service Revolving Account \$ ((3,038))

5,346

Insurance Commissioner's Regulatory Account \$ ((2,079))

13,041

Water Quality Account \$ ((88,565))

89,017

State Treasurer's Service Fund \$ 546

Drug Enforcement and Education Account \$ 400

Legal Services Revolving Fund \$ 24,362

Municipal Revolving Account \$ ((6,249))

9,512

Department of Personnel Service Fund \$ ((4,238))

State Auditing Services Revolving Account	\$ ((2,878))	<u>1,283</u>
Liquor Revolving Fund	\$ ((22,597))	<u>3,044</u>
Convention and Trade Center Operations Account	\$ 4,037	<u>23,201</u>
Department of Retirement Systems Expense Fund	\$ 2,415	
Accident Fund	\$ ((3,034))	<u>4,994</u>
Medical Aid Fund	\$ ((3,034))	<u>4,994</u>
<u>Hospital Commission Account</u>	<u>\$ 37</u>	
<u>Health Professions Account</u>	<u>\$ 3,952</u>	
<u>Grade Crossing Protective Account</u>	<u>\$ 33,791</u>	
<u>Vehicle Tire Recycling Account</u>	<u>\$ 149</u>	
<u>Water Quality Permit Account</u>	<u>\$ 12</u>	
<u>Solid Waste Management Account</u>	<u>\$ 1,127</u>	
<u>Hazardous Waste Assistance Account</u>	<u>\$ 98</u>	
<u>Puget Sound Ferry Operations Account</u>	<u>\$ 429</u>	
<u>Public Safety and Education Account</u>	<u>\$ 1,381</u>	
<u>Forest Development Account</u>	<u>\$ 2,034</u>	
<u>Resource Management Cost Account</u>	<u>\$ 7,734</u>	
<u>State Capital Historical Association Museum Account</u>	<u>\$ 37</u>	
<u>Special Wildlife Account</u>	<u>\$ 868</u>	

Sec. 1992 c 232 s 708 is amended to read as follows:

FOR SUNDRY CLAIMS The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law \$ 8,111.92

(2) State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180 \$ 1,715.72

(3) City of Tacoma, in settlement of all claims per Pierce County Superior Court, Cause No. 86-2-09014-8 \$ 758,052.07

(4) Charles Bauleke, for payment of claim number
SCJ-91-13 \$ 3,347

(5) Carol Berg, for payment of claim number
SCJ-91-18 \$ 5,120.22

(6) Denny Flatz, for payment of claim number
SCJ-91-21 \$ 6,603.87

(7) Cynthia A. Fonken, for payment of claim numbers
SCJ-91-17 and SCJ-91-15 \$ 6,815.93

(8) Wesley A. Grow, for payment of claim number
SCJ-90-16 \$ 2,143

(9) Larry Harris, for payment of claim number
SCJ-91-20 \$ 2,379

(10) Steve Allen Rice, for payment of claim number
SCJ-91-25 \$ 4,031.11

(11) Mark Stewart, for payment of claim number
SCJ-91-29 \$ 17,919.89

(12) Ryan Chapin, for payment of claim number
SCJ-92-05 \$ 4,765.81

(13) Gene Lindsey, for payment of claim number
SCJ-92-06 \$ 4,259.44

(14) Donald Inman, for payment of claim number
SCJ-92-07 \$ 8,115.72

(15) Jeffrey Turner, for payment of claim number

SCJ-92-08 \$ 20,778.30
 (16) Anson Avery, for payment of claim number
SCJ-92-09 \$ 3,828.00
 (17) Joseph Flarity, for payment of claim number
SCJ-92-12 \$ 70,018.03
 (18) Al Smithson, for payment of claim number
SCJ-90-08 from the state wildlife account \$ 27,411.94
 (19) Barbara Burton, for payment of claim number
SCJ-92-01 from the state wildlife account \$ 8,250.00
 (20) Sound Anesthesia, for payment of claim number
SCJ-92-03 \$ 35,314.70
 (21) Al Smithson, for payment of claim number
SCJ-93-01 from the state wildlife account \$ 21,056.88
 (22) Pat L. Thompson, for payment of claim number
SCJ-92-10 \$ 10,278.93
 (23) Kenneth G. Bussey, for payment of claim number
SCJ-93-01 \$ 11,386.98
 (24) Ronald N. Wilson, for payment of claim number
SCJ-93-03 \$ 3,343.75
 (25) John Peil (Goodman) for payment of claim number
SCJ-93-04 \$ 2,779.80
 (26) Bob Klingenstein, for payment of claim number
SCG-93-05 from the state wildlife account \$ 4,459.00
 (27) Lester Eaton, Jr., for payment of claim numbers
SCG-93-03 and SCG-93-04 from the state wildlife
account \$ 19,302.84
 (28) Daniel Nix, for payment of claim number
SCJ-92-16 \$ 38,581.20
 (29) Wyman K. Dobson, for payment of claim number
SCJ-93-09 \$ 6,946.38
 (30) Gabriel Valdez, for payment of claim number
SCJ-93-05 \$ 3,141.57
 (31) John Garrett, for payment of claim number
SCO-91-20 from the state wildlife account \$ 42,605.20
 (32) Orion Corporation, for payment of claim number
SCJ-93-02 from the state building construction account,
including interest through April 30, 1993 \$ 3,570,000.00

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

- (1) 1992 c 232 s 705 (uncodified); and
- (2) 1992 c 232 s 712 (uncodified) and 1991 sp.s. c 16 s 716 (uncodified).

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 1992 c 232 s 802 is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State

Treasurer's Service Account: For transfer to the general fund on or before June 30, 1993, an amount up to \$16,627,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit to the fiscal year in which earned \$ 16,627,000

General Fund--State: For transfer to the Flood Control

Assistance Account \$ 3,700,000

Public Facilities Construction Loan and Grant Revolving

Fund: For transfer to the General Fund \$ 631,400

Water Quality Account: For transfer to the water

pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund.

The amounts transferred shall not exceed the match required for each federal deposit \$ 14,500,000

Disability Accommodation Revolving Account:
For transfer to the General Fund \$ 190,000

Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes \$ 2,003,000

State Employees' Insurance Account: For transfer to the general fund (Northwestern National Life Insurance Refund) \$ 8,310,000

Department of Personnel Service Fund: For transfer to the general fund \$ 820,000

Trust Land Purchase Account: For transfer to the general fund \$ 18,575,000

Motor Transport Account:
For transfer to the general fund \$ 947,000

Resource Management Cost Account: For transfer to the agricultural permanent account, the University of Washington bond retirement account, the charitable, educational, penal and reformatory institutions account, the capitol building construction account, the normal school permanent account, and the scientific permanent account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources \$ 20,000,000

Sec. 1991 sp.s. c 16 s 802 is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution \$ 4,600,000

General Fund Appropriation for public utility district excise tax distribution \$ 24,314,000

General Fund Appropriation for prosecuting attorneys' salaries \$ 2,704,000

General Fund Appropriation for motor vehicle excise tax distribution \$ 83,075,000

General Fund Appropriation for local mass transit assistance \$ 275,140,000

General Fund Appropriation for camper and travel trailer excise tax distribution \$ 2,585,000

General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution \$ 760,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 90,000

Liquor Excise Tax Fund Appropriation for liquor excise tax distribution \$ 22,000,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ 359,745,000

Liquor Revolving Fund Appropriation for liquor profits distribution \$ 45,645,850

Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$ 83,100,000

Municipal Sales and Use Tax Equalization Account Appropriation \$ 44,690,000

County Sales and Use Tax Equalization Account Appropriation \$ 15,100,000

Death Investigations Account Appropriation for distribution to counties for publicly

funded autopsies	\$ ((750,000))	1,100,000
County Criminal Justice Account Appropriation	\$ 56,152,000	
Municipal Criminal Justice Account Appropriation	\$ 22,460,000	
TOTAL APPROPRIATION	\$ ((1,042,910,850))	<u>1,043,260,850</u>

PART IX
MISCELLANEOUS

NEW SECTION. Sec. APPLICABILITY OF OTHER PROVISIONS. This act is subject to the provisions, definitions, conditions, and limitations of chapter 16, Laws of 1991 sp. sess., as amended by chapter 232, Laws of 1992, chapter 238, Laws of 1992, and this act.

NEW SECTION. Sec. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

SPENDING CONTROLS. (1) All agencies, including those headed by elected officials and appointed boards or commissions, shall control costs to ensure that operating expenditures for capital outlays and noncapitalized fixed assets for the period beginning April 1, 1993, and ending June 30, 1993, will not exceed the sum of that agency's monthly allotments for capital outlays and noncapitalized fixed assets for that same time period.

(2) All agencies, including those headed by elected officials and appointed boards or commissions, shall control costs to ensure that expenditures of state general fund appropriations for the period beginning April 1, 1993, and ending June 30, 1993, will not exceed the sum of that agency's monthly allotments of state general fund expenditures for that same time period.

(3) All agencies over one hundred employees, including those headed by elected officials and appointed boards or commissions, are directed to place into reserve status one percent of their April through June allotments for salaries. It is intended that these savings be achieved through the fiscal limitations imposed in the Governor's January 13, 1993, directive. Expenditure control mechanisms are assumed to include attrition, administrative efficiencies, and reductions in nonessential travel and purchases. The office of financial management shall issue agency savings targets and instructions for allotment amendment submittals.

Exceptions for the limitations described in subsections (1) through (3) of this section may be granted by the office of financial management only in cases of preexisting legal obligations or emergency conditions.

For the purposes of this section, "allotments" are considered to be the January 31, 1993, office of financial management approved expenditure plan as revised for any 1993 supplemental appropriations.

NEW SECTION. Sec. A new section is added to chapter 43.105 RCW to read as follows:

UNAUTHORIZED DATA PROCESSING EXPENDITURES. No state agency may expend any moneys for major information technology projects subject to review by the department of information services under RCW 43.105.190 unless specifically authorized by the legislature. A violation of this section constitutes a violation of RCW 43.88.290 and shall subject the head of the agency to forfeiture of office and other civil penalties as provided under RCW 43.88.300. In addition to the penalties under RCW 43.88.300, the agency head shall be subject to a civil penalty of up to ten percent of the unauthorized expenditure.

If the department of information services approved an expenditure in violation of this section, or had responsibility to approve the expenditure, then all sanctions described in this section and RCW 43.88.300 shall also apply to the director of information services.

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

NEW SECTION. Sec. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 1991 sp.s. c 16 ss 126, 201, 221, 225, 317, and 802 (uncodified); amending 1992 c 232 ss 112, 113, 117, 118, 129, 134, 136, 139, 141, 152, 201, 202, 203, 205, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 222, 224, 228, 229, 230, 232, 303, 306, 307, 311, 312, 313, 314, 402, 502, 503, 504, 505, 506, 508, 509, 510, 511, 513, 514, 517, 518, 520, 613, 706, 707, 708, and 802 (uncodified); amending 1992 c 238 ss 1, 2, 3, 4, and 6 (uncodified); adding new sections to Laws of 1991 sp.s. c 16 (uncodified); adding a new section to chapter 43.105 RCW; creating new sections; repealing 1992 c 239 s 5 (uncodified); repealing 1992 c 232 s 705 (uncodified); repealing 1992 c 232 s 712 (uncodified); repealing 1991 sp.s. c 16 s 716 (uncodified); prescribing penalties; making appropriations; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Valle moved that the House do not concur in the Senate amendment to Engrossed Substitute House Bill No. 1524 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Locke, Peery and Silver as conferees on Engrossed Substitute House Bill No. 1524.

SENATE AMENDMENTS TO HOUSE BILL

April 1, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1528, with the following amendment:

On page 13, beginning on line 28, strike all material down to and including line 35 and insert the following:

NEW SECTION. Sec. 10. The state treasurer shall submit a report to the fiscal committees of the legislature by January 1, 1995, and by January 1, 1996, on the costs, financial benefits, and staffing requirements of the following: (1) The use of electronic fund transfer mechanisms by state agencies for the previous fiscal year; (2) local account compliance for the previous fiscal year with financial standards developed by the office of financial management; (3) compliance with the federal cash management improvement act of 1990; and (4) the total banking costs of treasury accounts during the previous two fiscal years. The report shall also identify the savings realized by agencies as a result of this act." and the same are herewith transmitted

Brad Hendrickson, Deputy Secretary

MOTION

Representative Valle moved that the House do concur in the Senate amendment to Substitute House Bill No. 1528 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1528 as amended by the Senate.

Representative Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1528 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Lisk - 1.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1528, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1545, with the following amendment

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. A new section is added to chapter 3.46 RCW to read as follows:

Any city that terminates a municipal department under this chapter may not establish another municipal department under this chapter until at least ten years have elapsed from the date of termination.

NEW SECTION. Sec. A new section is added to chapter 3.50 RCW to read as follows:

Any city that terminates a municipal court under this chapter may not establish another municipal court under this chapter until at least ten years have elapsed from the date of termination.

NEW SECTION. Sec. A new section is added to chapter 3.46 RCW to read as follows:

Notwithstanding RCW 3.46.050 and 3.46.060, judicial positions may be filled only by election under the following circumstances:

(1) Each full-time equivalent judicial position shall be filled by election. This requirement applies regardless of how many judges are employed to fill the position. For purposes of this section, a full-time equivalent position is thirty-five or more hours per week of compensated time.

(2) In any city with one or more full-time equivalent judicial positions, an additional judicial position or positions that is or are in combination more than one-half of a full-time equivalent position shall be filled by election.

NEW SECTION. Sec. A new section is added to chapter 3.50 RCW to read as follows:

Notwithstanding RCW 3.50.040 and 3.50.050, judicial positions may be filled only by election under the following circumstances:

(1) Each full-time equivalent judicial position shall be filled by election. This requirement applies regardless of how many judges are employed to fill the position. For purposes of this section, a full-time equivalent position is thirty-five or more hours per week of compensated time.

(2) In any city with one or more full-time equivalent judicial positions, an additional judicial position or positions that is or are in combination more than one-half of a full-time equivalent position shall also be filled by election.

NEW SECTION. Sec. A new section is added to chapter 3.46 RCW to read as follows:

A judge of a municipal department of a district court need not be a resident of the city in which the department is created, but must be a resident of the county in which the city is located

NEW SECTION. Sec. A new section is added to chapter 3.50 RCW to read as follows:

A judge of a municipal court need not be a resident of the city in which the court is created, but must be a resident of the county in which the city is located.

NEW SECTION. Sec. A new section is added to chapter 3.62 RCW to read as follows:

District courts shall take all steps necessary to promote efficiencies in calendaring in order to minimize costs to cities that use the district courts. Cities shall cooperate with the district courts in order to minimize those costs.

Sec. RCW 3.62.070 and 1984 c 258 s 39 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited or a monetary penalty paid to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every criminal or traffic infraction action filed by a city for an ordinance violation, the city shall be charged a filing fee determined pursuant to an agreement as provided for in chapter 39.34 RCW, the interlocal cooperation act, between the city and the county providing the court service. In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city. In all other criminal or traffic infraction actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs. ~~((In the event no agreement is reached between a municipal corporation and the county providing the court service within ninety days of September 1, 1979, the municipal corporation and the county shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW, and the municipal corporation and the county shall be entitled to the same rights and subject to the same duties as other parties who have agreed to submit to arbitration pursuant to chapter 7.04 RCW. In the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional costs borne by the county in providing district court services for such city.))~~

If, one hundred twenty days before the expiration of an existing contract under this section, the city and the county are unable to agree on terms for renewal, the matter shall be submitted to binding arbitration. The city and the county shall each select one arbitrator, the two of whom shall pick a third arbitrator. The existing contract shall remain in effect until a new agreement is reached or until an arbitration award is made.

Sec. RCW 42.12.010 and 1981 c 180 s 4 are each amended to read as follows:

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) Except as provided in sections 5 and 6 of this act, his or her ceasing to be a legally qualified elector of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

Sec. RCW 29.15.025 and 1991 c 178 s 1 are each amended to read as follows:

(1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, possess the qualifications specified by law for persons who may be elected to the office.

(2) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in sections 5 and 6 of this act, the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress.

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

NEW SECTION. Sec. This act shall take effect January 1, 1995.

In line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 3.62.070, 42.12.010, and 29.15.025; adding new sections to chapter 3.46 RCW; adding new sections to chapter 3.50 RCW; adding a new section to chapter 3.62 RCW; and providing an effective date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Substitute Bill No. 1545 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1545 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1545 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 69, Nays - 28, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Campbell, Casada, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Silver, Sommers, Springer, Tate, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Brumsickle, Carlson, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Horn, Lisk, Mastin, Morton, Padden, Reams, Schoesler, Sehlin, Sheahan, Stevens, Talcott, Thomas, Vance and Van Luven - 28.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1545, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1580, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature finds that, in public colleges and universities, improvement is needed in graduation rates and in the length of time required for students to attain their educational objectives. The legislature also finds that public colleges and universities should offer classes in a way that will permit full-time students to complete a degree or certificate program in about the amount of time described in the institution's catalog as necessary to complete that degree or certificate program.

NEW SECTION. Sec. (1) By May 15, 1994, each state institution of higher education, as part of its strategic plan, shall adopt strategies designed to shorten the time required for students to complete a degree or certificate and to improve the graduation rate for all students.

(2) Beginning with the fall 1995-96 academic term, each institution of higher education as defined in RCW 28B.10.016 shall implement the strategies described in subsection (1) of this section.

NEW SECTION. Sec. (1) By May 30, 1994, each public four-year institution of higher education shall forward to the higher education coordinating board for its review and comment, certain preliminary components of the institution's strategic plan. The components shall include strategies to improve student graduation rates and shorten the time needed for students to obtain a baccalaureate degree.

(2) By September 30, 1994, the state board for community and technical colleges will forward to the higher education coordinating board for its review and comment, a report on the strategies adopted by community and technical colleges to speed the progress of students towards their educational goals and to shorten the time needed for students to obtain a degree or certificate.

(3) By December 15, 1994, the higher education coordinating board shall report to the governor and the higher education committees of the house of representatives and senate on its review of strategies designed to improve graduation rates and shorten the time needed for students to obtain a degree or certificate. The report shall include an analysis of system-wide strategies and recommendations for any legislation necessary to assist institutions with the implementation of their plans.

NEW SECTION. Sec. Each institution of higher education as defined in RCW 28B.10.016 may enter into a student progression understanding with an interested student. The terms of the understanding shall permit a student to obtain a degree or certificate within the standard period of time assumed for a full-time student pursuing that degree or certificate. Usually, the standard amount of time will be about two years for an associate of arts degree and about four years for a baccalaureate degree. Student progression understandings shall not give rise to any cause of action on behalf of any student as a result of the failure of any state institution of higher education to fulfill its obligations under the student progression understanding.

NEW SECTION. Sec. Sections 1 through 4 of this act are each added to chapter 28B.10 RCW."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and adding new sections to chapter 28B.10 RCW." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Jacobsen moved that the House do concur in the Senate amendment to Substitute House Bill No. 1580 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1580 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1580 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1580, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 1, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1619, with the following amendment:

On page 1, line 11, after "labor leaders;" insert "native American tribal representatives;"

On page 2, line 7, after "lands" insert "and other indigenous cultures"

On page 2, line 9, after "lands" insert "and other indigenous cultures,"

On page 2, line 10, after "abroad" insert "or to study other cultures indigenous to this area"

On page 2, line 16, after "region" insert ", or of native American peoples,"

On page 2, line 23, after "international" insert "and multicultural"

On page 2, line 26, after "lands" insert ", or institutions serving native American peoples"

On page 2, line 31, after "lands" insert "and native American tribes"

On page 2, line 33, after "students" insert "and students from other indigenous cultures"

On page 2, line 35, after "students" insert "and students from other indigenous cultures"

On page 3, line 2, after "international" insert "and multicultural"

On page 3, line 5, after "international" insert "and multicultural" and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Jacobsen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1619 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1619 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1619 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1619, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1631 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW.

NEW SECTION. Sec. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliated business" means a business or business location that is directly or indirectly controlled by or under common control with the business location or locations listed in the notice of the sale or that has a common ownership interest in the merchandise to be sold with the business location or locations listed in the notice of the sale.

(2) "Going out of business sale" means a sale or auction advertised or held out to the public as the disposal of merchandise in anticipation of cessation of business. This includes but is not limited to a sale or auction advertised or held out to the public as a "going out of business sale," a "closing out sale," a "quitting business sale," a "loss of lease sale," a "must vacate sale," a "liquidation sale," a "bankruptcy sale," a "sale to prevent bankruptcy," or another description suggesting price reduction due to the imminent closure of the business.

(3) "Merchandise" means goods, wares, or other property or services capable of being the object of a sale regulated under this chapter.

(4) "Moving sale" means a sale or auction advertised or held out to the public in anticipation of a relocation of the business to within a thirty-mile radius of its existing location.

(5) "Person" means, where applicable, natural persons, corporations, trusts, unincorporated associations, partnerships, or other legal entities.

NEW SECTION. Sec. (1) It is unlawful for a person to sell, offer for sale, or advertise for sale merchandise at a going out of business sale without first recording a notice of the going out of business sale and executing an affidavit of inventory under this chapter.

(2) The notice of the sale must be displayed in a prominent place on the premises where a going out of business sale is being conducted.

(3) Where a going out of business sale is part of a bankruptcy, receivership, or other court-ordered action, a person required by this chapter to record a notice of the sale shall serve a copy of the petition, motion, proposed order, or other pleading requesting court approval of the sale on the attorney general no less than seven days before the date on which an action may be taken related to the conduct of the sale by a court.

NEW SECTION. Sec. (1) This chapter shall apply only to persons who engage in the retail sale of merchandise in their regular course of business.

(2) This chapter does not apply to:

(a) Persons acting in accordance with their powers and duties as public officers, such as county sheriffs;

(b) Bulk transfers as defined in RCW 62A.6-102; or

(c) Moving sales, except for section 12(5) of this act.

(3) Going out of business sales of perishable merchandise or merchandise damaged by fire, smoke, or water are exempt from the requirement that the notice of the sale be recorded at least fourteen days before the beginning date of the sale.

NEW SECTION. Sec. (1) A person conducting a going out of business sale shall record a notice of the sale with the county auditor at least fourteen days before the beginning date of the sale.

(2) The notice must be signed under oath and acknowledged and must require, and the person signing the notice shall set forth, the following facts and information regarding the sale:

(a) The name, address, telephone number, and Washington state business identification number of the owner of the merchandise to be sold. If the owner is a corporation, trust, unincorporated association, partnership, or other legal entity, the person signing the notice must be an officer of the entity and must identify his or her title;

(b) The name, address, and telephone number of the person who will be in charge and responsible for the conduct of the sale;

(c) The descriptive name, location or locations, and beginning and ending dates of the sale;

(d) Whether a person who has an ownership interest in the business or in the merchandise to be sold has conducted a going out of business sale within one year of recording the notice;

(e) Whether a person who has an ownership interest in the business or in the merchandise to be sold established or acquired an ownership interest in the business within six months of recording the notice; and

(f) A statement that:

(i) The merchandise ordered during the thirty days before recording the notice consists only of bona fide orders made in the usual course of business and does not contain merchandise taken on consignment or otherwise;

(ii) No merchandise transferred from an affiliated business was transferred in contemplation of conducting the sale;

(iii) No merchandise will be ordered, taken on consignment, or transferred from an affiliated business after the notice is recorded or during the sale;

(iv) No person who has an ownership interest in the business or in the merchandise to be sold established or acquired an interest in the business or in the merchandise to be sold solely or principally for the purpose of conducting a going out of business sale;

(v) The business will be discontinued after the ending date of the sale and no merchandise held out for sale will be subsequently offered for sale to the public by anyone who had an ownership interest in the business or in the merchandise offered for sale; and

(vi) No person who has an ownership interest in the business or in the merchandise to be sold is subject to a court order resulting from a civil enforcement action under the Consumer Protection Act for a violation of this chapter or the type of conduct prohibited by this chapter.

NEW SECTION. Sec. (1) A person conducting a going out of business sale shall, before recording the notice, make either an inventory list of the merchandise to be sold or a compilation of purchase orders issued by the business in the thirty days before recording the notice of the sale.

(2) If a person elects to make an inventory list:

(a) The inventory list must identify the merchandise and include the quantity of each item and the price at which each item was offered for sale within one week of recording the notice;

(b) The inventory list must identify items ordered within thirty days of recording the notice but not yet received by the business;

(c) The inventory list must be permanently attached to an affidavit executed by the person recording the notice of the sale stating that the inventory list is a true and correct inventory of merchandise owned by the business conducting the sale as of the date the affidavit is executed; and

(d) No item may be offered for sale at a going out of business sale unless the item is included in the inventory list for the sale.

(3) If a person elects to make a purchase order compilation, the compilation must be permanently attached to an affidavit executed by the person recording the notice of the sale stating that the compilation is a true and correct compilation of the purchase orders issued by the business in the thirty days before recording the notice of the sale.

(4) The affidavit must be signed under oath and acknowledged before a notary public. Each page of the inventory list or purchase order compilation must be marked in some form by a notary public to verify its identity as part of the inventory list or purchase order compilation for the going out of business sale.

(5) A person conducting a going out of business sale shall maintain possession of the affidavit and attached inventory list or purchase order compilation for three years after the ending date of the sale. The inventory list or purchase order compilation is admissible evidence of compliance or noncompliance with this chapter.

NEW SECTION. Sec. (1) No person may conduct a going out of business sale except a person with a valid Washington state business identification number.

(2) No person may conduct a going out of business sale if a person who has an ownership interest in the business or in the merchandise to be sold established or acquired an ownership interest in the business solely or principally for the purpose of conducting a going out of business sale. A person who has either conducted a going out of business sale within one year or established or acquired an interest in the business conducting the sale within six months of recording the notice is presumed to have established or acquired an interest in the business solely or principally for the purpose of conducting a going out of business sale.

(3) No person may conduct a going out of business sale if a person who has an ownership interest in the business or in the merchandise to be sold is subject to a court order resulting from a civil enforcement action under the Consumer Protection Act for a violation of this chapter or the type of conduct prohibited by this chapter.

NEW SECTION. Sec. No person may conduct a going out of business sale for more than sixty days from the beginning date of the sale.

NEW SECTION. Sec. (1) No person may sell consigned merchandise or other merchandise not owned by the person signing the notice at a going out of business sale. Merchandise ordered within thirty days of recording the notice of the sale may consist only of bona fide orders made in the usual course of business and may contain no merchandise taken on consignment or otherwise.

(2) No person in contemplation of conducting a going out of business sale may transfer merchandise from an affiliated business or business location to the location or locations of the sale.

(3) No person, after recording the notice of a going out of business sale, may buy or order merchandise, take merchandise on consignment, or receive a transfer of merchandise from an affiliated business or business location for the purpose of selling it at the sale or sell the merchandise in a going out of business sale.

NEW SECTION. Sec. (1) No person may continue to conduct a going out of business sale beyond the ending date listed in the notice of the sale.

(2) No person after conducting a going out of business sale may remain in business under any of the same ownership, or under the same or substantially the same trade name, or continue to offer for sale the same type of merchandise for a period of one year after the ending date of the sale unless the continuing business location was in operation before recording the notice for the closing business location.

(3) For the purposes of this section, if a business entity that is prohibited from continuing a business under this section reformulates itself as a new entity or as an individual, whether by sale, merger, acquisition, bankruptcy, dissolution, or other transaction, for the purpose of continuing the business or profiting from the business, the successor entity or individual is considered the same person as the original entity. If an individual who is prohibited from continuing a business under this section forms a new business entity to continue the business, participate in the business, or profit from the business, that entity is considered the same person as the individual.

NEW SECTION. Sec. No person may conduct a going out of business sale if any means have been established for continuation of the closing business location by the same owner, directly or indirectly, by corporation, trust, unincorporated association, partnership, or other legal entity under the same name or under a different name.

NEW SECTION. Sec. (1) No person may advertise a going out of business sale more than fourteen days before the beginning date of the sale. All advertising of the sale must state the beginning date and must clearly and prominently state the ending date of the sale. Except as provided in subsection (2) of this section, all advertising must be confined to or refer to the address or addresses and place or places of business specified in the notice as going out of business and may not state that other locations or affiliated businesses are cooperating with or participating in the sale unless the other locations or affiliated businesses are included in the notice.

(2) Advertising broadcast on radio is not required to refer to the address or addresses of the business specified in the notice as going out of business, but must meet all other conditions of this section.

(3) No advertising may contain false, misleading, or deceptive statements regarding the nature, duration, merchandise, or other terms of a going out of business sale.

(4) Representations in advertising regarding price savings or discounts on sale merchandise must be bona fide and substantiated.

(5) A moving sale may not be advertised for more than ninety days and may not occur more than once within a twenty-four month period.

NEW SECTION. Sec. A person who knowingly violates this chapter or who knowingly gives false or incorrect information in a notice required by this chapter is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. The attorney general or the proper prosecuting attorney may institute proceedings under this chapter.

NEW SECTION. Sec. The state of Washington fully occupies and preempts the entire field of regulating going out of business sales.

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

NEW SECTION. Sec. Sections 1 through 16 of this act shall constitute a new chapter in Title 19 RCW." On page 1, line 1 of the title, after "sales;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Substitute House Bill No. 1631 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1631 as amended by the Senate.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1631 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Locke and Thomas - 2.

Absent: Representative Veloria - 1.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1631, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please record my vote on Substitute House Bill No. 1631 as a "YEA".

VELMA VELORIA, 11th District

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1635 with the following amendment:

On page 3, beginning on line 12, strike all of "NEW SECTION, Sec. 3."

On page 3, line 18, after "estimate" insert "of the cost to construct the vessels in the state of Washington"

On page 3, line 22, after "estimate." insert "In performing the independent review, the legislative transportation committee shall consult with persons not bidding on the construction of new jumbo ferry vessels in the state of Washington and who have experience in maritime bidding, ferry construction bid estimating, and are familiar with shipbuilding costs in the pacific northwest."

On page 3, line 28, after "estimate." strike all the material down to and including "act." on line 31 and insert "If the lowest responsible bid does not exceed the revised engineer's estimate by more than five percent, the department shall follow the procedures established under sections 5 through 7 of this act." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brown moved that the House do concur in the Senate amendments to Substitute Bill No. 1635 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1635 as amended by the Senate.

Representatives Brown and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1635 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1635, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1645 with the following amendments:

On page 6, after line 13, insert the following:

"NEW SECTION, Sec. A new section is added to chapter 29.79 RCW to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of the state legislature or of the legislative authority of a unit of local government shall be composed of three elements: (a) An identification of the enacting legislative body; (b) a concise statement identifying the essential features of the enactment on which the referendum is filed; and (c) a question asking the voters whether the enactment should be approved or rejected by the people. The ballot issue shall be displayed on the ballot substantially as follows:

Referendum Measure No. XX. The (name of legislative body) has passed a law that (concise statement). Should this law be
APPROVED

OR

REJECTED

(2) For a referendum measure on a state enactment, the concise statement shall be prepared by the attorney general and shall not exceed twenty-five words.

(3) The concise statement for a referendum measure on an enactment of the legislative authority of a unit of local government shall not exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(4) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

Sec. RCW 29.27.060 and 1985 c 252 s 1 are each amended to read as follows:

(1) When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding seventy-five words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city or town attorney for the city or town, and by the prosecuting attorney for the county or any other ~~((political subdivision of the state))~~ unit of local government, other than ~~((cities))~~ a city or town, the majority area of which is situated in the county.

The concise statement constitutes the ballot title.

(2) The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

(3) Subsection (1) of this section does not apply to referendum measures filed on an enactment of the state legislature or on an enactment of the legislative authority of a unit of local government, nor does it apply to the extent that other provisions of state law provide otherwise for a specific type of ballot question or proposition.

Sec. RCW 29.79.040 and 1982 c 116 s 4 are each amended to read as follows:

Within seven calendar days after the receipt of an initiative or referendum measure the attorney general shall formulate and transmit to the secretary of state ~~((a))~~ the concise statement ~~((posed as a question and not to exceed twenty words,))~~ required by RCW 29.27.060 or section 7 of this act bearing the serial number of the measure and a summary of the measure, not to exceed seventy-five words, to follow the statement. The statement may be distinct from the legislative title of the measure, and shall give a true and impartial statement of the purpose of the measure. Neither the statement nor the summary may intentionally be an argument, nor likely to create prejudice, either for or against the measure. Except as provided for in section 7 of this act, such a concise statement shall constitute the ballot title. The ballot title or, for a referendum on a state enactment, the concise statement formulated by the attorney general shall be the ballot title of or concise statement describing the measure unless changed on appeal. When practicable, the question posed by the ballot title shall be written in such a way that an affirmative answer to such question and an affirmative vote on the measure would result in a change in then current law, and a negative answer to the question and a negative vote on the measure would result in no change to then current law.

Sec. RCW 29.79.110 and 1982 c 116 s 11 are each amended to read as follows:

Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

PETITION FOR REFERENDUM

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No., (~~entitled (here insert the established ballot title of the measure) being~~) filed to revoke a (or part or parts of a) bill that (concise statement required by section 7 of this act) and that was passed by the legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the day of November, 19..; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

Petitioner's signature	 	Print name for positive identification	 	Residence address, street and number, if any	 	City or Town	 	County
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(Here follow 20 numbered lines divided into columns as below.)

1				
2				
3				
etc.				

Sec. RCW 29.27.065 and 1965 c 9 s 29.27.065 are each amended to read as follows:

Upon the filing of a ballot title as defined in RCW 29.27.060 or a concise statement as required under section 7 of this act, the secretary of state, in the event it is a state question, or the county auditor in the event it is a county or other local question, shall forthwith notify the persons proposing the measure of the exact language of the ballot title.

Sec. RCW 29.27.067 and 1965 c 9 s 29.27.067 are each amended to read as follows:

If the persons filing any state or local question covered by RCW 29.27.060 or section 7 of this act are dissatisfied with the ballot title or concise statement formulated by the attorney general, city attorney, or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title or statement appeal to the superior court of Thurston county if it is a state-wide question, or to the superior court of the county where the question is to appear on the ballot, if it is a county or local question, by petition setting forth the measure, the ballot title or statement objected to, their objections to ~~((the ballot title))~~ it and praying for amendment thereof. The time of the filing of the ballot title or statement, as used herein in determining the time for appeal, is the time the ballot title or statement is first filed with the secretary of state, if concerning a state-wide question, or the county auditor, if a local question, the secretary of state or the county officer being herein called the "filing officer."

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the filing officer and the official preparing the ballot title or statement. Upon the filing of the petition on appeal, the court shall forthwith, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title or concise statement filed and the objections thereto and may hear arguments thereon, and shall as soon as possible render its decision and certify to and file with the filing officer such ballot title or statement as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title or statement so certified shall be the established ballot title or concise statement. Such appeal shall be heard without cost to either party.

Sec. RCW 35A.29.120 and 1979 ex.s. c 18 s 31 are each amended to read as follows:

When any question is to be submitted to the voters of a code city, or when a proposition is to be submitted to the voters of an area under provisions of this title, the question or proposition shall be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a ~~((concise statement))~~ ballot title for the question or proposition in the form ~~((of a question and as otherwise provided in))~~ applicable under section 7 of this act. RCW 29.27.060, ~~((which statement))~~

82.14.036, 82.46.021, or 82.80.090 or as otherwise expressly required by state law. The ballot title shall be prepared by the attorney for the code city, or ((by the prosecuting attorney for the county)) as specified in RCW 29.27.060 for elections held outside of a code city. ((The concise statement shall constitute the ballot title.))

NEW SECTION. **Sec.** RCW 35.17.320 and 1965 c 7 s 35.17.320 are each repealed.

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

On page 1, line 2 of the title, after "29.79.490," strike "and 42.17.090" and insert "42.17.090, 29.27.060, 29.79.040, 29.79.110, 29.27.065, 29.27.067, and 35A.29.120"

On page 1, line 3 of the title, after "29.79 RCW;" insert "repealing RCW 35.17.320;" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Anderson moved that the House do concur in the Senate amendments to House Bill No. 1645 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1645 as amended by the Senate.

Representatives Anderson and Reams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1645 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 1645, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I wish to change my vote on House Bill No. 1645 from a "YEA" to a "NAY".

BOB MORTON, 7th District

I wish to change my vote on House Bill No. 1645 from a "YEA" to a "NAY".

STEVE FUHRMAN, 7th District

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1667 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature finds that most additives do not have a positive effect on the operation of on-site systems and can contaminate ground water aquifers, render septic drainfields dysfunctional, and result in costly repairs to homeowners. It is therefore the intent of the legislature to ban the use, sale, and distribution of additives within the state unless an additive has been specifically approved by the department of health.

Sec. RCW 70.118.020 and 1991 c 3 s 367 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly indicates otherwise.

(1) "Nonwater-carried sewage disposal devices" means any device that stores and treats nonwater-carried human urine and feces.

(2) "Alternative methods of effluent disposal" means systems approved by the department of health, including at least, mound systems, alternating drain fields, anaerobic filters, evapotranspiration systems, and aerobic systems.

(3) "Failure" means: (a) Effluent has been discharged on the surface of the ground prior to approved treatment; or (b) effluent has percolated to the surface of the ground; or (c) effluent has contaminated or threatens to contaminate a ground water supply.

(4) "Additive" means any commercial product intended to affect the internal performance or aesthetics of an on-site sewage disposal system.

(5) "Department" means the department of health.

(6) "On-site sewage disposal system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on nearby property under the control of the user where the system is not connected to a public sewer system. For purposes of this chapter, an on-site sewage disposal system does not include indoor plumbing and associated fixtures.

NEW SECTION. Sec. A new section is added to chapter 70.118 RCW to read as follows:

(1) After July 1, 1994, a person may not use, sell, or distribute an additive to on-site sewage disposal systems unless such additive has been specifically approved by the department. The department may approve an additive if it can be demonstrated to the satisfaction of the department that the additive has a positive benefit, and no adverse effect, on the operation or performance of an on-site sewage system. Upon written request by an additive manufacturer or distributor for product evaluation, the department may charge a fee sufficient to cover the costs of evaluating the additive, including the development of standards and review procedures.

(2) The attorney general or appropriate city or county prosecuting attorney is authorized to bring an appropriate action to enjoin any violation of the prohibition on the sale or distribution of additives. (3) The department is responsible for providing written notification to major distributors and wholesalers of additives of the state-wide prohibition on additives. The notification shall be provided no later than October 1, 1993. Within thirty days of notification from the department, distributors and wholesalers shall provide the same notification to their retail customers. The department shall also provide notification to major distributors and wholesalers of additive products that have been approved."

On page 1, line 1 of the title, after "additives;" strike the remainder of the title and insert "amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved that the House do concur in the Senate amendment to Substitute Bill No. 1667 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1667 as amended by the Senate.

Representatives Rust and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1667 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt,

Quall, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Sommers, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Casada, Chandler, Cooke, Dorn, Dyer, Edmondson, Foreman, Forner, Fuhrman, Heavey, Lisk, Mielke, Morton, Padden, Rayburn, Schoesler, Sehlin, Sheahan, Silver, Springer, Stevens, Talcott, Tate, Thomas, Van Luven and Wood - 27.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1667, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to change my vote on Substitute House Bill No. 1667 to a "YEA" instead of a "NAY".

GIGI TALCOTT, 28th District

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1721 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 48.62.121 and 1991 sp.s. c 30 s 12 are each amended to read as follows:

(1) No employee or official of a local government entity may directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. No employee or official of a local government entity may accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2)(a) No local government entity may participate in a joint self-insurance program in which local government entities do not retain complete governing control. This prohibition does not apply to:

(i) Local government contribution to a self-insured employee health and welfare benefits plan otherwise authorized and governed by state statute ((not to));

(ii) Local government participation in a multistate joint program where control is shared with local government entities from other states; or

(iii) Local government contribution to a self-insured employee health and welfare benefit trust in which the local government shares governing control with their employees.

(b) If a local government self-insured health and welfare benefit program, established by the local government as a trust, shares governing control of the trust with its employees:

(i) The local government must maintain at least a fifty percent voting control of the trust;

(ii) No more than one voting, nonemployee, union representative selected by employees may serve as a trustee; and

(iii) The trust agreement must contain provisions for resolution of any deadlock in the administration of the trust.

(3) Moneys made available and moneys expended by school districts and educational service districts for self-insurance under this chapter are subject to such rules of the superintendent of public instruction as the superintendent may adopt governing budgeting and accounting. However, the superintendent shall ensure that the rules are consistent with those adopted by the state risk manager for the management and operation of self-insurance programs.

(4) RCW 48.30.140, 48.30.150, 48.30.155, and 48.30.157 apply to the use of agents and brokers by local government self-insurance programs.

(5) Every individual and joint local government self-insured health and welfare benefits program that provides comprehensive coverage for health care services shall include mandated benefits that the state health care authority is required to provide under RCW 41.05.170 and 41.05.180. The state risk manager may adopt rules identifying the mandated benefits.

(6) An employee health and welfare benefit program established as a trust shall contain a provision that trust funds be expended only for purposes of the trust consistent with statutes and rules governing the local government or governments creating the trust.

NEW SECTION. Sec. A new section is added to chapter 48.62 RCW to read as follows:

No local government self-insured employee health and welfare benefit program established as a trust by a local government entity or entities prior to the effective date of this act may continue in operation unless such program complies with the provisions of this chapter within one hundred eighty days after the effective date of this act. The state risk manager may extend such period if the risk manager finds that such local government entity or entities are making a good faith effort and

taking all necessary steps to comply with this chapter; however, in no event may the risk manager extend the period required for compliance more than ninety days after the expiration of the initial one hundred eighty-day period.

NEW SECTION. Sec. If Engrossed Second Substitute Senate Bill No. 5304 is enacted into law, the provisions of chapter 48.62 RCW shall be reviewed to evaluate the extent to which health care trusts provide benefits to certain individuals in the state; and to review the federal laws that may constrain the organization or operation of these joint employee-employer entities. The health services commission shall make appropriate recommendations to the governor and the legislature as to how these trusts can be brought under the provisions of Engrossed Second Substitute Senate Bill No. 5304."

On page 1, line 2 of the title, after "trusts;" strike the remainder of the title and insert "amending RCW 48.62.121; adding a new section to chapter 48.62 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Zellinsky moved that the House do concur in the Senate amendment to Substitute House Bill No. 1721 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1721 as amended by the Senate.

Representative Mielke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1721 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1721, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec.** RCW 2.06.020 and 1989 c 328 s 10 are each amended to read as follows:

The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have ~~((nine))~~ twelve judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have ~~((six))~~ eight judges;

(b) District 2 shall consist of Snohomish county and shall have two judges; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have ~~((one))~~ two judges.

(2) The second division shall have ~~((four))~~ six judges from the following districts:

(a) District 1 shall consist of Pierce county and shall have two judges;

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties and shall have ~~((one))~~ two judges;

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties and shall have ~~((one))~~ two judges.

(3) The third division shall have ~~((four))~~ five judges from the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties and shall have two judges;

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, and Whitman counties and shall have one judge;

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties and shall have ~~((one))~~ two judges.

NEW SECTION. Sec. A new section is added to chapter 2.06 RCW to read as follows:

(1) Any judicial position created by section 1, chapter . . . , Laws of 1993 (section 1 of this act) shall be effective only if that position is specifically funded and is referenced by division and district in an omnibus appropriations act.

(2)(a) The full term of office for the judicial positions authorized pursuant to this act shall be six years.

(b) The authorized judicial positions shall be filled at the general election in the November immediately preceding the beginning of the full term except as provided in (d) and (e) of this subsection.

(c) The six-year terms shall be staggered as provided in (c)(i) through (iii) of this subsection.

(i) In the first division, the initial full terms of six years for the two positions in district 1 shall begin the second Monday in January following the general election held in November 1993. If the effective dates for the judicial positions are later than the deadline to include them in the November 1993 election, the initial full terms shall begin the second Monday in January following the general election held in November 1999. The initial full term of six years for the position in district 3 shall begin on the second Monday in January following the general election held in November 1996. If the effective date for the judicial position is later than the deadline to include it in the November 1996 election, the initial full term shall begin the second Monday in January following the general election held in November 2002.

(ii) In the second division, the initial full term of six years for the position in district 2 shall begin the second Monday in January following the general election held in November 1994. If the effective date of the judicial position is later than the deadline to include it in the November 1994 election the initial full term shall begin the second Monday in January following the general election held in November 2000. The initial full term for the position in district 3 shall begin the second Monday in January following the general election held in November 1998. If the effective date of the judicial position is later than the deadline to include it in the November 1998 election, the initial full term shall begin the second Monday in January following the general election held in November 2004.

(iii) In the third division, the initial full term of six years for the position in district 3 shall begin the second Monday in January following the general election held in November 1994. If the effective date of the judicial position is later than the deadline to include it in the November 1994 election, the initial full term will begin the second Monday in January following the general election held in November 2000.

(d) Upon becoming effective pursuant to subsection (1) of this section, the governor shall appoint judges to the additional judicial positions authorized in section 1, chapter . . . , Laws of 1993 (section 1 of this act). The appointed judges shall hold office until the second Monday in January following the general election following the effective date of the position. The appointed judges and other judicial candidates are entitled to run for the judicial position at the general election following appointment.

(e) The initial election for these positions shall be held in November following the effective date of the position. If the initial election of a newly authorized position is not held on a date which corresponds to the beginning of a full term as specified in (c)(i) through (iii) of this subsection, the election shall be for a partial term.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "appeals;" strike the remainder of the title and insert "amending RCW 2.06.020; adding a new section to chapter 2.06 RCW; and declaring an emergency." and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1734 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1734 as amended by the Senate.

Representative Ludwig spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1734 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1734, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1752, with the following amendment:

On page 2, line 33, after "commencing" insert "on or before"

On page 3, line 28, after "'Funds'" insert "federal"

On page 5, after line 11, insert the following:

"NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "service;" strike the remainder of the title and insert "amending RCW 43.20A.725; and declaring an emergency."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Grant moved that the House do concur in the Senate amendments to Substitute House Bill No. 1752 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1752 as amended by the Senate.

Representative Grant spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1752 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk,

Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1752, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

RESOLUTION

HOUSE RESOLUTION NO. 93-4655, by Representatives Veloria, Shin, Anderson, Sehlin, Leonard, Tate, Quall, Van Luven, Patterson, Flemming, Wineberry, Chandler, Thibaudeau, G. Cole, Brown, Romero, Karahalios, Casada, Wood, Stevens, Campbell, Locke, Valle, R. Johnson, Heavey, Dorn, Ogden, L. Johnson, R. Meyers, Horn, Talcott, Padden, Mielke, Edmondson, J. Kohl, Holm, Jacobsen, Lemmon, Forner, Silver, Brough, Cooke, Dyer, Foreman, Miller, Chappell, Kessler, Finkbeiner, Ballasiotes, Lisk, Morton, Dunshee, R. Fisher, Sheahan, Ballard, Sommers, Roland, H. Myers, Pruitt, Eide, Thomas, Kremen and Wang

WHEREAS, This great nation was built in large part through the hard work and enterprise of immigrants who left their homelands to begin a new life in this country; and

WHEREAS, Washington has the nation's third fastest-growing immigrant population of any state, and the third largest refugee population of any state; and

WHEREAS, Nearly one in ten Washington residents speaks a language other than English at home, and the number of non-English-speaking homes has increased dramatically during the last decade; and

WHEREAS, Learning the English language has been, and continues to be, critical to new immigrants if they are to succeed and prosper in this country; and

WHEREAS, More than thirty-one thousand students in Washington State currently receive English instruction through the state's Transitional Bilingual program, and thousands of adults receive instruction through a variety of state-supported and volunteer programs; and

WHEREAS, These students are taught by a dedicated group of educators, many of whom volunteer their services; and

WHEREAS, If the State of Washington is to successfully compete in international markets, having citizens who are multilingual is essential;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the citizens of this state who are multilingual and the educators and other individuals who are working to assist non-English-speaking immigrants learn English; and

BE IT FURTHER RESOLVED, That the House of Representatives join the Governor and the Superintendent of Public Instruction in declaring the week of April 19-23 as a time to acknowledge the value and importance of bilingual and English-as-a-second language education to our nation.

Representative Veloria moved adoption of the resolution.

Representatives Veloria, Talcott, Flemming, Shin, Ballasiotes, Riley, Chappell, Forner, Valle, Edmondson and Romero spoke in favor of adoption of the resolution.

Representative Kremen demanded the previous question and the demand was sustained.

House Resolution No. 4655 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1766 with the following amendment:

On page 4, line 15, after "labor," insert "or where collision repair is involved, after market body parts or nonoriginal equipment manufacturer body parts, if applicable,"

On page 4, line 37, after "labor," insert "or where collision repair is involved, after market body parts or nonoriginal equipment manufacturer body parts, if applicable," and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Substitute House Bill No. 1766 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1766 as amended by the Senate.

Representative Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1766 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1766, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1784, with the following amendment:

On page 16, after line 2, insert the following:

"NEW SECTION. Sec. Section 8 of this act is null and void if Engrossed Second Substitute Senate Bill No. 5304 is enacted into law by July 1, 1993, and contains an amendment to RCW 41.05.055."

On page 1, line 6 of the title, after "RCW;" strike "creating a new section" and insert "creating new sections" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Valle moved that the House do concur in the Senate amendment to Substitute House Bill No. 1784 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1784 as amended by the Senate.

Representatives Valle and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1784 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1784, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806, with the following amendment:

On page 21, after line 21, insert the following:

"NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions, and shall take effect July 1, 1993."

On page 1, line 6, after "penalties;" strike "and"

On page 1, line 6, after "date" insert "; providing an effective date; and declaring an emergency" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1806 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1806 as amended by the Senate.

Representative Rust and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1806 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Former, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 77.

Voting nay: Representatives Casada, Chandler, Edmondson, Foreman, Fuhrman, Hansen, Lisk, Mielke, Morton, Padden, Reams, Schoesler, Sheahan, Sheldon, Silver, Stevens, Tate, Thomas, Vance and Van Luven - 20.
Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1806, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I mistakenly voted "YEA" on Engrossed Substitute House Bill No. 1806, I wish to change vote to a "NAY".
CLYDE BALLARD, 12th District

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1886 with the following amendment:

On page 2, line 19, delete "between inspections prescribed by the board" and insert "established by the board under RCW 70.79.240(1)"

On page 2, line 19, delete "between inspections prescribed by the board" and insert "established by the board under RCW 70.79.240(1)"
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Grant moved that the House do concur in the Senate amendment to Substitute House Bill No. 1886 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1886 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1886 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1886, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1907 with the following amendment:

On page 1, line 10, after "commission." strike the remainder of the section.
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendment to Substitute Bill No. 1907 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1907 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1907 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Wineberry - 1.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1907, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1911 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. A new section is added to chapter 52.04 RCW to read as follows:

If the area of a newly incorporated city or town is located in one or more fire protection districts, the city or town is deemed to have been annexed by the fire protection district or districts effective immediately on the city's or town's official date of incorporation, unless the city or town council adopts a resolution during the interim transition period precluding the annexation of the newly incorporated city or town by the fire protection district or districts. The newly incorporated city or town shall remain annexed to the fire protection district or districts for the remainder of the year of the city's or town's official date of incorporation, or through the following year if such extension is approved by resolution adopted by the city or town council and by the board or boards of fire commissioners, and shall be withdrawn from the fire protection district or districts at the end of this period, unless a ballot proposition is adopted by the voters pursuant to RCW 52.04.071 providing for annexation of the city or town to a fire protection district.

If the city or town is withdrawn from the fire protection district or districts, the maximum rate of the first property tax levy that is imposed by the city or town after the withdrawal is calculated as if the city or town never had been annexed by the fire protection district or districts.

Sec. RCW 52.08.025 and 1986 c 234 s 35 are each amended to read as follows:

Effective January 1, 1960, every city or town, or portion thereof, which is situated within the boundaries of a fire protection district shall become automatically removed from such fire protection district, and no fire protection district shall thereafter include any city or town, or portion thereof, within its boundaries except as provided for in RCW 52.02.020, 52.04.061, 52.04.071, 52.04.081, ~~((and))~~ 52.04.101, and section 1 of this act.

However, if the area which incorporates or is annexed includes all of a fire protection district, the fire protection district, for purposes of imposing regular property taxes, shall continue in existence: (1)(a) Until the first day of January in the year in which the initial property tax collections of the newly incorporated city or town will be made, if a resolution is adopted under section 1 of this act precluding annexation of the city or town to the district; (b) until the city or town is withdrawn from the fire protection district, if no such resolution is adopted and no ballot proposition under section 1 of this act is approved; or (c) indefinitely, if such a ballot proposition is approved; or (2) until the first day of January in the year the annexing city or town will collect its property taxes imposed on the newly annexed area. The members of the city or town council or commission shall act as the board of commissioners to impose, receive, and expend these property taxes.

Sec. RCW 35.02.190 and 1989 c 76 s 2 are each amended to read as follows:

If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, or, if the city or town has been annexed by another fire protection district, in the other fire protection district, upon payment in cash, properties or contracts for fire protection services to the district within one year of the date on which the city or town withdraws from the fire protection district pursuant to section 1 of this act, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area. The fire protection district may elect, by a vote of a majority of the persons residing outside the annexed or incorporated area who vote on the proposition, to require the annexing or incorporating city or town or fire protection district to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district's property, facilities, and equipment throughout the district and to pay the city or town or fire protection district a reasonable fee for such fire protection, operation, and maintenance. When at least sixty percent, but less than one hundred percent, valuation of the real estate of a district is annexed to or incorporated into a city or town, a proportionate share of the liabilities of the district at the time of such annexation or incorporation, equal to the percentage of the total assessed valuation of the real estate of the district that has been annexed or incorporated, shall be transferred to the annexing or incorporating city or town.

If all of a fire protection district is included in an area that incorporates as a city or town or is annexed to a city or town or fire protection district, all of the assets and liabilities of the fire protection district shall be transferred to the newly incorporated city or town (~~upon its official date of incorporation~~) on the date on which the fire protection district ceases to provide fire protection services pursuant to section 1 of this act or to the city or town or fire protection district upon the annexation.

Sec. RCW 35.02.205 and 1989 c 267 s 3 are each amended to read as follows:

(1) A distribution of assets from the fire protection district to the city or town shall occur as provided in this section upon the annexation or, in the case of an incorporation, on the date on which the city or town withdraws from the fire protection district pursuant to section 1 of this act, of an area by the city or town that constitutes less than five percent of the area of the fire protection district upon the adoption of a resolution by the city or town finding that the annexation or incorporation will impose a significant increase in the fire suppression responsibilities of the city or town with a corresponding reduction in fire suppression responsibilities by the fire protection district. Such a resolution must be adopted within sixty days of the effective date of the annexation, or within sixty days of the official date of incorporation of the city. If the fire protection district does not concur in the finding within sixty days of when a copy of the resolution is submitted to the board of commissioners, arbitration shall proceed under subsection (3) of this section over this issue.

(2) An agreement on the distribution of assets from the fire protection district to the city or town shall be entered into by the city or town and the fire protection district within ninety days of the concurrence by the fire protection district under subsection (1) of this section, or within ninety days of a decision by the arbitrators under subsection (3) of this section that a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the incorporation or annexation. A distribution shall be based upon the extent of the increased fire suppression responsibilities with a corresponding reduction in fire suppression responsibilities by the fire protection district, and shall consider the impact of any debt obligation that may exist on the property that is so annexed or incorporated. If an agreement is not entered into after this ninety-day period, arbitration shall proceed under subsection (3) of this section concerning this issue unless both parties have agreed to an extension of this period.

(3) Arbitration shall proceed under this subsection over the issue of whether a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the annexation or incorporation with a corresponding reduction in fire suppression responsibilities by the fire protection district, or over the distribution of assets from the fire protection district to the city or town if such a significant increase in fire protection responsibilities will be imposed. A board of arbitrators shall be established for an arbitration that is required under this section. The board of arbitrators shall consist of three persons, one of whom is appointed by the city or town within sixty days of the date when arbitration is required, one of whom is appointed by the fire protection district within sixty days of the date when arbitration is required, and one of whom is appointed by agreement of the other two arbitrators within thirty days of the appointment of the last of these other two arbitrators who is so appointed. If the two are unable to agree on the appointment of the third arbitrator within this thirty-day period, then the third arbitrator shall be appointed by a judge in the superior court of the county within which all or the greatest portion of the area that was so annexed or incorporated lies. The determination by the board of arbitrators shall be binding on both the city or town and the fire protection district."

On page 1, line 2 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 52.08.025, 35.02.190, and 35.02.205; and adding a new section to chapter 52.04 RCW." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Bray moved that the House do concur in the Senate amendment to House Bill No. 1911 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1911 as amended by the Senate.

Representative Edmondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1911 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 1911, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1948 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec.** RCW 43.115.010 and 1987 c 249 s 1 are each amended to read as follows:

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. ~~((The legislature finds that Hispanics have unique and special problems. It is the purpose of this chapter to improve the well-being of Hispanics by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Hispanics in obtaining governmental services in order to promote the health, safety and welfare of all the residents of this state.))~~ The legislature believes that it is the duty of the state to improve the well-being of Hispanics by enabling them to participate fully in all fields of endeavor and assisting them in obtaining governmental services. The legislature further finds that the development of public policy and the delivery of governmental services to meet the special needs of Hispanics can be improved by establishing a focal point in state government for the interests of Hispanics. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

Sec. RCW 43.115.030 and 1987 c 249 s 3 are each amended to read as follows:

(1) The commission shall consist of eleven members of Hispanic origin appointed by the governor. ~~((The membership shall include:~~

- ~~(a) Two members from workers in the agricultural field;~~
- ~~(b) Three members from the general populace of Hispanics, but not of Mexican American origin;~~
- ~~(c) One member from the field of education;~~
- ~~(d) One member who is a professional from the business community, government employment, or public service;~~
- ~~(e) One member from among elected trade union officials; and~~

~~(f) Three members from the Mexican American community in the state.~~

~~(2) Members shall serve for four year terms and until their successors are chosen and qualified.)~~ To the extent practicable, appointments to the commission shall be made to achieve a balanced representation based on the Hispanic population distribution within the state, geographic considerations, sex, age, and occupation. Members shall serve three-year terms. No member shall serve more than two full consecutive terms. Vacancies shall be filled in the same manner as the original appointments.

~~((3))~~ (2) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

~~((4))~~ (3) Six members of the commission shall constitute a quorum for the purpose of conducting business.

Sec. RCW 43.115.040 and 1987 c 249 s 4 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Elect one of its members to serve as chairman;

~~(2) ((Appoint a full time director;~~

~~(3) Appoint a staff who shall be state employees pursuant to Title 41 RCW; and~~

~~(4))~~ Adopt rules and regulations pursuant to chapter 34.05 RCW;

(3) Examine and define issues pertaining to the rights and needs of Hispanics, and make recommendations to the governor and state agencies for changes in programs and laws;

(4) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of Hispanics;

(5) Advise the legislature on issues of concern to the Hispanic community;

(6) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for Hispanics; and

(7) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

NEW SECTION. Sec. A new section is added to chapter 43.115 RCW to read as follows:

(1) The commission shall be administered by an executive director, who shall be appointed by and serve at the pleasure of the governor. The governor shall base the appointment of the executive director on recommendations of the commission. The salary of the executive director shall be set by the governor.

(2) The executive director shall employ a staff, who shall be state employees pursuant to Title 41 RCW. The executive director shall prescribe the duties of the staff as may be necessary to implement the purposes of this chapter.

Sec. RCW 43.131.341 and 1987 c 249 s 8 are each amended to read as follows:

The Washington state commission on Hispanic affairs and its powers and duties shall be terminated on June 30, ~~((1996))~~ 2021, as provided in RCW 43.131.342.

Sec. RCW 43.131.342 and 1987 c 249 s 9 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1997))~~ 2022:

(1) Section 1, chapter 34, Laws of 1971 ex. sess., section 1, chapter 249, Laws of 1987, section 1, chapter . . . , Laws of 1993 (section 1 of this act) and RCW 43.115.010;

(2) Section 2, chapter 34, Laws of 1971 ex. sess., section 2, chapter 249, Laws of 1987 and RCW 43.115.020;

(3) Section 3, chapter 34, Laws of 1971 ex. sess., section 130, chapter 34, Laws of 1975-'76 2nd ex. sess., section 15, chapter 338, Laws of 1981, section 3, chapter 249, Laws of 1987, section 2, chapter . . . , Laws of 1993, (section 2 of this act) and RCW 43.115.030;

(4) Section 4, chapter 34, Laws of 1971 ex. sess., section 4, chapter 249, Laws of 1987, section 3, chapter Laws of 1993 (section 3 of this act) and RCW 43.115.040;

~~(5) ((Section 5, chapter 34, Laws of 1971 ex. sess., section 5, chapter 249, Laws of 1987 and RCW 43.115.050;~~

~~(6))~~ Section 6, chapter 34, Laws of 1971 ex. sess., section 6, chapter 249, Laws of 1987 and RCW 43.115.060; ~~((and~~

~~(7))~~ (6) Section 7, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.900; and

(7) Section 4 of this act.

NEW SECTION. Sec. RCW 43.115.050 and 1987 c 249 s 5 & 1971 ex.s. c 34 s 5 are each repealed."

On page 1, line 1 of the title, after "affairs;" strike the remainder of the title and insert "amending RCW 43.115.010, 43.115.030, 43.115.040, 43.131.341, and 43.131.342; adding a new section to chapter 43.115 RCW; and repealing RCW 43.115.050."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Anderson moved that the House do concur in the Senate amendment to Substitute House Bill No. 1948 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1948 as amended by the Senate.

Representatives Bray and Reams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1948 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1948, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2008 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 85.22.010 and 1933 c 182 s 1 are each amended to read as follows:

Any diking district (~~organized under the provisions of chapter CXXVII (117) of the Laws of 1895, and the acts amendatory thereof, which has been reorganized under the provisions of chapter 131 of the Laws of 1917, and the acts amendatory thereof, and any~~); drainage district (~~organized under the provisions of chapter CXXV (115) of the Laws of 1895, and the acts amendatory thereof, whether the same has been organized as a drainage and irrigation improvement district or as a drainage district~~); irrigation improvement district; intercounty diking and drainage district; diking, drainage, and/or sewerage improvement district; consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or flood control district may reorganize as a drainage and irrigation improvement district or as a diking, drainage and irrigation improvement district in the manner provided in this chapter.

NEW SECTION. Sec. A new section is added to chapter 85.38 RCW to read as follows:

A special district may withdraw area from its boundaries that is located within the boundaries of a city or town, or area that includes area both within and adjacent to the boundaries of any city or town, under this section.

(1) The withdrawal of area is authorized upon the following conditions being met: (a) Adoption of a resolution by the special district requesting withdrawal of the area from the district; (b) adoption of a resolution by the city or town council approving the withdrawal of the special district from the area; (c) assumption by the city or town of full responsibility for the maintenance, improvements, and collection of payment for the operation of the system previously operated by the special district in the area; (d) transfer by the special district of all rights-of-way or easements in the area to the city or town by quit claim or deed; and (e) adoption of an interlocal agreement between the special district and the city or town that reimburses the special district for lost assessment revenue from the withdrawn area, that transfers any facilities or improvements owned by the special district to the city or town as agreed between the parties, and that requires the city or town to maintain existing water run-off and water quality levels in the area.

(2) Property in the territory withdrawn from the boundaries of a special district under this section shall remain liable for any special assessments of the special district from which it was withdrawn, if the special assessments are associated with bonds or notes used to finance facilities serving the property, to the same extent as if the withdrawal of property had not occurred.

Sec. RCW 85.38.140 and 1985 c 396 s 15 are each amended to read as follows:

The process by which budgets are adopted, special assessments are measured and imposed, rates and charges are fixed, and assessment zones are established, as provided in RCW 85.38.140 through 85.38.170, shall constitute an alternative optional method of financing special districts. A special district in existence prior to July 28, 1985, may conform with RCW 85.38.140 through 85.38.170 when its governing body adopts a resolution indicating its intention to conform with such laws. Whenever such a resolution is adopted, or a new special district is created on or after July 28, 1985, RCW 85.38.140 through 85.38.170 shall be the exclusive method by which the special district measures and imposes special assessments and adopts its budget. The governing body of a special district that was created before July 28, 1985, and which operates under RCW 85.38.140 through 85.38.170, may adopt a resolution removing the special district from operating under RCW 85.38.140 through 85.38.170, and operate under alternative procedures available to the special district. A county may charge a special district for costs the county incurs in establishing a system or systems of assessment for the special district pursuant to RCW 85.38.140 through 85.38.170.

NEW SECTION. Sec. A new section is added to chapter 85.38 RCW to read as follows:

Regardless of whether any special assessments have been or may be imposed on a particular parcel of real property pursuant to this chapter, in order to implement the authority granted under RCW 85.38.180(3), a special district may fix rates and charges payable by owners or occupiers of real estate within the special district. When fixing rates and charges, the district may consider the degree to which activities on a parcel of real property, including on-site septic systems, contribute to the problems that the special district is authorized to address under RCW 85.38.180(3).

NEW SECTION. Sec. RCW 85.07.080 and 1983 c 167 s 191 and 1935 c 103 s 3 are each repealed."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 85.22.010 and 85.38.140; adding new sections to chapter 85.38 RCW; and repealing RCW 85.07.080." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendment to House Bill No. 2008 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2008 as amended by the Senate.

Representative H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2008 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 2008, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2023 with the following amendment:

On page 4, after line 31, insert the following:

"Sec. RCW 47.39.020 and 1992 c 26 s 2 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin; also Beginning at the junction with state route number 17, in the vicinity of Coulee City, thence easterly to the junction with state route number 155;

(2) State route number 3, beginning at a junction with state route number ~~((406 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also Beginning at a junction of Erlands Point Road north of Bremerton thence northeasterly))~~ 101 in the vicinity of Shelton, thence northeasterly and northerly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number ~~((8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater))~~ 4, beginning at the junction with state route number 101, thence easterly through Cathlamet to Coal Creek road, approximately .5 miles west of the Longview city limits;

(4) State route number 6, beginning at the junction with state route number 101 in Raymond, thence easterly to the junction with state route number 5, in the vicinity of Chehalis;

(5) State route number 7, beginning at the junction with state route number 12 in Morton, thence northerly to the junction with state route number 507;

(6) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(7) State route number 9, beginning at the junction with state route number 530 in Arlington, thence northerly to the end of the route at the Canadian border;

(8) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

~~((5))~~ (9) State route number 11, beginning at the junction with state route number 5 in the vicinity of Burlington, thence in a northerly direction to the junction with state route number 5;

(10) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

~~((Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy))~~ Beginning at a junction with state route number 5, thence easterly by way of Morton, Randle, and Packwood to the junction with state route number 410, approximately 3.5 miles west of Naches; also

Beginning at the junction with state route number 124 in the vicinity of the Tri-Cities, thence easterly through Wallula and Touchet to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

~~((6))~~ (11) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, ~~((thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also~~

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill,)) thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

~~((7))~~ (12) State route number 17, beginning at a junction with state route number 395 in the vicinity of ~~((Etopia))~~ Mesa, thence ~~((in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also~~

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City)) northerly to the junction with state route number 97 in the vicinity of Brewster;

~~((8))~~ (13) State route number 19, the Chimacum-Beaver Valley road, beginning at the junction with state route number 104, thence northerly to the junction with state route number 20;

(14) State route number 20, beginning at the junction with state route number 101 to the ferry zone in Port Townsend; also

Beginning at the Keystone ferry slip on Whidbey Island, thence ~~((easterly and))~~ northerly and easterly to a junction with ~~((Rhododendron road in the vicinity east of Coupeville; also~~

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with)) state route number 153 southeast of Twisp; also

~~Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also~~

~~Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction)) 97 near Tonasket, thence easterly and southerly to a junction with state route number 2 at Newport;~~

~~((9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty four miles north of the Keller ferry;~~

~~(40)) (15) State route number 25, beginning at the Spokane river bridge, thence northerly through Cedonia, Gifford, Kettle Falls, and Northport, to the Canadian border;~~

~~(16) State route number 31, beginning at the junction with state route number 20 in Tiger, thence northerly to the Canadian border;~~

~~(17) State route number 82, beginning at the junction with state route number 395 south of the Tri-Cities area, thence southerly to the end of the route at the Oregon border;~~

~~(18) State route number 90, beginning at the ((CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum)) junction with East Sunset Way in the vicinity east of Issaquah, thence easterly to Thorp road 9.0 miles west of Ellensburg;~~

~~((11)) (19) State route number 97, beginning at the ((crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill)) Oregon border, in a northerly direction through Toppenish and Wapato to the junction with state route number 82 at Union Gap; also~~

~~Beginning at the junction with state route number 10, 2.5 miles north of Ellensburg, in a northerly direction to the junction with state route number 2, 4.0 miles east of Leavenworth;~~

~~(20) State route number 97 alternate, beginning at the junction with state route number 2 in the vicinity of Monitor, thence northerly to the junction with state route number 97, approximately 5.0 miles north of Chelan;~~

~~((12)) (21) State route number 101, beginning at the Astoria-Megler bridge, thence north to Fowler street in Raymond; also~~

~~Beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the ((west boundary of the Olympic national park in the vicinity of Lake Crescent; also Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a)) junction with ((the Airport road north of Shelton; also~~

~~Beginning at a junction with state route number 3 south of Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater)) state route number 5 in the vicinity of Olympia;~~

~~((13)) (22) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the ((vicinity of Shine on Hood Canal; also~~

~~Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble)) Kingston ferry crossing;~~

~~((14)) (23) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also~~

~~Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;~~

~~((15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;~~

~~(16)) (24) State route number 109, beginning at a junction with ((a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moelips)) state route number 101 in Hoquiam to a junction with state route number 101 in the vicinity of Queets;~~

~~((17)) (25) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;~~

~~((18)) (26) State route number 116, beginning at the junction with the Chimacum-Beaver Valley road, thence in an easterly direction to Fort Flagler State Park;~~

~~(27) State route number 119, beginning at the junction with state route number 101 at Hoodspert, thence northwesterly to the Mount Rose development intersection;~~

~~(28) State route number 122, Harmony road, between the junction with state route number 12 near Mayfield dam and the junction with state route number 12 in Mossyrock;~~

~~(29) State route number 123, beginning at the junction with state route number 12 in the vicinity of Morton, thence northerly to the junction with state route number 410;~~

~~(30) State route number 129, beginning at the Oregon border, thence northerly to the junction with state route number 12 in Clarkston;~~

~~(31) State route number 141, beginning at the junction with state route number 14 in Bingen, thence northerly to the end of the route at the Skamania county line;~~

~~(32) State route number 142, beginning at the junction with state route number 14 in Lyle, thence northeasterly to the junction with state route number 97, .5 miles from Goldendale;~~

(33) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

~~((19))~~ (34) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence ~~((in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;~~

~~(20) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;~~

~~(21))~~ northerly and westerly to the junction with state route number 215;

(35) State route number 194, beginning at the Port of Almota to the junction with state route number 195 in the vicinity of Pullman;

(36) State route number 202, beginning at the junction with state route number 522, thence in an easterly direction to the junction with state route number 90 in the vicinity of North Bend;

(37) State route number 211, beginning at the junction with state route number 2, thence northerly to the junction with state route number 20 in the vicinity of Usk;

(38) State route number 231, beginning at the junction with state route number 23, in the vicinity of Sprague, thence in a northerly direction to the junction with state route number 2, approximately 2.5 miles west of Reardan;

(39) State route number 261, beginning at the junction with state route number 12 in the vicinity of Delaney, thence northwesterly to the junction with state route number 260;

(40) State route number 262, beginning at the junction with state route number 26, thence northeasterly to the junction with state route number 17 between Moses Lake and Othello;

(41) State route number 272, beginning at the junction with state route number 195 in Colfax, thence easterly to the Idaho state line, approximately 1.5 miles east of Palouse;

(42) State route number 305, beginning at the Winslow ferry dock to the junction with state route number 3 approximately 1.0 mile north of Poulsbo;

(43) State route number 395, beginning at ~~((a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also Beginning at))~~ the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

~~((22))~~ (44) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

~~((23))~~ (45) State route number 410, beginning 4.0 miles east of Enumclaw, thence in an easterly direction to the junction with state route number 12, approximately 3.5 miles west of Naches;

(46) State route number 501, beginning at the junction with state route number 5 in the vicinity of Vancouver, thence northwesterly on the New Lower River road around Vancouver Lake;

(47) State route number 503, beginning at the junction with state route number 500, thence northerly by way of Battle Ground and Yale to the junction with state route number 5 in the vicinity of Woodland;

(48) State route number 504, beginning at a junction with state route number 5 ~~((in the vicinity north of))~~ at Castle Rock, ~~((thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;~~

~~(24))~~ to the end of the route on Johnston Ridge, approximately milepost 52;

(49) State route number 505, beginning at the junction with state route number 504, thence northwesterly by way of Toledo to the junction with state route number 5;

(50) State route number 508, beginning at the junction with state route number 5, thence in an easterly direction to the junction with state route number 7 in Morton;

(51) State route number 525, beginning at ~~((a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly))~~ the ferry toll booth on Whidbey Island to a junction with state route number 20 east of the Keystone ferry slip;

~~((25))~~ (52) State route number 542, beginning at the ~~((Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham))~~ junction with state route number 5, thence easterly to the vicinity of Austin pass in Whatcom county;

~~((26))~~ (53) State route number 547, beginning at the junction with state route number 542 in Kendall, thence northwesterly to the junction with state route number 9 in the vicinity of the Canadian border;

(54) State route number 706, beginning at the junction with state route number 7 in Elbe, in an easterly direction to the end of the route at Mt. Rainier National Park;

(55) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

(56) State route number 971, Navarre Coulee road, between the junction with state route number 97 and the junction with South Lakeshore road.

NEW SECTION. **Sec.** Recognizing that the Intermodal Surface Transportation Efficiency Act of 1991 establishes a national "Scenic Byways" grant program and a new apportionment program called "Transportation Enhancement Activities," the

department of transportation shall place high priority on obtaining funds from those sources for further development of a scenic and recreational highways program, including highway heritage projects on the designated scenic and recreational highway system. The department shall consider the use of the designated system by bicyclists and pedestrians in connection with nonmotorized routes in the state trail plan, and the state bicycle plan which are also eligible for ISTEA funding. Appropriate signage may be used at intersections of nonmotorized and motorized systems to demonstrate the access, location, and the interconnectivity of various modes of travel for transportation and recreation.

NEW SECTION. Sec. A new section is added to chapter 47.39 RCW to read as follows:

In developing the scenic and recreational highways program, the department shall consult with the department of trade and economic development, the department of community development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, state-wide bicycling organizations, and other interested parties. The scenic and recreational highways program may identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

Sec. RCW 47.42.020 and 1991 c 94 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

- (1) "Department" means the Washington state department of transportation.
- (2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.
- (4) "Maintain" means to allow to exist.
- (5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.
- (6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.
- (7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.
- (8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.
- (9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:
 - (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
 - (b) Transient or temporary activities;
 - (c) Railroad tracks and minor sidings;
 - (d) Signs;
 - (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
 - (f) Activities conducted in a building principally used as a residence.If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.
- (10) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.
- (11) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place.

Sec. RCW 47.42.100 and 1974 ex.s. c 154 s 3 are each amended to read as follows:

(1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended, shall be maintained by any person (a) after three years from May 10, 1971, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. Signs located in areas zoned by the governing county for predominantly commercial or industrial uses, that do not have development visible to the highway, as determined by the department, and that were lawfully installed after May 10, 1971, visible to any highway now or hereafter designated by the legislature as part of the scenic system, shall be allowed to be maintained.

Sec. RCW 47.42.140 and 1992 c 26 s 3 are each amended to read as follows:

The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with West Lake Sammamish parkway in the vicinity of Issaquah, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 970 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 970 at Virden, thence via Blewett pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 106 beginning at the junction with state route number 101 in the vicinity of Union, thence northeasterly to the junction with state route number 3 in the vicinity of Belfair.

(8) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

~~((8))~~ (9) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

~~((9))~~ (10) State route number 206, Mt. Spokane Park Drive, beginning at the junction with state route number 2 near the north line section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park.

(11) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

~~((10))~~ (12) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

~~((11))~~ (13) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

~~((12))~~ (14) State route number 970 beginning at a junction with state route number 90 in the vicinity of Cle Elum thence via Teanaway to a junction with state route number 97 in the vicinity of Virden."

On page 1, line 2 of the title, after "47.17.305," strike "and 47.17.577" and insert "47.17.577, 47.39.020, 47.42.020, 47.42.100, and 47.42.140"

On page 1, line 3 of the title, after "47.17 RCW;" insert "adding a new section to chapter 47.39 RCW; creating a new section;"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 2023 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2023 as amended by the Senate.

Representative R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2023 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Heavey and Jacobsen - 2.

Excused: Representative Patterson - 1.

Substitute House Bill No. 2023, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE JOINT MEMORIAL NO. 4003, with the following amendment:

Beginning on page 1, after line 9, strike all material through "Washington." on page 3, line 2, and insert the following:

"WHEREAS, As many as fifteen million wild salmon used to return annually to the Columbia-Snake River system; and WHEREAS, Currently only about two million five hundred thousand salmon return each year; and

WHEREAS, Wild salmon are important to the environmental and cultural heritage of the citizens of the State of Washington; and

WHEREAS, Certain species of salmon have been designated as threatened or endangered under the authority granted by the Federal Endangered Species Act; and

WHEREAS, Fisheries biologists from a variety of disciplines have identified a range of causes of mortality at each stage of the salmon's life cycle, and have agreed that recovery measures must address causes of mortality at each stage of the life cycle; and

WHEREAS, Your Memorialists recognize that successful implementation of the comprehensive regional salmon recovery plan will require sacrifices by all economic stakeholders and substantial investment by the citizens of the region; and

WHEREAS, The Columbia-Snake River system provides substantial economic benefits to the citizens of the State of Washington in the areas of agriculture, navigation, fisheries, energy, industry, recreation, and flood control; and

WHEREAS, Stream flow augmentation is generally believed to provide biological benefits to migrating salmon, but there is continued uncertainty regarding the biological benefits to salmon of flow augmentation achieved by drawing down reservoir levels below minimum operating pool; and

WHEREAS, Drawdowns below minimum operating pool on the Snake River, conducted in March 1992 for the limited purpose of evaluating impact to physical structures and facilities, caused the loss of resident fish, altered wildlife habitat, and increased risks of predation, disrupted navigation, and caused physical property damage to public and private facilities; and

WHEREAS, Salmon migrating upstream to spawn are unable to pass through fish ladder systems when reservoirs are maintained at levels substantially below minimum operating pool; and

WHEREAS, Drawing down Columbia-Snake River system reservoirs below minimum operating pool for extended periods causes substantial economic impacts, including increased costs for Washington's agricultural producers and shippers which jeopardize their ability to compete in global markets; and

WHEREAS, Maintaining reservoir levels at minimum operating pool, with modifications to existing irrigation pump stations on the John Day reservoir, enables the river system to support critical economic activity;

NOW, THEREFORE, Your Memorialists respectfully pray that the officials charged with developing the regional salmon recovery plan carefully consider the biological needs of endangered salmon species, and before drawing down reservoirs below minimum operating pool as part of the regional salmon recovery plan, give the strongest consideration to the economic impact of such drawdowns on the citizens of the State of Washington; and

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Director of the National Marine Fisheries Service, the Assistant Secretary of the Army for Civil Works, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rayburn moved that the House do concur in the Senate amendments to Engrossed House Joint Memorial No. 4003 and pass the memorial as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Joint Memorial Bill No. 4003 as amended by the Senate.

Representative Rayburn spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 4003 as amended by the Senate, and the memorial passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives King and Rust - 2.

Excused: Representative Patterson - 1.

Engrossed House Joint Memorial No. 4003, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION

April 6, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403 with the following amendment:

On page 2, line 2, after "dollar;" strike "and"

On page 2, line 3, after "and" insert "(4) the feasibility of merging the gambling commission, lottery commission, and horse racing commission into one state agency; and"

On page 2, line 4, after "of" strike "ten" and insert "eleven"

On page 2, line 5, after "members," insert "the governor or the governor's designee;" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendments to Engrossed House Concurrent Resolution No. 4403 and adopt the resolution as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE CONCURRENT RESOLUTION AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final adoption of Engrossed House Concurrent Resolution No. 4403 as amended by the Senate.

Representatives Heavey and Lisk spoke in favor of adoption of the resolution.

Engrossed House Concurrent Resolution No. 4403 was adopted.

April 15, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1006 with the following amendment:

On page 3, line 10, after "provisions:" strike "RCW 39.12.030" and insert "Chapter 39.12 RCW" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendment to Substitute House Bill No. 1006 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1006 as amended by the Senate.

Representative R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1006 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1006, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1007 with the following amendment:

On page 6, line 26, after "services" insert "and modes"

On page 6, at the beginning of line 29, strike "allocating funds to public transportation agencies" and insert "existing federal authorizations administered by the department to transit agencies"

On page 6, line 34, after "services," insert "non-motorized interests,"

On page 6, line 38, after "instruction," insert "the office of the governor,"

On page 6, after line 38, insert "The department shall submit an initial report to the legislative transportation committee by December 1, 1993, and shall provide annual reports summarizing the plan's progress each year thereafter." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendments to Engrossed Bill No. 1007 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1007 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1007 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed House Bill No. 100,7 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 50.65.030 and 1987 c 167 s 3 are each amended to read as follows:

The Washington service corps is established within the employment security department. The commissioner shall:

- (1) Appoint a director (~~(for the exchange)~~) and other personnel as necessary to carry out the purposes of this chapter;
- (2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies or departments providing youth services to ensure that funds appropriated for the purposes of this chapter will not be expended to duplicate existing services, but will increase the services of youth to the state;
- (3) The employment security department is authorized to place subgrants with other federal, state, and local governmental agencies and private agencies to provide youth employment projects and to increase the numbers of youth employed;
- (4) Determine appropriate financial support levels by private business, community groups, foundations, public agencies, and individuals which will provide matching funds for enrollees in service projects under work agreements. The matching funds requirement may be waived for public agencies or reduced for private agencies;
- (5) Recruit enrollees who are residents of the state unemployed at the time of application and are at least eighteen years of age but have not reached their twenty-sixth birthday;
- (6) Recruit supervising agencies to host the enrollees in full-time service activities which shall not exceed six months' duration, which may be extended for an additional six months by mutual consent;
- (7) Assist supervising agencies in the development of scholarships and matching funds from private and public agencies, individuals, and foundations in order to support a portion of the enrollee's stipend and benefits;
- (8) Develop general employment guidelines for placement of enrollees in supervising agencies to establish appropriate authority for hiring, firing, grievance procedures, and employment standards which are consistent with state and federal law;
- (9) Match enrollees with appropriate public agencies and available service projects;
- (10) Monitor enrollee activities for compliance with this chapter and compliance with work agreements;
- (11) Assist enrollees in transition to employment upon termination from the programs, including such activities as orientation to the labor market, on-the-job training, and placement in the private sector;
- (12) Establish a program for providing incentives to encourage successful completion of terms of enrollment in the service corps and the continuation of educational pursuits. Such incentives shall be in the form of educational assistance;
- (13) Enter into agreements with the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those participants who may benefit by participation in such classes. Participation is not mandatory but shall be strongly encouraged.

Sec. RCW 50.65.060 and 1987 c 167 s 6 are each amended to read as follows:

Placements in the Washington service corps shall be made in supervising agencies under work agreements as provided under this chapter and shall include those assignments which provide for addressing community needs and conservation problems and will assist the community in economic development efforts. Each work agreement shall:

- (1) Demonstrate that the service project is appropriate for the enrollee's interests, skills, and abilities and that the project is designed to meet unmet community needs;
- (2) Include a requirement of regular performance evaluation. This shall include clear work performance standards set by the supervising agency and procedures for identifying strengths, recommended improvement areas and conditions for probation or dismissal of the enrollee; and
- (3) Include a commitment for partial financial support for the enrollee (~~(for a)~~ from private industry, public (~~(agency)~~) agencies, community groups, or foundations. The commissioner may establish additional standards for the development of placements for enrollees with supervising agencies and assure that the work agreements comply with those standards. This section shall not apply to conservation corps programs established by chapter 43.220 RCW.

Agencies of the state may use the (~~(youth employment exchange)~~) Washington service corps for the purpose of employing youth qualifying under this chapter.

Sec. RCW 50.65.080 and 1983 1st ex.s. c 50 s 8 are each amended to read as follows:

The commissioner shall seek and may accept, on behalf of the (~~(youth employment exchange)~~) Washington service corps, charitable donations of cash and other assistance including, but not limited to, equipment and materials if the donations are available for appropriate use for the purposes set forth in this chapter.

NEW SECTION. Sec. RCW 50.65.900 and 1987 c 167 s 9 & 1983 1st ex.s. c 50 s 14 are each repealed.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 1 of the title, after "corps;" strike the remainder of the title and insert "amending RCW 50.65.030, 50.65.060, and 50.65.080; repealing RCW 50.65.900; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved that the House do not concur in the Senate amendment to Engrossed Substitute House Bill No. 1307 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Locke, Wineberry and Wood as conferees on Engrossed Substitute House Bill No. 1307.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1107, with the following amendment:

On page 1, after line 11, insert the following:

"Sec. RCW 46.37.190 and 1987 c 330 s 710 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the state patrol ~~((or))~~ a publicly~~(-)~~owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(a) An "optical strobe light device" used by emergency vehicles means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the emergency vehicle in which the strobe light device is used to obtain the right of way at intersections.

(b) An "optical strobe light device" used by department of transportation, city, or county maintenance vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the department of transportation maintenance vehicle in which the strobe light device is used to perform maintenance tests.

(c) An "optical strobe light device" used by public transit vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the public transit vehicle in which the strobe light device is used to accelerate the cycle of the traffic control light. For the purposes of this section, "public transit vehicle" means vehicles, owned by a governmental entity, with a seating capacity for twenty-five or more persons and used to provide mass transportation. Public transit vehicles operating an optical strobe light will have second degree priority to emergency vehicles when simultaneously approaching the same traffic control light.

(5) The use of the signal equipment described herein, except the optical strobe light devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

NEW SECTION. Sec. The state patrol shall adopt rules to implement RCW 46.37.190.

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.37.190; adding a new section to chapter 46.61 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1107 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1107 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1107 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed House Bill No. 1107, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1708, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the student learning goals of the governor's council on education reform and funding, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed no later than ~~((February))~~ May 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies of gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ ~~The commission shall begin its substantive work subject to subsection (1) of this section.~~

~~((4))~~ (2) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (3) The commission, with the assistance of the technical advisory committees, shall:

(a) Identify what all elementary and secondary students need to know and be able to do. At a minimum, these essential academic learning requirements shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary grades designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of methodologies, including performance-based measures. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational

support for students who do not master the essential academic learning requirements. Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the academic assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and shall lead to a certificate of mastery. The certificate of mastery shall be required for graduation. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Develop strategies that will assist educators in helping students master the essential academic learning requirements;

(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;

(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;

(h) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary academic assessment systems during the 1995-97 biennium and beyond;

(i) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements;

(j) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section;

(k) Report annually by December 1st to the legislature and the state board of education on the progress, findings, and recommendations of the commission; and

(l) Complete other tasks, as appropriate.

~~((6))~~ (4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

~~((7))~~ (5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

~~((8))~~ (6) The commission shall select an entity to provide staff support and the office of financial management shall contract with that entity. The commission may direct the office of financial management to enter into subcontracts with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

~~((9))~~ (7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28A.630.885; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cothorn moved that the House do not concur in the Senate amendment to Engrossed House Bill No. 1708 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Dorn, Cothorn and Brough as Conferees on Engrossed House Bill No. 1708.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1801 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature declares that the granting of temporary licenses under this act is not intended to be a solution to the shortage of dental hygienists in the state of Washington. The legislature further declares that the long-term solution to these shortages must be addressed by expanding dental hygiene training programs at the state's colleges and universities.

NEW SECTION. Sec. A new section is added to chapter 18.29 RCW to read as follows:

(1) The department shall issue a temporary license without the examination required by this chapter to any applicant who, as determined by the secretary:

- (a) Holds a valid license in another state that allows the scope of practice in subsection (3)(a) through (j) of this section;
- (b) Is currently engaged in active practice in another state. For the purposes of this section, "active practice" means five hundred sixty hours of practice in the preceding twenty-four months;
- (c) Files with the secretary documentation certifying that the applicant:
 - (i) Has graduated from an accredited dental hygiene school approved by the secretary;
 - (ii) Has successfully completed the dental hygiene national board examination; and
 - (iii) Is licensed to practice in another state;
- (d) Provides information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW;
- (e) Demonstrates to the secretary a knowledge of Washington state law pertaining to the practice of dental hygiene, including the administration of legend drugs;
- (f) Pays any required fees; and
- (g) Meets requirements for AIDS education.

(2) The term of the temporary license issued under this section is eighteen months and it is nonrenewable.

(3) A person practicing with a temporary license granted under this section has the authority to perform hygiene procedures that are limited to:

- (a) Oral inspection and measuring of periodontal pockets;
- (b) Patient education in oral hygiene;
- (c) Taking intra-oral and extra-oral radiographs;
- (d) Applying topical preventive or prophylactic agents;
- (e) Polishing and smoothing restorations;
- (f) Oral prophylaxis and removal of deposits and stains from the surface of the teeth;
- (g) Recording health histories;
- (h) Taking and recording blood pressure and vital signs;
- (i) Performing subgingival and supragingival scaling; and
- (j) Performing root planing.

(4)(a) A person practicing with a temporary license granted under this section may not perform the following dental hygiene procedures unless authorized in (b) or (c) of this subsection:

- (i) Give injections of local anesthetic;
- (ii) Place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration;
- (iii) Soft tissue curettage; or

(iv) Administer nitrous oxide/oxygen analgesia.

(b) A person licensed in another state who can demonstrate substantively equivalent licensing standards in the administration of local anesthetic may receive a temporary endorsement to administer local anesthesia.

(c) A person licensed in another state who can demonstrate substantively equivalent licensing standards in restorative procedures may receive a temporary endorsement for restorative procedures.

NEW SECTION. Sec. A new section is added to chapter 18.29 RCW to read as follows:

A person granted a temporary license under this chapter who does not meet the requirements for substantively equivalent licensing standards in restorative or local anesthetic must submit proof of completion of approved education in these procedures before being eligible to take the dental hygiene examination.

NEW SECTION. Sec. A new section is added to chapter 18.29 RCW to read as follows:

The secretary in consultation with the dental hygiene examining committee shall develop rules and definitions to implement this chapter.

NEW SECTION. Sec. A new section is added to chapter 28B.125 RCW to read as follows:

(1) The state board for community and technical colleges, in coordination with the committee under this chapter, shall identify health professional training needs not currently met by community and technical colleges in the state. It shall recommend creation of new training programs necessary to meet the shortages and identify where such programs shall be located within the state's community and technical college system.

(2) Every publicly funded community and technical college identified by the board in subsection (1) of this section shall include in their biennial budget, and institutional plan, a description of the training programs that will be created by the college or institute to alleviate the shortages.

(3) Health personnel shortages shall be determined in accordance with the health personnel resource plan required by this chapter.

NEW SECTION. Sec. Sections 2 through 4 of this act shall expire on June 30, 1997.

NEW SECTION. Sec. (1) The department of health shall report to the legislature by December 1, 1996, on the need to continue granting temporary licenses to dental hygienists. The report shall identify alternatives to granting temporary licenses that meet the same goals and objectives, including increasing the number of dental hygienists trained in the state of Washington.

(2) A temporary licenses granted by the department under sections 2 through 4 of this act is valid for the period issued."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "adding new sections to chapter 18.29 RCW; adding a new section to chapter 28B.125 RCW; creating new sections; and providing an expiration date." and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative L. Johnson moved that the House do concur in the Senate amendment to Substitute Bill No. 1801 and pass the bill as amended by the Senate.

Representative L. Johnson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1801 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1801 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers,

Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1801, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1845, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. It is the intent of the legislature that one-half of those moneys that would otherwise have been paid into the Washington thoroughbred racing fund be retained for the purpose of enhancing purses, excluding stakes purses, until that time as a permanent thoroughbred racing facility is built and operating in western Washington. It is recognized by the Washington legislature that the enhancement in purses provided in this legislation will not directly benefit all race tracks in Washington. It is the legislature's intent that the horse racing commission work with the horse racing community to ensure that this opportunity for increased purses will not inadvertently injure horse racing at tracks not directly benefiting from this legislation.

Sec. RCW 67.16.105 and 1991 c 270 s 6 are each amended to read as follows:

(1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less shall withhold and pay to the commission daily for each authorized day of racing one-half percent of the daily gross receipts from all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section shall withhold and pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee shall withhold and pay to the commission daily two and one-half percent of the daily gross receipts; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee shall withhold and pay to the commission daily one percent of the daily gross receipts.

(3) In addition to those amounts in subsections (1) and (2) of this section, all licensees shall forward one-tenth of one percent of the daily gross receipts of all parimutuel machines to the commission daily for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but said percentage shall not be charged against the licensees. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 and subsection (1) of this section for the five consecutive years immediately preceding the year of payment.

(4) In addition to those sums paid to the commission in subsection (2) of this section, licensees who are nonprofit corporations and have race meets of thirty days or more shall withhold and pay to the commission daily for each authorized day of racing an amount equal to ~~((two))~~ one and ~~((one-half))~~ one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet. Said percentage shall come from that amount the licensee is authorized to retain under RCW 67.16.170(2). The commission shall deposit these moneys in the Washington thoroughbred racing fund created in RCW 67.16.250.

(5) The additional one and one-quarter percent of the moneys allowed to be retained by this section must be used for increased purses. The commission shall adopt such rules as may be necessary to enforce this subsection.

(6) Effective January 1, 1994, the amount of daily gross receipts withheld and paid to the commission, as set out in subsection (4) of this section, shall revert to two and one-half percent of the daily gross receipts of all parimutuel machines at each race meet.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "purses;" strike the remainder of the title and insert "amending RCW 67.16.105; creating a new section; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Holm moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1845 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1845 as amended by the Senate.

Representatives Holm and Foreman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1845 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed House Bill No. 1845, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1013 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6-101 The following acts or parts of acts are repealed:

- (1) RCW 62A.6-101 and 1965 ex.s. c 157 s 6-101;
- (2) RCW 62A.6-102 and 1967 c 114 s 2 & 1965 ex.s. c 157 s 6-102;
- (3) RCW 62A.6-103 and 1965 ex.s. c 157 s 6-103;
- (4) RCW 62A.6-104 and 1975 1st ex.s. c 278 s 33 & 1965 ex.s. c 156 s 6-104;
- (5) RCW 62A.6-105 and 1971 c 23 s 1 & 1965 ex.s. c 157 s 6-105;
- (6) RCW 62A.6-106 and 1965 ex.s. c 157 s 6-106;
- (7) RCW 62A.6-107 and 1975 1st ex.s. c 278 s 34 & 1965 ex.s. c 157 s 6-107;
- (8) RCW 62A.6-108 and 1965 ex.s. c 157 s 6-108;
- (9) RCW 62A.6-109 and 1967 c 114 s 3 & 1965 ex.s. c 157 s 6-109;
- (10) RCW 62A.6-110 and 1965 ex.s. c 157 s 6-110;
- (11) RCW 62A.6-111 and 1965 ex.s. c 157 s 6-111; and
- (12) RCW 62A.9-111 and 1965 ex.s. c 157 s 9-111.

Sec. 6-102. RCW 62A.1-105 and 1981 c 41 s 1 are each amended to read as follows:

(1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this Title applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this Title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. RCW 62A.2-402.

Applicability of the Article on Bank Deposits and Collections. RCW 62A.4-102.

~~(Bulk transfers subject to the Article on Bulk Transfers. RCW 62A.6-102.)~~

Applicability of the Article on Investment Securities. RCW 62A.8-106.

Perfection provisions of the Article on Secured Transactions. RCW 62A.9-103.

Sec. 6-103. RCW 62A.2-403 and 1967 c 114 s 8 are each amended to read as follows:

(1) A purchaser of goods acquires all title which his or her transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

- (a) the transferor was deceived as to the identity of the purchaser, or
- (b) the delivery was in exchange for a check which is later dishonored, or
- (c) it was agreed that the transaction was to be a "cash sale".

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him or her power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the Articles on Secured Transactions (Article 9)(~~(- Bulk Transfers (Article 6))~~) and Documents of Title (Article 7)."

On page 1, line 1 of the title, after "Sales;" strike the remainder of the title and insert "amending RCW 62A.1-105 and 62A.2-403; and repealing RCW 62A.6-101, 62A.6-102, 62A.6-103, 62A.6-104, 62A.6-105, 62A.6-106, 62A.6-107, 62A.6-108, 62A.6-109, 62A.6-110, 62A.6-111, and 62A.9-111." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Substitute House Bill No. 1013 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1013 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1013 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1013, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1014, with the following amendment:

Strike everything after the enacting clause and insert the following:

"ARTICLE 1
GENERAL PROVISIONS

PART 2
GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

Sec. RCW 62A.1-201 and 1992 c 134 s 14 are each amended to read as follows:

Subject to additional definitions contained in the subsequent Articles of this Title which are applicable to specific Articles or Parts thereof, and unless the context otherwise requires, in this Title:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Title (RCW 62A.1-205 and RCW 62A.2-208). Whether an agreement has legal consequences is determined by the provisions of this Title, if applicable; otherwise by the law of contracts (RCW 62A.1-103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or certificated security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. All persons who sell minerals or the like (including oil and gas) at wellhead or minehead shall be deemed to be persons in the business of selling goods of that kind. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this Title and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper, or certificated securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this Title to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" with respect to ~~((an instrument, certificated security, or document of title means the person in possession if (a) in the case of an instrument, it is payable to bearer or to the order of the person in possession, (b) in the case of a security, the person in possession is the registered owner, or the security has been indorsed to the person in possession by the registered owner, or the security is in bearer form, or (c) in the case of a document of title, the goods are deliverable to bearer or to the order of the person in possession))~~ a negotiable instrument, means the person in possession if the instrument is payable to bearer or, in the case of an instrument payable to an identified person, if the identified person is in possession. "Holder" with respect to a document of title means the person in possession if the goods are deliverable to bearer or to the order of the person in possession.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government (~~or intergovernmental organization~~) and includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more nations.

(25) A person has "notice" of a fact when

(a) he has actual knowledge of it; or

(b) he has received a notice or notification of it; or

(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this Title.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this Title.

(30) "Person" includes an individual or an organization (See RCW 62A.1-102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation, except for lease-purchase agreements under chapter 63.19 RCW. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (RCW 62A.2-401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts or chattel paper which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under RCW 62A.2-401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (RCW 62A.2-326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (RCW 62A.3-303, RCW 62A.4-208 and RCW 62A.4-209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a preexisting claim; or

(c) by accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

Sec. RCW 62A.1-207 and 1965 ex.s. c 157 s 1-207 are each amended to read as follows:

(1) A party who, with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest" or the like are sufficient.

(2) Subsection (1) of this section shall not apply to an accord and satisfaction.

ARTICLE 3

~~((COMMERCIAL PAPER))~~ NEGOTIABLE INSTRUMENTS

PART I

~~((SHORT TITLE, FORM AND INTERPRETATION))~~

GENERAL PROVISIONS AND DEFINITIONS

Sec. RCW 62A.3-101 and 1965 ex.s. c 157 s 3-101 are each amended to read as follows:

SHORT TITLE. This Article (~~shall be known as~~) may be cited as Uniform Commercial Code -- (~~Commercial Paper~~) Negotiable Instruments.

Sec. RCW 62A.3-102 and 1965 ex.s. c 157 s 3-102 are each amended to read as follows:

~~((DEFINITIONS AND INDEX OF DEFINITIONS. (1) In this Article unless the context otherwise requires~~

~~(a) "Issue" means the first delivery of an instrument to a holder or a remitter.~~

~~(b) An "order" is a direction to pay and must be more than an authorization or request. It must identify the person to pay with reasonable certainty. It may be addressed to one or more such persons jointly or in the alternative but not in succession.~~

~~(c) A "promise" is an undertaking to pay and must be more than an acknowledgment of an obligation.~~

~~(d) "Secondary party" means a drawer or endorser.~~

~~(e) "Instrument" means a negotiable instrument.~~

~~(2) Other definitions applying to this Article and the sections in which they appear are:~~

~~"Acceptance." RCW 62A.3 410.~~

~~"Accommodation party." RCW 62A.3 415.~~

~~"Alteration." RCW 62A.3 407.~~

~~"Certificate of deposit." RCW 62A.3 104.~~

~~"Certification." RCW 62A.3 411.~~

~~"Check." RCW 62A.3 104.~~

~~"Definite time." RCW 62A.3 109.~~

~~"Dishonor." RCW 62A.3 507.~~

~~"Draft." RCW 62A.3 104.~~

~~"Holder in due course." RCW 62A.3 302.~~

~~"Negotiation." RCW 62A.3 202.~~

~~"Note." RCW 62A.3 104.~~

~~"Notice of dishonor." RCW 62A.3 508.~~

~~"On demand." RCW 62A.3 108.~~

~~"Presentment." RCW 62A.3 504.~~

~~"Protest." RCW 62A.3 509.~~

~~"Restrictive indorsement." RCW 62A.3 205.~~

~~"Signature." RCW 62A.3 401.~~

~~(3) The following definitions in other Articles apply to this Article:~~

~~"Account." RCW 62A.4 104.~~

~~"Banking day." RCW 62A.4 104.~~

~~"Clearing house." RCW 62A.4 104.~~

~~"Collecting bank." RCW 62A.4 105.~~

"Customer." RCW 62A.4-104.
"Depository bank." RCW 62A.4-105.
"Documentary draft." RCW 62A.4-104.
"Intermediary bank." RCW 62A.4-105.
"Item." RCW 62A.4-104.
"Midnight deadline." RCW 62A.4-104.
"Payor bank." RCW 62A.4-105.

~~(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.)~~

SUBJECT MATTER. (a) This Article applies to negotiable instruments. It does not apply to money, to payment orders governed by Article 4A, or to securities governed by Article 8.

(b) If there is conflict between this Article and Article 4 or 9, Articles 4 and 9 govern.

(c) Regulations of the Board of Governors of the Federal Reserve System and operating circulars of the Federal Reserve Banks supersede any inconsistent provision of this Article to the extent of the inconsistency.

Sec. RCW 62A.3-103 and 1965 ex.s. c 157 s 3-103 are each amended to read as follows:

~~((LIMITATIONS ON SCOPE OF ARTICLE. (1) This Article does not apply to money, documents of title or investment securities.~~

~~(2) The provisions of this Article are subject to the provisions of the Article on Bank Deposits and Collections (Article 4) and Secured Transactions (Article 9).))~~

DEFINITIONS. (a) In this Article:

(1) "Acceptor" means a drawee who has accepted a draft.

(2) "Drawee" means a person ordered in a draft to make payment.

(3) "Drawer" means a person who signs or is identified in a draft as a person ordering payment.

(4) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(5) "Maker" means a person who signs or is identified in a note as a person undertaking to pay.

(6) "Order" means a written instruction to pay money signed by the person giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.

(7) "Ordinary care" in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which the person is located, with respect to the business in which the person is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate the bank's prescribed procedures and the bank's procedures do not vary unreasonably from general banking usage not disapproved by this Article or Article 4.

(8) "Party" means a party to an instrument.

(9) "Promise" means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

(10) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(8)).

(11) "Remitter" means a person who purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.

(b) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance" RCW 62A.3-409

"Accommodated party" RCW 62A.3-419

"Accommodation party" RCW 62A.3-419

"Alteration" RCW 62A.3-407

"Anomalous indorsement" RCW 62A.3-205

"Blank indorsement" RCW 62A.3-205

"Cashier's check" RCW 62A.3-104

"Certificate of deposit" RCW 62A.3-104

"Certified check" RCW 62A.3-409

"Check" RCW 62A.3-104

"Consideration" RCW 62A.3-303

"Draft" RCW 62A.3-104

"Holder in due course" RCW 62A.3-302

"Incomplete instrument" RCW 62A.3-115

"Indorsement" RCW 62A.3-204

"Indorser" RCW 62A.3-204

"Instrument" RCW 62A.3-104

"Issue" RCW 62A.3-105

"Issuer" RCW 62A.3-105

"Negotiable instrument" RCW 62A.3-104

"Negotiation" RCW 62A.3-201

"Note" RCW 62A.3-104
"Payable at a definite time" RCW 62A.3-108
"Payable on demand" RCW 62A.3-108
"Payable to bearer" RCW 62A.3-109
"Payable to order" RCW 62A.3-109
"Payment" RCW 62A.3-602
"Person entitled to enforce" RCW 62A.3-301
"Presentment" RCW 62A.3-501
"Reacquisition" RCW 62A.3-207
"Special indorsement" RCW 62A.3-205
"Teller's check" RCW 62A.3-104
"Transfer of instrument" RCW 62A.3-203
"Traveler's check" RCW 62A.3-104
"Value" RCW 62A.3-303

(c) The following definitions in other Articles apply to this Article:

"Bank" RCW 62A.4-105
"Banking day" RCW 62A.4-104
"Clearing house" RCW 62A.4-104
"Collecting bank" RCW 62A.4-105
"Depositary bank" RCW 62A.4-105
"Documentary draft" RCW 62A.4-104
"Intermediary bank" RCW 62A.4-105
"Item" RCW 62A.4-104
"Payor bank" RCW 62A.4-105
"Suspends payments" RCW 62A.4-104

(d) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. RCW 62A.3-104 and 1965 ex.s. c 157 s 3-104 are each amended to read as follows:

~~((FORM OF NEGOTIABLE INSTRUMENTS; "DRAFT"; "CHECK"; "CERTIFICATE OF DEPOSIT"; "NOTE". (1)~~

~~Any writing to be a negotiable instrument within this Article must~~

~~(a) be signed by the maker or drawer; and~~

~~(b) contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this Article; and~~

~~(c) be payable on demand or at a definite time; and~~

~~(d) be payable to order or to bearer.~~

~~(2) A writing which complies with the requirements of this section is~~

~~(a) a "draft" ("bill of exchange") if it is an order;~~

~~(b) a "check" if it is a draft drawn on a bank and payable on demand;~~

~~(c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;~~

~~(d) a "note" if it is a promise other than a certificate of deposit.~~

~~(3) As used in other Articles of this Title, and as the context may require, the terms "draft", "check", "certificate of deposit" and "note" may refer to instruments which are not negotiable within this Article as well as to instruments which are so negotiable.)~~

NEGOTIABLE INSTRUMENT. (a) Except as provided in subsections (c) and (d), "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) Is payable on demand or at a definite time; and

(3) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, or (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor.

(b) "Instrument" means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except subsection (a)(1), and otherwise falls within the definition of "check" in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this Article.

(e) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

(f) "Check" means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank, or (ii) a cashier's check or teller's check. An instrument may be a check even though it is described on its face by another term, such as "money order."

(g) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) "Teller's check" means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) "Traveler's check" means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term "traveler's check" or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

Sec. RCW 62A.3-105 and 1965 ex.s. c 157 s 3-105 are each amended to read as follows:

~~((WHEN PROMISE OR ORDER UNCONDITIONAL. (1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument~~

~~(a) is subject to implied or constructive conditions; or~~

~~(b) states its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or~~

~~(c) refers to or states that it arises out of a separate agreement or refers to a separate agreement for rights as to prepayment or acceleration; or~~

~~(d) states that it is drawn under a letter of credit; or~~

~~(e) states that it is secured, whether by mortgage, reservation of title or otherwise; or~~

~~(f) indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or~~

~~(g) is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or~~

~~(h) is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.~~

~~(2) A promise or order is not unconditional if the instrument~~

~~(a) states that it is subject to or governed by any other agreement; or~~

~~(b) states that it is to be paid only out of a particular fund or source except as provided in this section.))~~

ISSUE OF INSTRUMENT. (a) "Issue" means the first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person.

(b) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(c) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

Sec. RCW 62A.3-106 and 1989 c 13 s 1 are each amended to read as follows:

~~((SUM CERTAIN DEFINITIONS. (1) The sum payable is a sum certain even though it is to be paid~~

~~(a) with stated interest or by stated installments; or~~

~~(b) with stated different rates of interest before and after default or a specified date; or~~

~~(c) with a stated discount or addition if paid before or after the date fixed for payment; or~~

~~(d) with exchange or less exchange, whether at a fixed rate or at the current rate; or~~

~~(e) with costs of collection or an attorney's fee or both upon default.~~

~~(2) A rate of interest that cannot be calculated by looking only to the instrument is a stated rate of interest in subsection (1) of this section if the rate during any period is readily ascertainable by a reference in the instrument to a published statute, regulation, rule of court, generally accepted commercial or financial index, compendium of interest rates, or announced or established rate of one or more named financial institutions.~~

~~(3) Graduated, variable, annuity or price level adjusted payments are stated installments in subsection (1) of this section if such payments are provided for in the instrument.~~

~~(4) Nothing in this section shall validate any term which is otherwise illegal.))~~

UNCONDITIONAL PROMISE OR ORDER. (a) Except as provided in this section, for the purposes of RCW 62A.3-104(a), a promise or order is unconditional unless it states (i) an express condition to payment, (ii) that the promise or order is subject to or governed by another writing, or (iii) that rights or obligations with respect to the promise or order are stated in another writing. A reference to another writing does not of itself make the promise or order conditional.

(b) A promise or order is not made conditional (i) by a reference to another writing for a statement of rights with respect to collateral, prepayment, or acceleration, or (ii) because payment is limited to resort to a particular fund or source.

(c) If a promise or order requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the promise or order, the condition does not make the promise or order conditional for the purposes of RCW 62A.3-104(a). If the person whose specimen signature appears on an instrument fails to countersign the instrument, the failure to

countersign is a defense to the obligation of the issuer, but the failure does not prevent a transferee of the instrument from becoming a holder of the instrument.

(d) If a promise or order at the time it is issued or first comes into possession of a holder contains a statement, required by applicable statutory or administrative law, to the effect that the rights of a holder or transferee are subject to claims or defenses that the issuer could assert against the original payee, the promise or order is not thereby made conditional for the purposes of RCW 62A.3-104(a); but if the promise or order is an instrument, there cannot be a holder in due course of the instrument.

Sec. RCW 62A.3-107 and 1965 ex.s. c 157 s 3-107 are each amended to read as follows:

~~((MONEY. (1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.~~

~~(2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and, unless a different medium of payment is specified in the instrument, may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand. If such an instrument specifies a foreign currency as the medium of payment the instrument is payable in that currency.))~~

INSTRUMENT PAYABLE IN FOREIGN MONEY. Unless the instrument otherwise provides, an instrument that states the amount payable in foreign money may be paid in the foreign money or in an equivalent amount in dollars calculated by using the current bank-offered spot rate at the place of payment for the purchase of dollars on the day on which the instrument is paid.

Sec. RCW 62A.3-108 and 1965 ex.s. c 157 s 3-108 are each amended to read as follows:

~~((PAYABLE ON DEMAND. Instruments payable on demand include those payable at sight or on presentation and those in which no time for payment is stated.))~~

PAYABLE ON DEMAND OR AT DEFINITE TIME. (a) A promise or order is "payable on demand" if it (i) states that it is payable on demand or at sight, or otherwise indicates that it is payable at the will of the holder, or (ii) does not state any time of payment.

(b) A promise or order is "payable at a definite time" if it is payable on elapse of a definite period of time after sight or acceptance or at a fixed date or dates or at a time or times readily ascertainable at the time the promise or order is issued, subject to rights of (i) prepayment, (ii) acceleration, (iii) extension at the option of the holder, or (iv) extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event.

(c) If an instrument, payable at a fixed date, is also payable upon demand made before the fixed date, the instrument is payable on demand until the fixed date and, if demand for payment is not made before that date, becomes payable at a definite time on the fixed date.

Sec. RCW 62A.3-109 and 1989 c 13 s 2 are each amended to read as follows:

~~((DEFINITE TIME. (1) An instrument is payable at a definite time if by its terms it is payable~~

~~(a) on or before a stated date or at a fixed period after a stated date; or~~

~~(b) at a fixed period after sight; or~~

~~(c) at a definite time subject to any acceleration; or~~

~~(d) at a definite time subject to extension at the option of the holder, or to extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event; or~~

~~(e) by variable, graduated, annuity or price level adjusted payments.~~

~~(2) An instrument which by its terms is otherwise payable only upon an act or event uncertain as to time of occurrence is not payable at a definite time even though the act or event has occurred.))~~

PAYABLE TO BEARER OR TO ORDER. (a) A promise or order is payable to bearer if it:

(1) States that it is payable to bearer or to the order of bearer or otherwise indicates that the person in possession of the promise or order is entitled to payment;

(2) Does not state a payee; or

(3) States that it is payable to or to the order of cash or otherwise indicates that it is not payable to an identified person.

(b) A promise or order that is not payable to bearer is payable to order if it is payable (i) to the order of an identified person or (ii) to an identified person or order. A promise or order that is payable to order is payable to the identified person.

(c) An instrument payable to bearer may become payable to an identified person if it is specially indorsed pursuant to RCW 62A.3-205(a). An instrument payable to an identified person may become payable to bearer if it is indorsed in blank pursuant to RCW 62A.3-205(b).

Sec. RCW 62A.3-110 and 1965 ex.s. c 157 s 3-110 are each amended to read as follows:

~~((PAYABLE TO ORDER. (1) An instrument is payable to order when by its terms it is payable to the order or assigns of any person therein specified with reasonable certainty, or to him or his order, or when it is conspicuously designated on its face as "exchange" or the like and names a payee. It may be payable to the order of~~

~~(a) the maker or drawer; or~~

~~(b) the drawee; or~~

(e) a payee who is not maker, drawer or drawee; or
(d) two or more payees together or in the alternative; or
(e) an estate, trust or fund, in which case it is payable to the order of the representative of such estate, trust or fund or his successors; or
(f) an office, or an officer by his title as such in which case it is payable to the principal but the incumbent of the office or his successors may act as if he or they were the holder; or
(g) a partnership or unincorporated association, in which case it is payable to the partnership or association and may be indorsed or transferred by any person thereto authorized.
(2) An instrument not payable to order is not made so payable by such words as "payable upon return of this instrument properly indorsed."
(3) An instrument made payable both to order and to bearer is payable to order unless the bearer words are handwritten or typewritten.))

IDENTIFICATION OF PERSON TO WHOM INSTRUMENT IS PAYABLE. (a) The person to whom an instrument is initially payable is determined by the intent of the person, whether or not authorized, signing as, or in the name or behalf of, the issuer of the instrument. The instrument is payable to the person intended by the signer even if that person is identified in the instrument by a name or other identification that is not that of the intended person. If more than one person signs in the name or behalf of the issuer of an instrument and all the signers do not intend the same person as payee, the instrument is payable to any person intended by one or more of the signers.

(b) If the signature of the issuer of an instrument is made by automated means, such as a check-writing machine, the payee of the instrument is determined by the intent of the person who supplied the name or identification of the payee, whether or not authorized to do so.

(c) A person to whom an instrument is payable may be identified in any way, including by name, identifying number, office, or account number. For the purpose of determining the holder of an instrument, the following rules apply:

(1) If an instrument is payable to an account and the account is identified only by number, the instrument is payable to the person to whom the account is payable. If an instrument is payable to an account identified by number and by the name of a person, the instrument is payable to the named person, whether or not that person is the owner of the account identified by number.

(2) If an instrument is payable to:

(i) A trust, an estate, or a person described as trustee or representative of a trust or estate, the instrument is payable to the trustee, the representative, or a successor of either, whether or not the beneficiary or estate is also named;

(ii) A person described as agent or similar representative of a named or identified person, the instrument is payable to the represented person, the representative, or a successor of the representative;

(iii) A fund or organization that is not a legal entity, the instrument is payable to a representative of the members of the fund or organization; or

(iv) An office or to a person described as holding an office, the instrument is payable to the named person, the incumbent of the office, or a successor to the incumbent.

(d) If an instrument is payable to two or more persons alternatively, it is payable to any of them and may be negotiated, discharged, or enforced by any or all of them in possession of the instrument. If an instrument is payable to two or more persons not alternatively, it is payable to all of them and may be negotiated, discharged, or enforced only by all of them. If an instrument payable to two or more persons is ambiguous as to whether it is payable to the persons alternatively, the instrument is payable to the persons alternatively.

Sec. RCW 62A.3-111 and 1965 ex.s. c 157 s 3-111 are each amended to read as follows:

~~((PAYABLE TO BEARER. An instrument is payable to bearer when by its terms it is payable to~~

~~(a) bearer or the order of bearer; or~~

~~(b) a specified person or bearer; or~~

~~(c) "cash" or the order of "cash", or any other indication which does not purport to designate a specific payee.))~~

PLACE OF PAYMENT. Except as otherwise provided for items in Article 4, an instrument is payable at the place of payment stated in the instrument. If no place of payment is stated, an instrument is payable at the address of the drawee or maker stated in the instrument. If no address is stated, the place of payment is the place of business of the drawee or maker. If a drawee or maker has more than one place of business, the place of payment is any place of business of the drawee or maker chosen by the person entitled to enforce the instrument. If the drawee or maker has no place of business, the place of payment is the residence of the drawee or maker.

Sec. RCW 62A.3-112 and 1965 ex.s. c 157 s 3-112 are each amended to read as follows:

~~((TERMS AND OMISSIONS NOT AFFECTING NEGOTIABILITY. (1) The negotiability of an instrument is not affected by~~

~~(a) the omission of a statement of any consideration or of the place where the instrument is drawn or payable; or~~

~~(b) a statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or that in case of default on those obligations the holder may realize on or dispose of the collateral; or~~

~~(c) a promise or power to maintain or protect collateral or to give additional collateral; or~~

~~(d) a term authorizing a confession of judgment on the instrument if it is not paid when due; or~~

~~(e) a term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or
(f) a term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or
(g) a statement in a draft drawn in a set of parts (RCW 62A.3-801) to the effect that the order is effective only if no other part has been honored.~~

~~(2) Nothing in this section shall validate any term which is otherwise illegal.))~~

INTEREST. (a) Unless otherwise provided in the instrument, (i) an instrument is not payable with interest, and (ii) interest on an interest-bearing instrument is payable from the date of the instrument.

(b) Interest may be stated in an instrument as a fixed or variable amount of money or it may be expressed as a fixed or variable rate or rates. The amount or rate of interest may be stated or described in the instrument in any manner and may require reference to information not contained in the instrument. If an instrument provides for interest, but the amount of interest payable cannot be ascertained from the description, interest is payable at the judgment rate in effect at the place of payment of the instrument and at the time interest first accrues.

Sec. RCW 62A.3-113 and 1965 ex.s. c 157 s 3-113 are each amended to read as follows:

~~((SEAL. An instrument otherwise negotiable is within this Article even though it is under a seal.))~~

DATE OF INSTRUMENT. (a) An instrument may be antedated or postdated. The date stated determines the time of payment if the instrument is payable at a fixed period after date. Except as provided in RCW 62A.4-401(c), an instrument payable on demand is not payable before the date of the instrument.

(b) If an instrument is undated, its date is the date of its issue or, in the case of an unissued instrument, the date it first comes into possession of a holder.

Sec. RCW 62A.3-114 and 1965 ex.s. c 157 s 3-114 are each amended to read as follows:

~~((DATE, ANTEDATING, POSTDATING. (1) The negotiability of an instrument is not affected by the fact that it is undated, antedated or postdated.~~

~~(2) Where an instrument is antedated or postdated the time when it is payable is determined by the stated date if the instrument is payable on demand or at a fixed period after date.~~

~~(3) Where the instrument or any signature thereon is dated, the date is presumed to be correct.))~~

CONTRADICTORY TERMS OF INSTRUMENT. If an instrument contains contradictory terms, typewritten terms prevail over printed terms, handwritten terms prevail over both, and words prevail over numbers.

Sec. RCW 62A.3-115 and 1965 ex.s. c 157 s 3-115 are each amended to read as follows:

~~((INCOMPLETE INSTRUMENTS. (1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.~~

~~(2) If the completion is unauthorized the rules as to material alteration apply (RCW 62A.3-407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting.))~~

INCOMPLETE INSTRUMENT. (a) "Incomplete instrument" means a signed writing, whether or not issued by the signer, the contents of which show at the time of signing that it is incomplete but that the signer intended it to be completed by the addition of words or numbers.

(b) Subject to subsection (c), if an incomplete instrument is an instrument under RCW 62A.3-104, it may be enforced according to its terms if it is not completed, or according to its terms as augmented by completion. If an incomplete instrument is not an instrument under RCW 62A.3-104, but, after completion, the requirements of RCW 62A.3-104 are met, the instrument may be enforced according to its terms as augmented by completion.

(c) If words or numbers are added to an incomplete instrument without authority of the signer, there is an alteration of the incomplete instrument under RCW 62A.3-407.

(d) The burden of establishing that words or numbers were added to an incomplete instrument without authority of the signer is on the person asserting the lack of authority.

Sec. RCW 62A.3-116 and 1965 ex.s. c 157 s 3-116 are each amended to read as follows:

~~((INSTRUMENTS PAYABLE TO TWO OR MORE PERSONS. An instrument payable to the order of two or more persons~~

~~(a) if in the alternative is payable to any one of them and may be negotiated, discharged or enforced by any of them who has possession of it;~~

~~(b) if not in the alternative is payable to all of them and may be negotiated, discharged or enforced only by all of them.))~~

JOINT AND SEVERAL LIABILITY; CONTRIBUTION. (a) Except as otherwise provided in the instrument, two or more persons who have the same liability on an instrument as makers, drawers, acceptors, indorsers who indorse as joint payees, or anomalous indorsers are jointly and severally liable in the capacity in which they sign.

(b) Except as provided in RCW 62A.3-419(e) or by agreement of the affected parties, a party having joint and several liability who pays the instrument is entitled to receive from any party having the same joint and several liability contribution in accordance with applicable law.

(c) Discharge of one party having joint and several liability by a person entitled to enforce the instrument does not affect the right under subsection (b) of a party having the same joint and several liability to receive contribution from the party discharged.

Sec. RCW 62A.3-117 and 1965 ex.s. c 157 s 3-117 are each amended to read as follows:

~~((INSTRUMENTS PAYABLE WITH WORDS OF DESCRIPTION. An instrument made payable to a named person with the addition of words describing him~~

~~(a) as agent or officer of a specified person is payable to his principal but the agent or officer may act as if he were the holder;~~

~~(b) as any other fiduciary for a specified person or purpose is payable to the payee and may be negotiated, discharged or enforced by him;~~

~~(c) in any other manner is payable to the payee unconditionally and the additional words are without effect on subsequent parties.))~~

OTHER AGREEMENTS AFFECTING INSTRUMENT. Subject to applicable law regarding exclusion of proof of contemporaneous or previous agreements, the obligation of a party to an instrument to pay the instrument may be modified, supplemented, or nullified by a separate agreement of the obligor and a person entitled to enforce the instrument, if the instrument is issued or the obligation is incurred in reliance on the agreement or as part of the same transaction giving rise to the agreement. To the extent an obligation is modified, supplemented, or nullified by an agreement under this section, the agreement is a defense to the obligation.

Sec. RCW 62A.3-118 and 1965 ex.s. c 157 s 3-118 are each amended to read as follows:

~~((AMBIGUOUS TERMS AND RULES OF CONSTRUCTION. The following rules apply to every instrument:~~

~~(a) Where there is doubt whether the instrument is a draft or a note the holder may treat it as either. A draft drawn on the drawer is effective as a note.~~

~~(b) Handwritten terms control typewritten and printed terms, and typewritten control printed.~~

~~(c) Words control figures except that if the words are ambiguous figures control.~~

~~(d) Unless otherwise specified a provision for interest means interest at the judgment rate at the place of payment from the date of the instrument, or if it is undated from the date of issue.~~

~~(e) Unless the instrument otherwise specifies two or more persons who sign as maker, acceptor or drawer or indorser and as a part of the same transaction are jointly and severally liable even though the instrument contains such words as "I promise to pay."~~

~~(f) Unless otherwise specified consent to extension authorizes a single extension for not longer than the original period. A consent to extension, expressed in the instrument, is binding on secondary parties and accommodation makers. A holder may not exercise his option to extend an instrument over the objection of a maker or acceptor or other party who in accordance with RCW 62A.3-604 tenders full payment when the instrument is due.))~~

STATUTE OF LIMITATIONS. (a) Except as provided in subsection (e), an action to enforce the obligation of a party to pay a note payable at a definite time must be commenced within six years after the due date or dates stated in the note or, if a due date is accelerated, within six years after the accelerated due date.

(b) Except as provided in subsection (d) or (e), if demand for payment is made to the maker of a note payable on demand, an action to enforce the obligation of a party to pay the note must be commenced within six years after the demand. If no demand for payment is made to the maker, an action to enforce the note is barred if neither principal nor interest on the note has been paid for a continuous period of ten years.

(c) Except as provided in subsection (d), an action to enforce the obligation of a party to an unaccepted draft to pay the draft must be commenced within three years after dishonor of the draft or ten years after the date of the draft, whichever period expires first.

(d) An action to enforce the obligation of the acceptor of a certified check or the issuer of a teller's check, cashier's check, or traveler's check must be commenced within three years after demand for payment is made to the acceptor or issuer, as the case may be.

(e) An action to enforce the obligation of a party to a certificate of deposit to pay the instrument must be commenced within six years after demand for payment is made to the maker, but if the instrument states a due date and the maker is not required to pay before that date, the six-year period begins when a demand for payment is in effect and the due date has passed.

(f) An action to enforce the obligation of a party to pay an accepted draft, other than a certified check, must be commenced (i) within six years after the due date or dates stated in the draft or acceptance if the obligation of the acceptor is payable at a definite time, or (ii) within six years after the date of the acceptance if the obligation of the acceptor is payable on demand.

(g) Unless governed by other law regarding claims for indemnity or contribution, an action (i) for conversion of an instrument, for money had and received, or like action based on conversion, (ii) for breach of warranty, or (iii) to enforce an obligation, duty, or right arising under this Article and not governed by this section must be commenced within three years after the cause of action accrues.

Sec. RCW 62A.3-119 and 1965 ex.s. c 157 s 3-119 are each amended to read as follows:

~~((OTHER WRITINGS AFFECTING INSTRUMENT. (1) As between the obligor and his immediate obligee or any transferee the terms of an instrument may be modified or affected by any other written agreement executed as a part of the same transaction, except that a holder in due course is not affected by any limitation of his rights arising out of the separate written agreement if he had no notice of the limitation when he took the instrument.~~

~~(2) A separate agreement does not affect the negotiability of an instrument.))~~

NOTICE OF RIGHT TO DEFEND ACTION. In an action for breach of an obligation for which a third person is answerable over pursuant to this Article or Article 4, the defendant may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over. If the notice states (i) that the person notified may come in and defend and (ii) that failure to do so will bind the person notified in an action later brought by the person giving the notice as to any determination of fact common to the two litigations, the person notified is so bound unless after reasonable receipt of the notice the person notified does come in and defend.

PART 2

NEGOTIATION, TRANSFER, AND ((NEGOTIATION)) INDORSEMENT

Sec. RCW 62A.3-201 and 1965 ex.s. c 157 s 3-201 are each amended to read as follows:

~~((TRANSFER: RIGHT TO INDORSEMENT. (1) Transfer of an instrument vests in the transferee such rights as the transferor has therein, except that a transferee who has himself been a party to any fraud or illegality affecting the instrument or who as a prior holder had notice of a defense or claim against it cannot improve his position by taking from a later holder in due course.~~

~~(2) A transfer of a security interest in an instrument vests the foregoing rights in the transferee to the extent of the interest transferred.~~

~~(3) Unless otherwise agreed any transfer for value of an instrument not then payable to bearer gives the transferee the specifically enforceable right to have the unqualified indorsement of the transferor. Negotiation takes effect only when the indorsement is made and until that time there is no presumption that the transferee is the owner.))~~

NEGOTIATION. (a) "Negotiation" means a transfer of possession, whether voluntary or involuntary, of an instrument by a person other than the issuer to a person who thereby becomes its holder.

(b) Except for negotiation by a remitter, if an instrument is payable to an identified person, negotiation requires transfer of possession of the instrument and its indorsement by the holder. If an instrument is payable to bearer, it may be negotiated by transfer of possession alone.

Sec. RCW 62A.3-202 and 1965 ex.s. c 157 s 3-202 are each amended to read as follows:

~~((NEGOTIATION. (1) Negotiation is the transfer of an instrument in such form that the transferee becomes a holder. If the instrument is payable to order it is negotiated by delivery with any necessary indorsement; if payable to bearer it is negotiated by delivery.~~

~~(2) An indorsement must be written by or on behalf of the holder and on the instrument or on a paper so firmly affixed thereto as to become a part thereof.~~

~~(3) An indorsement is effective for negotiation only when it conveys the entire instrument or any unpaid residue. If it purports to be of less it operates only as a partial assignment.~~

~~(4) Words of assignment, condition, waiver, guaranty, limitation or disclaimer of liability and the like accompanying an indorsement do not affect its character as an indorsement.))~~

NEGOTIATION SUBJECT TO RESCISSION. (a) Negotiation is effective even if obtained (i) from an infant, a corporation exceeding its powers, or a person without capacity, (ii) by fraud, duress, or mistake, or (iii) in breach of duty or as part of an illegal transaction.

(b) To the extent permitted by other law, negotiation may be rescinded or may be subject to other remedies, but those remedies may not be asserted against a subsequent holder in due course or a person paying the instrument in good faith and without knowledge of facts that are a basis for rescission or other remedy.

Sec. RCW 62A.3-203 and 1965 ex.s. c 157 s 3-203 are each amended to read as follows:

~~((WRONG OR MISSPELLED NAME. Where an instrument is made payable to a person under a misspelled name or one other than his own he may indorse in that name or his own or both; but signature in both names may be required by a person paying or giving value for the instrument.))~~

TRANSFER OF INSTRUMENT; RIGHTS ACQUIRED BY TRANSFER. (a) An instrument is transferred when it is delivered by a person other than its issuer for the purpose of giving to the person receiving delivery the right to enforce the instrument.

(b) Transfer of an instrument, whether or not the transfer is a negotiation, vests in the transferee any right of the transferor to enforce the instrument, including any right as a holder in due course, but the transferee cannot acquire rights of a holder in due course by a transfer, directly or indirectly, from a holder in due course if the transferee engaged in fraud or illegality affecting the instrument.

(c) Unless otherwise agreed, if an instrument is transferred for value and the transferee does not become a holder because of lack of indorsement by the transferor, the transferee has a specifically enforceable right to the unqualified indorsement of the transferor, but negotiation of the instrument does not occur until the indorsement is made.

(d) If a transferor purports to transfer less than the entire instrument, negotiation of the instrument does not occur. The transferee obtains no rights under this Article and has only the rights of a partial assignee.

Sec. RCW 62A.3-204 and 1965 ex.s. c 157 s 3-204 are each amended to read as follows:

~~((SPECIAL INDORSEMENT; BLANK INDORSEMENT. (1) A special indorsement specifies the person to whom or to whose order it makes the instrument payable. Any instrument specially indorsed becomes payable to the order of the special indorsee and may be further negotiated only by his indorsement.~~

~~(2) An indorsement in blank specifies no particular indorsee and may consist of a mere signature. An instrument payable to order and indorsed in blank becomes payable to bearer and may be negotiated by delivery alone until specially indorsed.~~

~~(3) The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.))~~

INDORSEMENT. (a) "Indorsement" means a signature, other than that of a signer as maker, drawer, or acceptor, that alone or accompanied by other words is made on an instrument for the purpose of (i) negotiating the instrument, (ii) restricting payment of the instrument, or (iii) incurring indorser's liability on the instrument, but regardless of the intent of the signer, a signature and its accompanying words is an indorsement unless the accompanying words, terms of the instrument, place of the signature, or other circumstances unambiguously indicate that the signature was made for a purpose other than indorsement. For the purpose of determining whether a signature is made on an instrument, a paper affixed to the instrument is a part of the instrument.

(b) "Indorser" means a person who makes an indorsement.

(c) For the purpose of determining whether the transferee of an instrument is a holder, an indorsement that transfers a security interest in the instrument is effective as an unqualified indorsement of the instrument.

(d) If an instrument is payable to a holder under a name that is not the name of the holder, indorsement may be made by the holder in the name stated in the instrument or in the holder's name or both, but signature in both names may be required by a person paying or taking the instrument for value or collection.

Sec. RCW 62A.3-205 and 1965 ex.s. c 157 s 3-205 are each amended to read as follows:

~~((RESTRICTIVE ENDORSEMENTS. An indorsement is restrictive which either~~

~~(a) is conditional; or~~

~~(b) purports to prohibit further transfer of the instrument; or~~

~~(c) includes the words "for collection", "for deposit", "pay any bank", or like terms signifying a purpose of deposit or collection; or~~

~~(d) otherwise states that it is for the benefit or use of the indorser or of another person.))~~

SPECIAL INDORSEMENT; BLANK INDORSEMENT; ANOMALOUS INDORSEMENT. (a) If an indorsement is made by the holder of an instrument, whether payable to an identified person or payable to bearer, and the indorsement identifies a person to whom it makes the instrument payable, it is a "special indorsement." When specially indorsed, an instrument becomes payable to the identified person and may be negotiated only by the indorsement of that person. The principles stated in RCW 62A.3-110 apply to special endorsements.

(b) If an indorsement is made by the holder of an instrument and it is not a special indorsement, it is a "blank indorsement." When indorsed in blank, an instrument becomes payable to bearer and may be negotiated by transfer of possession alone until specially indorsed.

(c) The holder may convert a blank indorsement that consists only of a signature into a special indorsement by writing, above the signature of the indorser, words identifying the person to whom the instrument is made payable.

(d) "Anomalous indorsement" means an indorsement made by a person who is not the holder of the instrument. An anomalous indorsement does not affect the manner in which the instrument may be negotiated.

Sec. RCW 62A.3-206 and 1965 ex.s. c 157 s 3-206 are each amended to read as follows:

~~((EFFECT OF RESTRICTIVE INDORSEMENT. (1) No restrictive indorsement prevents further transfer or negotiation of the instrument.~~

~~(2) An intermediary bank, or a payor bank which is not the depositary bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor or the person presenting for payment.~~

~~(3) Except for an intermediary bank, any transferee under an indorsement which is conditional or includes the words "for collection", "for deposit", "pay any bank", or like terms (subparagraphs (a) and (c) of RCW 62A.3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such transferee is a holder in due course if he otherwise complies with the requirements of RCW 62A.3-302 on what constitutes a holder in due course.~~

~~(4) The first taker under an indorsement for the benefit of the indorser or another person (subparagraph (d) of RCW 62A.3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such taker is a holder in due course if he otherwise~~

complies with the requirements of RCW 62A.3-302 on what constitutes a holder in due course. A later holder for value is neither given notice nor otherwise affected by such restrictive indorsement unless he has knowledge that a fiduciary or other person has negotiated the instrument in any transaction for his own benefit or otherwise in breach of duty (subsection (2) of RCW 62A.3-304-:))

RESTRICTIVE INDORSEMENT. (a) An indorsement limiting payment to a particular person or otherwise prohibiting further transfer or negotiation of the instrument is not effective to prevent further transfer or negotiation of the instrument.

(b) An indorsement stating a condition to the right of the indorsee to receive payment does not affect the right of the indorsee to enforce the instrument. A person paying the instrument or taking it for value or collection may disregard the condition, and the rights and liabilities of that person are not affected by whether the condition has been fulfilled.

(c) If an instrument bears an indorsement (i) described in RCW 62A.4-201(b), or (ii) in blank or to a particular bank using the words "for deposit," "for collection," or other words indicating a purpose of having the instrument collected by a bank for the indorser or for a particular account, the following rules apply:

(1) A person, other than a bank, who purchases the instrument when so indorsed converts the instrument unless the amount paid for the instrument is received by the indorser or applied consistently with the indorsement.

(2) A depository bank that purchases the instrument or takes it for collection when so indorsed converts the instrument unless the amount paid by the bank with respect to the instrument is received by the indorser or applied consistently with the indorsement.

(3) A payor bank that is also the depository bank or that takes the instrument for immediate payment over the counter from a person other than a collecting bank converts the instrument unless the proceeds of the instrument are received by the indorser or applied consistently with the indorsement.

(4) Except as otherwise provided in subsection (c)(3), a payor bank or intermediary bank may disregard the indorsement and is not liable if the proceeds of the instrument are not received by the indorser or applied consistently with the indorsement.

(d) Except for an indorsement covered by subsection (c), if an instrument bears an indorsement using words to the effect that payment is to be made to the indorsee as agent, trustee, or other fiduciary for the benefit of the indorser or another person, the following rules apply:

(1) Unless there is notice of breach of fiduciary duty as provided in RCW 62A.3-307, a person who purchases the instrument from the indorsee or takes the instrument from the indorsee for collection or payment may pay the proceeds of payment or the value given for the instrument to the indorsee without regard to whether the indorsee violates a fiduciary duty to the indorser.

(2) A subsequent transferee of the instrument or person who pays the instrument is neither given notice nor otherwise affected by the restriction in the indorsement unless the transferee or payor knows that the fiduciary dealt with the instrument or its proceeds in breach of fiduciary duty.

(e) The presence on an instrument of an indorsement to which this section applies does not prevent a purchaser of the instrument from becoming a holder in due course of the instrument unless the purchaser is a converter under subsection (c) or has notice or knowledge of breach of fiduciary duty as stated in subsection (d).

(f) In an action to enforce the obligation of a party to pay the instrument, the obligor has a defense if payment would violate an indorsement to which this section applies and the payment is not permitted by this section.

Sec. RCW 62A.3-207 and 1965 ex.s. c 157 s 3-207 are each amended to read as follows:

~~((NEGOTIATION EFFECTIVE ALTHOUGH IT MAY BE RESCINDED. (1) Negotiation is effective to transfer the instrument although the negotiation is~~

~~(a) made by an infant, a corporation exceeding its powers, or any other person without capacity; or~~

~~(b) obtained by fraud, duress or mistake of any kind; or~~

~~(c) part of an illegal transaction; or~~

~~(d) made in breach of duty.~~

~~(2) Except as against a subsequent holder in due course such negotiation is in an appropriate case subject to rescission, the declaration of a constructive trust or any other remedy permitted by law-))~~

REACQUISITION. Reacquisition of an instrument occurs if it is transferred to a former holder, by negotiation or otherwise. A former holder who reacquires the instrument may cancel endorsements made after the reacquirer first became a holder of the instrument. If the cancellation causes the instrument to be payable to the reacquirer or to bearer, the reacquirer may negotiate the instrument. An indorser whose indorsement is canceled is discharged, and the discharge is effective against any subsequent holder.

PART 3

~~((RIGHTS OF A HOLDER))~~ ENFORCEMENT OF INSTRUMENTS

Sec. RCW 62A.3-301 and 1965 ex.s. c 157 s 3-301 are each amended to read as follows:

~~((RIGHTS OF A HOLDER. The holder of an instrument whether or not he is the owner may transfer or negotiate it and, except as otherwise provided in RCW 62A.3-603 on payment or satisfaction, discharge it or enforce payment in his own name-))~~

PERSON ENTITLED TO ENFORCE INSTRUMENT. "Person entitled to enforce" an instrument means (i) the holder of the instrument, (ii) a nonholder in possession of the instrument who has the rights of a holder, or (iii) a person not in possession of the instrument who is entitled to enforce the instrument pursuant to RCW 62A.3-309 (section 37 of this act) or 62A.3-418(d). A person may be a person entitled to enforce the instrument even though the person is not the owner of the instrument or is in wrongful possession of the instrument.

Sec. RCW 62A.3-302 and 1965 ex.s. c 157 s 3-302 are each amended to read as follows:

~~HOLDER IN DUE COURSE. ((1) A holder in due course is a holder who takes the instrument~~

~~(a) for value; and~~

~~(b) in good faith; and~~

~~(c) without notice that it is overdue or has been dishonored or of any defense against or claim to it on the part of any person.~~

~~(2) A payee may be a holder in due course.~~

~~(3) A holder does not become a holder in due course of an instrument:~~

~~(a) by purchase of it at judicial sale or by taking it under legal process; or~~

~~(b) by acquiring it in taking over an estate; or~~

~~(c) by purchasing it as part of a bulk transaction not in regular course of business of the transferor.~~

~~(4) A purchaser of a limited interest can be a holder in due course only to the extent of the interest purchased.))~~

~~(a) Subject to subsection (c) and RCW 62A.3-106(d), "holder in due course" means the holder of an instrument if:~~

~~(1) The instrument when issued or negotiated to the holder does not bear such apparent evidence of forgery or alteration or is not otherwise so irregular or incomplete as to call into question its authenticity; and~~

~~(2) The holder took the instrument (i) for value, (ii) in good faith, (iii) without notice that the instrument is overdue or has been dishonored or that there is an uncured default with respect to payment of another instrument issued as part of the same series, (iv) without notice that the instrument contains an unauthorized signature or has been altered, (v) without notice of any claim to the instrument described in RCW 62A.3-306, and (vi) without notice that any party has a defense or claim in recoupment described in RCW 62A.3-305(a).~~

~~(b) Notice of discharge of a party, other than discharge in an insolvency proceeding, is not notice of a defense under subsection (a), but discharge is effective against a person who became a holder in due course with notice of the discharge. Public filing or recording of a document does not of itself constitute notice of a defense, claim in recoupment, or claim to the instrument.~~

~~(c) Except to the extent a transferor or predecessor in interest has rights as a holder in due course, a person does not acquire rights of a holder in due course of an instrument taken (i) by legal process or by purchase in an execution, bankruptcy, or creditor's sale or similar proceeding, (ii) by purchase as part of a bulk transaction not in ordinary course of business of the transferor, or (iii) as the successor in interest to an estate or other organization.~~

~~(d) If, under RCW 62A.3-303(a)(1), the promise of performance that is the consideration for an instrument has been partially performed, the holder may assert rights as a holder in due course of the instrument only to the fraction of the amount payable under the instrument equal to the value of the partial performance divided by the value of the promised performance.~~

~~(e) If (i) the person entitled to enforce an instrument has only a security interest in the instrument and (ii) the person obliged to pay the instrument has a defense, claim in recoupment, or claim to the instrument that may be asserted against the person who granted the security interest, the person entitled to enforce the instrument may assert rights as a holder in due course only to an amount payable under the instrument which, at the time of enforcement of the instrument, does not exceed the amount of the unpaid obligation secured.~~

~~(f) To be effective, notice must be received at a time and in a manner that gives a reasonable opportunity to act on it.~~

~~(g) This section is subject to any law limiting status as a holder in due course in particular classes of transactions.~~

Sec. RCW 62A.3-303 and 1965 ex.s. c 157 s 3-303 are each amended to read as follows:

~~((TAKING FOR VALUE. A holder takes the instrument for value~~

~~(a) to the extent that the agreed consideration has been performed or that he acquires a security interest in or a lien on the instrument otherwise than by legal process; or~~

~~(b) when he takes the instrument in payment of or as security for an antecedent claim against any person whether or not the claim is due; or~~

~~(c) when he gives a negotiable instrument for it or makes an irrevocable commitment to a third person.))~~

VALUE AND CONSIDERATION. (a) An instrument is issued or transferred for value if:

(1) The instrument is issued or transferred for a promise of performance, to the extent the promise has been performed;

(2) The transferee acquires a security interest or other lien in the instrument other than a lien obtained by judicial proceeding;

(3) The instrument is issued or transferred as payment of, or as security for, an antecedent claim against any person, whether or not the claim is due;

(4) The instrument is issued or transferred in exchange for a negotiable instrument; or

(5) The instrument is issued or transferred in exchange for the incurring of an irrevocable obligation to a third party by the person taking the instrument.

(b) "Consideration" means any consideration sufficient to support a simple contract. The drawer or maker of an instrument has a defense if the instrument is issued without consideration. If an instrument is issued for a promise of

performance, the issuer has a defense to the extent performance of the promise is due and the promise has not been performed. If an instrument is issued for value as stated in subsection (a), the instrument is also issued for consideration.

Sec. RCW 62A.3-304 and 1965 ex.s. c 157 s 3-304 are each amended to read as follows:

~~((NOTICE TO PURCHASER. (1) The purchaser has notice of a claim or defense if~~

~~(a) the instrument is so incomplete, bears such visible evidence of forgery or alteration, or is otherwise so irregular as to call into question its validity, terms or ownership or to create an ambiguity as to the party to pay; or~~

~~(b) the purchaser has notice that the obligation of any party is voidable in whole or in part, or that all parties have been discharged.~~

~~(2) The purchaser has notice of a claim against the instrument when he has knowledge that a fiduciary has negotiated the instrument in payment of or as security for his own debt or in any transaction for his own benefit or otherwise in breach of duty.~~

~~(3) The purchaser has notice that an instrument is overdue if he has reason to know~~

~~(a) that any part of the principal amount is overdue or that there is an uncured default in payment of another instrument of the same series; or~~

~~(b) that acceleration of the instrument has been made; or~~

~~(c) that he is taking a demand instrument after demand has been made or more than a reasonable length of time after its issue. A reasonable time for a check drawn and payable within the states and territories of the United States and the District of Columbia is presumed to be thirty days.~~

~~(4) Knowledge of the following facts does not of itself give the purchaser notice of a defense or claim~~

~~(a) that the instrument is antedated or postdated;~~

~~(b) that it was issued or negotiated in return for an executory promise or accompanied by a separate agreement, unless the purchaser has notice that a defense or claim has arisen from the terms thereof;~~

~~(c) that any party has signed for accommodation;~~

~~(d) that an incomplete instrument has been completed, unless the purchaser has notice of any improper completion;~~

~~(e) that any person negotiating the instrument is or was a fiduciary;~~

~~(f) that there has been default in payment of interest on the instrument or in payment of any other instrument, except one of the same series.~~

~~(5) The filing or recording of a document does not of itself constitute notice within the provisions of this Article to a person who would otherwise be a holder in due course.~~

~~(6) To be effective notice must be received at such time and in such manner as to give a reasonable opportunity to act on it.))~~

OVERDUE INSTRUMENT. (a) An instrument payable on demand becomes overdue at the earliest of the following times:

(1) On the day after the day demand for payment is duly made;

(2) If the instrument is a check, 90 days after its date; or

(3) If the instrument is not a check, when the instrument has been outstanding for a period of time after its date which is unreasonably long under the circumstances of the particular case in light of the nature of the instrument and usage of the trade.

(b) With respect to an instrument payable at a definite time the following rules apply:

(1) If the principal is payable in installments and a due date has not been accelerated, the instrument becomes overdue upon default under the instrument for nonpayment of an installment, and the instrument remains overdue until the default is cured.

(2) If the principal is not payable in installments and the due date has not been accelerated, the instrument becomes overdue on the day after the due date.

(3) If a due date with respect to principal has been accelerated, the instrument becomes overdue on the day after the accelerated due date.

(c) Unless the due date of principal has been accelerated, an instrument does not become overdue if there is default in payment of interest but no default in payment of principal.

Sec. RCW 62A.3-305 and 1965 ex.s. c 157 s 3-305 are each amended to read as follows:

~~((RIGHTS OF A HOLDER IN DUE COURSE. To the extent that a holder is a holder in due course he takes the instrument free from~~

~~(1) all claims to it on the part of any person; and~~

~~(2) all defenses of any party to the instrument with whom the holder has not dealt except~~

~~(a) infancy, to the extent that it is a defense to a simple contract; and~~

~~(b) such other incapacity, or duress, or illegality of the transaction, as renders the obligation of the party a nullity; and~~

~~(c) such misrepresentation as has induced the party to sign the instrument with neither knowledge nor reasonable opportunity to obtain knowledge of its character or its essential terms; and~~

~~(d) discharge in insolvency proceedings; and~~

~~(e) any other discharge of which the holder has notice when he takes the instrument.))~~

DEFENSES AND CLAIMS IN RECOUPMENT. (a) Except as stated in subsection (b), the right to enforce the obligation of a party to pay an instrument is subject to the following:

(1) A defense of the obligor based on (i) infancy of the obligor to the extent it is a defense to a simple contract, (ii) duress, lack of legal capacity, or illegality of the transaction which, under other law, nullifies the obligation of the obligor, (iii) fraud that induced the obligor to sign the instrument with neither knowledge nor reasonable opportunity to learn of its character or its essential terms, or (iv) discharge of the obligor in insolvency proceedings;

(2) A defense of the obligor stated in another section of this Article or a defense of the obligor that would be available if the person entitled to enforce the instrument were enforcing a right to payment under a simple contract; and

(3) A claim in recoupment of the obligor against the original payee of the instrument if the claim arose from the transaction that gave rise to the instrument; but the claim of the obligor may be asserted against a transferee of the instrument only to reduce the amount owing on the instrument at the time the action is brought.

(b) The right of a holder in due course to enforce the obligation of a party to pay the instrument is subject to defenses of the obligor stated in subsection (a)(1), but is not subject to defenses of the obligor stated in subsection (a)(2) or claims in recoupment stated in subsection (a)(3) against a person other than the holder.

(c) Except as stated in subsection (d), in an action to enforce the obligation of a party to pay the instrument, the obligor may not assert against the person entitled to enforce the instrument a defense, claim in recoupment, or claim to the instrument (RCW 62A.3-306) of another person, but the other person's claim to the instrument may be asserted by the obligor if the other person is joined in the action and personally asserts the claim against the person entitled to enforce the instrument. An obligor is not obliged to pay the instrument if the person seeking enforcement of the instrument does not have rights of a holder in due course and the obligor proves that the instrument is a lost or stolen instrument.

(d) In an action to enforce the obligation of an accommodation party to pay an instrument, the accommodation party may assert against the person entitled to enforce the instrument any defense or claim in recoupment under subsection (a) that the accommodated party could assert against the person entitled to enforce the instrument, except the defenses of discharge in insolvency proceedings, infancy, and lack of legal capacity.

Sec. RCW 62A.3-306 and 1965 ex.s. c 157 s 3-306 are each amended to read as follows:

~~((RIGHTS OF ONE NOT HOLDER IN DUE COURSE. Unless he has the rights of a holder in due course any person takes the instrument subject to~~

~~(a) all valid claims to it on the part of any person; and~~

~~(b) all defenses of any party which would be available in an action on a simple contract; and~~

~~(c) the defenses of want or failure of consideration, non performance of any condition precedent, non delivery, or delivery for a special purpose (RCW 62A.3-408); and~~

~~(d) the defense that he or a person through whom he holds the instrument acquired it by theft, or that payment or satisfaction to such holder would be inconsistent with the terms of a restrictive indorsement. The claim of any third person to the instrument is not otherwise available as a defense to any party liable thereon unless the third person himself defends the action for such party.))~~

CLAIMS TO AN INSTRUMENT. A person taking an instrument, other than a person having rights of a holder in due course, is subject to a claim of a property or possessory right in the instrument or its proceeds, including a claim to rescind a negotiation and to recover the instrument or its proceeds. A person having rights of a holder in due course takes free of the claim to the instrument.

Sec. RCW 62A.3-307 and 1965 ex.s. c 157 s 3-307 are each amended to read as follows:

~~((BURDEN OF ESTABLISHING SIGNATURES, DEFENSES AND DUE COURSE. (1) Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue~~

~~(a) the burden of establishing it is on the party claiming under the signature; but~~

~~(b) the signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become incompetent before proof is required.~~

~~(2) When signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defense.~~

~~(3) After it is shown that a defense exists a person claiming the rights of a holder in due course has the burden of establishing that he or some person under whom he claims is in all respects a holder in due course.))~~

NOTICE OF BREACH OF FIDUCIARY DUTY. (a) In this section:

(1) "Fiduciary" means an agent, trustee, partner, corporate officer or director, or other representative owing a fiduciary duty with respect to an instrument.

(2) "Represented person" means the principal, beneficiary, partnership, corporation, or other person to whom the duty stated in subsection (a)(1) is owed.

(b) If (i) an instrument is taken from a fiduciary for payment or collection or for value, (ii) the taker has knowledge of the fiduciary status of the fiduciary, and (iii) the represented person makes a claim to the instrument or its proceeds on the basis that the transaction of the fiduciary is a breach of fiduciary duty, the following rules apply:

(1) Notice of breach of fiduciary duty by the fiduciary is notice of the claim of the represented person.

(2) In the case of an instrument payable to the represented person or the fiduciary as such, the taker has notice of the breach of fiduciary duty if the instrument is (i) taken in payment of or as security for a debt known by the taker to be the personal debt of the fiduciary, (ii) taken in a transaction known by the taker to be for the personal benefit of the fiduciary, or (iii) deposited to an account other than an account of the fiduciary, as such, or an account of the represented person.

(3) If an instrument is issued by the represented person or the fiduciary as such, and made payable to the fiduciary personally, the taker does not have notice of the breach of fiduciary duty unless the taker knows of the breach of fiduciary duty.

(4) If an instrument is issued by the represented person or the fiduciary as such, to the taker as payee, the taker has notice of the breach of fiduciary duty if the instrument is (i) taken in payment of or as security for a debt known by the taker to be the personal debt of the fiduciary, (ii) taken in a transaction known by the taker to be for the personal benefit of the fiduciary, or (iii) deposited to an account other than an account of the fiduciary, as such, or an account of the represented person.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-308, to read as follows:

PROOF OF SIGNATURES AND STATUS AS HOLDER IN DUE COURSE. (a) In an action with respect to an instrument, the authenticity of, and authority to make, each signature on the instrument is admitted unless specifically denied in the pleadings. If the validity of a signature is denied in the pleadings, the burden of establishing validity is on the person claiming validity, but the signature is presumed to be authentic and authorized unless the action is to enforce the liability of the purported signer and the signer is dead or incompetent at the time of trial of the issue of validity of the signature. If an action to enforce the instrument is brought against a person as the undisclosed principal of a person who signed the instrument as a party to the instrument, the plaintiff has the burden of establishing that the defendant is liable on the instrument as a represented person under RCW 62A.3-402(a).

(b) If the validity of signatures is admitted or proved and there is compliance with subsection (a), a plaintiff producing the instrument is entitled to payment if the plaintiff proves entitlement to enforce the instrument under RCW 62A.3-301, unless the defendant proves a defense or claim in recoupment. If a defense or claim in recoupment is proved, the right to payment of the plaintiff is subject to the defense or claim, except to the extent the plaintiff proves that the plaintiff has rights of a holder in due course which are not subject to the defense or claim.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-309, to read as follows:

ENFORCEMENT OF LOST, DESTROYED, OR STOLEN INSTRUMENT. (a) A person not in possession of an instrument is entitled to enforce the instrument if (i) the person was in possession of the instrument and entitled to enforce it when loss of possession occurred, (ii) the loss of possession was not the result of a transfer by the person or a lawful seizure, and (iii) the person cannot reasonably obtain possession of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(b) A person seeking enforcement of an instrument under subsection (a) must prove the terms of the instrument and the person's right to enforce the instrument. If that proof is made, RCW 62A.3-308 (section 36 of this act) applies to the case as if the person seeking enforcement had produced the instrument. The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-310, to read as follows:

EFFECT OF INSTRUMENT ON OBLIGATION FOR WHICH TAKEN. (a) Unless otherwise agreed, if a certified check, cashier's check, or teller's check is taken for an obligation, the obligation is discharged to the same extent discharge would result if an amount of money equal to the amount of the instrument were taken in payment of the obligation. Discharge of the obligation does not affect any liability that the obligor may have as an indorser of the instrument.

(b) Unless otherwise agreed and except as provided in subsection (a), if a note or an uncertified check is taken for an obligation, the obligation is suspended to the same extent the obligation would be discharged if an amount of money equal to the amount of the instrument were taken, and the following rules apply:

(1) In the case of an uncertified check, suspension of the obligation continues until dishonor of the check or until it is paid or certified. Payment or certification of the check results in discharge of the obligation to the extent of the amount of the check.

(2) In the case of a note, suspension of the obligation continues until dishonor of the note or until it is paid. Payment of the note results in discharge of the obligation to the extent of the payment.

(3) Except as provided in subsection (b)(4), if the check or note is dishonored and the obligee of the obligation for which the instrument was taken is the person entitled to enforce the instrument, the obligee may enforce either the instrument or the obligation. In the case of an instrument of a third person which is negotiated to the obligee by the obligor, discharge of the obligor on the instrument also discharges the obligation.

(4) If the person entitled to enforce the instrument taken for an obligation is a person other than the obligee, the obligee may not enforce the obligation to the extent the obligation is suspended. If the obligee is the person entitled to enforce the instrument but no longer has possession of it because it was lost, stolen, or destroyed, the obligation may not be enforced to the extent of the amount payable on the instrument, and to that extent the obligee's rights against the obligor are limited to enforcement of the instrument.

(c) If an instrument other than one described in subsection (a) or (b) is taken for an obligation, the effect is (i) that stated in subsection (a) if the instrument is one on which a bank is liable as maker or acceptor, or (ii) that stated in subsection (b) in any other case.

NEW SECTION. **Sec.** A new section is added to Title 62A RCW, to be codified as RCW 62A.3-311, to read as follows:

ACCORD AND SATISFACTION BY USE OF INSTRUMENT. (a) If a person against whom a claim is asserted proves that (i) that person in good faith tendered an instrument to the claimant as full satisfaction of the claim, (ii) the amount of the claim was unliquidated or subject to a bona fide dispute, and (iii) the claimant obtained payment of the instrument, the following subsections apply.

(b) Unless subsection (c) applies, the claim is discharged if the person against whom the claim is asserted proves that the instrument or an accompanying written communication contained a conspicuous statement to the effect that the instrument was tendered as full satisfaction of the claim.

(c) Subject to subsection (d), a claim is not discharged under subsection (b) if either of the following applies:

(1) The claimant, if an organization, proves that (i) within a reasonable time before the tender, the claimant sent a conspicuous statement to the person against whom the claim is asserted that communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to a designated person, office, or place, and (ii) the instrument or accompanying communication was not received by that designated person, office, or place.

(2) The claimant, whether or not an organization, proves that within 90 days after payment of the instrument, the claimant tendered repayment of the amount of the instrument to the person against whom the claim is asserted. This subsection (c)(2) does not apply if the claimant is an organization that sent a statement complying with subsection (c)(1)(i).

(d) A claim is discharged if the person against whom the claim is asserted proves that within a reasonable time before collection of the instrument was initiated, the claimant, or an agent of the claimant having direct responsibility with respect to the disputed obligation, knew that the instrument was tendered in full satisfaction of the claim.

NEW SECTION. **Sec.** A new section is added to Title 62A RCW, to be codified as RCW 62A.3-312, to read as follows:

LOST, DESTROYED, OR STOLEN CASHIER'S CHECK, TELLER'S CHECK, OR CERTIFIED CHECK. (a) In this section:

(1) "Check" means a cashier's check, teller's check, or certified check.

(2) "Claimant" means a person who claims the right to receive the amount of a cashier's check, teller's check, or certified check that was lost, destroyed, or stolen.

(3) "Declaration of loss" means a written statement, made under penalty of perjury, to the effect that (i) the declarer lost possession of a check, (ii) the declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check, (iii) the loss of possession was not the result of a transfer by the declarer or a lawful seizure, and (iv) the declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amendable to service of process.

(4) "Obligated bank" means the insurer of a cashier's check or teller's check or the acceptor of a certified check.

(b) A claimant may assert a claim to the amount of a check by a communication to the obligated bank describing the check with reasonable certainty and requesting payment of the amount of the check, if (i) the claimant is the drawer or payee of a certified check or the remitter or payee of a cashier's check or teller's check, (ii) the communication contains or is accompanied by a declaration of loss of the claimant with respect to the check, (iii) the communication is received at a time and in a manner affording the bank a reasonable time to act on it before the check is paid, and (iv) the claimant provides reasonable identification if requested by the obligated bank. Delivery of a declaration of loss is a warranty of the truth of the statements made in the declaration. If a claim is asserted in compliance with this subsection, the following rules apply:

(1) The claim becomes enforceable at the later of (i) the time the claim is asserted, or (ii) the ninetieth day following the date of the check, in the case of a cashier's check or teller's check, or the ninetieth day following the date of the acceptance, in the case of a certified check.

(2) Until the claim becomes enforceable, it has no legal effect and the obligated bank may pay the check or, in the case of a teller's check, may permit the drawee to pay the check. Payment to a person entitled to enforce the check discharges all liability of the obligated bank with respect to the check.

(3) If the claim becomes enforceable before the check is presented for payment, the obligated bank is not obliged to pay the check.

(4) When the claim becomes enforceable, the obligated bank becomes obliged to pay the amount of the check to the claimant if payment of the check has not been made to a person entitled to enforce the check. Subject to RCW 62A.4-302(a), payment to the claimant discharges all liability of the obligated bank with respect to the check.

(c) If the obligated bank pays the amount of a check to a claimant under subsection (b)(4) and the check is presented for payment by a person having rights of a holder in due course, the claimant is obliged to (i) refund the payment to the obligated bank if the check is paid, or (ii) pay the amount of the check to the person having rights of a holder in due course if the check is dishonored.

(d) If a claimant has the right to assert a claim under subsection (b) and is also a person entitled to enforce a cashier's check, teller's check, or certified check that is lost, destroyed, or stolen, the claimant may assert rights with respect to the check under this section.

PART 4 LIABILITY OF PARTIES

Sec. RCW 62A.3-401 and 1965 ex.s. c 157 s 3-401 are each amended to read as follows:

~~SIGNATURE. ((1) No))~~ (a) A person is not liable on an instrument unless (his signature appears thereon) (i) the person signed the instrument, or (ii) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under RCW 62A.3-402.

~~((2))~~ (b) A signature ((is)) may be made ((by use of any name, including any trade or assumed name, upon an instrument, or by any word or mark used in lieu of a written signature)) (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.

Sec. RCW 62A.3-402 and 1965 ex.s. c 157 s 3-402 are each amended to read as follows:

~~((SIGNATURE IN AMBIGUOUS CAPACITY. Unless the instrument clearly indicates that a signature is made in some other capacity it is an indorsement.))~~

SIGNATURE BY REPRESENTATIVE. (a) If a person acting, or purporting to act, as a representative signs an instrument by signing either the name of the represented person or the name of the signer, the represented person is bound by the signature to the same extent the represented person would be bound if the signature were on a simple contract. If the represented person is bound, the signature of the representative is the "authorized signature of the represented person" and the represented person is liable on the instrument, whether or not identified in the instrument.

(b) If a representative signs the name of the representative to an instrument and the signature is an authorized signature of the represented person, the following rules apply:

(1) If the form of the signature shows unambiguously that the signature is made on behalf of the represented person who is identified in the instrument, the representative is not liable on the instrument.

(2) Subject to subsection (c), if (i) the form of the signature does not show unambiguously that the signature is made in a representative capacity or (ii) the represented person is not identified in the instrument, the representative is liable on the instrument to a holder in due course that took the instrument without notice that the representative was not intended to be liable on the instrument. With respect to any other person, the representative is liable on the instrument unless the representative proves that the original parties did not intend the representative to be liable on the instrument.

(c) If a representative signs the name of the representative as drawer of a check without indication of the representative status and the check is payable from an account of the represented person who is identified on the check, the signer is not liable on the check if the signature is an authorized signature of the represented person.

Sec. RCW 62A.3-403 and 1965 ex.s. c 157 s 3-403 are each amended to read as follows:

~~((SIGNATURE BY AUTHORIZED REPRESENTATIVE. (1) A signature may be made by an agent or other representative, and his authority to make it may be established as in other cases of representation. No particular form of appointment is necessary to establish such authority.~~

~~(2) An authorized representative who signs his own name to an instrument~~

~~(a) is personally obligated if the instrument neither names the person represented nor shows that the representative signed in a representative capacity;~~

~~(b) except as otherwise established between the immediate parties, is personally obligated if the instrument names the person represented but does not show that the representative signed in a representative capacity, or if the instrument does not name the person represented but does show that the representative signed in a representative capacity.~~

~~(3) Except as otherwise established the name of an organization preceded or followed by the name and office of an authorized individual is a signature made in a representative capacity.))~~

UNAUTHORIZED SIGNATURE. (a) Unless otherwise provided in this Article or Article 4, an unauthorized signature is ineffective except as the signature of the unauthorized signer in favor of a person who in good faith pays the instrument or takes it for value. An unauthorized signature may be ratified for all purposes of this Article.

(b) If the signature of more than one person is required to constitute the authorized signature of an organization, the signature of the organization is unauthorized if one of the required signatures is lacking.

(c) The civil or criminal liability of a person who makes an unauthorized signature is not affected by any provision of this Article which makes the unauthorized signature effective for the purposes of this Article.

Sec. RCW 62A.3-404 and 1965 ex.s. c 157 s 3-404 are each amended to read as follows:

~~((UNAUTHORIZED SIGNATURES. (1) Any unauthorized signature is wholly inoperative as that of the person whose name is signed unless he ratifies it or is precluded from denying it; but it operates as the signature of the unauthorized signer in favor of any person who in good faith pays the instrument or takes it for value.~~

~~(2) Any unauthorized signature may be ratified for all purposes of this Article. Such ratification does not of itself affect any rights of the person ratifying against the actual signer.)~~

IMPOSTORS; FICTITIOUS PAYEES. (a) If an impostor, by use of the mails or otherwise, induces the issuer of an instrument to issue the instrument to the impostor, or to a person acting in concert with the impostor, by impersonating the payee of the instrument or a person authorized to act for the payee, an indorsement of the instrument by any person in the name of the payee is effective as the indorsement of the payee in favor of a person who, in good faith, pays the instrument or takes it for value or for collection.

(b) If (i) a person whose intent determines to whom an instrument is payable (RCW 62A.3-110 (a) or (b)) does not intend the person identified as payee to have any interest in the instrument, or (ii) the person identified as payee of an instrument is a fictitious person, the following rules apply until the instrument is negotiated by special indorsement:

(1) Any person in possession of the instrument is its holder.

(2) An indorsement by any person in the name of the payee stated in the instrument is effective as the indorsement of the payee in favor of a person who, in good faith, pays the instrument or takes it for value or for collection.

(c) Under subsection (a) or (b), an indorsement is made in the name of a payee if (i) it is made in a name substantially similar to that of the payee or (ii) the instrument, whether or not indorsed, is deposited in a depository bank to an account in a name substantially similar to that of the payee.

(d) With respect to an instrument to which subsection (a) or (b) applies, if a person paying the instrument or taking it for value or for collection fails to exercise ordinary care in paying or taking the instrument and that failure contributes to loss resulting from payment of the instrument, the person bearing the loss may recover from the person failing to exercise ordinary care to the extent the failure to exercise ordinary care contributed to the loss.

Sec. RCW 62A.3-405 and 1965 ex.s. c 157 s 3-405 are each amended to read as follows:

~~((IMPOSTORS; SIGNATURE IN NAME OF PAYEE. (1) An indorsement by any person in the name of a named payee is effective if~~

~~(a) an impostor by use of the mails or otherwise has induced the maker or drawer to issue the instrument to him or his confederate in the name of the payee; or~~

~~(b) a person signing as or on behalf of a maker or drawer intends the payee to have no interest in the instrument; or~~

~~(c) an agent or employee of the maker or drawer has supplied him with the name of the payee intending the latter to have no such interest.~~

~~(2) Nothing in this section shall affect the criminal or civil liability of the person so indorsing.)~~

EMPLOYER'S RESPONSIBILITY FOR FRAUDULENT INDORSEMENT BY EMPLOYEE. (a) In this section:

(1) "Employee" includes an independent contractor and employee of an independent contractor retained by the employer.

(2) "Fraudulent indorsement" means (i) in the case of an instrument payable to the employer, a forged indorsement purporting to be that of the employer, or (ii) in the case of an instrument with respect to which the employer is the issuer, a forged indorsement purporting to be that of the person identified as payee.

(3) "Responsibility" with respect to instruments means authority (i) to sign or indorse instruments on behalf of the employer, (ii) to process instruments received by the employer for bookkeeping purposes, for deposit to an account, or for other disposition, (iii) to prepare or process instruments for issue in the name of the employer, (iv) to supply information determining the names or addresses of payees of instruments to be issued in the name of the employer, (v) to control the disposition of instruments to be issued in the name of the employer, or (vi) to act otherwise with respect to instruments in a responsible capacity. "Responsibility" does not include authority that merely allows an employee to have access to instruments or blank or incomplete instrument forms that are being stored or transported or are part of incoming or outgoing mail, or similar access.

(b) For the purpose of determining the rights and liabilities of a person who, in good faith, pays an instrument or takes it for value or for collection, if an employer entrusted an employee with responsibility with respect to the instrument and the employee or a person acting in concert with the employee makes a fraudulent indorsement of the instrument, the indorsement is effective as the indorsement of the person to whom the instrument is payable if it is made in the name of that person. If the person paying the instrument or taking it for value or for collection fails to exercise ordinary care in paying or taking the instrument and that failure contributes to loss resulting from the fraud, the person bearing the loss may recover from the person failing to exercise ordinary care to the extent the failure to exercise ordinary care contributed to the loss.

(c) Under subsection (b), an indorsement is made in the name of the person to whom an instrument is payable if (i) it is made in a name substantially similar to the name of that person or (ii) the instrument, whether or not indorsed, is deposited in a depository bank to an account in a name substantially similar to the name of that person.

Sec. RCW 62A.3-406 and 1965 ex.s. c 157 s 3-406 are each amended to read as follows:

NEGLIGENCE CONTRIBUTING TO FORGED SIGNATURE OR ALTERATION ((OR UNAUTHORIZED SIGNATURE)) OF INSTRUMENT. ~~((Any))~~ (a) A person ~~((who by his negligence substantially))~~ whose failure to exercise ordinary care contributes to ~~((a material))~~ an alteration of ~~((the))~~ an instrument or to the making of ~~((an unauthorized signature))~~ a forged signature on an instrument is precluded from asserting the alteration or ~~((lack of authority))~~ the forgery against a ~~((holder in due course or against a drawee or other payor))~~ person who, in good faith, pays the instrument ~~((in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business))~~ or takes it for value or for collection.

(b) Under subsection (a), if the person asserting the preclusion fails to exercise ordinary care in paying or taking the instrument and that failure contributes to loss, the loss is allocated between the person precluded and the person asserting the preclusion according to the extent to which the failure of each to exercise ordinary care contributed to the loss.

(c) Under subsection (a), the burden of proving failure to exercise ordinary care is on the person asserting the preclusion. Under subsection (b), the burden of proving failure to exercise ordinary care is on the person precluded.

Sec. RCW 62A.3-407 and 1965 ex.s. c 157 s 3-407 are each amended to read as follows:

~~ALTERATION. ((1) Any alteration of an instrument is material which changes the contract of any party thereto in any respect, including any such change in~~

~~(a) the number or relations of the parties; or~~

~~(b) an incomplete instrument, by completing it otherwise than as authorized; or~~

~~(c) the writing as signed, by adding to it or by removing any part of it.~~

~~(2) As against any person other than a subsequent holder in due course~~

~~(a) alteration by the holder which is both fraudulent and material discharges any party whose contract is thereby changed unless that party assents or is precluded from asserting the defense;~~

~~(b) no other alteration discharges any party and the instrument may be enforced according to its original tenor, or as to incomplete instruments according to the authority given.~~

~~(3) A subsequent holder in due course may in all cases enforce the instrument according to its original tenor, and when an incomplete instrument has been completed, he may enforce it as completed.) (a) "Alteration" means (i) an unauthorized change in an instrument that purports to modify in any respect the obligation of a party, or (ii) an unauthorized addition of words or numbers or other change to an incomplete instrument relating to the obligation of a party.~~

(b) Except as provided in subsection (c), an alteration fraudulently made discharges a party whose obligation is affected by the alteration unless that party assents or is precluded from asserting the alteration. No other alteration discharges a party, and the instrument may be enforced according to its original terms.

(c) A payor bank or drawee paying a fraudulently altered instrument or a person taking it for value, in good faith and without notice of the alteration, may enforce rights with respect to the instrument (i) according to its original terms, or (ii) in the case of an incomplete instrument altered by unauthorized completion, according to its terms as completed.

Sec. RCW 62A.3-408 and 1965 ex.s. c 157 s 3-408 are each amended to read as follows:

~~((CONSIDERATION. Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (RCW 62A.3-305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this Title under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.))~~

DRAWEE NOT LIABLE ON UNACCEPTED DRAFT. A check or other draft does not of itself operate as an assignment of funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until the drawee accepts it.

Sec. RCW 62A.3-409 and 1965 ex.s. c 157 s 3-409 are each amended to read as follows:

~~((DRAFT NOT AN ASSIGNMENT. (1) A check or other draft does not of itself operate as an assignment of any funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until he accepts it.~~

~~(2) Nothing in this section shall affect any liability in contract, tort or otherwise arising from any letter of credit or other obligation or representation which is not an acceptance.))~~

ACCEPTANCE OF DRAFT; CERTIFIED CHECK. (a) "Acceptance" means the drawee's signed agreement to pay a draft as presented. It must be written on the draft and may consist of the drawee's signature alone. Acceptance may be made at any time and becomes effective when notification pursuant to instructions is given or the accepted draft is delivered for the purpose of giving rights on the acceptance to any person.

(b) A draft may be accepted although it has not been signed by the drawer, is otherwise incomplete, is overdue, or has been dishonored.

(c) If a draft is payable at a fixed period after sight and the acceptor fails to date the acceptance, the holder may complete the acceptance by supplying a date in good faith.

(d) "Certified check" means a check accepted by the bank on which it is drawn. Acceptance may be made as stated in subsection (a) or by a writing on the check which indicates that the check is certified. The drawee of a check has no obligation to certify the check, and refusal to certify is not dishonor of the check.

Sec. RCW 62A.3-410 and 1965 ex.s. c 157 s 3-410 are each amended to read as follows:

~~((DEFINITION AND OPERATION OF ACCEPTANCE. (1) Acceptance is the drawee's signed engagement to honor the draft as presented. It must be written on the draft, and may consist of his signature alone. It becomes operative when completed by delivery or notification.~~

~~(2) A draft may be accepted although it has not been signed by the drawer or is otherwise incomplete or is overdue or has been dishonored.~~

~~(3) Where the draft is payable at a fixed period after sight and the acceptor fails to date his acceptance the holder may complete it by supplying a date in good faith.)~~

ACCEPTANCE VARYING DRAFT. (a) If the terms of a drawee's acceptance vary from the terms of the draft as presented, the holder may refuse the acceptance and treat the draft as dishonored. In that case, the drawee may cancel the acceptance.

(b) The terms of a draft are not varied by an acceptance to pay at a particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at that bank or place.

(c) If the holder assents to an acceptance varying the terms of a draft, the obligation of each drawer and indorser that does not expressly assent to the acceptance is discharged.

Sec. RCW 62A.3-411 and 1965 ex.s. c 157 s 3-411 are each amended to read as follows:

~~((CERTIFICATION OF A CHECK. (1) Certification of a check is acceptance. Where a holder procures certification the drawer and all prior indorsers are discharged.~~

~~(2) Unless otherwise agreed a bank has no obligation to certify a check.~~

~~(3) A bank may certify a check before returning it for lack of proper indorsement. If it does so the drawer is discharged.))~~

REFUSAL TO PAY CASHIER'S CHECKS, TELLER'S CHECKS, AND CERTIFIED CHECKS. (a) In this section, "obligated bank" means the acceptor of a certified check or the issuer of a cashier's check or teller's check bought from the issuer.

(b) If the obligated bank wrongfully (i) refuses to pay a cashier's check or certified check, (ii) stops payment of a teller's check, or (iii) refuses to pay a dishonored teller's check, the person asserting the right to enforce the check is entitled to compensation for expenses and loss of interest resulting from the nonpayment and may recover consequential damages if the obligated bank refuses to pay after receiving notice of particular circumstances giving rise to the damages.

(c) Expenses or consequential damages under subsection (b) are not recoverable if the refusal of the obligated bank to pay occurs because (i) the bank suspends payments, (ii) the obligated bank asserts a claim or defense of the bank that it has reasonable grounds to believe is available against the person entitled to enforce the instrument, (iii) the obligated bank has a reasonable doubt whether the person demanding payment is the person entitled to enforce the instrument, or (iv) payment is prohibited by law.

Sec. RCW 62A.3-412 and 1965 ex.s. c 157 s 3-412 are each amended to read as follows:

~~((ACCEPTANCE VARYING DRAFT. (1) Where the drawee's proffered acceptance in any manner varies the draft as presented the holder may refuse the acceptance and treat the draft as dishonored in which case the drawee is entitled to have his acceptance cancelled.~~

~~(2) The terms of the draft are not varied by an acceptance to pay at any particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at such bank or place.~~

~~(3) Where the holder assents to an acceptance varying the terms of the draft each drawer and indorser who does not affirmatively assent is discharged.))~~

OBLIGATION OF ISSUER OF NOTE OR CASHIER'S CHECK. The issuer of a note or cashier's check or other draft drawn on the drawer is obliged to pay the instrument (i) according to its terms at the time it was issued or, if not issued, at the time it first came into possession of a holder, or (ii) if the issuer signed an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation is owed to a person entitled to enforce the instrument or to an indorser who paid the instrument under RCW 62A.3-415.

Sec. RCW 62A.3-413 and 1965 ex.s. c 157 s 3-413 are each amended to read as follows:

~~((CONTRACT OF MAKER, DRAWER AND ACCEPTOR. (1) The maker or acceptor engages that he will pay the instrument according to its tenor at the time of his engagement or as completed pursuant to RCW 62A.3-115 on incomplete instruments.~~

~~(2) The drawer engages that upon dishonor of the draft and any necessary notice of dishonor or protest he will pay the amount of the draft to the holder or to any indorser who takes it up. The drawer may disclaim this liability by drawing without recourse.~~

~~(3) By making, drawing or accepting the party admits as against all subsequent parties including the drawee the existence of the payee and his then capacity to indorse.))~~

OBLIGATION OF ACCEPTOR. (a) The acceptor of a draft is obliged to pay the draft (i) according to its terms at the time it was accepted, even though the acceptance states that the draft is payable "as originally drawn" or equivalent terms, (ii) if the acceptance varies the terms of the draft, according to the terms of the draft as varied, or (iii) if the acceptance is of a draft that is an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation is owed to a person entitled to enforce the draft or to the drawer or an indorser who paid the draft under RCW 62A.3-414 or 62A.3-415.

(b) If the certification of a check or other acceptance of a draft states the amount certified or accepted, the obligation of the acceptor is that amount. If (i) the certification or acceptance does not state an amount, (ii) the amount of the instrument is subsequently raised, and (iii) the instrument is then negotiated to a holder in due course, the obligation of the acceptor is the amount of the instrument at the time it was taken by the holder in due course.

Sec. RCW 62A.3-414 and 1965 ex.s. c 157 s 3-414 are each amended to read as follows:

~~((CONTRACT OF INDORSER; ORDER OF LIABILITY. (1) Unless the indorsement otherwise specifies (as by such words as "without recourse") every indorser engages that upon dishonor and any necessary notice of dishonor and protest he will pay the instrument according to its tenor at the time of his indorsement to the holder or to any subsequent indorser who takes it up, even though the indorser who takes it up was not obligated to do so.~~

~~(2) Unless they otherwise agree indorsers are liable to one another in the order in which they indorse, which is presumed to be the order in which their signatures appear on the instrument.))~~

OBLIGATION OF DRAWER. (a) This section does not apply to cashier's checks or other drafts drawn on the drawer.

(b) If an unaccepted draft is dishonored, the drawer is obliged to pay the draft (i) according to its terms at the time it was issued or, if not issued, at the time it first came into possession of a holder, or (ii) if the drawer signed an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation is owed to a person entitled to enforce the draft or to an indorser who paid the draft under RCW 62A.3-415.

(c) If a draft is accepted by a bank, the drawer is discharged, regardless of when or by whom acceptance was obtained.

(d) If a draft is accepted and the acceptor is not a bank, the obligation of the drawer to pay the draft if the draft is dishonored by the acceptor is the same as the obligation of an indorser under RCW 62A.3-415 (a) and (c).

(e) If a draft states that it is drawn "without recourse" or otherwise disclaims liability of the drawer to pay the draft, the drawer is not liable under subsection (b) to pay the draft if the draft is not a check. A disclaimer of the liability stated in subsection (b) is not effective if the draft is a check.

(f) If (i) a check is not presented for payment or given to a depository bank for collection within 30 days after its date, (ii) the drawee suspends payments after expiration of the 30-day period without paying the check, and (iii) because of the suspension of payments, the drawer is deprived of funds maintained with the drawee to cover payment of the check, the drawer to the extent deprived of funds may discharge its obligation to pay the check by assigning to the person entitled to enforce the check the rights of the drawer against the drawee with respect to the funds.

Sec. RCW 62A.3-415 and 1965 ex.s. c 157 s 3-415 are each amended to read as follows:

~~((CONTRACT OF ACCOMMODATION PARTY. (1) An accommodation party is one who signs the instrument in any capacity for the purpose of lending his name to another party to it.~~

~~(2) When the instrument has been taken for value before it is due the accommodation party is liable in the capacity in which he has signed even though the taker knows of the accommodation.~~

~~(3) As against a holder in due course and without notice of the accommodation oral proof of the accommodation is not admissible to give the accommodation party the benefit of discharges dependent on his character as such. In other cases the accommodation character may be shown by oral proof.~~

~~(4) An indorsement which shows that it is not in the chain of title is notice of its accommodation character.~~

~~(5) An accommodation party is not liable to the party accommodated, and if he pays the instrument has a right of recourse on the instrument against such party.))~~

OBLIGATION OF INDORSER. (a) Subject to subsections (b), (c), (d), and (e) and to RCW 62A.3-419(d), if an instrument is dishonored, an indorser is obliged to pay the amount due on the instrument (i) according to the terms of the instrument at the time it was indorsed, or (ii) if the indorser indorsed an incomplete instrument, according to its terms when completed, to the extent stated in RCW 62A.3-115 and 62A.3-407. The obligation of the indorser is owed to a person entitled to enforce the instrument or to a subsequent indorser who paid the instrument under this section.

(b) If an indorsement states that it is made "without recourse" or otherwise disclaims liability of the indorser, the indorser is not liable under subsection (a) to pay the instrument.

(c) If notice of dishonor of an instrument is required by RCW 62A.3-503 and notice of dishonor complying with that section is not given to an indorser, the liability of the indorser under subsection (a) is discharged.

(d) If a draft is accepted by a bank after an indorsement is made, the liability of the indorser under subsection (a) is discharged.

(e) If an indorser of a check is liable under subsection (a) and the check is not presented for payment, or given to a depository bank for collection, within 30 days after the day the indorsement was made, the liability of the indorser under subsection (a) is discharged.

Sec. RCW 62A.3-416 and 1965 ex.s. c 157 s 3-416 are each amended to read as follows:

~~((CONTRACT OF GUARANTOR. (1) "Payment guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor without resort by the holder to any other party.~~

~~(2) "Collection guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor, but only after the holder has reduced his claim against the maker or acceptor to judgment and execution has been returned unsatisfied, or after the maker or acceptor has become insolvent or it is otherwise apparent that it is useless to proceed against him.~~

~~(3) Words of guaranty which do not otherwise specify guarantee payment.~~

~~(4) No words of guaranty added to the signature of a sole maker or acceptor affect his liability on the instrument. Such words added to the signature of one of two or more makers or acceptors create a presumption that the signature is for the accommodation of the others.~~

~~(5) When words of guaranty are used presentment, notice of dishonor and protest are not necessary to charge the user.~~

~~(6) Any guaranty written on the instrument is enforceable notwithstanding any statute of frauds.)~~

TRANSFER WARRANTIES. (a) A person who transfers an instrument for consideration warrants to the transferee and, if the transfer is by indorsement, to any subsequent transferee that:

(1) The warrantor is a person entitled to enforce the instrument;

(2) All signatures on the instrument are authentic and authorized;

(3) The instrument has not been altered;

(4) The instrument is not subject to a defense or claim in recoupment of any party which can be asserted against the warrantor; and

(5) The warrantor has no knowledge of any insolvency proceeding commenced with respect to the maker or acceptor or, in the case of an unaccepted draft, the drawer.

(b) A person to whom the warranties under subsection (a) are made and who took the instrument in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the instrument plus expenses and loss of interest incurred as a result of the breach.

(c) The warranties stated in subsection (a) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under subsection (b) is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(d) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. RCW 62A.3-417 and 1965 ex.s. c 157 s 3-417 are each amended to read as follows:

~~((WARRANTIES ON PRESENTMENT AND TRANSFER. (1) Any person who obtains payment or acceptance and any prior transferor warrants to a person who in good faith pays or accepts that~~

~~(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title; and~~

~~(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by a holder in due course acting in good faith~~

~~(i) to a maker with respect to the maker's own signature; or~~

~~(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or~~

~~(iii) to an acceptor of a draft if the holder in due course took the draft after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and~~

~~(c) the instrument has not been materially altered, except that this warranty is not given by a holder in due course acting in good faith~~

~~(i) to the maker of a note; or~~

~~(ii) to the drawer of a draft whether or not the drawer is also the drawee; or~~

~~(iii) to the acceptor of a draft with respect to an alteration made prior to the acceptance if the holder in due course took the draft after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or~~

~~(iv) to the acceptor of a draft with respect to an alteration made after the acceptance.~~

~~(2) Any person who transfers an instrument and receives consideration warrants to his transferee and if the transfer is by indorsement to any subsequent holder who takes the instrument in good faith that~~

~~(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and~~

~~(b) all signatures are genuine or authorized; and~~

~~(c) the instrument has not been materially altered; and~~

~~(d) no defense of any party is good against him; and~~

~~(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted instrument.~~

~~(3) By transferring "without recourse" the transferor limits the obligation stated in subsection (2)(d) to a warranty that he has no knowledge of such a defense.~~

~~(4) A selling agent or broker who does not disclose the fact that he is acting only as such gives the warranties provided in this section, but if he makes such disclosure warrants only his good faith and authority.)~~

PRESENTMENT WARRANTIES. (a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft, (i) the person obtaining payment or acceptance, at the time of presentment, and (ii) a previous transferor of the draft, at the time of transfer, warrant to the drawee making payment or accepting the draft in good faith that:

(1) The warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;

(2) The draft has not been altered; and

(3) The warrantor has no knowledge that the signature of the drawer of the draft is unauthorized.

(b) A drawee making payment may recover from any warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In

addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft, breach of warranty is a defense to the obligation of the acceptor. If the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from any warrantor for breach of warranty the amounts stated in this subsection.

(c) If a drawee asserts a claim for breach of warranty under subsection (a) based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under RCW 62A.3-404 or 62A.3-405 or the drawer is precluded under RCW 62A.3-406 or 62A.4-406 from asserting against the drawee the unauthorized indorsement or alteration.

(d) If (i) a dishonored draft is presented for payment to the drawer or an indorser or (ii) any other instrument is presented for payment to a party obliged to pay the instrument, and (iii) payment is received, the following rules apply:

(1) The person obtaining payment and a prior transferor of the instrument warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the instrument, a person entitled to enforce the instrument or authorized to obtain payment on behalf of a person entitled to enforce the instrument.

(2) The person making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses and loss of interest resulting from the breach.

(e) The warranties stated in subsections (a) and (d) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within 30 days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under subsection (b) or (d) is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(f) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. RCW 62A.3-418 and 1965 ex.s. c 157 s 3-418 are each amended to read as follows:

~~((FINALITY OF PAYMENT OR ACCEPTANCE. Except for recovery of bank payments as provided in the Article on Bank Deposits and Collections (Article 4) and except for liability for breach of warranty on presentment under the preceding section, payment or acceptance of any instrument is final in favor of a holder in due course, or a person who has in good faith changed his position in reliance on the payment.))~~

PAYMENT OR ACCEPTANCE BY MISTAKE. (a) Except as provided in subsection (c), if the drawee of a draft pays or accepts the draft and the drawee acted on the mistaken belief that (i) payment of the draft had not been stopped pursuant to RCW 62A.4-403 or (ii) the signature of the drawer of the draft was authorized, the drawee may recover the amount of the draft from the person to whom or for whose benefit payment was made or, in the case of acceptance, may revoke the acceptance. Rights of the drawee under this subsection are not affected by failure of the drawee to exercise ordinary care in paying or accepting the draft.

(b) Except as provided in subsection (c), if an instrument has been paid or accepted by mistake and the case is not covered by subsection (a), the person paying or accepting may, to the extent permitted by the law governing mistake and restitution, (i) recover the payment from the person to whom or for whose benefit payment was made or (ii) in the case of acceptance, may revoke the acceptance.

(c) The remedies provided by subsection (a) or (b) may not be asserted against a person who took the instrument in good faith and for value or who in good faith changed position in reliance on the payment or acceptance. This subsection does not limit remedies provided by RCW 62A.3-417 or 62A.4-407.

(d) Notwithstanding RCW 62A.4-213, if an instrument is paid or accepted by mistake and the payor or acceptor recovers payment or revokes acceptance under subsection (a) or (b), the instrument is deemed not to have been paid or accepted and is treated as dishonored, and the person from whom payment is recovered has rights as a person entitled to enforce the dishonored instrument.

Sec. RCW 62A.3-419 and 1965 ex.s. c 157 s 3-419 are each amended to read as follows:

~~((CONVERSION OF INSTRUMENT; INNOCENT REPRESENTATIVE. (1) An instrument is converted when~~

~~(a) a drawee to whom it is delivered for acceptance refuses to return it on demand; or~~

~~(b) any person to whom it is delivered for payment refuses on demand either to pay or to return it; or~~

~~(c) it is paid on a forged indorsement.~~

~~(2) In an action against a drawee under subsection (1) the measure of the drawee's liability is the face amount of the instrument. In any other action under subsection (1) the measure of liability is presumed to be the face amount of the instrument.~~

~~(3) Subject to the provisions of this Title concerning restrictive endorsements a representative, including a depository or collecting bank, who has in good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his hands.~~

~~(4) An intermediary bank or payor bank which is not a depository bank is not liable in conversion solely by reason of the fact that proceeds of an item indorsed restrictively (RCW 62A.3-205 and RCW 62A.3-206) are not paid or applied consistently with the restrictive indorsement of an indorser other than its immediate transferor.))~~

INSTRUMENTS SIGNED FOR ACCOMMODATION. (a) If an instrument is issued for value given for the benefit of a party to the instrument ("accommodated party") and another party to the instrument ("accommodation party") signs the

instrument for the purpose of incurring liability on the instrument without being a direct beneficiary of the value given for the instrument, the instrument is signed by the accommodation party "for accommodation."

(b) An accommodation party may sign the instrument as maker, drawer, acceptor, or indorser and, subject to subsection (d), is obliged to pay the instrument in the capacity in which the accommodation party signs. The obligation of an accommodation party may be enforced notwithstanding any statute of frauds and whether or not the accommodation party receives consideration for the accommodation.

(c) A person signing an instrument is presumed to be an accommodation party and there is notice that the instrument is signed for accommodation if the signature is an anomalous indorsement or is accompanied by words indicating that the signer is acting as surety or guarantor with respect to the obligation of another party to the instrument. Except as provided in RCW 62A.3-605, the obligation of an accommodation party to pay the instrument is not affected by the fact that the person enforcing the obligation had notice when the instrument was taken by that person that the accommodation party signed the instrument for accommodation.

(d) If the signature of a party to an instrument is accompanied by words indicating unambiguously that the party is guaranteeing collection rather than payment of the obligation of another party to the instrument, the signer is obliged to pay the amount due on the instrument to a person entitled to enforce the instrument only if (i) execution of judgment against the other party has been returned unsatisfied, (ii) the other party is insolvent or in an insolvency proceeding, (iii) the other party cannot be served with process, or (iv) it is otherwise apparent that payment cannot be obtained from the other party.

(e) An accommodation party who pays the instrument is entitled to reimbursement from the accommodated party and is entitled to enforce the instrument against the accommodated party. An accommodated party who pays the instrument has no right of recourse against, and is not entitled to contribution from, an accommodation party.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.3-420, to read as follows:

CONVERSION OF INSTRUMENT. (a) The law applicable to conversion of personal property applies to instruments. An instrument is also converted if it is taken by transfer, other than a negotiation, from a person not entitled to enforce the instrument or a bank makes or obtains payment with respect to the instrument for a person not entitled to enforce the instrument or receive payment. An action for conversion of an instrument may not be brought by (i) the issuer or acceptor of the instrument or (ii) a payee or indorsee who did not receive delivery of the instrument either directly or through delivery to an agent or a co-payee.

(b) In an action under subsection (a), the measure of liability is presumed to be the amount payable on the instrument, but recovery may not exceed the amount of the plaintiff's interest in the instrument.

(c) A representative, other than a depository bank, who has in good faith dealt with an instrument or its proceeds on behalf of one who was not the person entitled to enforce the instrument is not liable in conversion to that person beyond the amount of any proceeds that it has not paid out.

PART 5

~~((PRESENTMENT, NOTICE OF))~~ DISHONOR ~~((AND PROTEST))~~

Sec. RCW 62A.3-501 and 1965 ex.s. c 157 s 3-501 are each amended to read as follows:

~~((WHEN PRESENTMENT, NOTICE OF DISHONOR, AND PROTEST NECESSARY OR PERMISSIBLE. (1) Unless excused (RCW 62A.3-511) presentment is necessary to charge secondary parties as follows:~~

~~(a) presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere than at the residence or place of business of the drawee, or its date of payment depends upon such presentment. The holder may at his option present for acceptance any other draft payable at a stated date;~~

~~(b) presentment for payment is necessary to charge any indorser;~~

~~(c) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, presentment for payment is necessary, but failure to make presentment discharges such drawer, acceptor or maker only as stated in RCW 62A.3-502(1)(b).~~

~~(2) Unless excused (RCW 62A.3-511)~~

~~(a) notice of any dishonor is necessary to charge any indorser;~~

~~(b) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, notice of any dishonor is necessary, but failure to give such notice discharges such drawer, acceptor or maker only as stated in RCW 62A.3-502(1)(b).~~

~~(3) Unless excused (RCW 62A.3-511) protest of any dishonor is necessary to charge the drawer and indorsers of any draft which on its face appears to be drawn or payable outside of the states and territories of the United States and the District of Columbia. The holder may at his option make protest of any dishonor of any other instrument and in the case of a foreign draft may on insolvency of the acceptor before maturity make protest for better security.~~

~~(4) Notwithstanding any provision of this section, neither presentment nor notice of dishonor nor protest is necessary to charge an indorser who has indorsed an instrument after maturity.)~~

PRESENTMENT. (a) "Presentment" means a demand made by or on behalf of a person entitled to enforce an instrument (i) to pay the instrument made to the drawee or a party obliged to pay the instrument or, in the case of a note or accepted draft payable at a bank, to the bank, or (ii) to accept a draft made to the drawee.

(b) The following rules are subject to Article 4, agreement of the parties, and clearinghouse rules and the like:

(1) Presentment may be made at the place of payment of the instrument and must be made at the place of payment if the instrument is payable at a bank in the United States; may be made by any commercially reasonable means, including an oral, written, or electronic communication; is effective when the demand for payment or acceptance is received by the person to whom presentment is made; and is effective if made to any one of two or more makers, acceptors, drawees, or other payors.

(2) Upon demand of the person to whom presentment is made, the person making presentment must (i) exhibit the instrument, (ii) give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so, and (iii) sign a receipt on the instrument for any payment made or surrender the instrument if full payment is made.

(3) Without dishonoring the instrument, the party to whom presentment is made may (i) return the instrument for lack of a necessary indorsement, or (ii) refuse payment or acceptance for failure of the presentment to comply with the terms of the instrument, an agreement of the parties, or other applicable law or rule.

(4) The party to whom presentment is made may treat presentment as occurring on the next business day after the day of presentment if the party to whom presentment is made has established a cut-off hour not earlier than 2:00 p.m. for the receipt and processing of instruments presented for payment or acceptance and presentment is made after the cut-off hour.

Sec. RCW 62A.3-502 and 1965 ex.s. c 157 s 3-502 are each amended to read as follows:

~~((UNEXCUSED DELAY; DISCHARGE. (1) Where without excuse any necessary presentment or notice of dishonor is delayed beyond the time when it is due~~

~~(a) any indorser is discharged; and~~

~~(b) any drawer or the acceptor of a draft payable at a bank or the maker of a note payable at a bank who because the drawee or payor bank becomes insolvent during the delay is deprived of funds maintained with the drawee or payor bank to cover the instrument may discharge his liability by written assignment to the holder of his rights against the drawee or payor bank in respect of such funds, but such drawer, acceptor or maker is not otherwise discharged.~~

~~(2) Where without excuse a necessary protest is delayed beyond the time when it is due any drawer or indorser is discharged.))~~

DISHONOR. (a) Dishonor of a note is governed by the following rules:

(1) If the note is payable on demand, the note is dishonored if presentment is duly made to the maker and the note is not paid on the day of presentment.

(2) If the note is not payable on demand and is payable at or through a bank or the terms of the note require presentment, the note is dishonored if presentment is duly made and the note is not paid on the day it becomes payable or the day of presentment, whichever is later.

(3) If the note is not payable on demand and subsection (a)(2) does not apply, the note is dishonored if it is not paid on the day it becomes payable.

(b) Dishonor of an unaccepted draft other than a documentary draft is governed by the following rules:

(1) If a check is duly presented for payment to the payor bank otherwise than for immediate payment over the counter, the check is dishonored if the payor bank makes timely return of the check or sends timely notice of dishonor or nonpayment under RCW 62A.4-301 or 62A.4-302, or becomes accountable for the amount of the check under RCW 62A.4-302.

(2) If a draft is payable on demand and subsection (b)(1) does not apply, the draft is dishonored if presentment for payment is duly made to the drawee and the draft is not paid on the day of presentment.

(3) If a draft is payable on a date stated in the draft, the draft is dishonored if (i) presentment for payment is duly made to the drawee and payment is not made on the day the draft becomes payable or the day of presentment, whichever is later, or (ii) presentment for acceptance is duly made before the day the draft becomes payable and the draft is not accepted on the day of presentment.

(4) If a draft is payable on elapse of a period of time after sight or acceptance, the draft is dishonored if presentment for acceptance is duly made and the draft is not accepted on the day of presentment.

(c) Dishonor of an unaccepted documentary draft occurs according to the rules stated in subsection (b) (2), (3), and (4), except that payment or acceptance may be delayed without dishonor until no later than the close of the third business day of the drawee following the day on which payment or acceptance is required by subsection (b) (2), (3), and (4).

(d) Dishonor of an accepted draft is governed by the following rules:

(1) If the draft is payable on demand, the draft is dishonored if presentment for payment is duly made to the acceptor and the draft is not paid on the day of presentment; or

(2) If the draft is not payable on demand, the draft is dishonored if presentment for payment is duly made to the acceptor and payment is not made on the day it becomes payable or the day of presentment, whichever is later.

(e) In any case in which presentment is otherwise required for dishonor under this section and presentment is excused under RCW 62A.3-504, dishonor occurs without presentment if the instrument is not duly accepted or paid.

(f) If a draft is dishonored because timely acceptance of the draft was not made and the person entitled to demand acceptance consents to a late acceptance, from the time of acceptance the draft is treated as never having been dishonored.

Sec. RCW 62A.3-503 and 1965 ex.s. c 157 s 3-503 are each amended to read as follows:

~~((TIME OF PRESENTMENT. (1) Unless a different time is expressed in the instrument the time for any presentment is determined as follows:~~

(a) where an instrument is payable at or a fixed period after a stated date any presentment for acceptance must be made on or before the date it is payable;

(b) where an instrument is payable after sight it must either be presented for acceptance or negotiated within a reasonable time after date or issue whichever is later;

(c) where an instrument shows the date on which it is payable presentment for payment is due on that date;

(d) where an instrument is accelerated presentment for payment is due within a reasonable time after the acceleration;

(e) with respect to the liability of any secondary party presentment for acceptance or payment of any other instrument is due within a reasonable time after such party becomes liable thereon.

(2) A reasonable time for presentment is determined by the nature of the instrument, any usage of banking or trade and the facts of the particular case. In the case of an uncertified check which is drawn and payable within the United States and which is not a draft drawn by a bank the following are presumed to be reasonable periods within which to present for payment or to initiate bank collection:

(a) with respect to the liability of the drawer, thirty days after date or issue whichever is later; and

(b) with respect to the liability of an endorser, seven days after his indorsement.

(3) Where any presentment is due on a day which is not a full business day for either the person making presentment or the party to pay or accept, presentment is due on the next following day which is a full business day for both parties.

(4) Presentment to be sufficient must be made at a reasonable hour, and if at a bank during its banking day.)

NOTICE OF DISHONOR. (a) The obligation of an indorser stated in RCW 62A.3-415(a) and the obligation of a drawer stated in RCW 62A.3-414(d) may not be enforced unless (i) the indorser or drawer is given notice of dishonor of the instrument complying with this section or (ii) notice of dishonor is excused under RCW 62A.3-504(b).

(b) Notice of dishonor may be given by any person; may be given by any commercially reasonable means, including an oral, written, or electronic communication; and is sufficient if it reasonably identifies the instrument and indicates that the instrument has been dishonored or has not been paid or accepted. Return of an instrument given to a bank for collection is sufficient notice of dishonor.

(c) Subject to RCW 62A.3-504(c), with respect to an instrument taken for collection by a collecting bank, notice of dishonor must be given (i) by the bank before midnight of the next banking day following the banking day on which the bank receives notice of dishonor of the instrument, or (ii) by any other person within 30 days following the day on which the person receives notice of dishonor. With respect to any other instrument, notice of dishonor must be given within 30 days following the day on which dishonor occurs.

Sec. RCW 62A.3-504 and 1965 ex.s. c 157 s 3-504 are each amended to read as follows:

~~((HOW PRESENTMENT MADE. (1) Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder.~~

~~(2) Presentment may be made~~

~~(a) by mail, in which event the time of presentment is determined by the time of receipt of the mail; or~~

~~(b) through a clearing house; or~~

~~(c) at the place of acceptance or payment specified in the instrument or if there be none at the place of business or residence of the party to accept or pay. If neither the party to accept or pay nor anyone authorized to act for him is present or accessible at such place presentment is excused.~~

~~(3) It may be made~~

~~(a) to any one of two or more makers, acceptors, drawees or other payors; or~~

~~(b) to any person who has authority to make or refuse the acceptance or payment.~~

~~(4) A draft accepted or a note made payable at a bank in the United States must be presented at such bank.~~

~~(5) In the cases described in RCW 62A.4-210 presentment may be made in the manner and with the result stated in that section.)~~

EXCUSED PRESENTMENT AND NOTICE OF DISHONOR. (a) Presentment for payment or acceptance of an instrument is excused if (i) the person entitled to present the instrument cannot with reasonable diligence make presentment, (ii) the maker or acceptor has repudiated an obligation to pay the instrument or is dead or in insolvency proceedings, (iii) by the terms of the instrument presentment is not necessary to enforce the obligation of indorsers or the drawer, (iv) the drawer or indorser whose obligation is being enforced has waived presentment or otherwise has no reason to expect or right to require that the instrument be paid or accepted, or (v) the drawer instructed the drawee not to pay or accept the draft or the drawee was not obligated to the drawer to pay the draft.

(b) Notice of dishonor is excused if (i) by the terms of the instrument notice of dishonor is not necessary to enforce the obligation of a party to pay the instrument, or (ii) the party whose obligation is being enforced waived notice of dishonor. A waiver of presentment is also a waiver of notice of dishonor.

(c) Delay in giving notice of dishonor is excused if the delay was caused by circumstances beyond the control of the person giving the notice and the person giving the notice exercised reasonable diligence after the cause of the delay ceased to operate.

Sec. RCW 62A.3-505 and 1965 ex.s. c 157 s 3-505 are each amended to read as follows:

~~((RIGHTS OF PARTY TO WHOM PRESENTMENT IS MADE. (1) The party to whom presentment is made may without dishonor require~~

(a) exhibition of the instrument; and
(b) reasonable identification of the person making presentment and evidence of his authority to make it if made for another; and
(c) that the instrument be produced for acceptance or payment at a place specified in it, or if there be none at any place reasonable in the circumstances; and
(d) a signed receipt on the instrument for any partial or full payment and its surrender upon full payment.
(2) Failure to comply with any such requirement invalidates the presentment but the person presenting has a reasonable time in which to comply and the time for acceptance or payment runs from the time of compliance.)

EVIDENCE OF DISHONOR. (a) The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor stated:

(1) A document regular in form as provided in subsection (b) that purports to be a protest;
(2) A purported stamp or writing of the drawee, payor bank, or presenting bank on or accompanying the instrument stating that acceptance or payment has been refused unless reasons for the refusal are stated and the reasons are not consistent with dishonor;

(3) A book or record of the drawee, payor bank, or collecting bank, kept in the usual course of business which shows dishonor, even if there is no evidence of who made the entry.

(b) A protest is a certificate of dishonor made by a United States consul or vice-consul, or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties.

Sec. RCW 62A.3-512 and 1990 c 203 s 2 are each amended to read as follows:

~~((No))~~ A person may not record the number of a credit card given as identification under RCW ((62A.3-505(1)(b))) 62A.3-501(a)(2) or given as proof of credit worthiness when payment for goods or services is made by check or draft. Nothing in this section prohibits the recording of the number of a credit card given in lieu of a deposit to secure payment in the event of a default, loss, damage, or other occurrence.

Sec. RCW 62A.3-515 and 1991 c 168 s 1 are each amended to read as follows:

~~((1) Whenever))~~ (a) If a check as defined in RCW 62A.3-104 ((has been)) is dishonored by nonacceptance or nonpayment, the payee or holder of the check is entitled to collect a reasonable handling fee for each ((such)) instrument. ((When such)) If the check ((has)) is not ((been)) paid within fifteen days and after the holder of ((such)) the check sends ((such)) a notice of dishonor as provided by RCW 62A.3-520 to the drawer at ((his or her)) the drawer's last known address, ((then)) and if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of ((such)) the instrument ((shall also be)) is liable for payment of interest at the rate of twelve percent per annum from the date of dishonor, and cost of collection not to exceed forty dollars or the face amount of the check, whichever is ((the lesser)) less. In addition, in the event of court action on the check, the court, after ((such)) notice and the expiration of ((said)) the fifteen days, shall award a reasonable attorneys fee, and three times the face amount of the check or three hundred dollars, whichever is less, as part of the damages payable to the holder of the check. This section ((shall)) does not apply to ((any)) an instrument ((which has been)) that is dishonored by reason of ((any)) a justifiable stop payment order.

~~((2)(a))~~ (b)(1) Subsequent to the commencement of ((the)) an action on the check (subsection (a)) but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the ((sum of the)) face amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court and service costs.

~~((b))~~ (2) Nothing in this section precludes the right to commence action in ((any)) a court under chapter 12.40 RCW for small claims.

Sec. RCW 62A.3-520 and 1991 c 168 s 2 are each amended to read as follows:

The notice of dishonor shall be sent by mail to the drawer at ((his or her)) the drawer's last known address, and ((said)) the notice shall be substantially in the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by, which is the drawee bank designated on your check. This check is dated, and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

- (1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court;
- (2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and
- (3) Three hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are also CAUTIONED that law enforcement agencies may be provided with a copy of this notice of dishonor and the check drawn by you for the possibility of proceeding with criminal charges if you do not pay the amount of this check within fifteen days after the date this letter is postmarked.

You are advised to make your payment to at the following address:

Sec. RCW 62A.3-522 and 1981 c 254 s 3 are each amended to read as follows:

In addition to sending a notice of dishonor to the drawer of the check under RCW 62A.3-520, the holder of the check shall execute an affidavit certifying service of the notice by mail. The affidavit of service by mail (~~shall~~) must be attached to a copy of the notice of dishonor and (~~shall~~) must be substantially in the following form:

AFFIDAVIT OF SERVICE BY MAIL

I,, hereby certify that on the ___ day of, 19.., a copy of the foregoing Notice was served on by mailing via the United States Postal Service, postage prepaid, at, Washington.

Dated:

(Signature)

The holder shall retain the affidavit (~~shall be retained~~) with the check but shall file a copy of the affidavit (~~shall be filed~~) with the clerk of the court in which an action on the check is commenced.

Sec. RCW 62A.3-525 and 1981 c 254 s 4 are each amended to read as follows:

No interest, collection costs, and attorneys' fees, except handling fees, (~~shall be recovered~~) are recoverable on any dishonored check under the provisions of RCW 62A.3-515 where the holder of (~~such~~) the check or any agent, employee, or assign of the holder has demanded:

- (1) Interest or collection costs in excess of that provided by RCW 62A.3-515; or
- (2) Interest or collection costs prior to the expiration of fifteen days after the mailing of notice of dishonor, as provided by RCW 62A.3-515 and 62A.3-520; or
- (3) Attorneys' fees either without having (~~such~~) the fees set by the court, or prior to the expiration of fifteen days after the mailing of notice of dishonor, as provided by RCW 62A.3-515 and 62A.3-520.

PART 6 DISCHARGE AND PAYMENT

Sec. RCW 62A.3-601 and 1965 ex.s. c 157 s 3-601 are each amended to read as follows:

~~(DISCHARGE OF PARTIES. (1) The extent of the discharge of any party from liability on an instrument is governed by the sections on~~

- ~~(a) payment or satisfaction (RCW 62A.3-603); or~~
- ~~(b) tender of payment (RCW 62A.3-604); or~~
- ~~(c) cancellation or renunciation (RCW 62A.3-605); or~~
- ~~(d) impairment of right of recourse or of collateral (RCW 62A.3-606); or~~
- ~~(e) reacquisition of the instrument by a prior party (RCW 62A.3-208); or~~
- ~~(f) fraudulent and material alteration (RCW 62A.3-407); or~~
- ~~(g) certification of a check (RCW 62A.3-411); or~~
- ~~(h) acceptance varying a draft (RCW 62A.3-412); or~~
- ~~(i) unexcused delay in presentment or notice of dishonor or protest (RCW 62A.3-502).~~

~~(2) Any party is also discharged from his liability on an instrument to another party by any other act or agreement with such party which would discharge his simple contract for the payment of money.~~

~~(3) The liability of all parties is discharged when any party who has himself no right of action or recourse on the instrument~~

- ~~(a) reacquires the instrument in his own right; or~~
- ~~(b) is discharged under any provision of this Article, except as otherwise provided with respect to discharge for impairment of recourse or of collateral (RCW 62A.3-606).))~~

DISCHARGE AND EFFECT OF DISCHARGE. (a) The obligation of a party to pay the instrument is discharged as stated in this Article or by an act or agreement with the party which would discharge an obligation to pay money under a simple contract.

(b) Discharge of the obligation of a party is not effective against a person acquiring rights of a holder in due course of the instrument without notice of the discharge.

Sec. RCW 62A.3-602 and 1965 ex.s. c 157 s 3-602 are each amended to read as follows:

~~(EFFECT OF DISCHARGE AGAINST HOLDER IN DUE COURSE. No discharge of any party provided by this Article is effective against a subsequent holder in due course unless he has notice thereof when he takes the instrument.)~~

PAYMENT. (a) Subject to subsection (b), an instrument is paid to the extent payment is made (i) by or on behalf of a party obliged to pay the instrument, and (ii) to a person entitled to enforce the instrument. To the extent of the payment, the obligation of the party obliged to pay the instrument is discharged even though payment is made with knowledge of a claim to the instrument under RCW 62A.3-306 by another person.

(b) The obligation of a party to pay the instrument is not discharged under subsection (a) if:

(1) A claim to the instrument under RCW 62A.3-306 is enforceable against the party receiving payment and (i) payment is made with knowledge by the payor that payment is prohibited by injunction or similar process of a court of competent jurisdiction, or (ii) in the case of an instrument other than a cashier's check, teller's check, or certified check, the party making payment accepted, from the person having a claim to the instrument, indemnity against loss resulting from refusal to pay the person entitled to enforce the instrument; or

(2) The person making payment knows that the instrument is a stolen instrument and pays a person it knows is in wrongful possession of the instrument.

Sec. RCW 62A.3-603 and 1965 ex.s. c 157 s 3-603 are each amended to read as follows:

~~((PAYMENT OR SATISFACTION. (1) The liability of any party is discharged to the extent of his payment or satisfaction to the holder even though it is made with knowledge of a claim of another person to the instrument unless prior to such payment or satisfaction the person making the claim either supplies indemnity deemed adequate by the party seeking the discharge or enjoins payment or satisfaction by order of a court of competent jurisdiction in an action in which the adverse claimant and the holder are parties. This subsection does not, however, result in the discharge of the liability~~

~~(a) of a party who in bad faith pays or satisfies a holder who acquired the instrument by theft or who (unless having the rights of a holder in due course) holds through one who so acquired it; or~~

~~(b) of a party (other than an intermediary bank or a payor bank which is not a depository bank) who pays or satisfies the holder of an instrument which has been restrictively indorsed in a manner not consistent with the terms of such restrictive indorsement.~~

~~(2) Payment or satisfaction may be made with the consent of the holder by any person including a stranger to the instrument. Surrender of the instrument to such a person gives him the rights of a transferee (RCW 62A.3-201).))~~

TENDER OF PAYMENT. (a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.

(b) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument and the tender is refused, there is discharge, to the extent of the amount of the tender, of the obligation of an indorser or accommodation party having a right of recourse with respect to the obligation to which the tender relates.

(c) If tender of payment of an amount due on an instrument is made to a person entitled to enforce the instrument, the obligation of the obligor to pay interest after the due date on the amount tendered is discharged. If presentment is required with respect to an instrument and the obligor is able and ready to pay on the due date at every place of payment stated in the instrument, the obligor is deemed to have made tender of payment on the due date to the person entitled to enforce the instrument.

Sec. RCW 62A.3-604 and 1965 ex.s. c 157 s 3-604 are each amended to read as follows:

~~((TENDER OF PAYMENT. (1) Any party making tender of full payment to a holder when or after it is due is discharged to the extent of all subsequent liability for interest, costs and attorney's fees.~~

~~(2) The holder's refusal of such tender wholly discharges any party who has a right of recourse against the party making the tender.~~

~~(3) Where the maker or acceptor of an instrument payable otherwise than on demand is able and ready to pay at every place of payment specified in the instrument when it is due, it is equivalent to tender.))~~

DISCHARGE BY CANCELLATION OR RENUNCIATION. (a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed writing.

(b) Cancellation or striking out of an indorsement pursuant to subsection (a) does not affect the status and rights of a party derived from the indorsement.

Sec. RCW 62A.3-605 and 1965 ex.s. c 157 s 3-605 are each amended to read as follows:

~~((CANCELLATION AND RENUNCIATION. (1) The holder of an instrument may even without consideration discharge any party~~

~~(a) in any manner apparent on the face of the instrument or the indorsement, as by intentionally canceling the instrument or the party's signature by destruction or mutilation, or by striking out the party's signature; or~~

~~(b) by renouncing his rights by a writing signed and delivered or by surrender of the instrument to the party to be discharged.~~

~~(2) Neither cancellation nor renunciation without surrender of the instrument affects the title thereto.))~~

DISCHARGE OF INDORSERS AND ACCOMMODATION PARTIES. (a) In this section, the term "indorser" includes a drawer having the obligation described in RCW 62A.3-414(d).

(b) Discharge, under RCW 62A.3-604, of the obligation of a party to pay an instrument does not discharge the obligation of an indorser or accommodation party having a right of recourse against the discharged party.

(c) If a person entitled to enforce an instrument agrees, with or without consideration, to an extension of the due date of the obligation of a party to pay the instrument, the extension discharges an indorser or accommodation party having a right of recourse against the party whose obligation is extended to the extent the indorser or accommodation party proves that the extension caused loss to the indorser or accommodation party with respect to the right of recourse.

(d) If a person entitled to enforce an instrument agrees, with or without consideration, to a material modification of the obligation of a party other than an extension of the due date, the modification discharges the obligation of an indorser or accommodation party having a right of recourse against the person whose obligation is modified to the extent the modification causes loss to the indorser or accommodation party with respect to the right of recourse. The loss suffered by the indorser or accommodation party as a result of the modification is equal to the amount of the right of recourse unless the person enforcing the instrument proves that no loss was caused by the modification or that the loss caused by the modification was an amount less than the amount of the right of recourse.

(e) If the obligation of a party to pay an instrument is secured by an interest in collateral and a person entitled to enforce the instrument impairs the value of the interest in collateral, the obligation of an indorser or accommodation party having a right of recourse against the obligor is discharged to the extent of the impairment. The value of an interest in collateral is impaired to the extent (i) the value of the interest is reduced to an amount less than the amount of the right of recourse of the party asserting discharge, or (ii) the reduction in value of the interest causes an increase in the amount by which the amount of the right of recourse exceeds the value of the interest. The burden of proving impairment is on the party asserting discharge.

(f) If the obligation of a party is secured by an interest in collateral not provided by an accommodation party and a person entitled to enforce the instrument impairs the value of the interest in collateral, the obligation of any party who is jointly and severally liable with respect to the secured obligation is discharged to the extent the impairment causes the party asserting discharge to pay more than that party would have been obliged to pay, taking into account rights of contribution, if impairment had not occurred. If the party asserting discharge is an accommodation party not entitled to discharge under subsection (e), the party is deemed to have a right to contribution based on joint and several liability rather than a right to reimbursement. The burden of proving impairment is on the party asserting discharge.

(g) Under subsection (e) or (f), impairing value of an interest in collateral includes (i) failure to obtain or maintain perfection or recordation of the interest in collateral, (ii) release of collateral without substitution of collateral of equal value, (iii) failure to perform a duty to preserve the value of collateral owed, under Article 9 or other law, to a debtor or surety or other person secondarily liable, or (iv) failure to comply with applicable law in disposing of collateral.

(h) An accommodation party is not discharged under subsection (c), (d), or (e) unless the person entitled to enforce the instrument knows of the accommodation or has notice under RCW 62A.3-419(c) that the instrument was signed for accommodation.

(i) A party is not discharged under this section if (i) the party asserting discharge consents to the event or conduct that is the basis of the discharge, or (ii) the instrument or a separate agreement of the party provides for waiver of discharge under this section either specifically or by general language indicating that parties waive defenses based on suretyship or impairment of collateral.

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

- (1) RCW 62A.3-120 and 1965 ex.s. c 157 s 3-120;
- (2) RCW 62A.3-121 and 1965 ex.s. c 157 s 3-121;
- (3) RCW 62A.3-122 and 1965 ex.s. c 157 s 3-122;
- (4) RCW 62A.3-208 and 1965 ex.s. c 157 s 3-208;
- (5) RCW 62A.3-506 and 1965 ex.s. c 157 s 3-506;
- (6) RCW 62A.3-507 and 1965 ex.s. c 157 s 3-507;
- (7) RCW 62A.3-508 and 1965 ex.s. c 157 s 3-508;
- (8) RCW 62A.3-509 and 1965 ex.s. c 157 s 3-509;
- (9) RCW 62A.3-510 and 1965 ex.s. c 157 s 3-510;
- (10) RCW 62A.3-511 and 1965 ex.s. c 157 s 3-511;
- (11) RCW 62A.3-606 and 1965 ex.s. c 157 s 3-606;
- (12) RCW 62A.3-701 and 1965 ex.s. c 157 s 3-701;
- (13) RCW 62A.3-801 and 1965 ex.s. c 157 s 3-801;
- (14) RCW 62A.3-802 and 1965 ex.s. c 157 s 3-802;
- (15) RCW 62A.3-803 and 1965 ex.s. c 157 s 3-803;
- (16) RCW 62A.3-804 and 1965 ex.s. c 157 s 3-804; and
- (17) RCW 62A.3-805 and 1965 ex.s. c 157 s 3-805.

GENERAL PROVISIONS AND DEFINITIONS

Sec. RCW 62A.4-101 and 1965 ex.s. c 157 s 4-101 are each amended to read as follows:

SHORT TITLE. This Article (~~shall be known as~~) may be cited as Uniform Commercial Code--Bank Deposits and Collections.

Sec. RCW 62A.4-102 and 1965 ex.s. c 157 s 4-102 are each amended to read as follows:

APPLICABILITY. ~~((+))~~ (a) To the extent that items within this Article are also within ~~((the scope of))~~ Articles 3 and 8, they are subject to ~~((the provisions of))~~ those Articles. ~~((In the event of))~~ If there is conflict ~~((the provisions of))~~, this Article governs ~~((those of))~~ Article 3, but ~~((the provisions of))~~ Article 8 governs ~~((those of))~~ this Article.

~~((=))~~ (b) The liability of a bank for action or non-action with respect to ~~((any))~~ an item handled by it for purposes of presentment, payment, or collection is governed by the law of the place where the bank is located. In the case of action or non-action by or at a branch or separate office of a bank, its liability is governed by the law of the place where the branch or separate office is located.

Sec. RCW 62A.4-103 and 1965 ex.s. c 157 s 4-103 are each amended to read as follows:

VARIATION BY AGREEMENT; MEASURE OF DAMAGES; ~~((CERTAIN))~~ ACTION CONSTITUTING ORDINARY CARE. ~~((+))~~ (a) The effect of the provisions of this Article may be varied by agreement ~~((except that no agreement can)),~~ but the parties to the agreement cannot disclaim a bank's responsibility for its ~~((own))~~ lack of good faith or failure to exercise ordinary care or ~~((can))~~ limit the measure of damages for ~~((such))~~ the lack or failure ~~((but)).~~ However, the parties may determine by agreement ~~((determine))~~ the standards by which ~~((such))~~ the bank's responsibility is to be measured if ~~((such))~~ those standards are not manifestly unreasonable.

~~((=))~~ (b) Federal Reserve regulations and operating ~~((letters))~~ circulares, clearing-house rules, and the like ~~((=))~~ have the effect of agreements under subsection ~~((+))~~ (a), whether or not specifically assented to by all parties interested in items handled.

~~((=))~~ (c) Action or non-action approved by this Article or pursuant to Federal Reserve regulations or operating ~~((letters constitutes))~~ circulares is the exercise of ordinary care and, in the absence of special instructions, action or non-action consistent with clearing-house rules and the like or with a general banking usage not disapproved by this Article, is prima facie ~~((constitutes))~~ the exercise of ordinary care.

~~((+))~~ (d) The specification or approval of certain procedures by this Article ~~((does))~~ is not ~~((constitute))~~ disapproval of other procedures ~~((which))~~ that may be reasonable under the circumstances.

~~((=))~~ (e) The measure of damages for failure to exercise ordinary care in handling an item is the amount of the item reduced by an amount ~~((which))~~ that could not have been realized by the ~~((use))~~ exercise of ordinary care ~~((, and where)).~~ If there is also bad faith it includes any other damages ~~((, if any, suffered by))~~ the party suffered as a proximate consequence.

Sec. RCW 62A.4-104 and 1981 c 122 s 1 are each amended to read as follows:

DEFINITIONS AND INDEX OF DEFINITIONS. ~~((+))~~ (a) In this Article, unless the context otherwise requires;

~~((+))~~ (1) "Account" means any deposit or credit account with a bank ~~((and includes)),~~ including a ~~((checking))~~ demand, time, ~~((interest or))~~ savings, passbook, share draft, or like account, other than an account evidenced by a certificate of deposit;

~~((+))~~ (2) "Afternoon" means the period of a day between noon and midnight;

~~((+))~~ (3) "Banking day" means ~~((that))~~ the part of ~~((any))~~ a day on which a bank is open to the public for carrying on substantially all of its banking functions, except that it shall not include a Saturday, Sunday, or legal holiday;

~~((+))~~ (4) "Clearing house" means ~~((any))~~ an association of banks or other payors regularly clearing items;

~~((+))~~ (5) "Customer" means ~~((any))~~ a person having an account with a bank or for whom a bank has agreed to collect items ~~((and includes)),~~ including a bank ~~((carrying))~~ that maintains an account ~~((with))~~ at another bank;

~~((+))~~ (6) "Documentary draft" means ~~((any negotiable or non negotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft))~~ a draft to be presented for acceptance or payment if specified documents, certificated securities (RCW 62A.8-102) or instructions for uncertificated securities (RCW 62A.8-308), or other certificates, statements, or the like are to be received by the drawee or other payor before acceptance or payment of the draft;

(7) "Draft" means a draft as defined in RCW 62A.3-104 or an item, other than an instrument, that is an order;

(8) "Drawee" means a person ordered in a draft to make payment;

~~((+))~~ (9) "Item" means ~~((any))~~ an instrument ~~((for the))~~ or a promise or order to pay money handled by a bank for collection or payment ~~((of money even though it is not negotiable but does not include money)).~~ The term does not include a payment order governed by Article 4A or a credit or debit card slip;

~~((+))~~ (10) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

~~((i))~~ "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;

~~((+))~~ (11) "Settle" means to pay in cash, by clearing-house settlement, in a charge or credit or by remittance, or otherwise as ~~((instructed))~~ agreed. A settlement may be either provisional or final;

~~((4))~~ (12) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

~~((2))~~ (b) Other definitions applying to this Article and the sections in which they appear are:

"Agreement for electronic presentment" section 86 of this act.

"Bank" RCW 62A.4-105.

"Collecting bank" RCW 62A.4-105.

"Depository bank" RCW 62A.4-105.

"Intermediary bank" RCW 62A.4-105.

"Payor bank" RCW 62A.4-105.

"Presenting bank" RCW 62A.4-105.

~~("Remitting bank" RCW 62A.4-105.)~~

"Presentment notice" section 86 of this act.

~~((3))~~ (c) The following definitions in other Articles apply to this Article:

"Acceptance" RCW ((62A.3-410)) 62A.3-409.

"Alteration" RCW 62A.3-407.

"Cashier's check" RCW 62A.3-104.

"Certificate of deposit" RCW 62A.3-104.

~~("Certification" RCW 62A.3-411.)~~

"Certified check" RCW 62A.3-409.

"Check" RCW 62A.3-104.

"Draft" RCW 62A.3-104.

"Good faith" RCW 62A.3-103.

"Holder in due course" RCW 62A.3-302.

"Instrument" RCW 62A.3-104.

"Notice of dishonor" RCW ((62A.3-508)) 62A.3-503.

"Order" RCW 62A.3-103.

"Ordinary care" RCW 62A.3-103.

"Person entitled to enforce" RCW 62A.3-301.

"Presentment" RCW ((62A.3-504)) 62A.3-501.

"Promise" RCW 62A.3-103.

~~("Protest" RCW 62A.3-509.)~~

"Prove" RCW 62A.3-103.

~~("Secondary party" RCW 62A.3-102.)~~

"Teller's check" RCW 62A.3-104.

"Unauthorized signature" RCW 62A.3-403.

~~((4))~~ (d) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. RCW 62A.4-105 and 1965 ex.s. c 157 s 4-105 are each amended to read as follows:

"BANK"; "DEPOSITARY BANK"; "PAYOR BANK"; "INTERMEDIARY BANK"; "COLLECTING BANK";
~~("PAYOR BANK"); "PRESENTING BANK"((; "REMITTING BANK"))~~. In this Article ~~((unless the context otherwise requires))~~:

~~((a))~~ (1) "Bank" means a person engaged in the business of banking, including a savings bank, savings and loan association, credit union, or trust company;

(2) "Depository bank" means the first bank to ((which)) take an item ((is transferred for collection)) even though it is also the payor bank, unless the item is presented for immediate payment over the counter;

~~((b))~~ (3) "Payor bank" means a bank ((by which an item)) that is ((payable as drawn or accepted)) the drawee of a draft;

~~((c))~~ (4) "Intermediary bank" means ((any)) a bank to which an item is transferred in course of collection except the depository or payor bank;

~~((d))~~ (5) "Collecting bank" means ((any)) a bank handling the item for collection except the payor bank;

~~((e))~~ (6) "Presenting bank" means ((any)) a bank presenting an item except a payor bank((;

(f) "Remitting bank" means any payor or intermediary bank remitting for an item).

Sec. RCW 62A.4-106 and 1965 ex.s. c 157 s 4-106 are each amended to read as follows:

~~((SEPARATE OFFICE OF A BANK. A branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders shall be given under this Article and under Article 3-))~~ PAYABLE THROUGH OR PAYABLE AT BANK; COLLECTING BANK. (a) If an item states that it is "payable through" a bank identified in the item, (i) the item designates the bank as a collecting bank and does not by itself authorize the bank to pay the item, and (ii) the item may be presented for payment only by or through the bank.

(b) If an item states that it is "payable at" a bank identified in the item, (i) the item designates the bank as a collecting bank and does not by itself authorize the bank to pay the item, and (ii) the item may be presented for payment only by or through the bank.

(c) If a draft names a nonbank drawee and it is unclear whether a bank named in the draft is a codrawee or a collecting bank, the bank is a collecting bank.

Sec. RCW 62A.4-107 and 1965 ex.s. c 157 s 4-107 are each amended to read as follows:

~~((TIME OF RECEIPT OF ITEMS. (1) For the purpose of allowing time to process items, prove balances, and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P.M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.~~

~~(2) Any item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day-))~~ SEPARATE OFFICE OF A BANK. A branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders must be given under this Article and under Article 3.

Sec. RCW 62A.4-108 and 1965 ex.s. c 157 s 4-108 are each amended to read as follows:

~~((DELAYS. (1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by this Title for a period not in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.~~

~~(2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this Title or by instructions is excused if caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond the control of the bank provided it exercises such diligence as the circumstances require-))~~ TIME OF RECEIPT OF ITEMS. (a) For the purpose of allowing time to process items, prove balances, and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P.M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.

(b) An item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.

Sec. RCW 62A.4-109 and 1965 ex.s. c 157 s 4-109 are each amended to read as follows:

~~((The "process of posting" means the usual procedure followed by a payor bank in determining to pay an item and in recording the payment including one or more of the following or other steps as determined by the bank:~~

- ~~(a) verification of any signature;~~
- ~~(b) ascertaining that sufficient funds are available;~~
- ~~(c) affixing a "paid" or other stamp;~~
- ~~(d) entering a charge or entry to a customer's account;~~
- ~~(e) correcting or reversing an entry or erroneous action with respect to the item-))~~

DELAYS. (a) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment of a specific item drawn on a payor other than a bank, and with or without the approval of any person involved, may waive, modify, or extend time limits imposed or permitted by this Title for a period not exceeding two additional banking days without discharge of drawers or indorsers or liability to its transferor or a prior party.

(b) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this Title or by instructions is excused if (i) the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of the bank, and (ii) the bank exercises such diligence as the circumstances require.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-110, to read as follows:

ELECTRONIC PRESENTMENT. (a) "Agreement for electronic presentment" means an agreement, clearing-house rule, or Federal Reserve regulation or operating circular, providing that presentment of an item may be made by transmission of an image of an item or information describing the item ("presentment notice") rather than delivery of the item itself. The agreement may provide for procedures governing retention, presentment, payment, dishonor, and other matters concerning items subject to the agreement.

(b) Presentment of an item pursuant to an agreement for presentment is made when the presentment notice is received.

(c) If presentment is made by presentment notice, a reference to "item" or "check" in this Article means the presentment notice unless the context otherwise indicates.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-111, to read as follows:

STATUTE OF LIMITATIONS. An action to enforce an obligation, duty, or right arising under this Article must be commenced within three years after the cause of action accrues.

PART 2
COLLECTION OF ITEMS:
DEPOSITORY AND COLLECTING BANKS

Sec. RCW 62A.4-201 and 1965 ex.s. c 157 s 4-201 are each amended to read as follows:

~~((PRESUMPTION AND DURATION OF AGENCY))~~ STATUS OF COLLECTING BANK~~((S))~~ AS AGENT AND PROVISIONAL STATUS OF CREDITS; APPLICABILITY OF ARTICLE; ITEM INDORSED "PAY ANY BANK". ~~((H))~~ (a) Unless a contrary intent clearly appears and ~~((prior to))~~ before the time that a settlement given by a collecting bank for an item is or becomes final ~~((subsection (3) of RCW 62A.4 211 and RCW 62A.4 212 and RCW 62A.4 213))~~, the bank, with respect to the item, is an agent or sub-agent of the owner of the item and any settlement given for the item is provisional. This provision applies regardless of the form of indorsement or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank such as those resulting from outstanding advances on the item and ~~((valid))~~ rights of recoupment or setoff. ~~((When))~~ If an item is handled by banks for purposes of presentment, payment ~~((and))~~, collection, or return, the relevant provisions of this Article apply even though action of the parties clearly establishes that a particular bank has purchased the item and is the owner of it.

~~((2))~~ (b) After an item has been indorsed with the words "pay any bank" or the like, only a bank may acquire the rights of a holder until the item has been:

~~((a) until the item has been))~~ (1) Returned to the customer initiating collection; or

~~((b) until the item has been))~~ (2) Specially indorsed by a bank to a person who is not a bank.

Sec. RCW 62A.4-202 and 1965 ex.s. c 157 s 4-202 are each amended to read as follows:

RESPONSIBILITY FOR COLLECTION OR RETURN; WHEN ACTION ~~((SEASONABLE))~~ TIMELY. ~~((H))~~ (a) A collecting bank must ~~((use))~~ exercise ordinary care in:

~~((a))~~ (1) Presenting an item or sending it for presentment; ~~((and~~

~~((b))~~ (2) Sending notice of dishonor or non-payment or returning an item other than a documentary draft to the bank's transferor ~~((or directly to the depository bank under subsection (2) of RCW 62A.4 212))~~ after learning that the item has not been paid or accepted, as the case may be; ~~((and~~

~~((c))~~ (3) Settling for an item when the bank receives final settlement; and

~~((d) making or providing for any necessary protest; and~~

~~((e))~~ (4) Notifying its transferor of any loss or delay in transit within a reasonable time after discovery thereof.

~~((2) A collecting bank taking proper action before its midnight deadline following receipt of an item, notice or payment acts seasonably; taking proper action within a reasonably longer time may be seasonable but the bank has the burden of so establishing.)~~ (b) A collecting bank exercises ordinary care under subsection (a) by taking proper action before its midnight deadline following receipt of an item, notice, or settlement. Taking proper action within a reasonably longer time may constitute the exercise of ordinary care, but the bank has the burden of establishing timeliness.

~~((3))~~ (c) Subject to subsection ~~((1)(a))~~ (a)(1), a bank is not liable for the insolvency, neglect, misconduct, mistake or default of another bank or person or for loss or destruction of an item in the possession of others or in transit ~~((or in the possession of others))~~.

Sec. RCW 62A.4-203 and 1965 ex.s. c 157 s 4-203 are each amended to read as follows:

EFFECT OF INSTRUCTIONS. Subject to ~~((the provisions of))~~ Article 3 concerning conversion of instruments ~~((RCW 62A.3 419))~~ (RCW 62A.3-420 (section 60 of this act)) and ~~((the provisions of both Article 3 and this Article concerning))~~ restrictive endorsements (RCW 62A.3-206), only a collecting bank's transferor can give instructions ~~((which))~~ that affect the bank or constitute notice to it, and a collecting bank is not liable to prior parties for any action taken pursuant to ~~((such))~~ the instructions or in accordance with any agreement with its transferor.

Sec. RCW 62A.4-204 and 1965 ex.s. c 157 s 4-204 are each amended to read as follows:

METHODS OF SENDING AND PRESENTING; SENDING ~~((DIRECT))~~ DIRECTLY TO PAYOR BANK. ~~((H))~~ (a) A collecting bank ~~((must))~~ shall send items by a reasonably prompt method, taking into consideration ~~((any))~~ relevant instructions, the nature of the item, the number of ~~((such))~~ those items on hand, ~~((and))~~ the cost of collection involved, and the method generally used by it or others to present ~~((such))~~ those items.

~~((2))~~ (b) A collecting bank may send:

~~((a) any))~~ (1) An item ~~((direct))~~ directly to the payor bank;

~~((b) any))~~ (2) An item to ~~((any))~~ a non-bank payor if authorized by its transferor; and

~~((c) any))~~ (3) An item other than documentary drafts to ~~((any))~~ a non-bank payor, if authorized by Federal Reserve regulation or operating ~~((letter))~~ circular, clearing-house rule, or the like.

~~((3))~~ (c) Presentment may be made by a presenting bank at a place where the payor bank or other payor has requested that presentment be made.

Sec. RCW 62A.4-205 and 1965 ex.s. c 157 s 4-205 are each amended to read as follows:

~~((SUPPLYING MISSING INDORSEMENT; NO NOTICE FROM PRIOR INDORSEMENT.))~~ DEPOSITARY BANK HOLDER OF UNINDORSED ITEM.

If a customer delivers an item to a depositary bank for collection:

~~((1) A depositary bank which has taken an item for collection may supply any indorsement of the customer which is necessary to title unless the item contains the words "payee's indorsement required" or the like. In the absence of such a requirement a statement placed on the item by the depositary bank to the effect that the item was deposited by a customer or credited to his account is effective as the customer's indorsement.~~

~~(2) An intermediary bank, or payor bank which is not a depositary bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor.))~~ (a) The depositary bank becomes a holder of the item at the time it receives the item for collection if the customer at the time of delivery was a holder of the item, whether or not the customer endorses the item, and, if the bank satisfies the other requirements of RCW 62A.3-302, it is a holder in due course; and

(b) The depositary bank warrants to collecting banks, the payor bank or other payor, and the drawer that the amount of the item was paid to the customer or deposited to the customer's account.

Sec. RCW 62A.4-206 and 1965 ex.s. c 157 s 4-206 are each amended to read as follows:

TRANSFER BETWEEN BANKS. Any agreed method (~~which~~) that identifies the transferor bank is sufficient for the item's further transfer to another bank.

Sec. RCW 62A.4-207 and 1965 ex.s. c 157 s 4-207 are each amended to read as follows:

TRANSFER WARRANTIES (OF CUSTOMER AND COLLECTING BANK ON TRANSFER OR PRESENTMENT OF ITEMS; TIME FOR CLAIMS. (1) Each customer or collecting bank who obtains payment or acceptance of an item and each prior customer and collecting bank warrants to the payor bank or other payor who in good faith pays or accepts the item that

~~(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title; and~~

~~(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith~~

~~(i) to a maker with respect to the maker's own signature; or~~

~~(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or~~

~~(iii) to an acceptor of an item if the holder in due course took the item after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and~~

~~(c) the item has not been materially altered, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith~~

~~(i) to the maker of a note; or~~

~~(ii) to the drawer of a draft whether or not the drawer is also the drawee; or~~

~~(iii) to the acceptor of an item with respect to an alteration made prior to the acceptance if the holder in due course took the item after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or~~

~~(iv) to the acceptor of an item with respect to an alteration made after the acceptance.~~

~~(2) Each customer and collecting bank who transfers an item and receives a settlement or other consideration for it warrants to his transferee and to any subsequent collecting bank who takes the item in good faith that~~

~~(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and~~

~~(b) all signatures are genuine or authorized; and~~

~~(c) the item has not been materially altered; and~~

~~(d) no defense of any party is good against him; and~~

~~(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted item.~~

In addition each customer and collecting bank so transferring an item and receiving a settlement or other consideration engages that upon dishonor and any necessary notice of dishonor and protest he will take up the item.

~~(3) The warranties and the engagement to honor set forth in the two preceding subsections arise notwithstanding the absence of indorsement or words of guaranty or warranty in the transfer or presentment and a collecting bank remains liable for their breach despite remittance to its transferor. Damages for breach of such warranties or engagement to honor shall not exceed the consideration received by the customer or collecting bank responsible plus finance charges and expenses related to the item, if any.~~

~~(4) Unless a claim for breach of warranty under this section is made within a reasonable time after the person claiming learns of the breach, the person liable is discharged to the extent of any loss caused by the delay in making claim)).~~ (a) A customer or collecting bank that transfers an item and receives a settlement or other consideration warrants to the transferee and to any subsequent collecting bank that:

(1) The warrantor is a person entitled to enforce the item;

(2) All signatures on the item are authentic and authorized;

(3) The item has not been altered;

(4) The item is not subject to a defense or claim in recoupment (RCW 62A.3-305(a)) of any party that can be asserted against the warrantor; and

(5) The warrantor has no knowledge of any insolvency proceeding commenced with respect to the maker or acceptor or, in the case of an unaccepted draft, the drawer.

(b) If an item is dishonored, a customer or collecting bank transferring the item and receiving settlement or other consideration is obliged to pay the amount due on the item (i) according to the terms of the item at the time it was transferred, or (ii) if the transfer was of an incomplete item, according to its terms when completed as stated in RCW 62A.3-115 and 62A.3-407. The obligation of a transferor is owed to the transferee and to any subsequent collecting bank that takes the item in good faith. A transferor cannot disclaim its obligation under this subsection by an indorsement stating that it is made "without recourse" or otherwise disclaiming liability.

(c) A person to whom the warranties under subsection (a) are made and who took the item in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the item plus expenses and loss of interest incurred as a result of the breach.

(d) The warranties stated in subsection (a) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(e) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. RCW 62A.4-208 and 1965 ex.s. c 157 s 4-208 are each amended to read as follows:

~~((SECURITY INTEREST OF COLLECTING BANK IN ITEMS, ACCOMPANYING DOCUMENTS AND PROCEEDS. (1) A bank has a security interest in an item and any accompanying documents or the proceeds of either~~

~~(a) in case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied;~~

~~(b) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon and whether or not there is a right of charge back; or~~

~~(c) if it makes an advance on or against the item.~~

~~(2) When credit which has been given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.~~

~~(3) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents and proceeds. To the extent and so long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues and is subject to the provisions of Article 9 except that~~

~~(a) no security agreement is necessary to make the security interest enforceable (subsection (1)(b) of RCW 62A.9-203); and~~

~~(b) no filing is required to perfect the security interest; and~~

~~(c) the security interest has priority over conflicting perfected security interests in the item, accompanying documents or proceeds.) PRESENTMENT WARRANTIES. (a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft, (i) the person obtaining payment or acceptance, at the time of presentment, and (ii) a previous transferor of the draft, at the time of transfer, warrant to the drawee that pays or accepts the draft in good faith that:~~

~~(1) The warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;~~

~~(2) The draft has not been altered; and~~

~~(3) The warrantor has no knowledge that the signature of the purported drawer of the draft is unauthorized.~~

~~(b) A drawee making payment may recover from a warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft (i) breach of warranty is a defense to the obligation of the acceptor, and (ii) if the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from a warrantor for breach of warranty the amounts stated in this subsection.~~

~~(c) If a drawee asserts a claim for breach of warranty under subsection (a) based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under RCW 62A.3-404 or 62A.3-405 or the drawer is precluded under RCW 62A.3-406 or 62A.4-406 from asserting against the drawee the unauthorized indorsement or alteration.~~

~~(d) If (i) a dishonored draft is presented for payment to the drawer or an indorser or (ii) any other item is presented for payment to a party obliged to pay the item, and the item is paid, the person obtaining payment and a prior transferor of the item warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the item, a person entitled to enforce the item or authorized to obtain payment on behalf of a person entitled to enforce the item. The person~~

making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses and loss of interest resulting from the breach.

(e) The warranties stated in subsections (a) and (d) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(f) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

Sec. RCW 62A.4-209 and 1965 ex.s. c 157 s 4-209 are each amended to read as follows:

~~((WHEN BANK GIVES VALUE FOR PURPOSES OF HOLDER IN DUE COURSE. For purposes of determining its status as a holder in due course, the bank has given value to the extent that it has a security interest in an item provided that the bank otherwise complies with the requirements of RCW 62A.3 302 on what constitutes a holder in due course.))~~ ENCODING AND RETENTION WARRANTIES. (a) A person who encodes information on or with respect to an item after issue warrants to any subsequent collecting bank and to the payor bank or other payor that the information is correctly encoded. If the customer of a depository bank encodes, that bank also makes the warranty.

(b) A person who undertakes to retain an item pursuant to an agreement for electronic presentment warrants to any subsequent collecting bank and to the payor bank or other payor that retention and presentment of the item comply with the agreement. If a customer of a depository bank undertakes to retain an item, that bank also makes this warranty.

(c) A person to whom warranties are made under this section and who took the item in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, plus expenses and loss of interest incurred as a result of the breach.

Sec. RCW 62A.4-210 and 1965 ex.s. c 157 s 4-210 are each amended to read as follows:

~~((PRESENTMENT BY NOTICE OF ITEM NOT PAYABLE BY, THROUGH OR AT A BANK; LIABILITY OF SECONDARY PARTIES. (1) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under RCW 62A.3 505 by the close of the bank's next banking day after it knows of the requirement.~~

~~(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under RCW 62A.3 505 is received by the close of business on the day after maturity or in the case of demand items by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.))~~ SECURITY INTEREST OF COLLECTING BANK IN ITEMS, ACCOMPANYING DOCUMENTS AND PROCEEDS. (a) A collecting bank has a security interest in an item and any accompanying documents or the proceeds of either:

(1) In case of an item deposited in an account, to the extent to which credit given for the item has been withdrawn or applied;

(2) In case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon or there is a right of charge-back; or

(3) If it makes an advance on or against the item.

(b) If credit given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part, the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(c) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. So long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues to that extent and is subject to Article 9, but:

(1) No security agreement is necessary to make the security interest enforceable (subsection (1) of RCW 62A.9-203);

(2) No filing is required to perfect the security interest; and

(3) The security interest has priority over conflicting perfected security interests in the item, accompanying documents, or proceeds.

Sec. RCW 62A.4-211 and 1965 ex.s. c 157 s 4-211 are each amended to read as follows:

~~((MEDIA OF REMITTANCE; PROVISIONAL AND FINAL SETTLEMENT IN REMITTANCE CASES. (1) A collecting bank may take in settlement of an item~~

~~(a) a check of the remitting bank or of another bank on any bank except the remitting bank; or~~

~~(b) a cashier's check or similar primary obligation of a remitting bank which is a member of or clears through a member of the same clearing house or group as the collecting bank; or~~

~~(c) appropriate authority to charge an account of the remitting bank or of another bank with the collecting bank; or~~

~~(d) if the item is drawn upon or payable by a person other than a bank, a cashier's check, certified check or other bank check or obligation.~~

(2) If before its midnight deadline the collecting bank properly dishonors a remittance check or authorization to charge on itself or presents or forwards for collection a remittance instrument of or on another bank which is of a kind approved by subsection (1) or has not been authorized by it, the collecting bank is not liable to prior parties in the event of the dishonor of such check, instrument or authorization.

(3) A settlement for an item by means of a remittance instrument or authorization to charge is or becomes a final settlement as to both the person making and the person receiving the settlement

(a) if the remittance instrument or authorization to charge is of a kind approved by subsection (1) or has not been authorized by the person receiving the settlement and in either case the person receiving the settlement acts seasonably before its midnight deadline in presenting, forwarding for collection or paying the instrument or authorization, at the time the remittance instrument or authorization is finally paid by the payor by which it is payable;

(b) if the person receiving the settlement has authorized remittance by a non bank check or obligation or by a cashier's check or similar primary obligation of or a check upon the payor or other remitting bank which is not of a kind approved by subsection (1)(b), at the time of the receipt of such remittance check or obligation; or

(c) if in a case not covered by sub paragraphs (a) or (b) the person receiving the settlement fails to seasonably present, forward for collection, pay or return a remittance instrument or authorization to it to charge before its midnight deadline, at such midnight deadline.) WHEN BANK GIVES VALUE FOR PURPOSES OF HOLDER IN DUE COURSE. For purposes of determining its status as a holder in due course, bank has given value to the extent it has a security interest in an item, if the bank otherwise complies with the requirements of RCW 62A.3-302 on what constitutes a holder in due course.

Sec. RCW 62A.4-212 and 1965 ex.s. c 157 s 4-212 are each amended to read as follows:

~~((RIGHT OF CHARGE BACK OR REFUND. (1) If a collecting bank has made provisional settlement with its customer for an item and itself fails by reason of dishonor, suspension of payments by a bank or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the items if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. These rights to revoke, charge back and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final (subsection (3) of RCW 62A.4-211 and subsections (2) and (3) of RCW 62A.4-213).~~

~~(2) Within the time and manner prescribed by this section and RCW 62A.4-301, an intermediary or payor bank, as the case may be, may return an unpaid item directly to the depository bank and may send for collection a draft on the depository bank and obtain reimbursement. In such case, if the depository bank has received provisional settlement for the item, it must reimburse the bank drawing the draft and any provisional credits for the item between banks shall become and remain final.~~

~~(3) A depository bank which is also the payor may charge back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (RCW 62A.4-301)~~

~~(4) The right to charge back is not affected by~~

~~(a) prior use of the credit given for the item; or~~

~~(b) failure by any bank to exercise ordinary care with respect to the item but any bank so failing remains liable.~~

~~(5) A failure to charge back or claim refund does not affect other rights of the bank against the customer or any other party.~~

~~(6) If credit is given in dollars as the equivalent of the value of an item payable in a foreign currency the dollar amount of any charge back or refund shall be calculated on the basis of the buying sight rate for the foreign currency prevailing on the day when the person entitled to the charge back or refund learns that it will not receive payment in ordinary course.)~~

PRESENTMENT BY NOTICE OF ITEM NOT PAYABLE BY, THROUGH, OR AT A BANK; LIABILITY OF DRAWER OR INDORSER. (a) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under RCW 62A.3-501 by the close of the bank's next banking day after it knows of the requirement.

(b) If presentment is made by notice and payment, acceptance, or request for compliance with a requirement under RCW 62A.3-501 is not received by the close of business on the day after maturity or, in the case of demand items, by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any drawer or indorser by sending it notice of the facts.

Sec. RCW 62A.4-213 and 1965 ex.s. c 157 s 4-213 are each amended to read as follows:

~~((FINAL PAYMENT OF ITEM BY PAYOR BANK; WHEN PROVISIONAL DEBITS AND CREDITS BECOME FINAL; WHEN CERTAIN CREDITS BECOME AVAILABLE FOR WITHDRAWAL. (1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:~~

~~(a) paid the item in cash; or~~

~~(b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or~~

~~(c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or~~

(d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of RCW 62A.4 211, subsection (2) of RCW 62A.4 213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

(a) in any case where the bank has received a provisional settlement for the item, when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;

(b) in any case where the bank is both a depository bank and a payor bank and the item is finally paid, at the opening of the bank's second banking day following receipt of the item.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit.) MEDIUM AND TIME OF SETTLEMENT BY BANK. (a) With respect to settlement by a bank, the medium and time of settlement may be prescribed by Federal Reserve regulations or circulars, clearing-house rules, and the like, or agreement. In the absence of such prescription:

(1) The medium of settlement is cash or credit to an account in a Federal Reserve bank of or specified by the person to receive settlement; and

(2) The time of settlement, is:

(i) With respect to tender of settlement by cash, a cashier's check, or teller's check, when the cash or check is sent or delivered;

(ii) With respect to tender of settlement by credit in an account in a Federal Reserve bank, when the credit is made;

(iii) With respect to tender of settlement by a credit or debit to an account in a bank, when the credit or debit is made or, in the case of tender of settlement by authority to charge an account, when the authority is sent or delivered; or

(iv) With respect to tender of settlement by a funds transfer, when payment is made pursuant to RCW 62A.4A-406(1) to the person receiving settlement.

(b) If the tender of settlement is not by a medium authorized by subsection (a) or the time of settlement is not fixed by subsection (a), no settlement occurs until the tender of settlement is accepted by the person receiving settlement.

(c) If settlement for an item is made by cashier's check or teller's check and the person receiving settlement, before its midnight deadline:

(1) Presents or forwards the check for collection, settlement is final when the check is finally paid; or

(2) Fails to present or forward the check for collection, settlement is final at the midnight deadline of the person receiving settlement.

(d) If settlement for an item is made by giving authority to charge the account of the bank giving settlement in the bank receiving settlement, settlement is final when the charge is made by the bank receiving settlement if there are funds available in the account for the amount of the item.

Sec. RCW 62A.4-214 and 1965 ex.s. c 157 s 4-214 are each amended to read as follows:

~~((INSOLVENCY AND PREFERENCE. (1) Any item in or coming into the possession of a payor or collecting bank which suspends payment and which item is not finally paid shall be returned by the receiver, trustee or agent in charge of the closed bank to the presenting bank or the closed bank's customer.~~

~~(2) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.~~

~~(3) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement becoming final if such finality occurs automatically upon the lapse of certain time or the happening of certain events (subsection (3) of RCW 62A.4 211, subsections (1)(d), (2) and (3) of RCW 62A.4 213).~~

~~(4) If a collecting bank receives from subsequent parties settlement for an item which settlement is or becomes final and suspends payments without making a settlement for the item with its customer which is or becomes final, the owner of the item has a preferred claim against such collecting bank.)~~ RIGHT OF CHARGE-BACK OR REFUND; LIABILITY OF COLLECTING BANK; RETURN OF ITEM. (a) If a collecting bank has made provisional settlement with its customer for an item and fails by reason of dishonor, suspension of payments by a bank, or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account, or obtain refund from its customer, whether or not it is able to return the items, if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. If the return or notice is delayed beyond the bank's midnight deadline or a longer reasonable time after it learns the facts, the bank may revoke the

settlement, charge back the credit, or obtain refund from its customer, but it is liable for any loss resulting from the delay. These rights to revoke, charge-back, and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final.

(b) A collecting bank returns an item when it is sent or delivered to the bank's customer or transferor or pursuant to its instructions.

(c) A depository bank that is also the payor may charge-back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (RCW 62A.4-301).

(d) The right to charge-back is not affected by:

(1) Previous use of a credit given for the item; or

(2) Failure by any bank to exercise ordinary care with respect to the item, but a bank so failing remains liable.

(e) A failure to charge-back or claim refund does not affect other rights of the bank against the customer or any other party.

(f) If credit is given in dollars as the equivalent of the value of an item payable in a foreign money, the dollar amount of any charge-back or refund must be calculated on the basis of the bank-offered spot rate for the foreign money prevailing on the day when the person entitled to the charge-back or refund learns that it will not receive payment in ordinary course.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-215, to read as follows:

FINAL PAYMENT OF ITEM BY PAYOR BANK; WHEN PROVISIONAL DEBITS AND CREDITS BECOME FINAL; WHEN CERTAIN CREDITS BECOME AVAILABLE FOR WITHDRAWAL. (a) An item is finally paid by a payor bank when the bank has first done any of the following:

(1) Paid the item in cash;

(2) Settled for the item without having a right to revoke the settlement under statute, clearing-house rule, or agreement;

or

(3) Made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing-house rule, or agreement.

(b) If provisional settlement for an item does not become final, the item is not finally paid.

(c) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(d) If a collecting bank receives a settlement for an item which is or becomes final, the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(e) Subject to (i) applicable law stating a time for availability of funds and (ii) any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in a customer's account becomes available for withdrawal as of right:

(1) If the bank has received a provisional settlement for the item, when the settlement becomes final and the bank has had a reasonable time to receive return of the item and the item has not been received within that time;

(2) If the bank is both the depository bank and the payor bank, and the item is finally paid, at the opening of the bank's second banking day following receipt of the item.

(f) Subject to applicable law stating a time for availability of funds and any right of a bank to apply a deposit to an obligation of the depositor, a deposit of money becomes available for withdrawal as of right at the opening of the bank's next banking day after receipt of the deposit.

NEW SECTION. Sec. A new section is added to Title 62A RCW, to be codified as RCW 62A.4-216, to read as follows:

INSOLVENCY AND PREFERENCE. (a) If an item is in or comes into the possession of a payor or collecting bank that suspends payment and the item has not been finally paid, the item must be returned by the receiver, trustee, or agent in charge of the closed bank to the presenting bank or the closed bank's customer.

(b) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(c) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement's becoming final if the finality occurs automatically upon the lapse of certain time or the happening of certain events.

(d) If a collecting bank receives from subsequent parties settlement for an item, which settlement is or becomes final and the bank suspends payments without making a settlement for the item with its customer which settlement is or becomes final, the owner of the item has a preferred claim against the collecting bank.

Sec. RCW 62A.4-301 and 1965 ex.s. c 157 s 4-301 are each amended to read as follows:

DEFERRED POSTING; RECOVERY OF PAYMENT BY RETURN OF ITEMS; TIME OF DISHONOR; RETURN OF ITEMS BY PAYOR BANK. ~~((1) Where an authorized settlement)~~ (a) If a payor bank settles for a demand item (other than a documentary draft) ~~((received by a payor bank)) presented~~ otherwise than for immediate payment over the counter ~~((has been made))~~ before midnight of the banking day of receipt, the payor bank may revoke the settlement and recover ~~((any payment)) the settlement if,~~ before it has made final payment ~~((subsection (1) of RCW 62A.4-213))~~ and before its midnight deadline, it:

~~((a)) (1) Returns the item; or~~

~~((b)) (2) Sends written notice of dishonor or nonpayment if the item is ((held for protest or is otherwise)) unavailable for return.~~

~~((2)) (b) If a demand item is received by a payor bank for credit on its books, it may return ((such)) the item or send notice of dishonor and may revoke any credit given or recover the amount thereof withdrawn by its customer, if it acts within the time limit and in the manner specified in ((the preceding)) subsection (a).~~

~~((3)) (c) Unless previous notice of dishonor has been sent, an item is dishonored at the time when for purposes of dishonor it is returned or notice sent in accordance with this section.~~

~~((4)) (d) An item is returned:~~

~~((a)) (1) As to an item ((received)) presented through a clearing house, when it is delivered to the presenting or last collecting bank or to the clearing house or is sent or delivered in accordance with ~~((its)) clearing-house~~ rules; or~~

~~((b)) (2) In all other cases, when it is sent or delivered to the bank's customer or transferor or pursuant to ~~((his)) instructions.~~~~

Sec. RCW 62A.4-302 and 1965 ex.s. c 157 s 4-302 are each amended to read as follows:

PAYOR BANK'S RESPONSIBILITY FOR LATE RETURN OF ITEM. ~~((In the absence of a valid defense such as breach of a presentment warranty (subsection (1) of RCW 62A.4-207), settlement effected or the like.)) (a) If an item is presented ~~((a)) to~~ and received by a payor bank, the bank is accountable for the amount of:~~

~~((a)) (1) A demand item, other than a documentary draft, whether properly payable or not, if the bank, in any case ~~((where)) in which~~ it is not also the depository bank, retains the item beyond midnight of the banking day of receipt without settling for it or, ~~((regardless of)) whether or not~~ it is also the depository bank, does not pay or return the item or send notice of dishonor until after its midnight deadline; or~~

~~((b)) (2) any other properly payable item unless, within the time allowed for acceptance or payment of that item, the bank either accepts or pays the item or returns it and accompanying documents.~~

(b) The liability of a payor bank to pay an item pursuant to subsection (a) is subject to defenses based on breach of a presentment warranty (RCW 62A.4-208) or proof that the person seeking enforcement of the liability presented or transferred the item for the purpose of defrauding the payor bank.

Sec. RCW 62A.4-303 and 1965 ex.s. c 157 s 4-303 are each amended to read as follows:

WHEN ITEMS SUBJECT TO NOTICE, ~~((STOP ORDER)) STOP-PAYMENT ORDER, LEGAL PROCESS, OR SETOFF; ORDER IN WHICH ITEMS MAY BE CHARGED OR CERTIFIED.~~ ~~((1)) (a) Any knowledge, notice, or ~~((stop order)) stop-payment~~ order received by, legal process served upon, or setoff exercised by a payor bank ~~((, whether or not effective under other rules of law)) comes too late~~ to terminate, suspend, or modify the bank's right or duty to pay an item or to charge its customer's account for the item ~~((, comes too late to so terminate, suspend or modify such right or duty))~~ if the knowledge, notice, stop-payment order, or legal process is received or served and a reasonable time for the bank to act thereon expires or the setoff is exercised after the ~~((bank has done any)) earliest~~ of the following:~~

~~((a) accepted or certified) (1) The bank accepts or certifies the item;~~

~~((b) paid) (2) The bank pays the item in cash;~~

~~((c) settled) (3) The bank settles for the item without ~~((reserving)) having~~ a right to revoke the settlement ~~((and without having such right))~~ under statute, clearing-house rule, or agreement;~~

~~((d) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith or otherwise has evidenced by examination of such indicated account and by action its decision to pay the item; or~~

~~((e)) (4) The bank becomes accountable for the amount of the item under ~~((subsection (1)(d) of RCW 62A.4-213 and)) RCW 62A.4-302~~ dealing with the payor bank's responsibility for late return of items ~~((-)); or~~~~

(5) With respect to checks, a cutoff hour no earlier than one hour after the opening of the next banking day after the banking day on which the bank received the check and no later than the close of that next banking day or, if no cutoff hour is fixed, the close of the next banking day after the banking day on which the bank received the check.

~~((2)) (b) Subject to ~~((the provisions of))~~ subsection ~~((1)) (a)~~ items may be accepted, paid, certified, or charged to the indicated account of its customer in any order ~~((convenient to the bank)).~~~~

PART 4

RELATIONSHIP BETWEEN PAYOR BANK AND ITS CUSTOMER

Sec. RCW 62A.4-401 and 1965 ex.s. c 157 s 4-401 are each amended to read as follows:

WHEN BANK MAY CHARGE CUSTOMER'S ACCOUNT. ~~((1) As against its customer,)~~ (a) A bank may charge against ~~(his)~~ the account ~~((any))~~ of a customer an item ~~((which))~~ that is ~~((otherwise))~~ properly payable from that account even though the charge creates an overdraft. An item is properly payable if it is authorized by the customer and is in accordance with any agreement between the customer and bank.

~~((2))~~ (b) A customer is not liable for the amount of an overdraft if the customer neither signed the item nor benefitted from the proceeds of the item.

(c) A bank may charge against the account of a customer a check that is otherwise properly payable from the account, even though payment was made before the date of the check, unless the customer has given notice to the bank of the postdating describing the check with reasonable certainty. The notice is effective for the period stated in RCW 62A.4-403(b) for stop-payment orders, and must be received at such time and in such manner as to afford the bank a reasonable opportunity to act on it before the bank takes any action with respect to the check described in RCW 62A.4-303. A bank may not collect a fee from a customer based on the customer's giving notice to the bank of a postdating. If a bank charges against the account of a customer a check before the date stated in the notice of postdating, the bank is liable for damages for the loss resulting from its act. The loss may include damages for dishonor of subsequent items under RCW 62A.4-402.

(d) A bank ~~((which))~~ that in good faith makes payment to a holder may charge the indicated account of its customer according to:

~~((a))~~ (1) The original ~~((tenor))~~ terms of ~~((his))~~ the altered item; or

~~((b))~~ (2) The ~~((tenor))~~ terms of ~~((his))~~ the completed item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

Sec. RCW 62A.4-402 and 1965 ex.s. c 157 s 4-402 are each amended to read as follows:

BANK'S LIABILITY TO CUSTOMER FOR WRONGFUL DISHONOR; TIME OF DETERMINING INSUFFICIENCY OF ACCOUNT. (a) Except as otherwise provided in this Article, a payor bank wrongfully dishonors an item if it dishonors an item that is properly payable, but a bank may dishonor an item that would create an overdraft unless it has agreed to pay the overdraft.

(b) A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. ~~((When the dishonor occurs through mistake))~~ Liability is limited to actual damages proved~~((If so proximately caused))~~ and ~~((proved damages))~~ may include damages for an arrest or prosecution of the customer or other consequential damages. Whether any consequential damages are proximately caused by the wrongful dishonor is a question of fact to be determined in each case.

(c) A payor bank's determination of the customer's account balance on which a decision to dishonor for insufficiency of available funds is based may be made at any time between the time the item is received by the payor bank and the time that the payor bank returns the item or gives notice in lieu of return, and no more than one determination need be made. If, at the election of the payor bank, a subsequent balance determination is made for the purpose of reevaluating the bank's decision to dishonor the item, the account balance at that time is determinative of whether a dishonor for insufficiency of available funds is wrongful.

Sec. RCW 62A.4-403 and 1965 ex.s. c 157 s 4-403 are each amended to read as follows:

CUSTOMER'S RIGHT TO STOP PAYMENT; BURDEN OF PROOF OF LOSS. ~~((1))~~ (a) A customer or any other person authorized to draw on the account if there is more than one person may ~~((by order to his bank))~~ stop payment of any item ~~((payable for his))~~ drawn on the customer's account ~~((but))~~ or close the account by an order ~~((must be))~~ to the bank describing the item or account with reasonable certainty received at ~~((such))~~ a time and in ~~((such))~~ a manner ~~((as to))~~ that affords the bank a reasonable opportunity to act on it ~~((prior to))~~ before any action by the bank with respect to the item described in RCW 62A.4-303. If the signature of more than one person is required to draw on an account, any of these persons may stop payment or close the account.

~~((2))~~ An oral order is binding upon the bank only for fourteen calendar days unless confirmed in writing within that period. A written order is effective for only six months unless renewed in writing. (b) A stop-payment order is effective for six months, but it lapses after fourteen calendar days if the original order was oral and was not confirmed in writing within that period. A stop-payment order may be renewed for additional six-month periods by a writing given to the bank within a period during which the stop-payment order is effective.

~~((3))~~ (c) The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop-payment order or order to close the account is on the customer. The loss from payment of an item contrary to a stop-payment order may include damages for dishonor of subsequent items under RCW 62A.4-402.

Sec. RCW 62A.4-405 and 1965 ex.s. c 157 s 4-405 are each amended to read as follows:

DEATH OR INCOMPETENCE OF CUSTOMER. ~~((1))~~ (a) A payor or collecting bank's authority to accept, pay, or collect an item or to account for proceeds of its collection, if otherwise effective, is not rendered ineffective by incompetence of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of incompetence. Neither death nor incompetence of a customer revokes ~~((such))~~ the authority to accept, pay, collect, or account until the bank knows of the fact of death or of an adjudication of incompetence and has reasonable opportunity to act on it.

~~((2))~~ (b) Even with knowledge, a bank may for ten days after the date of death pay or certify checks drawn on or ~~((prior to))~~ before that date unless ordered to stop payment by a person claiming an interest in the account.

Sec. RCW 62A.4-406 and 1991 sp.s. c 19 s 1 are each amended to read as follows:

~~((1))~~ When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his or her unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.

~~(2))~~ (a) A bank that sends or makes available to a customer a statement of account showing payment of items for the account shall either return or make available to the customer the items paid, copies of the items paid, or provide information in the statement of account sufficient to allow the customer reasonably to identify the items paid. Until January 1, 1998, the statement of account provides sufficient information if the item is described by item number, amount, and date of payment. If the bank does not return the items paid or copies of the items paid, it shall provide in the statement of account the telephone number that the customer may call to request an item or copy of an item pursuant to subsection (b) of this section.

(b) If the items are not returned to the customer, the person retaining the items shall either retain the items or, if the items are destroyed, maintain the capacity to furnish legible copies of the items until the expiration of seven years after receipt of the items. A customer may request an item from the bank that paid the item, and that bank must provide in a reasonable time either the item or, if the item has been destroyed or is not otherwise obtainable, a legible copy of the item. A bank shall provide, upon request and without charge to the customer, at least five items or copies of items with respect to each statement of account sent to the customer. A bank may charge fees for additional items or copies of items in accordance with section 118 of this act. Requests for ten items or less shall be processed and completed within ten business days.

(c) If a bank sends or makes available a statement of account or items pursuant to subsection (a), the customer must exercise reasonable promptness in examining the statement or the items to determine whether any payment was not authorized because of an alteration of an item or because a purported signature by or on behalf of the customer was not authorized. If, based on the statement or items provided, the customer should reasonably have discovered the unauthorized payment, the customer must promptly notify the bank of the relevant facts.

(d) If the bank ~~((establishes))~~ proves that the customer failed with respect to an item to comply with the duties imposed on the customer by subsection ~~((1) of this section))~~ (c) the customer is precluded from asserting against the bank:

~~((a) His or her))~~ (1) The customer's unauthorized signature or any alteration on the item, if the bank also ~~((establishes))~~ proves that it suffered a loss by reason of ~~((such))~~ the failure; and

~~((b) An))~~ (2) The customer's unauthorized signature or alteration by the same wrong-doer on any other item paid in good faith by the bank ~~((after the first item and statement was available to the customer for a reasonable period and before the bank receives notification from the customer of any such unauthorized signature or alteration))~~ if the payment was made before the bank received notice from the customer of the unauthorized signature or alteration and after the customer had been afforded a reasonable period of time, not exceeding thirty days, in which to examine the item or statement of account and notify the bank.

~~((3))~~ The preclusion under subsection (2) of this section does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

~~(4))~~ (e) If subsection (d) applies and the customer proves that the bank failed to exercise ordinary care in paying the item and that the failure substantially contributed to loss, the loss is allocated between the customer precluded and the bank asserting the preclusion according to the extent to which the failure of the customer to comply with subsection (c) and the failure of the bank to exercise ordinary care contributed to the loss. If the customer proves that the bank did not pay the item in good faith, the preclusion under subsection (d) does not apply.

(f) Without regard to care or lack of care of either the customer or the bank, a natural person whose account is primarily for personal, family, or household purposes who does not within one year, and any other customer who does not within sixty days, from the time the statement and items are made available to the customer (subsection ~~((1) of this section))~~ (a) discover and report ~~((his or her))~~ the customer's unauthorized signature or any alteration on the face or back of the item or does not within ~~((three years))~~ one year from that time discover and report any unauthorized indorsement is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim). If there is a preclusion under this subsection, the payor bank may not recover for breach of warranty under RCW 62A.4-208 with respect to the unauthorized signature or alteration to which the preclusion applies.

Sec. RCW 62A.4-407 and 1965 ex.s. c 157 s 4-407 are each amended to read as follows:

PAYOR BANK'S RIGHT TO SUBROGATION ON IMPROPER PAYMENT. If a payor bank has paid an item over the ~~((stop payment))~~ order of the drawer or maker to stop payment, or after an account has been closed, or otherwise under circumstances giving a basis for objection by the drawer or maker, to prevent unjust enrichment and only to the extent necessary to prevent loss to the bank by reason of its payment of the item, the payor bank ~~((shall be))~~ is subrogated to the rights:

~~((a))~~ (1) Of any holder in due course on the item against the drawer or maker; ~~((and))~~

~~((b))~~ (2) Of the payee or any other holder of the item against the drawer or maker either on the item or under the transaction out of which the item arose; and

~~((c))~~ (3) Of the drawer or maker against the payee or any other holder of the item with respect to the transaction out of which the item arose.

PART 5
COLLECTION OF DOCUMENTARY DRAFTS

Sec. RCW 62A.4-501 and 1965 ex.s. c 157 s 4-501 are each amended to read as follows:

HANDLING OF DOCUMENTARY DRAFTS; DUTY TO SEND FOR PRESENTMENT AND TO NOTIFY CUSTOMER OF DISHONOR. A bank ~~((which))~~ that takes a documentary draft for collection ~~((must))~~ shall present or send the draft and accompanying documents for presentment and, upon learning that the draft has not been paid or accepted in due course ~~((must)), shall~~ seasonably notify its customer of ~~((such))~~ the fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

Sec. RCW 62A.4-502 and 1965 ex.s. c 157 s 4-502 are each amended to read as follows:

PRESENTMENT OF "ON ARRIVAL" DRAFTS. ~~((When))~~ If a draft or the relevant instructions require presentment "on arrival", "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of ~~((such))~~ the refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

Sec. RCW 62A.4-503 and 1965 ex.s. c 157 s 4-503 are each amended to read as follows:

RESPONSIBILITY OF PRESENTING BANK FOR DOCUMENTS AND GOODS; REPORT OF REASONS FOR DISHONOR; REFEREE IN CASE OF NEED. Unless otherwise instructed and except as provided in Article 5, a bank presenting a documentary draft:

~~((+))~~ (1) Must deliver the documents to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment; and

~~((+))~~ (2) Upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instructions from any referee in case of need designated in the draft or, if the presenting bank does not choose to utilize ~~((his))~~ the referee's services, it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor, and must request instructions. ~~((But))~~ However, the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in following instructions and to repayment of or indemnity for ~~((such))~~ those expenses.

Sec. RCW 62A.4-504 and 1965 ex.s. c 157 s 4-504 are each amended to read as follows:

PRIVILEGE OF PRESENTING BANK TO DEAL WITH GOODS; SECURITY INTEREST FOR EXPENSES. ~~((+))~~ (a) A presenting bank ~~((which))~~ that, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell, or otherwise deal with the goods in any reasonable manner.

~~((+))~~ (b) For its reasonable expenses incurred by action under subsection ~~((+))~~ (a) the presenting bank has a lien upon the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

NEW SECTION. Sec. For the purposes of maintaining the uniformity of the Uniform Commercial Code (Title 62A RCW), the code reviser may reuse the codification numbers of those sections repealed in section 76 of this act.

NEW SECTION. Sec. A new section is added to chapter 30.22 RCW to read as follows:

A financial institution may charge a customer for furnishing items or copies of items as defined in RCW 62A.4-104, in excess of the number of free items or copies of items provided for in 62A.4-406(b), fifty cents per copy furnished plus fees for retrieval at a rate not to exceed the rate assessed when complying with summons issued by the Internal Revenue Service.

NEW SECTION. Sec. No provision in this act changes or modifies existing common law or other law of Washington state concerning the recovery of attorneys' fees.

NEW SECTION. Sec. This act shall take effect July 1, 1994."

On page 1, line 1 of the title, after "code;" strike the remainder of the title and insert "amending RCW 62A.1-201, 62A.1-207, 62A.3-101, 62A.3-102, 62A.3-103, 62A.3-104, 62A.3-105, 62A.3-106, 62A.3-107, 62A.3-108, 62A.3-109, 62A.3-110, 62A.3-111, 62A.3-112, 62A.3-113, 62A.3-114, 62A.3-115, 62A.3-116, 62A.3-117, 62A.3-118, 62A.3-119, 62A.3-201, 62A.3-202, 62A.3-203, 62A.3-204, 62A.3-205, 62A.3-206, 62A.3-207, 62A.3-301, 62A.3-302, 62A.3-303, 62A.3-304, 62A.3-305, 62A.3-306, 62A.3-307, 62A.3-401, 62A.3-402, 62A.3-403, 62A.3-404, 62A.3-405, 62A.3-406, 62A.3-407, 62A.3-408, 62A.3-409, 62A.3-410, 62A.3-411, 62A.3-412, 62A.3-413, 62A.3-414, 62A.3-415, 62A.3-416, 62A.3-417, 62A.3-418, 62A.3-419, 62A.3-501, 62A.3-502, 62A.3-503, 62A.3-504, 62A.3-505, 62A.3-512, 62A.3-515, 62A.3-520, 62A.3-522, 62A.3-525, 62A.3-601, 62A.3-602, 62A.3-603, 62A.3-604, 62A.3-605, 62A.4-101, 62A.4-102, 62A.4-103, 62A.4-104, 62A.4-105, 62A.4-106, 62A.4-107, 62A.4-108, 62A.4-109, 62A.4-201, 62A.4-202, 62A.4-203, 62A.4-204, 62A.4-205, 62A.4-206, 62A.4-207, 62A.4-208, 62A.4-209, 62A.4-210, 62A.4-211, 62A.4-212, 62A.4-213, 62A.4-214, 62A.4-301, 62A.4-302, 62A.4-303, 62A.4-401, 62A.4-402, 62A.4-403, 62A.4-405, 62A.4-406, 62A.4-407, 62A.4-501, 62A.4-502, 62A.4-503, and 62A.4-504; adding a

new section to chapter 30.22 RCW; adding new sections to Title 62A RCW; creating new sections; repealing RCW 62A.3-120, 62A.3-121, 62A.3-122, 62A.3-208, 62A.3-506, 62A.3-507, 62A.3-508, 62A.3-509, 62A.3-510, 62A.3-511, 62A.3-606, 62A.3-701, 62A.3-801, 62A.3-802, 62A.3-803, 62A.3-804, and 62A.3-805; and providing an effective date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Jones moved that the House do concur in the Senate amendment to Substitute House Bill No. 1014 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1014 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1014 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1014, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1015 with the following amendment:

On page 25, line 14, after "lease" insert ", "

On page 25, line 15, after "whole" insert ", or the accession is leased under tariff No. 74 for residential conversion burners leased by a natural gas utility"

On page 25, line 16, after "(4)" strike "The" and insert "Unless the accession is leased under tariff No. 74 for residential conversion burners leased by a natural gas utility, the" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendments to House Bill No. 1015 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1015 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1015 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 1015, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1047, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. A new section is added to chapter 70.95 RCW to read as follows:

The legislature finds that:

(1) The state of Washington has responded to the increasing challenges of safe, affordable disposal of solid waste by an ambitious program of waste reduction, recycling and reuse, as well as strict standards to ensure the safe handling, transportation, and disposal of solid waste;

(2) All communities in Washington participate in these programs through locally available recycling services, increased source separation and material recovery requirements, programs for waste reduction and product reuse, and performance standards that apply to all solid waste disposal facilities in the state;

(3) New requirements for the siting and performance of disposal facilities have greatly decreased the number of such facilities in Washington, and the state has a significant interest in ensuring adequate disposal capacity within the state;

(4) The landfilling, incineration, and other disposal of solid waste may adversely impact public health and environmental quality, and the state has a significant interest in decreasing volumes of the waste stream destined for disposal;

(5) Because of the decreasing number of disposal facilities and other reasons, solid waste is being transported greater distances, often beyond the community where generated and is increasingly being transported between states;

(6) Washington's waste management priorities and programs are a balanced approach of increased reuse, recycling and waste reduction, the strengthening of markets for recycled content products, and the safe disposal of the remaining waste stream, with the costs of these programs shared equitably by all persons generating waste in the state;

(7) Those residing in other states who generate waste destined for disposal within Washington should also share the costs of waste diversion and management of Washington's disposal facilities, so that the risks of waste disposal and the costs of mitigating those risks are shared equitably by all waste generators, regardless of their location;

(8) Because Washington state may not directly regulate waste handling, reduction, and recycling activities beyond its state boundaries, the only reasonable alternative to ensure this equitable treatment of waste being disposed within Washington is to implement a program of reviewing such activities as to waste originating outside of Washington, and to assign the additional costs, when necessary, to ensure that the waste meets standards substantially equivalent to those applicable to waste generated within the state, and, in some cases, to prohibit disposal of waste where its generation and management is not subject to standards substantially equivalent to those applicable to waste generated within the state.

NEW SECTION. Sec. A new section is added to chapter 70.95 RCW to read as follows:

(1) At least sixty days prior to receiving solid waste generated from outside of the state, the operator of a solid waste disposal site facility shall report to the department the types and quantities of waste to be received from an out-of-state source. The department shall develop guidelines for reporting this information. The guidelines shall provide for less than sixty days notice for shipments of waste made on a short-term or emergency basis. The requirements of this subsection shall take effect upon completion of the guidelines.

(2) Upon notice under subsection (1) of this section, the department shall identify all activities and costs necessary to ensure that solid waste generated out-of-state meets standards relating to solid waste reduction, recycling, and management substantially equivalent to those required of solid waste generated within the state. The department may assess a fee on the out-of-state waste sufficient to recover the actual costs incurred in ensuring that the out-of-state waste meets equivalent state

standards. The department may delegate, to a local health department, authority to implement the activities identified by the department under this subsection. All money received from fees imposed under this subsection shall be deposited into the solid waste management account created by RCW 70.95.800, and shall be used solely for the activities required by this section.

(3) The department may prohibit in-state disposal of solid waste generated from outside of the state, unless the generators of the waste meet: (a) Waste reduction and recycling requirements substantially equivalent to those applicable in Washington state; and (b) solid waste handling standards substantially equivalent to those applicable in Washington state.

(4) The department may adopt rules to implement this section.

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

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "state;" strike the remainder of the title and insert "adding new sections to chapter 70.95 RCW; and declaring an emergency." and the same are herewith transmitted

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved that the House do concur in the Senate amendment to Substitute House Bill No. 1047 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1047 as amended by the Senate.

Representative Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1047 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoessler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1047, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085, with the following amendment:

On page 3, line 13, after "students" strike everything through "students." on line 15 and insert "attending community colleges and technical colleges, the mandatory transportation fee shall not exceed sixty percent of the maximum rate permitted for services and activities fees at community colleges, unless, through a vote, a majority of students consent to increase the transportation fee. For students attending four-year institutions of higher education, the mandatory transportation fee shall not exceed thirty-five percent of the maximum rate permitted for services and activities fees at the institution unless, through a vote, a majority of students consent to increase the transportation fee."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brown moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1085 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1085 as amended by the Senate.

Representatives Brown and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1085 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1085, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 70.93.060 and 1983 c 277 s 1 are each amended to read as follows:

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

((+)) (a) When ((such)) the property is designated by the state or ((by any of)) its agencies or political subdivisions for the disposal of garbage and refuse, and ((such)) the person is authorized to use such property for ((such)) that purpose;

((=)) (b) Into a litter receptacle in ((such)) a manner that ((the litter)) will ((be prevented)) prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

((Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine for such violation shall not be less than fifty dollars for each offense. In addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained to pick up and remove litter from public property and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than sixteen hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities))

(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter

from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

Sec. RCW 70.93.070 and 1983 c 277 s 2 are each amended to read as follows:

The director shall prescribe the procedures for the collection of ~~((fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines))~~ penalties, costs, and other charges allowed by chapter 7.80 RCW for violations of this chapter. Included in the procedures shall be provisions requiring ~~((the distribution of))~~ that one-half of the monetary amount ~~((of fines))~~ actually collected ~~((under the enforcement))~~ by the state or local government entity enforcing the provisions of this chapter ~~((by a local governmental agency to))~~ be distributed to that local governmental ((agency)) entity.

Sec. RCW 70.95.240 and 1969 ex.s. c 134 s 24 are each amended to read as follows:

(1) After the adoption of regulations or ordinances by any county, city, or jurisdictional board of health providing for the issuance of permits as provided in RCW 70.95.160, it shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit(= PROVIDED, That nothing herein). This section shall not prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate statutes or ordinances, or create a nuisance. ((Any person violating this section shall be guilty of a misdemeanor))

(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property

On page 1, line 1 of the title, after "littering;" strike the remainder of the title and insert "amending RCW 70.93.060, 70.93.070, and 70.95.240; and prescribing penalties." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1086 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1086 as amended by the Senate.

Representative Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1086 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1086, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127 with the following amendment:

On page 4, line 32, after "state" strike "or foreign mecountry" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brown moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1127 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1127 as amended by the Senate.

Representative Brown spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1127 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Ballard, Casada, Fuhrman, Lisk, Mielke, Padden, Stevens and Tate - 8.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1127, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please change my vote from a "YEA" to a "NAY" on Engrossed Substitute House Bill No. 1127.

BOB MORTON, 7th District

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1129 with the following amendment:

On page 4, line 25, after "act" insert ", other than the driver of a bus as defined in section 1(2) of this act," and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Brown moved that the House do concur in the Senate amendment to Substitute House Bill No. 1129 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Myers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1129 as amended by the Senate.

Representative Brown spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1129 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1129, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1140 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 35.58.030 and 1965 c 7 s 35.58.030 are each amended to read as follows:

Any area of the state containing two or more cities, at least one of which is ((a city of the first class)) of ten thousand or more population, may organize as a metropolitan municipal corporation for the performance of certain functions, as provided in this chapter. The boundaries of a metropolitan municipal corporation may not be expanded to include territory located in a county other than a component county except as a result of the consolidation of two or more contiguous metropolitan municipal corporations.

Sec. RCW 35.58.040 and 1991 c 363 s 39 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing (~~or hereafter created,~~) within a county with a population of ~~((from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of))~~ one million or more(~~;~~) shall, upon May 21, 1971, ~~((as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971,))~~ have the same boundaries as those of the respective central county of such metropolitan corporation(~~(; PROVIDED, That)~~). The boundaries of such metropolitan corporation may not be enlarged or diminished after such date by annexation as provided in chapter 35.58 RCW (~~as now or hereafter amended~~) and any purported annexation of territory shall be deemed void. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. RCW 35.58.090 and 1973 1st ex.s. c 195 s 23 are each amended to read as follows:

The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless ~~((he))~~ that person is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"FORMATION OF METROPOLITAN
MUNICIPAL CORPORATION

Shall a metropolitan municipal corporation be established for the area described in a resolution of the ~~((board of commissioners))~~ county legislative authority of county adopted on the day of, 19. . . , to perform the metropolitan functions of (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES

NO

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the ~~((board of commissioners))~~ county legislative authority of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council which shall be held not later than ~~((thirty))~~ sixty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR TWENTY-FIVE CENTS
PER THOUSAND DOLLARS OF
ASSESSED VALUE LEVY

Shall the metropolitan municipal corporation, if formed, levy a general tax of twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said corporation in excess of the constitutional and/or statutory tax limits for authorized purposes of the corporation?

YES

NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax, with a forty percent validation requirement, in the manner set forth in Article VII, section 2(a) of the Constitution of this state(~~(, as amended by Amendment 59 and as thereafter amended)~~).

Sec. RCW 35.58.120 and 1983 c 92 s 1 are each amended to read as follows:

Unless the rights, powers, functions, and obligations of a metropolitan municipal corporation have been assumed by a county as provided in chapter 36.56 RCW, a metropolitan municipal corporation shall be governed by a metropolitan council composed of ~~((the following:~~

~~(1) One member (a) who shall be the elected county executive of the central county, or (b) if there shall be no elected county executive, one member who shall be selected by, and from, the board of commissioners of the central county.~~

~~(2) One additional member for each county commissioner district or county council district which shall contain fifteen thousand or more persons residing within the metropolitan municipal corporation, who shall be the county commissioner or county councilman from such district;~~

~~(3) One additional member selected by the board of commissioners or county council of each component county for each county commissioner district or county council district containing fifteen thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation each such appointee to be a resident of such unincorporated portion;~~

~~(4) One member from each component city which shall have a population of fifteen thousand or more persons, who shall be the mayor of such city, if such city shall have the mayor council form of government, and in other cities shall be selected by, and from, the mayor and city council of each of such cities.~~

~~(5) One member representing all component cities which have less than fifteen thousand population each, to be selected by and from the mayors of such smaller cities in the following manner: The mayors of all such cities shall meet prior to July 1 of each even numbered year at a time and place to be fixed by the metropolitan council. The chairperson of the metropolitan council shall preside. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.~~

~~(6) One additional member selected by the city council of each component city containing a population of fifteen thousand or more for each fifty thousand population over and above the first fifteen thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other officers of such city.~~

~~(7) For any metropolitan municipal corporation which shall be authorized to perform the function of metropolitan water pollution abatement, two additional members who shall be commissioners of a sewer district or a water district which is operating a sewer system and is a component part of the metropolitan municipal corporation and shall participate only in those council actions which relate to the performance of the function of metropolitan water pollution abatement. The commissioners of all such sewer districts and water districts which are component parts of the metropolitan municipal corporation shall meet on the first Tuesday of the month following May 21, 1971 and thereafter on the second Tuesday of June of each even numbered year at seven o'clock p.m. at the office of the board of county commissioners of the central county. After election of a chairman, nominations shall be made to select members to serve on the metropolitan council and successive ballots taken for each member until one candidate receives a majority of votes cast. The two members so selected shall not be from districts whose boundaries come within ten miles of each other.~~

~~(8) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. The member shall not hold any public office of or be an employee of any component city or component county of the metropolitan municipal corporation)) electd officials of the component counties and component cities, and possibly other persons, as determined by agreement of each of the component counties and the component cities equal in number to at least twenty-five percent of the total number of component cities that have at least seventy-five percent of the combined component city populations. The agreement shall remain in effect until altered in the same manner as the initial composition is determined.~~

Sec. RCW 35.58.230 and 1965 c 7 s 35.58.230 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan water advisory committee to be formed by notifying the legislative body of each component city which operates a water system to appoint one person to serve on such advisory committee and the board of commissioners of each water district, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a water district commissioner. The metropolitan water advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council with respect to matters relating to the performance of the water supply function.

The requirement to create a metropolitan water advisory committee shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW.

Sec. RCW 35.58.270 and 1967 c 105 s 12 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation with a commission form of management, a metropolitan transit commission shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan transit commission shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan transportation facilities, including but not limited to the power to construct, acquire, maintain, operate, extend, alter, repair, control and manage a local public transportation system within and without the metropolitan area, to establish new passenger transportation services and to alter, curtail, or abolish any services as the commission may deem desirable and to fix tolls and fares.

The comprehensive plan for public transportation service and any amendments thereof shall be adopted by the metropolitan council and the metropolitan transit commission shall provide transportation facilities and service consistent with such plan. The metropolitan transit commission shall authorize expenditures for transportation purposes within the budget adopted by the metropolitan council. Tolls and fares may be fixed or altered by the commission only after approval thereof by the metropolitan council. Bonds of the metropolitan municipal corporation for public transportation purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan transit commission shall consist of seven members. Six of such members shall be appointed by the metropolitan council and the seventh member shall be the chairman of the metropolitan council who shall be ex officio the chairman of the metropolitan transit commission. Three of the six appointed members of the commission shall be residents of the central city and three shall be residents of the metropolitan area outside of the central city. The three central city members of the first metropolitan transit commission shall be selected from the existing transit commission of the central city, if there be a transit commission in such city. The terms of first appointees shall be for one, two, three, four, five and six years, respectively. Thereafter, commissioners shall serve for a term of four years. Compensation of transit commissioners shall be determined by the metropolitan council.

The requirement to create a metropolitan transit commission shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW.

Sec. RCW 35.58.300 and 1965 c 7 s 35.58.300 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan parks and parkways, a metropolitan park board shall be formed prior to the effective date of the assumption of such function. Except as

provided in this section, the metropolitan park board shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan park and parkway facilities.

The metropolitan park board shall authorize expenditures for park and parkway purposes within the budget adopted by the metropolitan council. Bonds of the metropolitan municipal corporation for park and parkway purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan park board shall consist of five members appointed by the metropolitan council at least two of whom shall be residents of the central city. The terms of first appointees shall be for one, two, three, four and five years, respectively. Thereafter members shall serve for a term of four years. Compensation of park board members shall be determined by the metropolitan council.

The requirement to create a metropolitan park board shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW.

Sec. RCW 35.58.320 and 1965 c 7 s 35.58.320 are each amended to read as follows:

A metropolitan municipal corporation shall have power to acquire by purchase and condemnation all lands and property rights, both within and without the metropolitan area, which are necessary for its purposes. Such right of eminent domain shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities (~~(of the first class)~~), except insofar as such laws may be inconsistent with the provisions of this chapter.

Sec. RCW 35.58.340 and 1965 c 7 s 35.58.340 are each amended to read as follows:

Except as otherwise provided herein, a metropolitan municipal corporation may sell, or otherwise dispose of any real or personal property acquired in connection with any authorized metropolitan function and which is no longer required for the purposes of the metropolitan municipal corporation in the same manner as provided for cities (~~(of the first class)~~). When the metropolitan council determines that a metropolitan facility or any part thereof which has been acquired from a component city or county without compensation is no longer required for metropolitan purposes, but is required as a local facility by the city or county from which it was acquired, the metropolitan council shall by resolution transfer it to such city or county.

Sec. RCW 35.58.350 and 1965 c 7 s 35.58.350 are each amended to read as follows:

All the powers and functions of a metropolitan municipal corporation shall be vested in the metropolitan council unless expressly vested in specific officers, boards, or commissions by this chapter, or vested in the county legislative authority of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation as provided in chapter 36.56 RCW. Without limitation of the foregoing authority, or of other powers given it by this chapter, the metropolitan council shall have the following powers:

(1) To establish offices, departments, boards and commissions in addition to those provided by this chapter which are necessary to carry out the purposes of the metropolitan municipal corporation, and to prescribe the functions, powers and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the metropolitan municipal corporation except those whose appointment or removal is otherwise provided by this chapter.

(3) To fix the salaries, wages and other compensation of all officers and employees of the metropolitan municipal corporation unless the same shall be otherwise fixed in this chapter.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the metropolitan municipal corporation.

Sec. RCW 35.58.410 and 1965 c 7 s 35.58.410 are each amended to read as follows:

(1) On or before the third Monday in June of each year, each metropolitan municipal corporation shall adopt a budget for the following calendar year. Such budget shall include a separate section for each authorized metropolitan function. Expenditures shall be segregated as to operation and maintenance expenses and capital and betterment outlays. Administrative and other expense general to the corporation shall be allocated between the authorized metropolitan functions. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. ((The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities and counties in the manner provided in this chapter.)) The metropolitan council shall not be required to confine capital or betterment expenditures made from bond proceeds or emergency expenditures to items provided in the budget. The affirmative vote of three-fourths of all members of the metropolitan council shall be required to authorize emergency expenditures.

(2) Subsection (1) of this section shall not apply to a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW. This subsection (2) shall apply only to each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW.

Each county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall, on or before the third Monday in June of each year, prepare an estimate of all revenues to be

collected during the following calendar year, including any surplus funds remaining unexpended from the preceding year for each authorized metropolitan function.

By June 30 of each year, the county shall adopt the rate for sewage disposal that will be charged to component cities and sewer districts during the following budget year.

As long as any general obligation indebtedness remains outstanding that was issued by the metropolitan municipal corporation prior to the assumption by the county, the county shall continue to impose the taxes authorized by RCW 82.14.045 and 35.58.273(5) at the maximum rates and on all of the taxable events authorized by law. If, despite the continued imposition of those taxes, the estimate of revenues made on or before the third Monday in June shows that estimated revenues will be insufficient to make all debt service payments falling due in the following calendar year on all general obligation indebtedness issued by the metropolitan municipal corporation prior to the assumption by the county of the rights, powers, functions, and obligations of the metropolitan municipal corporation, the remaining amount required to make the debt service payments shall be designated as "supplemental income" and shall be obtained from component cities and component counties as provided under RCW 35.58.420.

The county shall prepare and adopt a budget each year in accordance with applicable general law or county charter. If supplemental income has been designated under this subsection, the supplemental income shall be reflected in the budget that is adopted. If during the budget year the actual tax revenues from the taxes imposed under the authority of RCW 82.14.045 and 35.58.273(5) exceed the estimates upon which the supplemental income was based, the difference shall be refunded to the component cities and component counties in proportion to their payments promptly after the end of the budget year. A county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW shall not be required to confine capital or betterment expenditures for authorized metropolitan functions from bond proceeds or emergency expenditures to items provided in the budget.

Sec. RCW 39.36.020 and 1971 ex.s. c 218 s 1 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent on the value of the taxable property therein.

(2) Counties, cities, towns, and public hospital districts are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such counties, cities, towns, or public hospital districts without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent counties, cities, towns, and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein. However, any county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW may become indebted to a larger amount for its authorized metropolitan functions, as provided under chapter 35.58 RCW, but not exceeding an additional three-fourths of one percent of the value of the taxable property in the county without the assent of three-fifths of the voters therein voting at an election held for that purpose, and in cases requiring such assent not exceeding an additional two and one-half percent of the value of the taxable property in the county.

(3) School districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space and park facilities: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015.

Sec. RCW 35.58.450 and 1984 c 186 s 18 are each amended to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to contract indebtedness and issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation, not to exceed an amount, together with any outstanding nonvoter approved general indebtedness, equal to three-fourths of one percent of the value of the taxable property within the metropolitan municipal

corporation, as the term "value of the taxable property" is defined in RCW 39.36.015. A metropolitan municipal corporation may additionally contract indebtedness and issue general obligation bonds, for any authorized capital purpose of a metropolitan municipal corporation, together with any other outstanding general indebtedness, not to exceed an amount equal to five percent of the value of the taxable property within the corporation, as the term "value of the taxable property" is defined in RCW 39.36.015, when a proposition authorizing the indebtedness has been approved by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of ~~((votes cast))~~ voters voting within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization. The elections shall be held pursuant to RCW 39.36.050.

Whenever the voters of a metropolitan municipal corporation have, pursuant to RCW 84.52.056, approved excess property tax levies to retire such bond issues, both the principal of and interest on such general obligation bonds may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the constitutional and/or statutory tax limit. The principal of and interest on any general obligation bond may be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes ~~((and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes))~~.

General obligation bonds shall be issued and sold by the metropolitan council as provided in chapter 39.46 RCW and shall mature in not to exceed forty years from the date of issue.

Sec. RCW 35.58.460 and 1983 c 167 s 48 are each amended to read as follows:

(1) A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan water pollution abatement, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest as provided in RCW 39.46.030, or may be bearer bonds; shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council; shall be signed by the chairman and attested by the secretary of the metropolitan council, ~~((one))~~ any of which signatures may be ~~((a))~~ facsimile signatures, and the seal of the metropolitan municipal corporation shall be impressed or imprinted thereon; any attached interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner, at such price and at such rate or rates of interest as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the owners of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bond owners to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any

such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the owner of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. RCW 35.58.490 and 1965 c 7 s 35.58.490 are each amended to read as follows:

~~((If a metropolitan municipal corporation shall have been authorized to levy a general tax on all taxable property located within the metropolitan municipal corporation in the manner provided in this chapter, either at the time of the formation of the metropolitan municipal corporation or subsequently, the))~~ Δ metropolitan council shall have the power to authorize the issuance of interest bearing warrants on such terms and conditions as the metropolitan council shall provide ~~((same to be repaid from the proceeds of such tax when collected))~~ and to repay the interest bearing warrants with any moneys legally authorized for such purposes, including tax receipts where appropriate.

Sec. RCW 35.58.500 and 1965 c 7 s 35.58.500 are each amended to read as follows:

The metropolitan municipal corporation shall have the power to levy special assessments payable over a period of not exceeding twenty years on all property within the metropolitan area specially benefitted by any improvement, on the basis of special benefits conferred, to pay in whole, or in part, the damages or costs of any such improvement, and for such purpose may establish local improvement districts and enlarged local improvement districts, issue local improvement warrants and bonds to be repaid by the collection of local improvement assessments and generally to exercise with respect to any improvements which it may be authorized to construct or acquire the same powers as may now or hereafter be conferred by law upon cities ~~((of the first class))~~. Such local improvement districts shall be created and such special assessments levied and collected and local improvement warrants and bonds issued and sold in the same manner as shall now or hereafter be provided by law for cities ~~((of the first class))~~. The duties imposed upon the city treasurer under such acts shall be imposed upon the treasurer of the county in which such local improvement district shall be located.

A metropolitan municipal corporation may provide that special benefit assessments levied in any local improvement district may be paid into such revenue bond redemption fund or funds as may be designated by the metropolitan council to secure the payment of revenue bonds issued to provide funds to pay the cost of improvements for which such assessments were levied. If local improvement district assessments shall be levied for payment into a revenue bond fund, the local improvement district created therefor shall be designated a utility local improvement district. A metropolitan municipal corporation that creates a utility local improvement district shall conform with the laws relating to utility local improvement districts created by a city.

Sec. RCW 35.58.520 and 1965 c 7 s 35.58.520 are each amended to read as follows:

A metropolitan municipal corporation shall have the power to invest its funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in ~~((property or securities in which mutual savings banks may legally invest funds subject to their control))~~ any investments in which a city is authorized to invest, as provided in RCW 35.39.030.

Sec. RCW 35.58.530 and 1969 ex.s. c 135 s 3 are each amended to read as follows:

Territory located within a component county that is annexed to a component city after the establishment of a metropolitan municipal corporation shall by such act be annexed to ~~((such))~~ the metropolitan municipal corporation. Territory within a metropolitan municipal corporation may be annexed to a city which is not within such metropolitan municipal corporation in the manner provided by law and in such event either (1) such city may be annexed to such metropolitan municipal corporation by ordinance of the legislative body of the city concurred in by resolution of the metropolitan council, or (2) if such city shall not be so annexed such territory shall remain within the metropolitan municipal corporation unless such city shall by resolution of its legislative body request the withdrawal of such territory subject to any outstanding indebtedness of the metropolitan corporation and the metropolitan council shall by resolution consent to such withdrawal.

Any territory located within a component county that is contiguous to a metropolitan municipal corporation and lying wholly within an incorporated city or town may be annexed to such metropolitan municipal corporation by ordinance of the legislative body of such city or town requesting such annexation concurred in by resolution of the metropolitan council.

Any other territory located within a component county that is adjacent to a metropolitan municipal corporation may be annexed thereto by vote of the qualified electors residing in the territory to be annexed, in the manner provided in this chapter. An election to annex such territory may be called pursuant to a petition or resolution in the following manner:

(1) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the territory to be annexed and shall be filed with the auditor of the central county.

(2) A resolution calling for such an election may be adopted by the metropolitan council.

Any resolution or petition calling for such an election shall describe the boundaries of the territory to be annexed, and state that the annexation of such territory to the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons or property within the metropolitan municipal corporation and within the territory proposed to be annexed.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. (~~For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each city within the territory proposed to be annexed and of each county a portion of which shall be located within the territory proposed to be annexed. No person may withdraw his name from a petition after it has been filed with the auditor.~~) Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency thereof.

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

RCW 35.58.118 and 1971 ex.s. c 303 s 4 & 1967 c 105 s 10;

RCW 35.58.440 and 1965 c 7 s 35.58.440; and

RCW 35A.57.010 and 1967 ex.s. c 119 s 35A.57.010."

On page 1, line 1 of the title, after "corporations;" strike the remainder of the title and insert "amending RCW 35.58.030, 35.58.040, 35.58.090, 35.58.120, 35.58.230, 35.58.270, 35.58.300, 35.58.320, 35.58.340, 35.58.350, 35.58.410, 39.36.020, 35.58.450, 35.58.460, 35.58.490, 35.58.500, 35.58.520, and 35.58.530; and repealing RCW 35.58.118, 35.58.440, and 35A.57.010."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendment to Substitute House Bill No. 1140 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1140 as amended by the Senate.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1140 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1140, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1168, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec.** RCW 79.96.010 and 1982 1st ex.s. c 21 s 134 are each amended to read as follows:

The beds of all navigable tidal waters in the state lying below extreme low tide, except as prohibited by section 1, Article XV, of the Washington state Constitution shall be subject to lease for the purposes of planting and cultivating oyster beds, or for the purpose of cultivating clams or other edible shellfish, or for other aquaculture use, for periods not to exceed ~~((ten))~~ thirty years.

~~((Where the lands are used for the cultivation and harvesting of oysters, the parcels leased shall not exceed forty acres. Where the lands are used for the cultivation and harvesting of clams or other aquaculture use, the department of natural resources may, in its discretion, grant leases for larger parcels.))~~

Nothing in this section shall prevent any person from leasing more than one parcel, as offered by the department.

Sec. RCW 79.96.050 and 1982 1st ex.s. c 21 s 138 are each amended to read as follows:

The department of natural resources may, upon the filing of an application for a renewal lease, cause the tidelands or beds of navigable waters to be inspected, and if he deem[s] it in the best interests of the state to re-lease said lands, he shall issue to the applicant a renewal lease for such further period not exceeding ~~((ten))~~ thirty years and under such terms and conditions as may be determined by the department: PROVIDED, That in the case of an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the director of fisheries."

On page 1, line 1 of the title, after "waters;" strike the remainder of the title and insert "and amending RCW 79.96.010 and 79.96.050." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative King moved that the House do concur in the Senate amendment to House Bill No. 1168 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1168 as amended by the Senate.

Representatives King and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1168 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 1168, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;
(b) Manslaughter in the first degree; or
(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses ~~((and))~~. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

~~((e))~~ (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes;

~~((d))~~ Counseling; or

~~((e))~~ Such other services to the extent funds are available for such services,)) counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions~~((;))~~ or limitations as the court may require which may not include confinement;

~~((4))~~ (7) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court and may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes used for confinement shall not also be used for the placement of dependent children. Confinement in detention group homes and detention foster homes and electronic monitoring are subject to available funds;

~~((5))~~ (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((6))~~ (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

~~((7))~~ (10) "Department" means the department of social and health services;

~~((8))~~ (11) "Detention facility" means a county facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW ~~((13.04.040, as now or hereafter amended,))~~ 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

~~((9))~~ (13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

~~((10))~~ (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

~~((11))~~ (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

~~((12))~~ (16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((13))~~ (17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

~~((14))~~ (18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

~~((15))~~ (19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((16))~~ (20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((17))~~ (21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((18))~~ (22) "Secretary" means the secretary of the department of social and health services;

~~((19))~~ (23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((20))~~ (24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((21))~~ (25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((22))~~ (26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((23))~~ (27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

NEW SECTION. Sec. A new section is added to chapter 13.40 RCW to read as follows:

The department shall within existing funds collect such data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic, gender, geographic, or racial factors that may result from implementation of section 1, chapter . . . , Laws of 1993 (section 1 of this act). Beginning December 1, 1993, the department shall report annually to the legislature on economic, gender, geographic, or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The annual report shall identify the causes of such disproportionality and shall specifically point out any economic, gender, geographic, or racial disproportionality resulting from implementation of section 1, chapter . . . , Laws of 1993 (section 1 of this act).

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

On page 1, line 2 of the title, after "force;" strike the remainder of the title and insert "amending RCW 13.40.020; and adding a new section to chapter 13.40 RCW and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Leonard moved that the House do concur in the Senate amendment to Engrossed Substitute Bill No. 1198 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1198 as amended by the Senate.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1198 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1198, as amended by the Senate, having received the constitutional majority, was declared passed.

With the consent of the House, consideration of House Bill No. 1214 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Automobile" means a passenger car as defined in RCW 46.04.382 registered or principally garaged in this state other than:

- (a) A farm-type tractor or other self-propelled equipment designed for use principally off public roads;
- (b) A vehicle operated on rails or crawler-treads;
- (c) A vehicle located for use as a residence;
- (d) A motor home as defined in RCW 46.04.305; or
- (e) A moped as defined in RCW 46.04.304.

(2) "Bodily injury" means bodily injury, sickness, or disease, including death at any time resulting from the injury, sickness, or disease.

(3) "Income continuation benefits" means payments of at least eighty-five percent of the insured's loss of income from work, because of bodily injury sustained by him or her in the accident, less income earned during the benefit payment period. The benefit payment period begins fourteen days after the date of the accident and ends at the earliest of the following:

- (a) The date on which the insured is reasonably able to perform the duties of his or her usual occupation;
- (b) The expiration of not more than fifty-two weeks from the fourteenth day; or
- (c) The date of the insured's death.

(4) "Insured automobile" means an automobile described on the declarations page of the policy.

(5) "Insured" means:

(a) The named insured or a person who is a resident of the named insured's household and is either related to the named insured by blood, marriage, or adoption, or is the named insured's ward, foster child, or stepchild; or

(b) A person who sustains bodily injury caused by accident while: (i) Occupying or using the insured automobile with the permission of the named insured; or (ii) a pedestrian accidentally struck by the insured automobile.

(6) "Loss of services benefits" means reimbursement for payment to others, not members of the insured's household, for expenses reasonably incurred for services in lieu of those the insured would usually have performed for his or her household without compensation, provided the services are actually rendered, and ending the earliest of the following:

- (a) The date on which the insured person is reasonably able to perform those services;
- (b) The expiration of fifty-two weeks; or
- (c) The date of the insured's death.

(7) "Medical and hospital benefits" means payments for all reasonable and necessary expenses incurred by or on behalf of the insured for injuries sustained as a result of an automobile accident for health care services provided by persons licensed under Title 18 RCW, including pharmaceuticals, prosthetic devices and eye glasses, and necessary ambulance, hospital, and professional nursing service.

(8) "Automobile liability insurance policy" means a policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage suffered by any person and arising out of the ownership, maintenance, or use of an insured automobile.

(9) "Named insured" means the individual named in the declarations of the policy and includes his or her spouse if a resident of the same household.

(10) "Occupying" means in or upon or entering into or alighting from.

(11) "Pedestrian" means a natural person not occupying a motor vehicle as defined in RCW 46.04.320.

(12) "Personal injury protection" means the benefits described in sections 1 through 5 of this act.

NEW SECTION. Sec. (1) No new automobile liability insurance policy or renewal of such an existing policy may be issued unless personal injury protection coverage benefits at limits established in this chapter for medical and hospital expenses, funeral expenses, income continuation, and loss of services sustained by an insured because of bodily injury caused by an automobile accident are offered as an optional coverage.

(2) A named insured may reject, in writing, personal injury protection coverage and the requirements of subsection (1) of this section shall not apply. If a named insured has rejected personal injury protection coverage, that rejection shall be valid and binding as to all levels of coverage and on all persons who might have otherwise been insured under such coverage. If a named insured has rejected personal injury protection coverage, such coverage shall not be included in any supplemental, renewal, or replacement policy unless a named insured subsequently requests such coverage in writing.

NEW SECTION. Sec. (1) Personal injury protection coverage need not be provided for vendor's single interest policies, general liability policies, or other policies, commonly known as umbrella policies, that apply only as excess to the automobile liability policy directly applicable to the insured motor vehicle.

(2) Personal injury protection coverage need not be provided to or on behalf of:

(a) A person who intentionally causes injury to himself or herself;

(b) A person who is injured while participating in a prearranged or organized racing or speed contest or in practice or preparation for such a contest;

(c) A person whose bodily injury is due to war, whether or not declared, or to an act or condition incident to such circumstances;

(d) A person whose bodily injury results from the radioactive, toxic, explosive, or other hazardous properties of nuclear material;

(e) The named insured or a relative while occupying a motor vehicle owned by the named insured or furnished for the named insured's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made;

(f) A relative while occupying a motor vehicle owned by the relative or furnished for the relative's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made; or

(g) An insured whose bodily injury results or arises from the insured's use of an automobile in the commission of a felony.

NEW SECTION. Sec. Insurers providing automobile insurance policies must offer minimum personal injury protection coverage for each insured with maximum benefit limits as follows:

(1) Medical and hospital benefits of ten thousand dollars for expenses incurred within three years of the automobile accident;

(2) Benefits for funeral expenses in an amount of two thousand dollars;

(3) Income continuation benefits covering income losses incurred within one year after the date of the insured's injury in an amount of ten thousand dollars, subject to a limit of the lesser of two hundred dollars per week or eighty-five percent of the weekly income. The combined weekly payment receivable by the insured under any workers' compensation or other disability insurance benefits or other income continuation benefit and this insurance may not exceed eighty-five percent of the insured's weekly income;

(4) Loss of services benefits in an amount of five thousand dollars, subject to a limit of forty dollars per day not to exceed two hundred dollars per week; and

(5) Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

NEW SECTION. Sec. In lieu of minimum coverage required under section 4 of this act, an insurer providing automobile liability insurance policies shall offer and provide, upon request, personal injury protection coverage with benefit limits for each insured of:

(1) Up to thirty-five thousand dollars for medical and hospital benefits incurred within three years of the automobile accident;

(2) Up to two thousand dollars for funeral expenses incurred;

(3) Up to thirty-five thousand dollars for one year's income continuation benefits, subject to a limit of the lesser of seven hundred dollars per week or eighty-five percent of the weekly income; and

(4) Up to forty dollars per day for loss of services benefits, for up to one year from the date of the automobile accident. Payments made under personal injury protection coverage are limited to the amount of actual loss or expense incurred.

NEW SECTION. **Sec.** Sections 1 through 5 of this act are each added to chapter 48.22 RCW.

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

NEW SECTION. **Sec.** Sections 1 through 5 of this act shall take effect July 1, 1994.

NEW SECTION. **Sec.** The commissioner may adopt such rules as are necessary to implement sections 1 through 5 of this act."

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.22 RCW; creating a new section; and providing an effective date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Zellinsky moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1233 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1233 as amended by the Senate.

Representative Zellinsky spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1233 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1233, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1246 with the following amendment:

On page 2, line 32, after "injury." insert "Such benefits shall not be continued or resumed if to do so is inconsistent with the terms of the benefit program, or with the terms of the collective bargaining agreement currently in force." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to House Bill No. 1246 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1246 as amended by the Senate.

Representative Heavey spoke in favor of passage of the bill and Representative Lisk spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1246 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 69, Nays - 28, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Silver, Sommers, Springer, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Stevens, Talcott, Tate, Thomas and Vance - 28.

Excused: Representative Patterson - 1.

House Bill No. 1246, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 51.32.050 and 1991 c 88 s 2 are each amended to read as follows:

- (1) Where death results from the injury the expenses of burial not to exceed two thousand dollars shall be paid.
- (2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:
 - (i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;
 - (ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;
 - (iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;
 - (iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;
 - (v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or
 - (vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.
- (b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section exceed ~~((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018~~((--))~~ as follows:

AFTER PERCENTAGE

June 30, 1993 105%

June 30, 1994 110%

June 30, 1995 115%

June 30, 1996 120%

(e) In addition to the monthly payments provided for in (2)(a) through (2)(c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid the sum of one thousand six hundred dollars, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to (2)(a)(i) of this section and subject to any modifications specified under (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or ~~((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, ~~((whichever is the lesser of the two sums.))~~ as follows:

AFTER PERCENTAGE

June 30, 1993 105%

June 30, 1994 110%

June 30, 1995 115%

June 30, 1996 120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed ~~the lesser of sixty-five percent of the wages of the deceased worker at the time of ((the)) his or her death or ((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018(~~which ever is the lesser of the two sums.))~~ as follows:

AFTER PERCENTAGE

June 30, 1993 105%

June 30, 1994 110%

June 30, 1995 115%

June 30, 1996 120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. RCW 51.32.060 and 1988 c 161 s 1 are each amended to read as follows:

(1) When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

(b) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.

(c) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.

(d) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.

(e) If married with four children at the time of injury, seventy- three percent of his or her wages but not less than three hundred twenty-nine dollars per month.

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.

(g) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.

(h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.

(i) If unmarried with two children at the time of injury, sixty- four percent of his or her wages but not less than two hundred fifty-three dollars per month.

(j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.

(k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.

(2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

(4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(5) In no event shall the monthly payments provided in this section exceed ~~((one hundred percent))~~ the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018~~((, except that this))~~ as follows:

<u>AFTER PERCENTAGE</u>	
<u>June 30, 1993</u>	<u>105%</u>
<u>June 30, 1994</u>	<u>110%</u>
<u>June 30, 1995</u>	<u>115%</u>
<u>June 30, 1996</u>	<u>120%</u>

The limitations under this subsection shall not apply to the payments provided for in subsection (3) of this section.

(6) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(7) The benefits provided by this section are subject to modification under RCW 51.32.067.

Sec. RCW 51.32.090 and 1988 c 161 s 4 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent.

(4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

Once the worker returns to work under the terms of this subsection, he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section exceed (~~one hundred percent~~) the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018((-)) as follows:

AFTER PERCENTAGE

June 30, 1993 105%

June 30, 1994 110%

June 30, 1995 115%

June 30, 1996 120%

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 51.32.050, 51.32.060, and 51.32.090; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1248 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1248 as amended by the Senate.

Representative Heavey spoke in favor of passage of the bill and Representative Lisk spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1248 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Locke, Ludwig, Meyers, R., Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Lemmon, Lisk, Long, Mastin, Mielke, Miller, Morris, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 41.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1248, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 51.32.080 and 1988 c 161 s 6 are each amended to read as follows:

(1)(a) Until July 1, 1993, for the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$54,000.00
Of leg at or above knee joint with functional stump	48,600.00
Of leg below knee joint	43,200.00
Of leg at ankle (Syme)	37,800.00
Of foot at mid-metatarsals	18,900.00
Of great toe with resection of metatarsal bone	11,340.00
Of great toe at metatarsophalangeal joint	6,804.00
Of great toe at interphalangeal joint	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone	4,140.00
Of lesser toe at metatarsophalangeal joint	2,016.00
Of lesser toe at proximal interphalangeal joint	1,494.00
Of lesser toe at distal interphalangeal joint	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	48,600.00
Of all fingers except the thumb at metacarpophalangeal joints	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	19,440.00
Of thumb at interphalangeal joint	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	12,150.00
Of index finger at proximal interphalangeal joint	9,720.00
Of index finger at distal interphalangeal joint	5,346.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	9,720.00
Of middle finger at proximal interphalangeal joint	7,776.00
Of middle finger at distal interphalangeal joint	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	4,860.00
Of ring finger at proximal interphalangeal joint	3,888.00
Of ring finger at distal interphalangeal joint	2,430.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	2,430.00
Of little finger at proximal interphalangeal joint	1,944.00
Of little finger at distal interphalangeal joint	972.00

MISCELLANEOUS

Loss of one eye by enucleation	21,600.00
Loss of central visual acuity in one eye	18,000.00
Complete loss of hearing in both ears	43,200.00
Complete loss of hearing in one ear	7,200.00

(b) Beginning on July 1, 1993, compensation under this subsection shall be computed as follows:

(i) Beginning on July 1, 1993, the compensation amounts for the specified disabilities listed in (a) of this subsection shall be increased by thirty-two percent; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b)(i) of this subsection, shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30 immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(2) Compensation for amputation of a member or part thereof at a site other than those (~~(above)~~) specified in subsection (1) of this section, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation shall be calculated based on the adjusted schedule of compensation in effect for the respective time period as prescribed in subsection (1) of this section.

(3)(a) Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to (~~(that above)~~) the disabilities specified in subsection (1) of this section, which most closely resembles and approximates in degree of disability such other disability, and compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment(~~(- PROVIDED, That in order)~~). To reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments.

(b) Until July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars(~~(- PROVIDED, That)~~). Beginning on July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be adjusted as follows:

(i) Beginning on July 1, 1993, the amount payable for total bodily impairment under this section shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the amount payable for total bodily impairment prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(c) Until July 1, 1993, the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars(~~(- PROVIDED FURTHER, That in case)~~). Beginning on July 1, 1993, total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed a sum calculated as follows:

(i) Beginning on July 1, 1993, the sum shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(4) If permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

~~((3))~~ (5) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability

shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

~~((4))~~ (6) When the compensation provided for in subsections (1) ~~(and (2))~~ through (3) of this section exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment ~~(: PROVIDED, That))~~. However, upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application ~~(: PROVIDED FURTHER, That))~~. Upon the death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

(7) Awards payable under this section are governed by the schedule in effect on the date of injury.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "awards;" strike the remainder of the title and insert "amending RCW 51.32.080; and declaring an emergency."

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1249 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1249 as amended by the Senate.

Representative Lisk spoke against the passage of the bill.

Representatives Heavey and Silver spoke in favor of passage of the bill and it was carried.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1249 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Chandler, Dyer, Edmondson, Lisk and Sheldon - 5.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1249, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

MR. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1318 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. It is the intent of the legislature that the boating safety laws administered by the state parks and recreation commission provide Washington's citizens with clear and reasonable boating safety regulations and penalties. Therefore, the legislature intends to recodify, clarify, and partially decriminalize the state-wide boating safety laws in order to help the boating community understand and comply with these laws.

It is also the intent of the legislature to increase boat registration fees in order to provide additional funds to local governments for boating safety enforcement and education programs. The funds are to be used for enforcement, education, training, and equipment, including vessel noise measurement equipment. The legislature encourages programs that provide boating safety education in the primary and secondary school system for boat users and potential future boat users. The legislature also encourages boating safety programs that use volunteer and private sector efforts to enhance boating safety and education.

Sec. RCW 7.84.010 and 1987 c 380 s 1 are each amended to read as follows:

The legislature declares that decriminalizing certain offenses contained in Titles 75, 76, 77, and 79 RCW and chapters 43.30 ~~((and))~~, 43.51, and 88.12 RCW and any rules adopted pursuant to those titles and chapters would promote the more efficient administration of those titles and chapters. The purpose of this chapter is to provide a just, uniform, and efficient procedure for adjudicating those violations which, in any of these titles and chapters or rules adopted under these chapters or titles, are declared not to be criminal offenses. The legislature respectfully requests the supreme court to prescribe any rules of procedure necessary to implement this chapter.

Sec. RCW 7.84.020 and 1987 c 380 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Infraction" means an offense which, by the terms of Title 75, 76, 77, or 79 RCW or chapter 43.30 ~~((or))~~, 43.51, or 88.12 RCW and rules adopted under these titles and chapters, is declared not to be a criminal offense and is subject to the provisions of this chapter.

Sec. RCW 88.02.110 and 1987 c 149 s 13 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a violation of this chapter ~~((, RCW 43.51.400,))~~ and the rules adopted by the department ~~((and the state parks and recreation commission))~~ pursuant to these statutes is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

- (a) For the second violation, a fine of two hundred dollars per vessel;
- (b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be credited to the current expense fund of the arresting jurisdiction.

(3) All law enforcement officers shall have the authority to enforce this chapter ~~((, RCW 43.51.400,))~~ and the rules adopted by the department ~~((and the state parks and recreation commission))~~ pursuant to these statutes within their respective jurisdictions: PROVIDED, That a city, town, or county may contract with a fire protection district for such enforcement and fire protection districts are authorized to engage in such activities.

Sec. RCW 88.12.010 and 1933 c 72 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Boat wastes" includes, but is not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.

(2) "Boater" means any person on a vessel on waters of the state of Washington.

(3) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in

the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

(4) "Commission" means the state parks and recreation commission.

(5) "Darkness" ~~((is herein defined to be))~~ means that period between ~~((one half hour after))~~ sunset and ~~((one half hour before))~~ sunrise.

~~(("Waters", as used herein, are defined as any lake, pond or other body of water.))~~

(6) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(7) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(8) "Motor driven boats and vessels" ~~((are defined herein as))~~ means all boats and vessels which are self propelled.

(9) "Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

(10) "Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

(11) "Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

(12) "Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.

(13) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(14) "Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.

(15) "Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(16) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(17) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(18) "Reckless" or "recklessly" means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

(19) "Sewage pumpout or dump unit" means:

(a) A receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container; and

(b) A stationary or portable mechanical device on land, a dock, pier, float, barge, vessel, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(20) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

(21) "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

(22) "Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

(23) "Waters of the state" means any waters within the territorial limits of Washington state.

(24) "Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as listed in RCW 88.12.300.

NEW SECTION. Sec. A new section is added to chapter 88.12 RCW to read as follows:

(1) It is a misdemeanor, punishable under RCW 9.92.030, for any person to commit a violation designated as an infraction under this chapter, if during a period of three hundred sixty-five days the person has previously committed two infractions for violating the same provision under this chapter and if the violation is also committed during such period and is of the same provision as the previous violations.

(2) A violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW.

Sec. RCW 88.12.020 and 1933 c 72 s 2 are each amended to read as follows:

~~((Every person operating or driving a motor propelled boat or vessel on any waters in the state, shall drive the same in a careful and prudent manner at a))~~ A person shall not operate a vessel in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed that are no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such waters. Except as provided in section 6 of this act, a violation of this section is an infraction under chapter 7.84 RCW.

Sec. RCW 88.12.100 and 1990 c 231 s 3 and 1990 c 31 s 1 are each reenacted and amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a ~~((negligent))~~ reckless manner. ~~((For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.))~~

(2) ~~((A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while))~~ It shall be a violation for a person to operate a vessel while under the influence of intoxicating liquor or any drug. A person is considered to be under the influence of intoxicating liquor or any drug if:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) ~~((For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.~~

~~(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.~~

~~(5))~~ A violation of this section is a misdemeanor, punishable ~~((by up to ninety days in jail and by a fine of not more than one thousand dollars))~~ as provided under RCW 9.92.030. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Sec. RCW 88.12.330 and 1988 c 36 s 73 are each amended to read as follows:

(1) Every ~~((peace))~~ law enforcement officer of this state and its political subdivisions has the authority to enforce this chapter. Law enforcement officers may enforce recreational boating rules adopted by the commission. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other local law enforcement entities, wildlife agents of the department of wildlife and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, ((county sheriffs, and other local law enforcement bodies, shall assist in the enforcement)) and state park rangers. In the exercise of this responsibility, all such officers may stop and board any ~~((watercraft))~~ vessel and direct it to a suitable pier or anchorage ~~((for boarding))~~ to enforce this chapter.

(2) ~~((A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.~~

~~(3))~~ This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. Sec. A new section is added to chapter 88.12 RCW to read as follows:

In addition to the equipment standards prescribed under this chapter, the commission shall adopt rules specifying equipment standards for vessels. Except where the violation is classified as a misdemeanor under this chapter, violation of any equipment standard adopted by the commission is an infraction under chapter 7.84 RCW.

NEW SECTION. Sec. A new section is added to chapter 88.12 RCW to read as follows:

An operator or owner who endangers a vessel, or the persons on board the vessel, by showing, masking, extinguishing, altering, or removing any light or signal or by exhibiting any false light or signal, is guilty of a misdemeanor, punishable as provided in RCW 9.92.030.

NEW SECTION. **Sec.** A new section is added to chapter 88.12 RCW to read as follows:

(1) The commission shall adopt rules providing for its inspection and approval of the personal flotation devices that may be used to satisfy the requirements of this chapter and governing the manner in which such devices shall be used. The commission shall prescribe the different types of devices that are appropriate for the different uses, such as water skiing or operation of a personal watercraft. In adopting its rules the commission shall consider the United States coast guard rules or regulations. The commission may approve devices inspected and approved by the coast guard without conducting any inspection of the devices itself.

(2) In situations where personal flotation devices are required under provisions of this chapter, the devices shall be in good and serviceable condition and of appropriate size. If they are not, then they shall not be considered as personal flotation devices under such provisions.

NEW SECTION. **Sec.** A new section is added to chapter 88.12 RCW to read as follows:

If an infraction is issued under this chapter because a vessel does not contain the required equipment and if the operator is not the owner of the vessel, but is operating the vessel with the express or implied permission of the owner, then either or both operator or owner may be cited for the infraction.

Sec. RCW 88.12.050 and 1933 c 72 s 5 are each amended to read as follows:

~~((Every motor driven boat operating on any such waters and carrying passengers for hire or leased for hire, shall have a life preserver or life float for each passenger said boat or vessel has capacity to carry, placed or attached in such manner as to be convenient for use.))~~

(1) No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device on board for each person on the vessel. Each personal flotation device shall be in serviceable condition, of an appropriate size, and readily accessible.

(2) Except as provided in section 6 of this act, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

(3) A violation of subsection (1) of this section is a misdemeanor punishable under RCW 9.92.030, if the vessel is carrying passengers for hire.

Sec. RCW 88.12.080 and 1990 c 231 s 1 are each amended to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) ~~((When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.~~

~~(a) "Operator" means the individual in physical control of a vessel. The operator of a personal watercraft shall be at least fourteen years of age.~~

~~(b) "Observer" means the individual riding in a vessel who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission.~~

~~(c) "Personal watercraft" means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.~~

~~(d) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.~~

~~(e) "Waters of Washington state" means any waters within the territorial limits of Washington state.~~

~~(3))~~ No vessel ((which has in tow a person or persons on water skis, or similar contrivance shall be operated)) operator may tow or attempt to tow a water skier on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches square, mounted on a pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection

does not apply to a personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection. Except as provided under section 6 of this act, a violation of this subsection is an infraction under chapter 7.84 RCW.

(3) The observer and the operator shall not be the same person. The observer shall be an individual who meets the minimum qualifications for an observer established by rules of the commission. Except as provided under section 6 of this act, a violation of this subsection is an infraction under chapter 7.84 RCW.

(4) No person shall engage or attempt to engage in water skiing(~~(, or operate or ride on a personal watercraft,)~~) without wearing ~~((an adequate and effective United States coast guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit which is approved for personal flotation by the United States coast guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch which was installed by the manufacturer))~~ a personal flotation device. Except as provided under section 6 of this act, a violation of this subsection is an infraction under chapter 7.84 RCW.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise. A violation of this subsection is a misdemeanor, punishable as provided under RCW 9.92.030.

~~((6) No person shall operate a personal watercraft on the waters of Washington state during the period from sunset until sunrise.~~

~~((7))~~ No person engaged in water skiing(~~(, or the operation of a personal watercraft,)~~) either as operator, observer, or skier, shall conduct himself or herself in a ~~((negligent))~~ reckless manner that willfully or wantonly endangers, or is likely to endanger, any person or property. A violation of this subsection is a misdemeanor as provided under RCW 9.92.030.

~~((8))~~ (7) The requirements of subsections (2), (3), (4), and (5) of this section shall not apply to persons engaged in tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

~~((9) It shall be unlawful for a person to lease, hire, or rent a personal watercraft to any person who is under sixteen years of age.)~~

NEW SECTION. Sec. A new section is added to chapter 88.12 RCW to read as follows:

(1) A person shall not load or permit to be loaded a vessel with passengers or cargo beyond its safe carrying ability or carry passengers or cargo in an unsafe manner taking into consideration weather and other existing operating conditions.

(2) A person shall not operate or permit to be operated a vessel equipped with a motor or other propulsion machinery of a power beyond the vessel's ability to operate safely, taking into consideration the vessel's type, use, and construction, the weather conditions, and other existing operating conditions.

(3) A violation of subsection (1) or (2) of this section is an infraction punishable as provided under chapter 7.84 RCW except as provided under section 6 of this act or where the overloading or overpowering is reasonably advisable to effect a rescue or for some similar emergency purpose.

(4) If it appears reasonably certain to any law enforcement officer that a person is operating a vessel clearly loaded or powered beyond its safe operating ability and in the judgment of that officer the operation creates an especially hazardous condition, the officer may direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on board the vessel, including directing the operator to return to shore or a mooring and to remain there until the situation creating the hazard is corrected or ended. Failure to follow the direction of an officer under this subsection is a misdemeanor punishable as provided under RCW 9.92.030.

NEW SECTION. Sec. A new section is added to chapter 88.12 RCW to read as follows:

(1) A person shall not operate a personal watercraft unless each person aboard the personal watercraft is wearing a personal flotation device approved by the commission. Except as provided for in section 6 of this act, a violation of this subsection is a civil infraction punishable under RCW 7.84.100.

(2) A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch that was installed by the manufacturer.

(3) A person shall not operate a personal watercraft during darkness.

(4) A person under the age of fourteen shall not operate a personal watercraft on the waters of this state.

(5) A person shall not operate a personal watercraft in a reckless manner, including recklessly weaving through congested vessel traffic, recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision.

(6) A person shall not lease, hire, or rent a personal watercraft to a person under the age of sixteen.

(7) Subsections (1) through (6) of this section shall not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

(8) Violations of subsections (2) through (6) of this section constitute a misdemeanor under RCW 9.92.030.

Sec. RCW 88.12.130 and 1984 c 183 s 1 are each amended to read as follows:

(1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. ~~((The operator shall also give his or her name, address, and the identification of the operator's vessel to the state parks and recreation commission and any person injured and to the owner of any property damaged))~~ The operator shall also give all pertinent accident information, as specified by rule by the commission, to the law enforcement agency having jurisdiction: PROVIDED, That this requirement shall not apply to operators of vessels when they are participating in an organized competitive event ~~((covered by a permit issued by the United States coast guard))~~ authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events. These duties are in addition to any duties otherwise imposed by law. Except as provided for in section 6 of this act, a violation of this subsection is a civil infraction punishable under RCW 7.84.100.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

Sec. RCW 88.12.160 and Code 1881 s 3242 are each amended to read as follows:

Any person taking up any ~~((seow, boat, skiff, canoe, or other water craft,))~~ vessel found adrift, and out of the custody of the owner, in ~~((any stream or body of water, within, or bordering upon))~~ waters of this state, shall forthwith notify the owner thereof, if to him or her known, or if upon reasonable inquiry he or she can ascertain the name and residence of the owner, and request such owner to pay all reasonable charges, and take such ~~((water craft))~~ vessel away.

Sec. RCW 88.12.170 and Code 1881 s 3243 are each amended to read as follows:

Such notice shall be given personally, or in writing; if in writing, it shall be served upon the owner, or may be sent by mail to the post office where such owner usually receives his or her letters. Such notice shall inform the party where the ~~((seow, boat, skiff, canoe, or other water craft))~~ vessel was taken up, and where it may be found, and what amount the taker-up or finder demands for his or her charges.

Sec. RCW 88.12.180 and Code 1881 s 3244 are each amended to read as follows:

In all cases where notice is not given personally, it shall be the duty of the taker-up to post up at the post office nearest the place where such ~~((seow, boat, skiff, canoe, or other water craft))~~ vessel may be taken up, a written notice of the taking up of such ~~((water craft))~~ vessel, which shall contain a description of the same, with the name, if any is painted thereon, also the place where taken up, the place where the property may be found, and the charge for taking the same up. If the taker-up is traveling upon ~~((such stream or body of))~~ waters of the state, such notice shall be posted up at the first post office he or she shall pass after the taking up; and in all cases, he or she shall at the time when, and place where, he or she posts up such notice, also mail a copy of such notice, directed to the postmaster of each post office on ~~((said stream or body of))~~ waters of the state, and within fifty miles of the place where such ~~((water craft))~~ vessel is taken up.

Sec. RCW 88.12.190 and Code 1881 s 3245 are each amended to read as follows:

Every person taking up any ~~((seow, boat, skiff, canoe, or other water craft,))~~ vessel so found adrift, and giving the notice herein required, shall be entitled to receive from the owner claiming the property, a reasonable compensation for his or her time, services, expenses, and risk in taking up said property, and take notice of the same, to be settled by agreement between the

parties. In case ~~((he))~~ the person has not, within ten days after the taking up, substantially complied with the provisions of this chapter in giving the notice, ~~((he))~~ the person shall be entitled to no compensation, but he or she shall be liable to all damages the owner may have suffered, and be also liable to the owner for the value of the use of ~~((said water craft))~~ the vessel, from the time of taking it up until the same is delivered to the owner.

Sec. RCW 88.12.200 and 1987 c 202 s 248 are each amended to read as follows:

In case the parties cannot agree on the amount to be paid the taker-up, or the ownership, and the sum claimed is less than one ~~((hundred))~~ thousand dollars, the owner may file a complaint, setting out the facts, and the judge, on hearing, shall decide the same with a jury, or not, and in the same manner as is provided in ordinary civil actions before a district judge. If the amount claimed by the taker-up is more than one ~~((hundred))~~ thousand dollars, the owner shall file his or her complaint in the superior court of the county where the property is, and trial shall be had as in other civil actions; but if the taker-up claims more than one ~~((hundred))~~ thousand dollars, and a less amount is awarded him or her, he or she shall be liable for all the costs in the superior court; and in all cases where the taker-up shall recover a less amount than has been tendered him or her by the owner or claimant, previous to filing his or her complaint, he or she shall pay the costs before the district judge or in the superior court: PROVIDED, That in all cases the owner, after filing his or her complaint before a district judge, shall be entitled to the possession of ~~((such water craft))~~ the vessel, upon giving bond, with security to the satisfaction of the judge, in double the amount claimed by the taker-up. When the complaint is filed in the superior court, the clerk thereof shall approve the security of the bond. The bond shall be conditioned to pay such costs as shall be awarded to the finder or taker-up of such ~~((scow, boat, skiff, canoe, or other water craft))~~ vessel.

Sec. RCW 88.12.210 and Code 1881 s 3247 are each amended to read as follows:

In case the taker-up shall use the ~~((scow, boat, skiff, canoe or other water craft))~~ vessel, more than is necessary to put it into a place of safety, he or she shall be liable to the owner for such use, and for all damage; and in case it shall suffer injury from his or her neglect to take suitable care of it, he or she shall be liable to the owner for all damage.

Sec. RCW 88.12.220 and 1987 c 202 s 249 are each amended to read as follows:

In case such ~~((water craft))~~ vessel is of less value than one hundred dollars, and is not claimed within three months, the taker-up may apply to a district judge of the district where the property is, who, upon being satisfied that due notice has been given, and that the owner cannot, with reasonable diligence be found, shall order the ~~((scow, boat, skiff, canoe, or other water craft))~~ vessel to be sold, and after paying the taker-up such sum as he or she shall be entitled to, and the costs, the balance shall be paid the county treasurer as is provided in the case of the sale of estrays. In case the ~~((scow, boat, skiff, canoe, or other water craft))~~ vessel exceeds one hundred dollars, and is not claimed within six months, application shall be made to the superior court of the county, and the same proceeding shall be thereupon had. All sales made under this section shall be conducted as sales of personal property on execution.

Sec. RCW 88.12.230 and 1986 c 217 s 1 are each amended to read as follows:

The purpose of ~~((this chapter))~~ RCW 88.12.250 through 88.12.320 is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of ~~((watercraft))~~ vessels carrying passengers for hire on the whitewater rivers of this state.

NEW SECTION. Sec. A new section is added to chapter 88.12 RCW to read as follows:

Except as provided in RCW 88.12.320(3), the commission of a prohibited act under RCW 88.12.250 through 88.12.320 constitutes a misdemeanor, punishable as provided under RCW 9.92.030.

Sec. RCW 88.12.250 and 1986 c 217 s 3 are each amended to read as follows:

(1) No person may operate any ~~((watercraft))~~ vessel carrying passengers for hire on whitewater rivers in a manner that interferes with other ~~((watercraft))~~ vessels or with the free and proper navigation of the rivers of this state.

(2) Every operator of a ~~((watercraft))~~ vessel carrying passengers for hire on whitewater rivers shall at all times operate the ~~((watercraft))~~ vessel in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No ~~((watercraft))~~ vessel carrying passengers for hire on whitewater rivers may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the ~~((watercraft))~~ vessel and other existing operating conditions. In the case of inflatable ~~((crafts))~~ vessels, safe carrying capacity in whitewater shall be considered as less

than the United States Coast Guard capacity rating for each ~~((watercraft))~~ vessel. This subsection shall not apply in cases of an unexpected emergency on the river.

(4) Individuals licensed under chapter 77.32 RCW and acting as fishing guides are exempt from section 27 of this act and RCW 88.12.260 through 88.12.320.

Sec. RCW 88.12.260 and 1986 c 217 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((watercraft))~~ vessels on whitewater rivers proceeding downstream have the right of way over ~~((watercraft))~~ vessels proceeding upstream.

(2) In all cases, ~~((watercraft))~~ vessels not under power proceeding downstream on whitewater rivers have the right of way over motorized craft underway.

Sec. RCW 88.12.280 and 1986 c 217 s 6 are each amended to read as follows:

(1) While carrying passengers for hire on whitewater rivers ~~((sections))~~ in this state, the operator and owner of the vessel shall:

~~((1))~~ (a) If using inflatable ~~((watercraft))~~ vessels, use only ~~((watercraft))~~ vessels with three or more separate air chambers;

~~((2))~~ (b) Ensure that all passengers and operators are wearing a securely fastened ~~((United States Coast Guard approved type III or type V life jacket in good condition))~~ personal flotation device;

~~((3))~~ (c) Ensure that each ~~((watercraft))~~ vessel has accessible a spare United States coast guard-approved type III or type V ~~((life jacket))~~ personal flotation device in good repair;

~~((4))~~ (d) Ensure that each ~~((watercraft))~~ vessel has on it a bagged throwable line with a floating line and bag;

~~((5))~~ (e) Ensure that each ~~((watercraft))~~ vessel has accessible an adequate first-aid kit;

~~((6))~~ (f) Ensure that each ~~((watercraft))~~ vessel has a spare propelling device;

~~((7))~~ (g) Ensure that a repair kit and air pump are accessible to inflatable ~~((watercraft))~~ vessel; and

~~((8))~~ (h) Ensure that equipment to prevent and treat hypothermia is accessible to all ~~((watercraft))~~ vessels on a trip.

(2) No person may operate on the whitewater rivers of this state a vessel carrying passengers for hire unless the person has successfully completed a lifesaving training course meeting standards adopted by the commission.

Sec. RCW 88.12.290 and 1986 c 217 s 7 are each amended to read as follows:

(1) ~~((Watercraft))~~ Vessel operators and passengers on any trip carrying passengers for hire on whitewater rivers of the state shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any ~~((watercraft))~~ vessel carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other ~~((watercraft))~~ vessel under the supervision of the same operator or owner or being operated by a person registered under RCW 88.12.320 or an operator under the direction or control of a person registered under RCW 88.12.320.

Sec. RCW 88.12.390 and 1989 c 393 s 4 are each amended to read as follows:

(1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit:

(a) The marina is located in an environmentally sensitive or polluted area; or

(b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpout~~((s))~~ or dump units within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit if there is a demonstrated need for a sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

(a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;

(b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or

(c) There is a lack of adequate sewage pumpout ~~((station))~~ or dump unit capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit based on the criteria found in subsections (1) and (2) of this section.

Sec. RCW 88.12.400 and 1989 c 393 s 5 are each amended to read as follows:

(1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit under RCW 88.12.390 shall be eligible for funding support for installation of such facilities from funds specified in RCW 88.12.450. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall seek to provide the most cost-efficient and accessible facilities possible for reducing the amount of boat waste entering the state's waters. The commission shall consider providing funding support for portable pumpout facilities in this effort.

(3) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a)(i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or ~~((sewage))~~ dump ~~((stations))~~ units, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the ~~((marina or boat launch operator))~~ contract recipient. The sewage pumpout or ~~((sewage))~~ dump ~~((station must))~~ unit shall be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The ~~((marina owner))~~ contract recipient agrees to allow the installation, existence and use of the sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit by granting an ~~((easement))~~ irrevocable license for a minimum of ten years at no cost ~~((for such purposes))~~ to the commission.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any ~~((facility))~~ contract recipient entering into a contract under this section must allow the boating public access to the sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit during operating hours.

(ii) The ~~((applicant))~~ contract recipient must agree to monitor and encourage the use of the sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The ~~((applicant))~~ contract recipient must agree not to charge a fee for the use of the sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit.

(iv) The ~~((applicant))~~ contract recipient must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout ~~((facility))~~ or dump unit by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or ~~((sewage))~~ dump ~~((station))~~ unit by the boating public shall be deemed to be included in the term "outdoor recreation" for the purposes of chapter 4.24 RCW.

Sec. RCW 88.12.410 and 1989 c 393 s 6 are each amended to read as follows:

The department of ecology, in consultation with the commission, shall, for initiation of the state-wide program only, develop criteria for the design, installation, and operation of sewage pumpout and ~~((sewage))~~ dump ~~((stations))~~ units, taking into consideration the ease of access to the ~~((station))~~ unit by the boating public. The department of ecology may adopt rules to administer the provisions of this section.

Sec. RCW 88.12.420 and 1989 c 393 s 7 are each amended to read as follows:

The commission shall undertake a state-wide boater environmental education program concerning the effects of boat wastes. The boater environmental education program shall provide informational materials on proper boat waste disposal

methods, environmentally safe boat maintenance practices, locations of sewage pumpout and ~~((sewage))~~ dump ~~((stations))~~ units, and boat oil recycling facilities.

Sec. RCW 88.12.440 and 1989 c 393 s 9 are each amended to read as follows:

The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and ~~((sewage))~~ dump ~~((stations))~~ units, the boater environmental education program, and the boating safety program. The commission shall report its findings to the legislature by December 1994.

Sec. RCW 88.12.450 and 1989 c 393 s 11 are each amended to read as follows:

The amounts allocated in accordance with RCW 82.49.030(3) shall be expended upon appropriation in accordance with the following limitations:

(1) Thirty percent of the funds shall be appropriated to the interagency committee for outdoor recreation and be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be given to critical site acquisition. The interagency committee for outdoor recreation shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or ~~((sewage))~~ dump ~~((stations))~~ units at publicly and privately owned marinas as provided for in RCW 88.12.390 and 88.12.400.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program.

Sec. RCW 88.02.050 and 1989 c 17 s 1 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ~~((six))~~ ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ~~((six-dollar))~~ ten dollar and fifty cent annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. **Sec.** A new section is added to chapter 88.12 RCW to read as follows:

(1) All motor-propelled vessels shall be equipped and maintained with an effective muffler that is in good working order and in constant use. For the purpose of this section, an effective muffler or underwater exhaust system does not produce sound levels in excess of ninety decibels when subjected to a stationary sound level test that shall be prescribed by rules adopted by the commission, as of the effective date of this section, and for engines manufactured on or after January 1, 1994, a noise level of eighty-eight decibels when subjected to a stationary sound level test that shall be prescribed by rules adopted by the commission.

(2) A vessel that does not meet the requirements of subsection (1) of this section shall not be operated on the waters of this state.

(3) No person may operate a vessel on waters of the state in such a manner as to exceed a noise level of seventy-five decibels measured from any point on the shoreline of the body of water on which the vessel is being operated that shall be specified by rules adopted by the commission, as of the effective date of this section. Such measurement shall not preclude a stationary sound level test that shall be prescribed by rules adopted by the commission.

(4) This section does not apply to: (a) A vessel tuning up, testing for, or participating in official trials for speed records or a sanctioned race conducted pursuant to a permit issued by an appropriate governmental agency; or (b) a vessel being operated by a vessel or marine engine manufacturer for the purpose of testing or development. Nothing in this subsection prevents local governments from adopting ordinances to control the frequency, duration, and location of vessel testing, tune-up, and racing.

(5) Any officer authorized to enforce this section who has reason to believe that a vessel is not in compliance with the noise levels established in this section may direct the operator of the vessel to submit the vessel to an on-site test to measure noise level, with the officer on board if the officer chooses, and the operator shall comply with such request. If the vessel exceeds the decibel levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation.

(6) Any officer who conducts vessel sound level tests as provided in this section shall be qualified in vessel noise testing. Qualifications shall include but may not be limited to the ability to select the appropriate measurement site and the calibration and use of noise testing equipment.

(7) A person shall not remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this chapter.

(8) A person shall not manufacture, sell, or offer for sale any vessel that is not equipped with a muffler or muffler system that does not comply with this chapter. This subsection shall not apply to power vessels designed, manufactured, and sold for the sole purpose of competing in racing events and for no other purpose. Any such exemption or exception shall be documented in any and every sale agreement and shall be formally acknowledged by signature on the part of both the buyer and the seller. Copies of the agreement shall be maintained by both parties. A copy shall be kept on board whenever the vessel is operated.

(9) Except as provided in section 6 of this act, a violation of this section is an infraction under chapter 7.84 RCW.

(10) Vessels that are equipped with an engine modified to increase performance beyond the engine manufacturer's stock configuration shall have an exhaust system that complies with the standards in this section after January 1, 1994. Until that date, operators or owners, or both, of such vessels with engines that are out of compliance shall be issued a warning and be given educational materials about types of muffling systems available to muffle noise from such high performance engines.

(11) Nothing in this section preempts a local government from exercising any power that it possesses under the laws or Constitution of the state of Washington to adopt more stringent regulations.

NEW SECTION. Sec. A new section is added to chapter 88.02 RCW to read as follows:

Jurisdictions receiving funds under RCW 88.02.040 shall deposit such funds into an account dedicated solely for supporting the jurisdiction's boating safety programs. These funds shall not supplant existing local funds used for boating safety programs.

NEW SECTION. Sec. RCW 82.49.070 and 1988 c 261 s 1, 1985 c 7 s 155, 1984 c 250 s 4, & 1983 2nd ex.s. c 3 s 49 are each repealed.

NEW SECTION. Sec. Section 41 of this act shall take effect June 30, 1994.

NEW SECTION. Sec. Section 38 of this act applies to registrations expiring June 30, 1995, and thereafter.

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

(1) RCW 88.12.030 and 1933 c 72 s 3;

- (2) RCW 88.12.040 and 1990 c 231 s 2 & 1933 c 72 s 4;
- (3) RCW 88.12.090 and 1933 c 72 s 6;
- (4) RCW 88.12.240 and 1986 c 217 s 2;
- (5) RCW 88.12.270 and 1986 c 217 s 5;
- (6) RCW 88.12.310 and 1986 c 217 s 9;
- (7) RCW 88.12.340 and 1986 c 217 s 12; and
- (8) RCW 88.12.480 and 1992 c 100 s 8.

NEW SECTION. **Sec.** (1) The code reviser shall correct all statutory references to sections recodified by this section.

(2) The following sections shall be codified or recodified in the following order in chapter 88.12 RCW:

RCW 88.12.010

RCW 88.12.--- (section 6 of this act)

RCW 88.12.020

RCW 88.12.100

RCW 88.12.110

RCW 88.12.120

RCW 88.12.330

RCW 88.12.--- (section 10 of this act)

RCW 88.12.--- (section 11 of this act)

RCW 88.12.--- (section 39 of this act)

RCW 88.12.--- (section 12 of this act)

RCW 88.12.--- (section 13 of this act)

RCW 88.12.050

RCW 88.12.080

RCW 88.12.--- (section 16 of this act)

RCW 88.12.--- (section 17 of this act)

RCW 88.12.130

RCW 88.12.140

RCW 88.12.150

RCW 88.12.160

RCW 88.12.170

RCW 88.12.180

RCW 88.12.190

RCW 88.12.200

RCW 88.12.210

RCW 88.12.220

RCW 88.12.--- (section 27 of this act)

RCW 88.12.280

RCW 88.12.290

RCW 88.12.300

RCW 88.12.320

RCW 88.12.350

RCW 88.12.360

RCW 88.12.380

RCW 88.12.390

RCW 88.12.400

RCW 88.12.410

RCW 88.12.420

RCW 88.12.430

RCW 88.12.440

RCW 88.12.450

RCW 88.12.460

RCW 88.12.470."

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 7.84.010, 7.84.020, 88.02.110, 88.12.010, 88.12.020, 88.12.330, 88.12.050, 88.12.080, 88.12.130, 88.12.160, 88.12.170, 88.12.180, 88.12.190, 88.12.200, 88.12.210, 88.12.220, 88.12.230, 88.12.250, 88.12.260, 88.12.280, 88.12.290, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.440, 88.12.450, and 88.02.050; reenacting and amending RCW 88.12.100; adding new sections to chapter 88.12 RCW; adding a new section to chapter 88.02 RCW; creating new sections; recodifying RCW 88.12.010, 88.12.020, 88.12.100, 88.12.110, 88.12.120, 88.12.330, 88.12.050, 88.12.080, 88.12.130, 88.12.140, 88.12.150, 88.12.160, 88.12.170, 88.12.180, 88.12.190, 88.12.200, 88.12.210, 88.12.220, 88.12.280, 88.12.290, 88.12.300, 88.12.320, 88.12.350, 88.12.360, 88.12.380, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.430, 88.12.440, 88.12.450, 88.12.460, and 88.12.470; repealing RCW 82.49.070, 88.12.030, 88.12.040, 88.12.090, 88.12.240, 88.12.270, 88.12.310, 88.12.340, and 88.12.480; prescribing penalties; and providing an effective date."
and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Pruitt moved that the House do concur in the Senate amendment to Substitute House Bill No. 1318 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1318 as amended by the Senate.

Representatives Pruitt and Thomas spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1318 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Lisk - 1.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1318, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1428 with the following amendment:

On page 1, beginning on line 14, strike all of section 3 and insert:

"**Sec.** 1990 c 170 s 8 (uncodified) is amended to read as follows:

RCW 80.36.410 through 80.36.470 shall expire June 30, (~~1993~~) 1998, unless extended by the legislature."

On page 1, line 2 of the title, after "80.36.450;" insert "amending 1990 c 170 s 8 (uncodified);"

On page 1, at the beginning of line 3 of the title, strike "repealing 1990 c 170 s 8 (uncodified) and 1987 c 229 s 12 (uncodified);" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Grant moved that the House do concur in the Senate amendments to Substitute House Bill No. 1428 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1428 as amended by the Senate.

Representatives Grant and Casada spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1428 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1428, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1469 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 70.48.130 and 1986 c 118 s 9 are each amended to read as follows:

It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the department of social and health services, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

Payment for emergency or necessary health care shall be by the governing unit, except that the department of social and health services shall directly reimburse the ((governing unit for the cost thereof if the confined person requires treatment for which such person is eligible under the department of social and health services' public assistance medical program)) provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the department, if the confined person is eligible under the department's medical care programs as authorized under chapter 74.09 RCW. After payment by the department, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between

the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons eligible under chapter 74.09 RCW shall not exceed the amounts that would be paid by the department for similar services provided under Title XIX medicaid, unless additional resources are obtained from the confined person.

As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the department, the governing unit, and any provider of health care services.

The governing unit or provider may obtain reimbursement from the confined person for the cost of ~~((emergency and other))~~ health care ~~((to the extent that such person is reasonably able to pay for such care))~~ services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to ~~((such))~~ the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for ~~((financial assistance from the department or from a private source))~~ the department's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

There shall be no right of reimbursement to the governing unit from units of government whose law enforcement officers initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

~~((This section is not intended to limit or change any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided or paid for.))~~

Under no circumstance shall necessary medical services be denied or delayed ~~((pending))~~ because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 70.48.130; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mastin moved that the House do concur in the Senate amendment to Substitute House Bill No. 1469 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1469 as amended by the Senate.

Representatives L. Johnson and Long spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1469 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 72, Nays - 25, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Brough, Brown, Campbell, Carlson, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Leonard, Linville, Locke, Long, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Reams, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Bray, Brumsickle, Casada, Chandler, Chappell, Dyer, Foreman, Fuhrman, Hansen, Lemmon, Lisk, Ludwig, Mastin, Mielke, Morton, Padden, Rayburn, Riley, Schoesler, Sehlin, Sheahan, Stevens, Tate and Thomas - 25.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1469, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 19.31.020 and 1990 c 70 s 1 are each amended to read as follows:

Unless a different meaning is clearly required by the context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Employment agency" is synonymous with "agency" and shall mean any business in which any part of the business gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring, or attempting to procure employment for applicants; ~~((or))~~

(b) The giving of information regarding where and from whom employment may be obtained; or

(c) The sale of a list of jobs or a list of names of persons or companies accepting applications for specific positions, in any form.

In addition the term "employment agency" shall mean and include any person, bureau, employment listing ~~((or employment referral))~~ service, employment directory, organization, or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment. It also includes any business that provides a resume to an individual and provides that person with a list of names to whom the resume may be sent or provides that person with preaddressed envelopes to be mailed by the individual or by the business itself, if the list of names or the preaddressed envelopes have been compiled and are represented by the business as having job openings. The term "employment agency" shall not include labor union organizations, temporary service contractors, proprietary schools, nonprofit schools and colleges, career guidance and counseling services, employment directories that are sold in a manner that allows the applicant to examine the directory before purchase, theatrical agencies, farm labor contractors, or the Washington state employment agency.

(2) "Temporary service contractors" shall mean any person, firm, association, or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part time or temporary help basis to others.

(3) "Theatrical agency" means any person who, for a fee or commission, procures or attempts to procure on behalf of an individual or individuals, employment or engagements for circus, vaudeville, the variety field, the legitimate theater, motion pictures, radio, television, phonograph recordings, transcriptions, opera, concert, ballet, modeling, or other entertainments, exhibitions, or performances.

(4) "Farm labor contractor" means any person, or his agent, who, for a fee, employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing, or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing, or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying, or

hiring workers engaged in the growing, producing, or harvesting of farm products, one or more of the following services: Furnishes board, lodging, or transportation for such workers, supervises, times, checks, counts, sizes, or otherwise directs or measures their work; or disburses wage payments to such persons.

(5) "Employer" means any person, firm, corporation, partnership, or association employing or seeking to enter into an arrangement to employ a person through the medium or service of an employment agency.

(6) "Applicant", except when used to describe an applicant for an employment agency license, means any person, whether employed or unemployed, seeking or entering into any arrangement for his employment or change of his employment through the medium or service of an employment agency.

(7) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(8) "Director" shall mean the director of licensing.

(9) "Resume" means a document of the applicant's employment history that is approved, received, and paid for by the applicant.

(10) "Fee" means anything of value. The term includes money or other valuable consideration or services or the promise of money or other valuable consideration or services, received directly or indirectly by an employment agency from a person seeking employment, in payment for the service.

(11) "Employment listing service" means any business operated by any person that provides in any form, including written or verbal, lists of specified positions of employment available with any employer other than itself or that holds itself out to applicants as able to provide information about specific positions of employment available with any employer other than itself, and that charges a fee to the applicant for its services and does not set up interviews or otherwise intercede between employer and applicant.

(12) "Employment directory" means any business operated by any person that provides in any form, including written or verbal, lists of employers, does not provide lists of specified positions of employment, that holds itself out to applicants as able to provide information on employment in specific industries or geographical areas, and that charges a fee to the applicant for its services.

(13) "Career guidance and counseling service" means any person, firm, association, or corporation conducting a business that engages in any of the following activities:

(a) Career assessment, planning, or testing through individual counseling or group seminars, classes, or workshops;

(b) Skills analysis, resume writing, and preparation through individual counseling or group seminars, classes, or workshops;

(c) Training in job search or interviewing skills through individual counseling or group seminars, classes, or workshops: PROVIDED, That the career guidance and counseling service does not engage in any of the following activities:

(i) Contacts employers on behalf of an applicant or in any way intercedes between employer and applicant;

(ii) Provides information on specific job openings;

(iii) Holds itself out as able to provide referrals to specific companies or individuals who have specific job openings.

Sec. RCW 19.31.030 and 1969 ex.s. c 228 s 3 are each amended to read as follows:

Each employment agency shall keep records of all services rendered employers and applicants. These records shall contain the name and address of the employer by whom the services were solicited; the name and address of the applicant; kind of position ordered by the employer; dates job orders or job listings are obtained; subsequent dates job orders or job listings are verified as still being current; kind of position accepted by the applicant; probable duration of the employment, if known; rate of wage or salary to be paid the applicant; amount of the employment agency's fee; dates and amounts of refund if any, and reason for such refund; and the contract agreed to between the agency and applicant. An employment listing service need not keep records pertaining to the kind of position accepted by applicant and probable duration of employment.

An employment directory shall keep records of all services rendered to applicants. These records shall contain: The name and address of the applicant; amount of the employment directory's fee; dates and amounts of refund if any, and reason for the refund; the contract agreed to between the employment directory and applicant; and the dates of contact with employers made pursuant to RCW 19.31.190(11).

The director shall have authority to demand and to examine, at the employment agency's regular place of business, all books, documents, and records in its possession for inspection. Unless otherwise provided by rules or regulation adopted by the director, such records shall be maintained for a period of three years from the date in which they are made.

Sec. RCW 19.31.040 and 1985 c 7 s 83 are each amended to read as follows:

An employment agency shall provide each applicant with a copy of the contract between the applicant and employment agency which shall have printed on it or attached to it a copy of RCW 19.31.170 as now or hereafter amended. Such contract shall contain the following:

- (1) The name, address, and telephone number of the employment agency;
- (2) Trade name if any;
- (3) The date of the contract;
- (4) The name of the applicant;
- (5) The amount of the fee to be charged the applicant, or the method of computation of the fee, and the time and method of payments: PROVIDED, HOWEVER, That if the provisions of the contract come within the definition of a "retail installment transaction", as defined in RCW 63.14.010, the contract shall conform to the requirements of chapter 63.14 RCW, as now or hereafter amended;

(6) A notice in eight-point bold face type or larger directly above the space reserved in the contract for the signature of the buyer. The caption, "NOTICE TO APPLICANT--READ BEFORE SIGNING" shall precede the body of the notice and shall be in ten-point bold face type or larger. The notice shall read as follows:

"This is a contract. If you accept employment with any employer through [name of employment agency] you will be liable for the payment of the fee as set out above. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You must be given a copy of this contract at the time you sign it."

The notice for an employment listing service shall read as follows:

"This is a contract. You understand (the employment listing service) provides information on bona fide job listings but does not guarantee you will be offered a job. You also understand you are liable for the payment of the fee when you receive the list or referral. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You must be given a copy of this contract at the time you sign it."

The notice for an employment directory shall read as follows if the directory is sold in person:

"This is a contract. You understand [the employment directory] provides information on possible employers along with general employment, industry, and geographical information to assist you, but does not list actual job openings or guarantee you will obtain employment through its services. You also understand you are liable for the payment of the fee when you receive the directory. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You must be given a copy of this contract at the time you sign it."

A verbal notice for an employment directory shall be as follows before accepting a fee if the directory is sold over the telephone:

"You understand [the employment directory] provides information on possible employers along with general employment, industry, and geographical information to assist you, but does not list actual job openings or guarantee you will obtain employment through its services. You also understand you are liable for the payment of the fee when you order the directory."

A copy of the contract must be sent to all applicants ordering by telephone and must specify the following information:

(a) Name, address, and phone number of employment directory;

(b) Name, address, and phone number of applicant;

(c) Date of order;

(d) Date verbal notice was read to applicant along with a printed statement to read as follows:

"On [date verbal notice was read] and prior to placing this order the following statement was read to you: "You understand [the employment directory] provides information on possible employers along with general employment, industry, and geographical information to assist you, but does not list actual job openings or guarantee you will be offered a job. You also understand you are liable for the payment of the fee when you order the directory."; and

(e) Signature of employment directory representative.

Sec. RCW 19.31.100 and 1982 c 227 s 14 are each amended to read as follows:

(1) Every applicant for an employment agency's license or a renewal thereof shall file with the director a written application stating the name and address of the applicant; the street and number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the general management of the office; the name under which the business of the office is to be carried on; whether or not the applicant is pecuniarily interested in the business to be carried on under the license; shall be signed by the applicant and sworn to before a notary public; and shall identify anyone holding over twenty percent interest in the agency. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed

and sworn to by all of them. The application shall also state whether or not the applicant is, at the time of making the application, or has at any previous time been engaged in or interested in or employed by anyone engaged in the business of an employment agency.

(2) The application shall require a certification that no officer or holder of more than twenty percent interest in the business has been convicted of a felony within ten years of the application which directly relates to the business for which the license is sought, or had any judgment entered against such person in any civil action involving fraud, misrepresentation, or conversion.

(3) All applications for employment agency licenses shall be accompanied by a copy of the form of contract and fee schedule to be used between the employment agency and the applicant.

(4) No license to operate an employment agency in this state shall be issued, transferred, renewed, or remain in effect, unless the person who has or is to have the general management of the office has qualified pursuant to this section. The director may, for good cause shown, waive the requirement imposed by this section for a period not to exceed one hundred and twenty days. Persons who have been previously licensed or who have operated to the satisfaction of the director for at least one year prior to September 21, 1977 as a general manager shall be entitled to operate for up to one year from such date before being required to qualify under this section. In order to qualify, such person shall, through testing procedures developed by the director, show that such person has a knowledge of this law, pertinent labor laws, and laws against discrimination in employment in this state and of the United States. Said examination shall be given at least once each quarter and a fee for such examination shall be established by the director. Nothing in this chapter shall be construed to preclude any one natural person from being designated as the person who is to have the general management of up to three offices operated by any one licensee.

While employment directories may at the director's discretion be required to show that the person has a knowledge of this chapter, employment directories are exempt from testing on pertinent labor laws, and laws against discrimination in employment in this state and of the United States.

(5) Employment directories shall register with the department and meet all applicable requirements of this chapter but shall not be required to be licensed by the department or pay a licensing fee.

Sec. RCW 19.31.150 and 1969 ex.s. c 228 s 15 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, no employment agency shall charge or accept a fee or other consideration from an applicant without complying with the terms of a written contract as specified in RCW 19.31.040, and then only after such agency has been responsible for referring such job applicant to an employer or such employer to a job applicant and where as a result thereof such job applicant has been employed by such employer.

(2) Employment listing services may charge or accept a fee when they provide the applicant with the job listing or the referral.

(3) An employment directory may charge or accept a fee when it provides the applicant with the directory.

Sec. RCW 19.31.170 and 1977 ex.s. c 51 s 7 are each amended to read as follows:

(1) If an applicant accepts employment by agreement with an employer and thereafter never reports for work, the gross fee charged to the applicant shall not exceed: (a) Ten percent of what the first month's gross salary or wages would be, if known; or (b) ten percent of the first month's drawing account. If the employment was to have been on a commission basis without any drawing account, then no fee may be charged in the event that the applicant never reports for work.

(2) If an applicant accepts employment on a commission basis without any drawing account, then the gross fee charged such applicant shall be a percentage of commissions actually earned.

(3) If an applicant accepts employment and if within sixty days of his reporting for work the employment is terminated, then the gross fee charged such applicant shall not exceed twenty percent of the gross salary, wages or commission received by him.

(4) If an applicant accepts temporary employment as a domestic, household employee, baby sitter, agricultural worker, or day laborer, then the gross fee charged such applicant shall not be in excess of twenty-five percent of the first full month's gross salary or wages: PROVIDED, That where an applicant accepts employment as a domestic or household employee for a period of less than one month, then the gross fee charged such applicant shall not exceed twenty-five percent of the gross salary or wages paid.

(5) Any applicant requesting a refund of a fee paid to an employment agency in accordance with the terms of the approved fee schedule of the employment agency pursuant to this section shall file with the employment agency a form requesting such refund on which shall be set forth information reasonably needed and requested by the employment agency, including but not limited to the following: Circumstances under which employment was terminated, dates of employment, and gross earnings of the applicant.

(6) Refund requests which are not in dispute shall be made by the employment agency within thirty days of receipt.

(7) Subsections (1) through (6) of this section do not apply to employment listing services or employment directories.

Sec. RCW 19.31.190 and 1977 ex.s. c 51 s 8 are each amended to read as follows:

In addition to the other provisions of this chapter the following rules shall govern each and every employment agency:

(1) Every license or a verified copy thereof shall be displayed in a conspicuous place in each office of the employment agency;

(2) No fee shall be solicited or accepted as an application or registration fee by any employment agency solely for the purpose of being registered as an applicant for employment;

(3) No licensee or agent of the licensee shall solicit, persuade, or induce an employee to leave any employment in which the licensee or agent of the licensee has placed the employee; nor shall any licensee or agent of the licensee persuade or induce or solicit any employer to discharge any employee;

(4) No employment agency shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for obtaining work or employment. All advertising by a licensee shall signify that it is an employment agency solicitation except an employment listing service shall advertise it is an employment listing service;

(5) An employment directory shall include the following on all advertisements:

"Directory provides information on possible employers and general employment information but does not list actual job openings.";

(6) No licensee shall fail to state in any advertisement, proposal or contract for employment that there is a strike or lockout at the place of proposed employment, if he has knowledge that such condition exists;

~~((6))~~ (7) No licensee or agent of a licensee shall directly or indirectly split, divide, or share with an employer any fee, charge, or compensation received from any applicant who has obtained employment with such employer or with any other person connected with the business of such employer;

~~((7))~~ (8) When an applicant is referred to the same employer by two licensees, the fee shall be paid to the licensee who first contacted the applicant concerning the position for that applicant: PROVIDED, That the licensee has given the name of the employer to the applicant and has within five working days arranged an interview with the employer and the applicant was hired as the result of that interview;

~~((8))~~ (9) No licensee shall require in any manner that a potential employee or an employee of an employer make any contract with any lending agency for the purpose of fulfilling a financial obligation to the licensee;

~~((9))~~ (10) All job listings must be bona fide job listings. To qualify as a bona fide job listing the following conditions must be met:

(a) A bona fide job listing must be obtained from a representative of the employer that reflects an actual current job opening;

(b) A representative of the employer must be aware of the fact that the job listing will be made available to applicants by the employment listing service and that applicants will be applying for the job listing;

(c) All job listings and referrals must be current. To qualify as a current job listing the employment listing service shall contact the employer and verify the availability of the job listing no less than once per week;

(11) All listings for employers listed in employment directories shall be current. To qualify as a current employer, the employment directory must contact the employer at least once per month and verify that the employer is currently hiring;

(12) Any aggrieved person, firm, corporation, or public officer may submit a written complaint to the director charging the holder of an employment agency license with violation of this chapter and/or the rules and regulations adopted pursuant to this chapter.

Sec. RCW 19.31.245 and 1990 c 70 s 2 are each amended to read as follows:

(1) No employment agency may bring or maintain a cause of action in any court of this state for compensation for, or seeking equitable relief in regard to, services rendered employers and applicants, unless such agency shall allege and prove that at the time of rendering the services in question, or making the contract therefor, it was registered with the department or the holder of a valid license issued under this chapter.

(2) Any person who shall give consideration of any kind to any employment agency for the performance of employment services in this state when said employment agency shall not be registered with the department or be the holder of a valid license issued under this chapter shall have a cause of action against the employment agency. Any court having jurisdiction may enter judgment therein for treble the amount of such consideration so paid, plus reasonable attorney's fees and costs.

(3) A person performing the services of an employment agency (~~or~~), employment listing (or employment referral) service, or employment directory without being registered with the department or holding a valid license shall cease operations or

immediately apply for ~~((and obtain))~~ a valid license or register with the department. If the person continues to operate in violation of this chapter the director or the attorney general has a cause of action in any court having jurisdiction for the return of any consideration paid by any person to the agency. The court may enter judgment in the action for treble the amount of the consideration so paid, plus reasonable attorney's fees and costs."

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "and amending RCW 19.31.020, 19.31.030, 19.31.040, 19.31.100, 19.31.150, 19.31.170, 19.31.190, and 19.31.245." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1496 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1496 as amended by the Senate.

Representatives Heavey and Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1496 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1496, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1602 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec.** RCW 28A.315.030 and 1990 c 33 s 294 are each amended to read as follows:

Notwithstanding any other provision of this chapter to the contrary, ~~((those persons who were county committee members and registered to vote as of July 28, 1985, shall constitute the regional committee of the educational service district within which they are registered to vote until the election of the initial regional committee pursuant to this section. The initial election of members of each regional committee shall be by those persons who were county committee members registered to vote within the educational service district as of July 28, 1985. Only persons who were county committee members and so registered to vote as of July 28, 1985, shall be eligible for membership on an initial regional committee, and only those persons who are eligible for such membership and are in attendance at a meeting held for the purpose of the election shall be entitled to~~

~~cast a vote. The meeting shall be held at a time and place designated and announced by the educational service district superintendent, but no later than the thirtieth day after July 28, 1985. The educational service district superintendent shall preside over the meeting. Nominations shall be from the floor and shall be for position numbers assigned by the educational service district superintendent for the purpose of the initial election and all subsequent elections held pursuant to RCW 28A.315.060.)~~ the term of office of each regional committee member and position shall expire as of the second Monday of January 1995. Each regional committee member position shall therefore be open for election purposes in 1994. Members of each ((initial)) regional committee shall be elected by majority vote and shall serve for the staggered terms of office set forth in RCW ((28A.315.060)) 28A.315.080 and until their successors are certified as elected pursuant to RCW 28A.315.060. Regional committee member position numbers shall be assigned by the educational service district superintendent for purposes of all elections held pursuant to RCW 28A.315.060.

Sec. RCW 28A.315.060 and 1990 c 33 s 295 are each amended to read as follows:

The members of each regional committee shall be elected in the following manner:

(1) On or before the 25th day of September, ~~((1986))~~ 1994, and not later than the 25th day of September of every subsequent even-numbered year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the educational service district. Such notice shall include instructions, and the rules and regulations established by the state board of education for the conduct of the election. The state board of education is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish standards and procedures which the state board deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October of each even-numbered year. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October of each even-numbered year.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November of each even-numbered year. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday of each even-numbered year. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW a new regional committee shall be elected for each affected educational service district at the next ~~((annual))~~ election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

Sec. RCW 28A.315.080 and 1990 c 33 s 296 are each amended to read as follows:

The terms of members of the regional committees shall be for ~~((five))~~ four years and until their successors are certified as elected. ~~((As nearly as possible one fifth of the members shall be elected annually.))~~ For the ~~((initial))~~ 1994 election conducted pursuant to RCW 28A.315.030 and the election of a new regional committee following a change in the number of educational service districts or board members, regional committee member positions one ~~((and six)),~~ three, five, seven, and nine shall be for a term of ~~((five))~~ two years, positions two ~~((and seven)),~~ four, six, and eight shall be for a term of four years(;

~~positions three and eight shall be for a term of three years, positions four and nine shall be for a term of two years, and position five shall be for a term of one year)).~~

NEW SECTION. Sec. This act shall take effect September 1, 1994."

On page 1, line 1 of the title, after "members;" strike the remainder of the title and insert "amending RCW 28A.315.030, 28A.315.060, and 28A.315.080; and providing an effective date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cothorn moved that the House do concur in the Senate amendment to Substitute House Bill No. 1602 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1602 as amended by the Senate.

Representative Cothorn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1602 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1602, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5745 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Bauer, Bluechel and Sheldon, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Grant moved that the House grant the Senate's request for a conference on Engrossed Senate Bill No. 5745. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Sommers, Finkbeiner and Casada as conferees on Engrossed Substitute Senate Bill No. 5745.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1910. The President has appointed the following members as Conferees: Senators: Haugen, Winsley and Loveland, and the same are herewith transmitted.

Brad Hendrickson, Deputy

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature finds that high crime rates and a heightened sense of vulnerability have led to increased public pressure on criminal justice officials to increase offender punishment and remove the most dangerous criminals from the streets. As a result, there is unprecedented growth in the corrections populations and overcrowding of prisons and local jails. Skyrocketing costs and high rates of recidivism have become issues of major public concern. Attention must be directed towards implementing a long-range corrections strategy that focuses on inmate responsibility through intensive work ethic training.

The legislature finds that many offenders lack basic life skills and have been largely unaffected by traditional correctional philosophies and programs. In addition, many first-time offenders who enter the prison system learn more about how to be criminals than the important qualities, values, and skills needed to successfully adapt to a life without crime.

The legislature finds that opportunities for offenders to improve themselves are extremely limited and there has not been adequate emphasis on alternatives to total confinement for nonviolent offenders.

The legislature finds that the explosion of drug crimes since the inception of the sentencing reform act and the response of the criminal justice system have resulted in a much higher proportion of substance abuse-affected offenders in the state's prisons and jails. The needs of this population differ from those of other offenders and present a great challenge to the system. The problems are exacerbated by the shortage of drug treatment and counseling programs both in and outside of prisons.

The legislature finds that the concept of a work ethic camp that requires the offender to complete an appropriate and balanced combination of highly structured and goal-oriented work programs such as correctional industries based work camps and/or class I and class II work projects, drug rehabilitation, and intensive life management work ethic training, can successfully reduce offender recidivism and lower the overall cost of incarceration.

It is the purpose and intent of sections 1 and 3 through 6 of this act to implement a regimented work ethic camp that is designed to directly address the high rate of recidivism, reduce upwardly spiraling prison costs, preserve scarce and high cost prison space for the most dangerous offenders, and provide judges with a tough and sound alternative to traditional incarceration without compromising public safety.

Sec. RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit ~~((for))~~ of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(32) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(33) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((33))~~ (34) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((34))~~ (35) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (29) of this section are not eligible for the work crew program.

~~((35))~~ (36) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(37) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((36))~~ (38) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and

(iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

NEW SECTION. Sec. The department of corrections shall establish one work ethic camp. The secretary shall locate the work ethic camp within an already existing department compound or facility, or in a facility that is scheduled to come on line within the initial implementation date outlined in this section. The facility selected for the camp shall appropriately accommodate the logistical and cost-effective objectives contained in sections 1 and 3 through 6 of this act. The department shall be ready to assign inmates to the camp one hundred twenty days after the effective date of this act. The department shall establish the work ethic camp program cycle to last from one hundred twenty to one hundred eighty days. The department shall develop all aspects of the work ethic camp program including, but not limited to, program standards, conduct standards, educational components including general education development test achievement, offender incentives, drug rehabilitation program parameters, individual and team work goals, techniques for improving the offender's self-esteem, citizenship skills for successful living in the community, measures to hold the offender accountable for his or her behavior, and the successful completion of the work ethic camp program granted to the offender based on successful attendance, participation, and performance as defined by the secretary. The work ethic camp shall be designed and implemented so that offenders are continually engaged in meaningful activities and unstructured time is kept to a minimum. In addition, the department is encouraged to explore the integration and overlay of a military style approach to the work ethic camp.

NEW SECTION. Sec. A new section is added to chapter 9.94A RCW to read as follows:

- (1) An offender is eligible to be sentenced to a work ethic camp if the offender:
 - (a) Is sentenced to a term of total confinement of not less than twenty-two months or more than thirty-six months;
 - (b) Is between the ages of eighteen and twenty-eight years; and
 - (c) Has no current or prior convictions for any sex offenses or violent offenses.
- (2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.
- (3) The department shall place the offender in the work ethic camp program, subject to capacity, unless the department determines that the offender has physical or mental impairments that would prevent participation and completion of the program, or the offender refuses to agree to the terms and conditions of the program.
- (4) An inmate who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.
- (5) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.
- (6) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

NEW SECTION. Sec. The work ethic camp program shall employ one hundred percent of all inmates. The employment options available for inmates shall include meaningful work opportunities that provide the offender with real-world skills that help the offender find employment when he or she successfully completes the work ethic camp program. The department shall include in the work ethic camp program, without limitation, class I, class II, and class IV correctional programs. No more than thirty-five percent of the total inmate population in the facility shall be employed in class III correctional industries programs in the first year and thereafter ten percent less per year until a maximum of ten percent of the inmates are working in this employment class. In addition, work options shall also include department-supervised work crews as defined by the department. These work crews shall have the ability to work on public roads conducting litter control, minor emergency repair or

other minor tasks that do not negatively impact employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385, or have a negative impact on the local labor market or local business community as assessed by the department correctional industries advisory board of directors. The department shall establish, to the extent possible, programs that will positively impact our natural environment such as, but not limited to, recycling programs and minor environmental cleanup programs. If the department is directed by the legislature to increase the percentage of inmates employed in correctional industries programs, inmates employed through work ethic camps shall not be counted towards this total percentage.

NEW SECTION. **Sec.** The work ethic camp program established in sections 1 and 3 through 6 of this act shall be considered a pilot alternative incarceration program and remain in effect until July 1, 1998. The department and the office of financial management shall monitor and analyze the effectiveness of the work ethic camp program and complete a final outcome evaluation study by January 15, 1998. The study shall include: The recidivism rates of successful program graduates, analysis of the overall program costs, the ability to maintain public safety, and any other pertinent data established by the department. The department may encourage interested universities to participate in studies that will enhance the effectiveness of the program.

The department of corrections shall seek the availability of federal funds for the planning, implementation, evaluation, and training of staff for work ethic camp programs, substance abuse programs, and offender education programs.

NEW SECTION. **Sec.** Sections 1, 3, 5, and 6 of this act are each added to chapter 72.09 RCW.

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

NEW SECTION. **Sec.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 1 of the title, after "camp;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.030; adding new sections to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; providing an effective date; and declaring an emergency."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mastin moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1922 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1922 as amended by the Senate.

Representatives Lemmon and Long spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1922 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1922, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1566 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 83.100.160 and 1988 c 64 s 15 are each amended to read as follows:

Upon filing findings under RCW 83.100.150, the clerk of the superior court shall give notice of the filing (~~(to all persons interested in the proceeding)~~) by causing notice thereof to be posted at the courthouse in the county in which the court is located (~~(, and in addition thereto shall mail)~~). In addition, the department of revenue shall give notice of the filing to all persons interested in the proceeding by mailing a copy of the notice to all persons having an interest in property subject to the tax. The department of revenue is not required to conduct a search for persons interested in the proceedings or property. The department of revenue must mail a copy of the notice only to persons of whom the department has received actual notice as having an interest in the proceeding or property, and, if a probate or administrative proceeding has been commenced in this state, to persons who are listed in the court file as having an interest in the proceedings or property."

On page 1, line 1 of the title, after "filings;" strike the remainder of the title and insert "and amending RCW 83.100.160."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to Substitute House Bill No. 1566 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1566 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1566 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1566, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1617 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. The legislature recognizes that major intercity transportation corridors in this state are becoming increasingly congested. In these corridors, population is expected to grow by nearly forty percent over the next twenty years, while employment will grow by nearly fifty percent. The estimated seventy-five percent increase in intercity travel demand must be accommodated to ensure state economic vitality and protect the state's quality of life.

The legislature finds that high-speed ground transportation offers a safer, more efficient, and environmentally responsible alternative to increasing highway capacity. High-speed ground transportation can complement and enhance existing air transportation systems. High-speed ground transportation can be compatible with growth management plans in counties and cities served by such a system. Further, high-speed ground transportation offers a reliable, all-weather service capable of significant energy savings over other intercity modes.

NEW SECTION. Sec. The legislature finds that there is substantial public benefit to establishing a high-speed ground transportation program in this state. The program shall implement the recommendations of the high-speed ground transportation steering committee report dated October 15, 1992. The program shall be administered by the department of transportation in close cooperation with the utilities and transportation commission and affected cities and counties.

The high-speed ground transportation program shall have the following goals:

- (1) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Portland, Oregon by 2020. This would be accomplished by meeting the intermediate objectives of a maximum travel time between downtown Portland and downtown Seattle of two hours and thirty minutes by the year 2000 and maximum travel time of two hours by the year 2010;
- (2) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Vancouver, B.C. by 2025;
- (3) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Seattle and Spokane by 2030.

The department of transportation shall, subject to legislative appropriation, implement such projects as necessary to achieve these goals in accordance with the implementation plans identified in sections 3 and 4 of this act.

NEW SECTION. Sec. The legislature finds it important to develop public support and awareness of the benefits of high-speed ground transportation by developing high-quality intercity passenger rail service as a first step. This high-quality intercity passenger rail service shall be developed through incremental upgrading of the existing service. The department of transportation shall, subject to legislative appropriation, develop a prioritized list of projects to improve existing passenger rail service and begin new passenger rail service, to include but not be limited to:

- (1) Improvement of depots;
- (2) Improved grade crossing protection or grade crossing elimination;
- (3) Enhanced train signals to improve rail corridor capacity and increase train speeds;
- (4) Revised track geometry or additional trackage to improve ride quality and increase train speeds; and
- (5) Contract for new or improved service in accordance with federal requirements to improve service frequency.

Service enhancements and station improvements must be based on the extent to which local comprehensive plans contribute to the viability of intercity passenger rail service, including providing efficient connections with other transportation modes such as transit, intercity bus, and roadway networks. Before spending state moneys on these projects, the department of transportation shall seek federal, local, and private funding participation to the greatest extent possible. Funding priorities for station improvements must also be based on the level of local and private in-kind and cash contributions.

NEW SECTION. Sec. The legislature recognizes the need to plan for the high-speed ground transportation service and the high-quality intercity rail passenger service set forth in sections 2 and 3 of this act. The department of transportation shall, subject to legislative appropriation, develop a rail passenger plan through the conduct of studies addressing, but not limited to, the following areas:

- (1) Refined ridership estimates;
- (2) Preliminary location and environmental analysis on new corridors;
- (3) Detailed station location assessments in concert with affected local jurisdictions;
- (4) Coordination with the air transportation commission on state-wide air transportation policy and its effects on high-speed ground transportation service; and
- (5) Coordination with the governments of Oregon and British Columbia, when appropriate, on alignment, station location, and environmental analysis.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

In line 1 of the title, after "transportation;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brown moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1617 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1617 as amended by the Senate.

Representative Brown spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1617 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Lisk, Padden, Schoesler, Sheahan and Silver - 5.

Excused: Representative Patterson - 1.

Engrossed House Bill No. 1617, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1689 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec.** RCW 9A.60.040 and 1975 1st ex.s. c 260 s 9A.60.040 are each amended to read as follows:

- (1) A person is guilty of criminal impersonation in the first degree if ~~((he))~~ the person:

(a) Assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation in the first degree is a gross misdemeanor.

(3) A person is guilty of criminal impersonation in the second degree if the person:

(a) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and

(b) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer.

(4) Criminal impersonation in the second degree is a misdemeanor."

On page 1, line 1 of the title, after "officer;" strike the remainder of the title and insert "amending RCW 9A.60.040; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved that the House do concur in the Senate amendment to House Bill No. 1689 and pass the bill as amended by the Senate.

Representative Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1689 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1689 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

House Bill No. 1689, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1727, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. A new section is added to chapter 9.94A RCW to read as follows:

(1) Subject to the limitations of this section, any alien offender committed to the custody of the department under the sentencing reform act of 1981, chapter 9.94A RCW, who has been found by the United States attorney general to be subject to a

final order of deportation or exclusion, may be placed on conditional release status and released to the immigration and naturalization service for deportation at any time prior to the expiration of the offender's term of confinement. Conditional release shall continue until the expiration of the statutory maximum sentence provided by law for the crime or crimes of which the offender was convicted. If the offender has multiple current convictions, the statutory maximum sentence allowed by law for each crime shall run concurrently.

(2) No offender may be released under this section unless the secretary or the secretary's designee find that such release is in the best interests of the state of Washington. Further, releases under this section may occur only with the approval of the sentencing court and the prosecuting attorney of the county of conviction.

(3) No offender may be released under this section who is serving a sentence for a violent offense or sex offense, as defined in RCW 9.94A.030, or any other offense that is a crime against a person.

(4) The unserved portion of the term of confinement of any offender released under this section shall be tolled at the time the offender is released to the immigration and naturalization service for deportation. Upon the release of an offender to the immigration and naturalization service, the department shall issue a warrant for the offender's arrest within the United States. This warrant shall remain in effect until the expiration of the offender's conditional release.

(5) Upon arrest of an offender, the department shall seek extradition as necessary and the offender shall be returned to the department for completion of the unserved portion of the offender's term of total confinement. The offender shall also be required to fully comply with all the terms and conditions of the sentence.

(6) Alien offenders released to the immigration and naturalization service for deportation under this section are not thereby relieved of their obligation to pay restitution or other legal financial obligations ordered by the sentencing court.

(7) Any offender released pursuant to this section who returns illegally to the United States may not thereafter be released again pursuant to this section.

(8) The secretary is authorized to take all reasonable actions to implement this section and shall assist federal authorities in prosecuting alien offenders who may illegally reenter the United States and enter the state of Washington."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "adding a new section to chapter 9.94A RCW; and prescribing penalties."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mastin moved that the House do concur in the Senate amendment to Substitute House Bill No. 1727 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1727 as amended by the Senate.

Representatives Mastin and Long spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1727 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1727, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

MR. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1733 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 41.60.010 and 1987 c 387 s 1 are each amended to read as follows:

As used in this chapter:

- (1) "Board" means the productivity board.
- (2) "Employee suggestion program" means the program developed by the board under RCW 41.60.020.
- (3) "Teamwork incentive program" means the program developed by the board under RCW 41.60.100 through 41.60.120.
- (4) "State employees" means present employees in state agencies and institutions of higher education except for elected officials, directors of such agencies and institutions, and their confidential secretaries and administrative assistants and others specifically ruled ineligible by the rules of the productivity board.

Sec. RCW 41.60.015 and 1987 c 387 s 2 are each amended to read as follows:

(1) There is hereby created the productivity board. The board shall administer the employee suggestion program and the teamwork incentive program under this chapter (~~and shall review applications for teamwork incentive pay for state employees under RCW 41.60.100, 41.60.110, and 41.60.120~~).

- (2) The board shall be composed of:
 - (a) The secretary of state who shall act as chairperson;
 - (b) The director of personnel appointed under the provisions of RCW 41.06.130 or the director's designee;
 - (c) The director of financial management or the director's designee;
 - (d) The personnel director appointed under the provisions of RCW 28B.16.060 or the director's designee;
 - (e) The director of general administration or the director's designee;
 - (f) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees, but no one organization may be represented for two consecutive terms;
 - (g) One person representing state agencies and institutions with employees subject to chapter 41.06 RCW, and one person representing those subject to chapter 28B.16 RCW, both to be appointed by the governor; and
 - (h) In addition, the governor and board chairperson may jointly appoint persons to the board on an ad hoc basis. Ad hoc members shall serve in an advisory capacity and shall not have the right to vote.

Members under subsection (2) (f) and (g) of this section shall be appointed to serve three-year terms.

Members of the board appointed pursuant to subsection (2)(f) of this section may be compensated in accordance with RCW 43.03.240. Any board member who is not a state employee may be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. RCW 41.60.020 and 1982 c 167 s 7 are each amended to read as follows:

- (1) The board shall formulate, establish, and maintain an employee suggestion program to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: PROVIDED, That the program shall include provisions for the processing of suggestions having multi-agency impact and post-implementation auditing of suggestions for fiscal accountability.
- (2) The board shall prepare, at least annually, a topical list of all the productivity awards granted and disseminate this information to all the state government agencies that may be able to adapt them to their procedures.
- (3) The board shall adopt rules and regulations necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter.

Sec. RCW 41.60.100 and 1989 c 56 s 2 are each amended to read as follows:

With the exception of agencies of the legislative and judicial branches, any organizational unit composed of employees in any agency or group of agencies of state government (~~having an identifiable budget or having its financial records maintained according to an accounting system which identifies the expenditures and receipts properly attributable to that unit~~) with the ability to identify costs, revenues, or both may apply to the board (~~for selection as a candidate for the award of~~) to participate in the teamwork incentive ((pay to its employees)) program. The application shall (~~be submitted prior to the beginning of any year and shall~~) have the approval of the heads of the agency or agencies within which the unit is located.

Applications shall be in the form specified by the board and contain such information as the board requires. This may include, but is not limited to, quantitative measures which establish a data base of program output or performance expectations, or both. This data base is used to evaluate savings in accordance with RCW 41.60.110(1).

The board shall evaluate the applications submitted. From those proposals which are considered to be reasonable and practical and which are found to include developed performance indicators which lend themselves to a judgment of success or failure, the board shall select the units to participate in the teamwork incentive ~~((pay))~~ program.

Sec. RCW 41.60.110 and 1989 c 56 s 3 are each amended to read as follows:

(1) To qualify for ~~((the award of))~~ a teamwork incentive ((pay to)) program award for its employees, a unit selected shall demonstrate to the satisfaction of the board that it has operated during the ~~((year))~~ period of participation at a lower cost or with an increase in revenue with ~~((either an increase in the level of services rendered or with))~~ no decrease in the level of services rendered.

(a) A unit completing its ~~((first year))~~ period of participation shall compare costs or revenues during that ~~((year))~~ period of participation to (i) the ~~((fiscal year))~~ expenditures or revenues for ~~((the year))~~ a comparable span of time immediately preceding the first ~~((year))~~ period of participation, or (ii) an average derived from the unit's historical data, or (iii) engineered standards used in conjunction with an average derived from the unit's historical data, or (iv) anticipated revenue as based on statistical projections or historical data;

(b) A unit participating in the teamwork incentive ~~((pay))~~ program for two or more consecutive ~~((years))~~ times may choose to compare its costs during the current ~~((year))~~ period of participation with (i) its costs or revenues for the immediately preceding ~~((year))~~ period, or (ii) ~~((a yearly))~~ an average of its costs or revenues for the preceding two or three ~~((years))~~ comparable spans of time in the teamwork incentive program;

(c) For the purposes of (a) of this subsection, a unit's historical data shall be restricted to data generated during the period of three years or less immediately preceding the unit's first ~~((year of))~~ participation in the teamwork incentive ~~((pay))~~ program; and

(d) For the purposes of (b) of this subsection, a unit's costs or revenues for preceding ~~((years))~~ periods of time may include the costs or revenues calculated under (a) (i), (ii), or (iii) of this subsection for ~~((years))~~ the periods of time the unit participated in the teamwork incentive ~~((pay))~~ program.

(2) The board shall satisfy itself from documentation submitted by the organizational unit that the claimed cost of operation or level of higher revenue is real and not merely apparent and that it is not, in whole or in part, the result of:

(a) Chance;

(b) A lowering of the quality of the service rendered;

(c) Nonrecurrence of expenditures which were single outlay, or one-time expenditures, in the preceding ~~((year))~~ comparable period of time;

(d) Stockpiling inventories in the immediately preceding ~~((year))~~ period so as to reduce requirements in the eligible ~~((year))~~ time period;

(e) Substitution of federal funds, other receipts, or nonstate funds for programs currently receiving state appropriations;

(f) Unreasonable postponement of payments of accounts payable until the ~~((year))~~ period immediately following the eligible ~~((year))~~ period of participation;

(g) Shifting of expenses to another unit of government; or

(h) Any other practice, event, or device which the board decides has caused a distortion which makes it falsely appear that a savings or increase in revenue gains or an increase in level of services has occurred.

(3) The board shall consider as legitimate ~~((savings))~~ efficiencies those reductions in expenditures or increases in revenue made possible by such items as the following:

(a) Reductions in overtime;

(b) Elimination of consultant fees;

(c) Less temporary help;

(d) Improved systems and procedures;

- (e) Better deployment and utilization of personnel;
- (f) Elimination of unnecessary travel;
- (g) Elimination of unnecessary printing and mailing;
- (h) Elimination of unnecessary payments for items such as advertising;
- (i) Elimination of waste, duplication, and operations of doubtful value;
- (j) Improved space utilization; ~~((and))~~
- (k) Improved methods of collecting revenue or recovering money owed to the state; and
- (l) Any other items determined by the board to represent cost savings or increased revenue.

Sec. RCW 41.60.120 and 1989 c 56 s 4 are each amended to read as follows:

At the conclusion of the eligible ~~((year))~~ period, the board shall compare the expenditures or revenues for that ~~((year))~~ period of each unit selected against the expenditures or revenues of that unit for the immediately preceding ~~((year))~~ period or expenditures or revenues determined in accordance with RCW 41.60.110(1) (a) and (b) and, after making such adjustments as in the board's judgment are required to eliminate distortions, shall determine the amount, if any, that the unit has reduced the unit's cost of operations or increased its level of services or generated additional revenues to the state in the eligible ~~((year))~~ period. Adjustments to eliminate distortions may include any legislative increases in employee compensation and inflationary increases in the cost of services, materials, and supplies. Adjustments to additional revenue may include changes in client populations and the effects of legal changes. If the board also determines that ~~((in the board's judgment))~~ a unit qualifies for an award, the board shall award to the employees of that unit a sum ~~((equal))~~ up to twenty-five percent of the amount determined to be the savings or revenue increases to the state for the level of services rendered. The amount awarded shall be divided and distributed in ~~((equal shares))~~ accordance with board rules to the employees of the unit, except that employees who worked for that unit less than the ~~((twelve months of the year))~~ full period during which the unit conducted a teamwork incentive program shall receive only a pro rata share based on the fraction of the ~~((year))~~ period worked for that unit. No individual share of the unit award may exceed the maximum award established by rule adopted by the board. Funds for this teamwork incentive ~~((pay))~~ award shall be drawn from the ~~((agency))~~ agencies in which the unit is located or from the benefiting fund or account without appropriation when additional revenue is generated to the fund or account.

Awards may be paid to teams for process changes which generate new or additional money for the general fund or any other funds of the state. The director of the office of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be made from other funds of the state to the general fund in amounts equal to award payments made by the general fund, for innovations generating new or additional money for those other funds.

Sec. RCW 41.60.160 and 1987 c 387 s 8 are each amended to read as follows:

No award may be made under this chapter to any elected state official or state agency director. ~~((No monetary award may be made to persons exempt from the state civil service law under RCW 41.06.070 (5) or (9).))~~

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

In line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 41.60.010, 41.60.015, 41.60.020, 41.60.100, 41.60.110, 41.60.120, and 41.60.160; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Anderson moved that the House do concur in the Senate amendment to Substitute House Bill No. 1733 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1733 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1733 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Ballasiotes - 1.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1733, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I inadvertently pushed the wrong button on Substitute House Bill No. 1733, I wish to change my vote from "NAY" to a "YEA".

IDA BALLASIOTES, 41st District

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744, with the following amendment:

On page 2, line 13, after "beginning" strike "July 1, 1993" and insert "January 1, 1994"

On page 11, line 8, after "before" strike "July 1, 1993" and insert "January 1, 1994"

On page 11, at the beginning of line 9, strike "July 1, 1993" and insert "January 1, 1994"

On page 11, line 16, after "than" strike "July 1, 1994" and insert "January 1, 1995"

On page 14, beginning on line 16, strike all of section 6 and insert the following:

"NEW SECTION. Sec. This act shall take effect January 1, 1994.

On page 1, beginning on line 3 of the title, after "41.40 RCW;" strike the remainder of the title and insert "and providing an effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Valle moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1744 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1744 as amended by the Senate.

Representatives Valle and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1744 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Engrossed Substitute House Bill No. 1744, as amended by the Senate, having received the constitutional majority, was declared passed.

April 16, 1993

SENATE AMENDMENTS TO HOUSE BILL

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1765 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. (1) The department of corrections and the University of Washington may enter into a collaborative arrangement to provide improved services for mentally ill offenders with a focus on prevention, treatment, and reintegration into society. The participants in the collaborative arrangement may develop a strategic plan within sixty days after the effective date of this act to address the management of mentally ill offenders within the correctional system, facilitating their reentry into the community and the mental health system, and preventing the inappropriate incarceration of mentally ill individuals. The collaborative arrangement may also specify the establishment and maintenance of a corrections mental health center located at McNeil Island corrections center. The collaborative arrangement shall require that an advisory panel of key stakeholders be established and consulted throughout the development and implementation of the center. The stakeholders advisory panel shall include a broad array of interest groups drawn from representatives of mental health, criminal justice, and correctional systems. The stakeholders advisory panel shall include, but is not limited to, membership from: The department of corrections, the department of social and health services mental health division and division of juvenile rehabilitation, regional support networks, local and regional law enforcement agencies, the sentencing guidelines commission, county and city jails, mental health advocacy groups for the mentally ill, developmentally disabled, and traumatically brain-injured, and the general public. The center established by the department of corrections and University of Washington, in consultation with the stakeholder advisory groups, shall have the authority to:

- (a) Develop new and innovative treatment approaches for corrections mental health clients;
- (b) Improve the quality of mental health services within the department and throughout the corrections system;
- (c) Facilitate mental health staff recruitment and training to meet departmental, county, and municipal needs;
- (d) Expand research activities within the department in the area of treatment services, the design of delivery systems, the development of organizational models, and training for corrections mental health care professionals;
- (e) Improve the work environment for correctional employees by developing the skills, knowledge, and understanding of how to work with offenders with special chronic mental health challenges;
- (f) Establish a more positive rehabilitative environment for offenders;
- (g) Strengthen multidisciplinary mental health collaboration between the University of Washington, other groups committed to the intent of this section, and the department of corrections;
- (h) Strengthen department linkages between institutions of higher education, public sector mental health systems, and county and municipal corrections;
- (i) Assist in the continued formulation of corrections mental health policies;
- (j) Develop innovative and effective recruitment and training programs for correctional personnel working with mentally ill offenders;

(k) Assist in the development of a coordinated continuum of mental health care capable of providing services from corrections entry to community return; and

(1) Evaluate all current and innovative approaches developed within this center in terms of their effective and efficient achievement of improved mental health of inmates, development and utilization of personnel, the impact of these approaches on the functioning of correctional institutions, and the relationship of the corrections system to mental health and criminal justice systems. Specific attention should be paid to evaluating the effects of programs on the reintegration of mentally ill offenders into the community and the prevention of inappropriate incarceration of mentally ill persons.

(2) The corrections mental health center may conduct research, training, and treatment activities for the mentally ill offender within selected sites operated by the department. The department shall provide support services for the center such as food services, maintenance, perimeter security, classification, offender supervision, and living unit functions. The University of Washington may develop, implement, and evaluate the clinical, treatment, research, and evaluation components of the mentally ill offender center. The institute of public policy and management may be consulted regarding the development of the center and in the recommendations regarding public policy. As resources permit, training within the center shall be available to state, county, and municipal agencies requiring the services. Other state colleges, state universities, and mental health providers may be involved in activities as required on a subcontract basis. Community mental health organizations, research groups, and community advocacy groups may be critical components of the center's operations and involved as appropriate to annual objectives. Mentally ill clients may be drawn from throughout the department's population and transferred to the center as clinical need, available services, and department jurisdiction permits.

(3) The department shall prepare a report of the center's progress toward the attainment of stated goals and provide the report to the legislature annually.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mastin moved that the House do concur in the Senate amendment to Substitute House Bill No. 1765 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1765 as amended by the Senate.

Representatives Mastin and Long spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1765 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Ballasiotes - 1.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1765, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1802, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. RCW 18.19.130 and 1991 c 3 s 28 are each amended to read as follows:

(1) The department shall issue a certified marriage and family therapist certificate to any applicant meeting the following requirements:

~~(a)((i)) A master's or doctoral degree in marriage and family therapy ((or its equivalent from an approved school that shows evidence of the following course work: (A) Marriage and family systems, (B) marriage and family therapy, (C) individual development, (D) assessment of psychopathology, (E) human sexuality, (F) research methods, (G) professional ethics and laws, and (H) a minimum of one year in the practice of marriage and family therapy under the supervision of a qualified marriage and family therapist;~~

~~(ii) Two years of postgraduate practice of marriage and family therapy under the supervision of a qualified marriage and family therapist; and~~

~~(iii) Passing scores on both written and oral examinations administered by the department for marriage and family therapists; or~~

~~(b) In the alternative, an applicant completing a master's or doctoral degree program in marriage and family therapy or its equivalent from an approved graduate school before or within eighteen months of July 26, 1987, may qualify for the examination), or a behavioral science master's or doctoral degree and the program equivalency as determined by rule by the department based on nationally recognized standards;~~

~~(b)(i) After receiving a master's or doctoral degree in marriage and family therapy, two years of postgraduate practice of marriage and family therapy, under the supervision of a qualified marriage and family therapy supervisor;~~

~~(ii) After receiving a master's or doctoral degree in a behavioral science, two years of postgraduate practice in marriage and family therapy under supervision of a qualified marriage and family supervisor, which may be accumulated concurrently with completion of the program equivalency as adopted by the department by rule; and~~

~~(c) A passing score on a written examination that includes a section on Washington's statutes and rules, including provisions of the uniform disciplinary act, approved by the department for certified marriage and family therapists.~~

~~(2) ((Except as provided in RCW 18.19.160, an applicant is exempt from the examination provisions of this section under the following conditions if application for exemption is made within twelve months after July 26, 1987:~~

~~(a) The applicant shall establish to the satisfaction of the secretary that he or she has been engaged in the practice of marriage and family therapy as defined in this chapter for two of the previous four years; and~~

~~(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in marriage and family therapy or its equivalent from an approved graduate school; and (ii) two years of postgraduate experience under the supervision of a marriage and family therapist who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the secretary.~~

~~(3)) The practice of marriage and family therapy is that aspect of counseling that involves ((the assessment and treatment of impaired marriage or family relationships including, but not limited to, premarital and postdivorce relationships and the enhancement of marital and family relationships via use of educational, sociological, and psychotherapeutic theories and techniques)) the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems. Marriage and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such disorders."~~

On page 1, line 1 of the title, after "therapists;" strike the remainder of the title and insert "and amending RCW 18.19.130."

and the same are herewith transmitted

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dellwo moved that the House do concur in the Senate amendment to Substitute House Bill No. 1802 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1802 as amended by the Senate.

Representative Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1802 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Patterson - 1.

Substitute House Bill No. 1802, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5948 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Talmadge, Deccio and Niemi, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dellwo moved that the House grant the Senate's request for a conference on Engrossed Substitute Senate Bill No. 5948. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives L. Johnson, Campbell and Dyer as conferees on Engrossed Substitute Senate Bill No. 5948.

With the consent of the House, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5888, by Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Rinehart, Bauer, Snyder and Anderson)

Improving retirement system benefits.

The bill was read the second time.

With the consent of the House, Representative Jones withdrew amendment number 647.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sommers, Karahalios, Brough and Carlson spoke in favor of passage of the bill and Representative Silver spoke against it.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5888.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5888 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Jacobsen, Lisk and Silver - 3.

Excused: Representative Patterson - 1.

Engrossed Substitute Senate Bill No. 5948, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present I would have voted as follows on the roll call votes taken today.

SUBSTITUTE HOUSE BILL NO. 1118 YES
SUBSTITUTE HOUSE BILL NO. 1169 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408 YES
HOUSE BILL NO. 1444 YES
ENGROSSED HOUSE BILL NO. 1456 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500 YES
ENGROSSED HOUSE BILL NO. 1501 YES
SUBSTITUTE HOUSE BILL NO. 1507 YES
SUBSTITUTE HOUSE BILL NO. 1520 YES
SUBSTITUTE HOUSE BILL NO. 1072 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 YES
HOUSE BILL NO. 1521 YES
SUBSTITUTE HOUSE BILL NO. 1528 YES
SUBSTITUTE HOUSE BILL NO. 1545 NO

SUBSTITUTE HOUSE BILL NO. 1580 YES
SUBSTITUTE HOUSE BILL NO. 1619 YES
SUBSTITUTE HOUSE BILL NO. 1631 YES
SUBSTITUTE HOUSE BILL NO. 1635 YES
HOUSE BILL NO. 1645 YES
SUBSTITUTE HOUSE BILL NO. 1667 YES
SUBSTITUTE HOUSE BILL NO. 1721 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734 YES
SUBSTITUTE HOUSE BILL NO. 1752 YES
SUBSTITUTE HOUSE BILL NO. 1766 YES
SUBSTITUTE HOUSE BILL NO. 1784 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806 YES
SUBSTITUTE HOUSE BILL NO. 1886 YES
SUBSTITUTE HOUSE BILL NO. 1907 YES
HOUSE BILL NO. 1911 YES
SUBSTITUTE HOUSE BILL NO. 1948 YES
HOUSE BILL NO. 2008 YES
SUBSTITUTE HOUSE BILL NO. 2023 YES
ENGROSSED HOUSE JOINT MEMORIAL NO. 4003 YES
SUBSTITUTE HOUSE BILL NO. 1006 YES
ENGROSSED HOUSE BILL NO. 1007 YES
ENGROSSED HOUSE BILL NO. 1107 YES
SUBSTITUTE HOUSE BILL NO. 1801 YES
ENGROSSED HOUSE BILL NO. 1845 YES
SUBSTITUTE HOUSE BILL NO. 1013 YES
SUBSTITUTE HOUSE BILL NO. 1014 YES
HOUSE BILL NO. 1015 YES
SUBSTITUTE HOUSE BILL NO. 1047 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127 YES
SUBSTITUTE HOUSE BILL NO. 1129 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140 YES
HOUSE BILL NO. 1168 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233 YES
HOUSE BILL NO. 1246 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249 YES
SUBSTITUTE HOUSE BILL NO. 1318 YES
SUBSTITUTE HOUSE BILL NO. 1428 YES
SUBSTITUTE HOUSE BILL NO. 1469 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496 YES
SUBSTITUTE HOUSE BILL NO. 1602 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922 YES
SUBSTITUTE HOUSE BILL NO. 1566 YES
ENGROSSED HOUSE BILL NO. 1617 YES
HOUSE BILL NO. 1689 YES
SUBSTITUTE HOUSE BILL NO. 1727 YES
SUBSTITUTE HOUSE BILL NO. 1733 YES
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744 YES
SUBSTITUTE HOUSE BILL NO. 1765 YES
SUBSTITUTE HOUSE BILL NO. 1802 YES
ENGROSSED SUBSTITUTE SENATE BILL NO. 5888 YES

JULIA PATTERSON, 33rd District

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

MOTION

On motion of Representative Peery, the House adjourned until 9:00 a.m., Wednesday, April 21, 1993.

BRIAN EBERSOLE, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDREDTH DAY, APRIL 20, 1993

JOURNAL OF THE HOUSE

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

ONE HUNDRED-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 21, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jo Woodward and Lorie Elliott. Inspirational Message was offered by Representative Quall.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338,
SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5048,
SUBSTITUTE SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5056,
SUBSTITUTE SENATE BILL NO. 5075,
SENATE BILL NO. 5079,
SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5107,
SENATE BILL NO. 5124,
SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,
SECOND SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5263,
SUBSTITUTE SENATE BILL NO. 5332,
SENATE BILL NO. 5343,
SENATE BILL NO. 5349,
SENATE BILL NO. 5371,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5379,
SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5404,
SENATE BILL NO. 5441,
SUBSTITUTE SENATE BILL NO. 5443,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
SENATE BILL NO. 5695,
SENATE BILL NO. 5791,
SENATE BILL NO. 5883,
SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5911,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SENATE BILL NO. 5917,
SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016,

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1858 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. I. RCW 13.70.005 and 1991 c 363 s 14 and 1991 c 127 s 2 are each reenacted and amended to read as follows:

Periodic case review of all children in substitute care ~~((shall))~~ may be provided in counties designated by the office of the administrator for the courts, in accordance with this chapter ~~((and within funding provided by the legislature)).~~

The administrator for the courts shall coordinate and assist, within available funds, in the administration of ~~((the))~~ local citizen review boards ~~((pilot program))~~ created by this chapter.

Sec. II. RCW 13.70.100 and 1989 1st ex.s. c 17 s 12 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to written parental consent and a dependency petition has not been filed under chapter 13.34 RCW. If a dependency petition is subsequently filed and the child's placement in substitute care continues pursuant to a court order entered in a proceeding under chapter 13.34 RCW, the provisions set forth in RCW 13.70.110 shall apply.

(2) Within thirty days following commencement of the placement episode, the department shall send a copy of the written parental consent to the juvenile court with jurisdiction over the geographical area in which the child resides.

(3) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the written parental consent to placement.

(4) The board shall review the case plan for each child in substitute care whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. ~~The ((next)) final board review shall occur ((within one year following commencement of the placement episode))~~ no later than six months following the second review unless the child is no longer in substitute care or unless a guardianship order or adoption decree is entered.

(5) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(6) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the child's parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, and the department and other child placement agencies directly responsible for supervising the child's placement. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(7) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(8) The court shall not review the findings and recommendations of the board in cases where the child has been placed in substitute care with signed parental consent unless a dependency petition has been filed and the child has been taken into custody under RCW 13.34.050.

Sec. III. RCW 13.70.110 and 1991 c 127 s 5 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur ~~((within ninety days following commencement of the placement episode))~~ no later than six months following the second review unless the child is no longer within the jurisdiction of the court, no longer in substitute care, or a guardianship order or adoption decree is entered. The second review shall occur within six months following commencement of the placement episode. The ~~((next))~~ final board review shall occur within one year after commencement of the placement episode. ~~((Within eighteen months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, the court shall assign the child's case for a board review or a court review hearing pursuant to RCW 13.34.130(5). A board review or a court review hearing shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in RCW 13.34.130. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.))~~

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board; or

(b) Submit to the court the board's findings and recommendations and the department's implementation reports, if any. If the board's recommendations are different from the existing court-ordered case plan, the board shall also file with the court a motion for a review hearing.

(8) Within ten days of receipt of the board's written findings and recommendations and the department's implementation report, if any, the court shall review the findings and recommendations and implementation reports, if any. The court may on its own motion schedule a review hearing.

(9) Unless modified by subsequent court order, the court-ordered case plan and court orders that are in effect at the time that a board reviews a case shall remain in full force and effect. Board findings and recommendations are advisory only and do not in any way modify existing court orders or court-ordered case plans.

(10) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court social file pertaining to the child.

(11) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

Sec. IV. RCW 13.70.140 and 1989 1st ex.s. c 17 s 16 are each amended to read as follows:

~~((For cases which are subject to the foster care citizen review board pilot project under RCW 13.70.005, a court review hearing shall occur no later than eighteen months following commencement of the child's placement episode.))~~ A permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, court review hearings shall occur at least once every ~~((year))~~ six months, under RCW 13.34.130(5), until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding ~~((or the citizen review board assigned to the child's case))~~.

NEW SECTION. Sec. V. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;

(4) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(5) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth.

(6) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

(7) Study and develop a statutory proposal for the emancipation of minors and report its findings and recommendations to the legislature by January 1, 1994."

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 13.70.100, 13.70.110, and 13.70.140; reenacting and amending RCW 13.70.005; and adding a new section to chapter 74.14A RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Leonard moved that the House do concur in the Senate amendments to House Bill No. 1858 and pass the bill as amended by the Senate.

Representatives Leonard and Cooke spoke in favor of the motion and it was carried.

On motion of Representative Wood, Representatives Locke, Wang and Ogden were excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1858 as amended by the Senate.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1858 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Absent: Representatives Dorn and Heavey - 2.

Excused: Representatives Locke, Ogden and Wang - 3.

House Bill No. 1858, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

REPORT OF CONFERENCE COMMITTEE

April 19, 1993
Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, providing for health care costs and access, have had the same under consideration and we recommend that:

The House Committee on Revenue amendment adopted April 9, 1993, not be adopted, and that the following Conference Committee striking amendment (H-2235.9/93) be adopted with the following amendment:

On page 4, line 21, strike "contained" and insert "included"

On page 4, line 22, after "supplemental benefits" strike "package"

On page 7, line 23, after "guidelines))" strike "or medical assistance"

On page 31, beginning on line 14, after "28A.400.200." strike all material through "authority" on line 15, and insert "effective on and after October 1, 1995"

On page 98, line 6, after "means a" strike "certified"

On page 129, beginning on line 29, after "commission." strike all material through "act." on line 30

On page 129, beginning on line 34, after "commission." strike all material through "package," on line 35 and insert "Benefits"

On page 130, line 2, after "situation" insert ", or the provisions of RCW 49.60.174(2)"

On page 160, line 17, strike "1998" and insert "1999"

On page 163, line 1, strike "1998" and insert "1999"

On page 169, line 22, after "account." insert "the public health services account, the health system capacity account, the personal health services account,"

On page 171, beginning on line 20, after "(this act);" strike all material through "recipients." on line 24 and insert "and (ii) enrollee point of service, cost-sharing levels adopted pursuant to section 449 of this act be applied to medical assistance recipients. In negotiating the waiver, consideration shall be given to the degree to which supplemental benefits should be offered to medicaid recipients, if at all."

Strike everything after the enacting clause and insert the following:

PART I. FINDINGS, GOALS, AND INTENT

NEW SECTION. Sec. 101. FINDINGS. The legislature finds that our health and financial security are jeopardized by our ever increasing demand for health care and by current health insurance and health system practices. Current health system practices encourage public demand for unneeded, ineffective, and sometimes dangerous health treatments. These practices often result in unaffordable cost increases that far exceed ordinary inflation for essential care. Current total health care expenditure rates should be sufficient to provide access to essential health care interventions to all within a reformed, efficient system.

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

The legislature finds that businesses find it difficult to pay for health insurance and remain competitive in a global economy, and that individuals, the poor, and small businesses bear an inequitable health insurance burden.

The legislature finds that persons of color have significantly higher rates of mortality and poor health outcomes, and substantially lower numbers and percentages of persons covered by health insurance than the general population. It is intended that chapter . . . , Laws of 1993 (this act) make provisions to address the special health care needs of these racial and ethnic populations in order to improve their health status.

The legislature finds that uncontrolled demand and expenditures for health care are eroding the ability of families, businesses, communities, and governments to invest in other enterprises that promote health, maintain independence, and ensure continued economic welfare. Housing, nutrition, education, and the environment are all diminished as we invest ever increasing shares of wealth in health care treatments.

The legislature finds that while immediate steps must be taken, a long-term plan of reform is also needed.

NEW SECTION. Sec. 102. LEGISLATIVE INTENT AND GOALS. (1) The legislature intends that state government policy stabilize health services costs, assure access to essential services for all residents, actively address the health care needs of persons of color, improve the public's health, and reduce unwarranted health services costs to preserve the viability of nonhealth care businesses.

(2) The legislature intends that:

(a) Total health services costs be stabilized and kept within rates of increase similar to the rates of personal income growth within a publicly regulated, private marketplace that preserves personal choice;

(b) State residents be enrolled in the certified health plan of their choice that meets state standards regarding affordability, accessibility, cost-effectiveness, and clinical efficaciousness;

(c) State residents be able to choose health services from the full range of health care providers, as defined in section 402(12) of this act, in a manner consistent with good health services management, quality assurance, and cost effectiveness;

(d) Individuals and businesses have the option to purchase any health services they may choose in addition to those contained in the uniform benefits package or supplemental benefits package;

(e) All state residents, businesses, employees, and government participate in payment for health services, with total costs to individuals on a sliding scale based on income to encourage efficient and appropriate utilization of services;

(f) These goals be accomplished within a reformed system using private service providers and facilities in a way that allows consumers to choose among competing plans operating within budget limits and other regulations that promote the public good; and

(g) A policy of coordinating the delivery, purchase, and provision of health services among the federal, state, local, and tribal governments be encouraged and accomplished by chapter . . . , Laws of 1993 (this act).

(3) Accordingly, the legislature intends that chapter . . . , Laws of 1993 (this act) provide both early implementation measures and a process for overall reform of the health services system.

PART II. EARLY IMPLEMENTATION MEASURES
A. BASIC HEALTH PLAN EXPANSION

NEW SECTION. Sec. 201. A new section is added to chapter 70.47 RCW to read as follows:

TRANSFER OF POWER AND DUTIES TO WASHINGTON STATE HEALTH CARE AUTHORITY. The powers, duties, and functions of the Washington basic health plan are hereby transferred to the Washington state health care authority. All references to the administrator of the Washington basic health plan in the Revised Code of Washington shall be construed to mean the administrator of the Washington state health care authority.

NEW SECTION. Sec. 202. TRANSFER OF RECORDS, EQUIPMENT, FUNDS. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington basic health plan shall be delivered to the custody of the Washington state health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the Washington basic health plan shall be made available to the Washington state health care authority. All funds, credits, or other assets held by the Washington basic health plan shall be assigned to the Washington state health care authority.

Any appropriations made to the Washington basic health plan shall, on the effective date of this section, be transferred and credited to the Washington state health care authority. At no time may those funds in the basic health plan trust account, any funds appropriated for the subsidy of any enrollees, or any premium payments or other sums made or received on behalf of any enrollees in the basic health plan be commingled with any appropriated funds designated or intended for the purposes of providing health care coverage to any state or other public employees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 203. TRANSFER OF EMPLOYEES. All employees of the Washington basic health plan are transferred to the jurisdiction of the Washington state health care authority. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 204. RULES AND BUSINESS. All rules and all pending business before the Washington basic health plan shall be continued and acted upon by the Washington state health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state health care authority.

NEW SECTION. Sec. 205. VALIDITY OF PRIOR ACTS. The transfer of the powers, duties, functions, and personnel of the Washington basic health plan shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 206. APPORTIONMENT OF BUDGETED FUNDS. If apportionments of budgeted funds are required because of the transfers directed by sections 201 through 205 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 207. COLLECTIVE BARGAINING. Nothing contained in sections 201 through 206 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 208. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

BASIC HEALTH PLAN--FINDINGS. (1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women (~~who are an especially~~

vulnerable population, along with their children)), and at-risk children and adolescents who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents (~~(under sixty-five years of age)~~) not (~~(otherwise)~~) eligible for medicare (~~(with gross family income at or below two hundred percent of the federal poverty guidelines)~~) or medical assistance who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) (~~(The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.)~~)

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

(b) As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program so long as such purchase does not result in a lower standard of coverage for employees.

(c) The legislature intends that, to the extent of available funds, the program be available throughout Washington state to subsidized and nonsubsidized enrollees. It is also the intent of the legislature to enroll subsidized enrollees first, to the maximum extent feasible.

(d) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. The administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 209. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

BASIC HEALTH PLAN--DEFINITIONS. As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. On and after July 1, 1995, "managed health care system" means a certified health plan, as defined in section 402 of this act.

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse (~~(and/or)~~) or dependent children, ((all under the age of sixty-five and)) not ((otherwise)) eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who the administrator determines at the time of application does not have health insurance more comprehensive than that offered by the plan, and who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who the administrator determines at the time of application does not have health insurance

more comprehensive than that offered by the plan, who chooses to obtain basic health care coverage from a particular managed health care system, and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

~~(6)~~ "Subsidy" means the difference between the amount of periodic payment the administrator makes~~((, from funds appropriated from the basic health plan trust account,))~~ to a managed health care system on behalf of ~~((an))~~ a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income ~~((and determined under RCW 70.47.060(2),))~~ which an ~~((enrollee))~~ individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 210. RCW 70.47.030 and 1992 c 232 s 907 are each amended to read as follows:

ACCOUNTS. (1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((After July 1, 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.))~~

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 211. RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended to read as follows:

BASIC HEALTH PLAN--PROGRAM WITHIN STATE HEALTH CARE AUTHORITY. (1) The Washington basic health plan is created as ~~((an independent agency of the state))~~ a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator ~~((who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040))~~ of the Washington state health care authority. The administrator shall appoint a medical director. The ~~((administrator,))~~ medical director ~~((,))~~ and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) ~~((In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report~~

~~except as it may also be included in this chapter or other law))~~ Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Sec. 212. RCW 70.47.060 and 1992 c 232 s 908 are each amended to read as follows:

ADMINISTRATOR'S POWERS AND DUTIES. The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, ~~((for the period ending June 30, 1993,))~~ with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for ~~((prenatal or postnatal))~~ such services ~~((that are provided under the medical assistance program under chapter 74.09 RCW))~~ except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider ~~((, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992))~~. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On and after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to section 449 of this act shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size ~~((as well as))~~ and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the appropriate premium tax as provided by law.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee.

(3) To design and implement a structure of ~~((nominal))~~ copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. On and after July 1, 1995, the administrator shall endeavor to make the copayments structure of the plan consistent with enrollee point of service cost-sharing levels adopted by the Washington health services commission, giving consideration to funding available to the plan.

(4) ~~((To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:~~

~~((a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;~~

~~((b) A modified fee-for-services payment schedule for providers;~~

~~((c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and~~

~~((d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care~~

~~decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.~~

~~The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.~~

~~(5)) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.~~

~~(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.~~

~~(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.~~

~~((In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.))~~

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least ~~((annually))~~ semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. ~~((An enrollee who remains current in payment of the sliding scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled.))~~ No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a business owner pay at least fifty percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((14))~~ (12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the ~~((administrator))~~ plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.))~~

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available ~~((resources, technical))~~ funding, assistance for rural ~~((health activities that endeavor to develop needed health care services in rural parts of the state))~~ residents, underserved populations, and persons of color.

Sec. 213. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

ENROLLMENT. On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, total ~~((enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.))~~

~~Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4))~~ subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan. To the extent that new funding is appropriated for expansion, the administrator shall endeavor to secure participation contracts from managed health care systems in geographic areas of the state that are unserved by the plan at the time at which the new funding is appropriated. In the selection of any such areas the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

B. EXPANDED MANAGED CARE FOR STATE EMPLOYEES

Sec. 214. RCW 41.05.011 and 1990 c 222 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an (~~insurance carrier as defined in chapter 48.21 or 48.22~~) insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. On and after July 1, 1995, "insuring entity" means a certified health plan, as defined in section 402 of this act.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) By October 1, 1995, all employees of school districts. Between October 1, 1994, and September 30, 1995, "employee" includes employees of those school districts for whom the authority has undertaken the purchase of insurance benefits. The transition to insurance benefits purchasing by the authority may not disrupt existing insurance contracts between school district employees and insurers. However, except to the extent provided in RCW 28A.400.200, any such contract that provides for health insurance benefits coverage after October 1, 1995, shall be void as of that date if the contract was entered into, renewed, or extended after July 1, 1993. Prior to October 1, 1994, "employee" includes employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority; (b) employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205(~~and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350~~); (c) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization.

(7) "Board" means the (~~state~~) public employees' benefits board established under RCW 41.05.055.

Sec. 215. RCW 41.05.021 and 1990 c 222 s 3 are each amended to read as follows:

HEALTH CARE AUTHORITY DUTIES. (1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits (~~and to~~), study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care, and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

~~((1))~~ (a) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

~~((2))~~ (b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

~~((a))~~ (i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

~~((b))~~ (ii) Utilization of provider arrangements that encourage cost containment (~~and ensure access to quality care~~), including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

~~((c))~~ (iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

~~((d))~~ (iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

~~((e))~~ (v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

~~((3))~~ (c) To analyze areas of public and private health care interaction;

~~((4))~~ (d) To provide information and technical and administrative assistance to the board;

~~((5))~~ (e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state~~((, and school districts))~~ to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 ~~((and 28A.400.350))~~, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

~~((6))~~ (f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and
~~((7))~~ (g) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) The public employees' benefits board shall implement strategies to promote managed competition among employee health benefit plans by January 1, 1995, including but not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced sealed bid of a qualified plan within a geographical area. If the state's contribution is less than one hundred percent of the lowest priced sealed bid, employee financial contributions shall be structured on a sliding-scale basis related to household income;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

Sec. 216. RCW 41.05.050 and 1988 c 107 s 18 are each amended to read as follows:

FERRY EMPLOYEES. (1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. All such contributions will be paid into the ~~((state))~~ public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. ~~((However,))~~ Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter . . ., Laws of 1993 (this act).

(3) The administrator with the assistance of the ~~((state))~~ public employees' benefits board shall survey private industry and public employers in the state of Washington to determine the average employer contribution for group insurance programs under the jurisdiction of the authority. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the authority for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 217. RCW 41.05.055 and 1989 c 324 s 1 are each amended to read as follows:

PUBLIC EMPLOYEES' BENEFITS BOARD--SCHOOL DISTRICT EMPLOYEES. (1) The ~~((state))~~ public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and school district employees.

(2) Effective January 1, 1995, the board shall be composed of ~~((seven))~~ nine members appointed by the governor as follows:

(a) ~~((Three))~~ Two representatives of state employees, ~~((one of whom shall represent an employee association certified as exclusive representative of at least one bargaining unit of classified employees,))~~ one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

~~((Three))~~ (c) Four members with experience in health benefit management and cost containment; and

~~((e))~~ (d) The administrator.

Prior to January 1, 1995, the composition of the public employees benefits board shall reflect its composition on January 1, 1993.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in

accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

Sec. 218. RCW 41.05.065 and 1988 c 107 s 8 are each amended to read as follows:

EMPLOYEE BENEFIT PLANS--STANDARDS. (1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state (~~(= PROVIDED, That)~~), however liability insurance shall not be made available to dependents.

(2) The ~~((state))~~ public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, exercise, ~~((and))~~ automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers; ~~((and))~~

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of standard benefit plans to be offered to enrollees participating in the employee health benefit plans. On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. ~~((Such authorization shall require a vote of five members of the board for approval.))~~

(5) Employees ~~((may))~~ shall choose participation in ~~((only))~~ one of the health care benefit plans developed by the board.

(6) The board shall review plans proposed by insurance carriers that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

Sec. 219. RCW 41.05.120 and 1991 sp.s. c 13 s 100 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE ACCOUNT. (1) The ~~((state))~~ public employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the ~~((state))~~ public employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the ~~((state))~~ public employees' insurance account.

Sec. 220. RCW 41.05.140 and 1988 c 107 s 12 are each amended to read as follows:

PUBLIC EMPLOYEES' INSURANCE RESERVE FUND. (1) The authority may self-fund or self-insure for public employees' benefits plans, but shall also enter into other methods of providing insurance coverage for insurance programs under its jurisdiction except property and casualty insurance. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. Reserves established by the authority shall be held in a separate trust fund by the state treasurer and shall be known as the

((state)) public employees' insurance reserve fund. The state investment board shall act as the investor for the funds and, except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the ((state)) public employees' insurance reserve fund.

(2) Any savings realized as a result of a program created under this section shall not be used to increase benefits unless such use is authorized by statute.

(3) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

(4) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions, and affairs of any program created under this section.

(5) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

NEW SECTION. Sec. 221. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. The administrator, in consultation with the public employees' benefits board, shall design a self-insured medicare supplemental insurance plan for retired and disabled employees eligible for medicare. For the purpose of determining the appropriate scope of the self-funded medicare supplemental plan, the administrator shall consider the differences in the scope of health services available under the uniform benefits package and the medicare program. The proposed plan shall be submitted to appropriate committees of the legislature by December 1, 1993.

NEW SECTION. Sec. 222. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. Notwithstanding any other provisions of this title or rules or procedures adopted by the authority, the authority shall make available to retired or disabled employees who are eligible for medicare at least two medicare supplemental insurance policies that conform to the requirements of chapter 48.66 RCW. One policy shall include coverage for prescription drugs. The policies shall be chosen in consultation with the public employees' benefits board. These policies shall be made available to retired or disabled employees, or employees of county, municipal, or other political subdivisions eligible for coverage available under the authority. All offerings shall be made available not later than January 1, 1994.

NEW SECTION. Sec. 223. A new section is added to chapter 41.05 RCW to read as follows:

MEDICARE SUPPLEMENTAL BENEFITS. If a waiver of the medicare statute, Title XVIII of the federal social security act, sufficient to meet the requirements of chapter . . . , Laws of 1993 (this act) is not granted on or before January 1, 1995, the medicare supplemental insurance policies authorized under section 222 of this act shall be made available to any resident of the state eligible for medicare benefits. Except for those retired state or school district employees eligible to purchase medicare supplemental benefits through the authority, persons purchasing a medicare supplemental insurance policy under this section shall be required to pay the full cost of any such policy.

Sec. 224. RCW 47.64.270 and 1988 c 107 s 21 are each amended to read as follows:

FERRY EMPLOYEES--ENROLLMENT IN CERTIFIED HEALTH PLANS. Until December 31, 1996, absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW((-)); and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter . . . , Laws of 1993 (this act). To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 225. RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33 s 381 are each reenacted and amended to read as follows:

SCHOOL DISTRICT EMPLOYEES--EMPLOYER CONTRIBUTIONS. (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the ~~((greater of: (i) The formula amount for insurance benefits))~~ amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable ~~((; or (ii) the actual average amount provided by the school district in the 1986-87 school year))~~. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210 ~~((; or))~~; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

Sec. 226. RCW 28A.400.350 and 1990 1st ex.s. c 11 s 3 and 1990 c 74 s 1 are each reenacted and amended to read as follows:

SCHOOL DISTRICTS--HEALTH CARE COVERAGE ONLY BY CONTRACTS WITH THE STATE HEALTH CARE AUTHORITY. (1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Except for health benefits purchased with nonstate funds as provided in RCW 28A.400.200, upon the making of a determination provided for in RCW 41.05.021(2) by the administrator of the state health care authority, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student ~~((; PROVIDED, That))~~. The school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the

school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

C. CONSOLIDATED STATE HEALTH CARE PURCHASING AGENT

NEW SECTION. Sec. 227. A new section is added to Title 43 RCW to read as follows:

STATE HEALTH SERVICES AGENT. (1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after July 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: The basic health plan; health benefits for employees of school districts; and health benefits for state employees. Until that date, in purchasing health services, the health care authority shall maintain separate risk pools for each of the programs in this subsection. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the risk pools. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long-term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community-rated risk pool effective on and after July 1, 1997.

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan or a uniform benefits package as adopted by the Washington health services commission as provided in section 449 of this act, use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them consistent with the provisions of chapter ..., Laws of 1993 (this act), and that a health maintenance organization, health care service contractor, insurer, or certified health plan that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them under the provisions of chapter ..., Laws of 1993 (this act);

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter . . . , Laws of 1993 (this act);

(e) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section.

NEW SECTION. Sec. 228. A new section is added to chapter 41.05 RCW to read as follows:

WASHINGTON STATE GROUP PURCHASING ASSOCIATION. (1) The Washington state group purchasing association is established for the purpose of coordinating and enhancing the health care purchasing power of the groups identified in subsection (2) of this section. The purchasing association shall be administered by the administrator.

(2) The following organizations or entities may seek the approval of the administrator for membership in the purchasing association:

(a) Private nonprofit human services provider organizations under contract with state agencies, on behalf of their employees and their employees' spouses and dependent children;

(b) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the medical assistance personal care or community options program entry system program as provided in chapter 74.09 RCW, or the chore services program, as provided in chapter 74.08 RCW, on behalf of themselves and their spouses and dependent children;

(c) Owners and operators of child day care centers and family child care homes licensed under chapter 74.15 RCW and of preschool or other child care programs exempted from licensing under chapter 74.15 RCW on behalf of themselves and their employees and employees' spouses and dependent children; and

(d) Foster parents contracting with the department of social and health services under chapter 74.13 RCW and licensed under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children.

(3) In administering the purchasing association, the administrator shall:

(a) Negotiate and enter into contracts on behalf of the purchasing association's members in conjunction with its contracting and purchasing activities for employee benefits plans under RCW 41.05.075. In negotiating and contracting with insuring entities on behalf of employees and purchasing association members, two distinct pools shall be maintained.

(b) Review and approve or deny applications from entities seeking membership in the purchasing association:

(i) The administrator may require all or the substantial majority of the employees of the organizations or entities listed in subsection (2) of this section to enroll in the purchasing association.

(ii) The administrator shall require, that as a condition of membership in the purchasing association, an entity or organization listed in subsection (2) of this section that employs individuals pay at least fifty percent of the cost of the health insurance coverage for each employee enrolled in the purchasing association.

(iii) In offering and administering the purchasing association, the administrator may not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history.

(4) On and after July 1, 1995, the uniform benefits package and schedule of premiums and point of service cost-sharing adopted and from time to time revised by the health services commission pursuant to chapter . . . , Laws of 1993 (this act) shall be applicable to the association.

(5) The administrator shall adopt preexisting condition coverage provisions for the association as provided in sections 283 through 286 of this act.

(6) Premiums charged to purchasing association members shall include the authority's reasonable administrative and marketing costs. Purchasing association members may not receive any subsidy from the state for the purchase of health insurance coverage through the association.

(7)(a) The Washington state group purchasing association account is established in the custody of the state treasurer, to be used by the administrator for the deposit of premium payments from individuals and entities described in subsection (2) of this section, and for payment of premiums for benefit contracts entered into on behalf of the purchasing association's participants and operating expenses incurred by the authority in the administration of benefit contracts under this section. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(b) Disbursements from the account are not subject to appropriations, but shall be subject to the allotment procedure provided under chapter 43.88 RCW.

NEW SECTION. Sec. 229. A new section is added to chapter 41.05 RCW to read as follows:

MARKETING PLAN. The administrator shall develop a marketing plan for the basic health plan and the Washington state group purchasing association. The plan shall be targeted to individuals and entities eligible to enroll in the two programs and provide clear and understandable explanations of the programs and enrollment procedures. The plan also shall incorporate special efforts to reach communities and people of color.

NEW SECTION. Sec. 230. WASHINGTON STATE GROUP PURCHASING ASSOCIATION--REPEAL. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(1) RCW 41.05.____ and 1993 c ____ s 228 (section 228 of this act); and

(2) RCW 41.05.____ and 1993 c ____ s 229 (section 229 of this act).

Sec. 231. RCW 74.09.055 and 1982 c 201 s 19 are each amended to read as follows:

The department is authorized to establish copayment, deductible, or coinsurance requirements for recipients of any medical programs defined in RCW 74.09.010 (~~but shall not establish copayment, deductible or coinsurance requirements for legend drugs as defined in RCW 69.41.210, unless required by federal law~~).

NEW SECTION. Sec. 232. TRANSFER OF AUTHORITY TO PURCHASE SERVICES FROM COMMUNITY HEALTH CENTERS. (1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) To further the intent of chapter . . . , Laws of 1993 (this act), the health care authority, in consultation with the department of health, shall evaluate the organization and operation of the federal and state-funded community health centers and other not-for-profit health care organizations and propose recommendations to the health services

commission and the health policy committees of the legislature by November 30, 1994, that identify changes to permit community health centers and other not-for-profit health care organizations to form certified health plans or other innovative health care delivery arrangements that help ensure access to primary health care services consistent with the purposes of chapter . . . , Laws of 1993 (this act).

(3) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

D. HEALTH CARE PROVIDER CONFLICT OF INTEREST STANDARDS

Sec. 233. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

FINANCIAL INTEREST IN HEALTH CARE FACILITIES--LIST OF ALTERNATIVE FACILITIES TO BE PROVIDED. It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment(~~(--PROVIDED, That))~~. Ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; and (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities.

Any person violating the provisions of this section is guilty of a misdemeanor.

E. PUBLIC HEALTH FINANCING AND GOVERNANCE

Sec. 234. RCW 70.05.010 and 1967 ex.s. c 51 s 1 are each amended to read as follows:

DEFINITIONS--DEPARTMENT OF HEALTH. For the purposes of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090~~) and unless the context thereof clearly indicates to the contrary:

(1) "Local health departments" means the ~~((city, town,))~~ county or district which provides public health services to persons within the area;

(2) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the ~~((city, town,))~~ county or district public health department;

(3) "Local board of health" means the ~~((city, town,))~~ county or district board of health.

(4) "Health district" means ~~((all territory encompassed within a single county and all cities and towns therein except cities with a population of over one hundred thousand, or))~~ all the territory consisting of one or more counties ~~((and all the cities and towns in all of the combined counties except cities of over one hundred thousand population which have been combined and))~~ organized pursuant to the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.090: PROVIDED, That cities with a population of over one hundred thousand may be included in a health district as provided in RCW 70.46.040~~).

(5) "Department" means the department of health.

Sec. 235. RCW 70.05.030 and 1967 ex.s. c 51 s 3 are each amended to read as follows:

LOCAL BOARD OF HEALTH--COUNTIES WITHOUT HOME RULE CHARTER--JURISDICTION. In counties without a home rule charter, the board of county commissioners ((of each and every county in this state, except where such county is a part of a health district or is purchasing services under a contract as authorized by chapter 70.05 RCW and RCW 70.46.020 through 70.46.090,)) shall constitute the local board of health ((for such county, and said local board of health's jurisdiction)), unless the county is part of a health district pursuant to chapter 70.46 RCW. The jurisdiction of the local board of health shall be coextensive with the boundaries of said county((, except that nothing herein contained shall give said board jurisdiction in cities of over one hundred thousand population or in such other cities and towns as are providing health services which meet health standards pursuant to RCW 70.46.090)).

Sec. 236. RCW 70.05.040 and 1984 c 25 s 1 are each amended to read as follows:

LOCAL BOARD OF HEALTH--VACANCIES. The local board of health shall elect a ~~((chairman))~~ chair and may appoint an administrative officer. A local health officer shall be appointed pursuant to RCW 70.05.050. Vacancies on the local board of health shall be filled by appointment within thirty days and made in the same manner as was the original appointment. At the first meeting of the local board of health, the members shall elect a ~~((chairman))~~ chair to serve for a period of one year. ~~((In home rule charter counties that have a local board of health established under RCW 70.05.050, the administrative officer may be appointed by the official designated under the county's charter.))~~

NEW SECTION. Sec. 237. A new section is added to chapter 70.05 RCW to read as follows:

HOME RULE CHARTER--LOCAL BOARD OF HEALTH. In counties with a home rule charter, the county legislative authority shall establish a local board of health and may prescribe the membership and selection process for the board. The jurisdiction of the local board of health shall be coextensive with the boundaries of the county. The local health officer, as described in RCW 70.05.050, shall be appointed by the official designated under the provisions of the county charter. The same official designated under the provisions of the county charter may appoint an administrative officer, as described in RCW 70.05.045.

Sec. 238. RCW 70.05.050 and 1984 c 25 s 5 are each amended to read as follows:

LOCAL HEALTH OFFICER. ~~((Each local board of health, other than boards which are established under RCW 70.05.030 and which are located in counties having home rule charters, shall appoint a local health officer. In home rule charter counties which have a local board of health established under RCW 70.05.030, the local health officer shall be appointed by the official designated under the provisions of the county's charter.))~~

The local health officer shall be an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state and who is qualified or provisionally qualified in accordance with the standards prescribed in RCW 70.05.051 through 70.05.055 to hold the office of local health officer. No term of office shall be established for the local health officer but ~~((he))~~ the local health officer shall not be removed until after notice is given ~~((him))~~, and an opportunity for a hearing before the board or official responsible for his or her appointment under this section as to the reason for his or her removal. ~~((He))~~ The local health officer shall act as executive secretary to, and administrative officer for the local board of health and shall also be empowered to employ such technical and other personnel as approved by the local board of health except where the local board of health has appointed an administrative officer under RCW 70.05.040. The local health officer shall be paid such salary and allowed such expenses as shall be determined by the local board of health.

Sec. 239. RCW 70.05.070 and 1991 c 3 s 309 are each amended to read as follows:

LOCAL HEALTH OFFICER DUTIES. The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or section 237 of this act, if any, shall:

- (1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and filing of actions authorized by RCW 43.70.190;
- (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;
- (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;
- (4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;
- (5) Prevent, control or abate nuisances which are detrimental to the public health;
- (6) Attend all conferences called by the secretary of health or his or her authorized representative;
- (7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;
- (8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;
- (9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 240. RCW 70.05.080 and 1991 c 3 s 310 are each amended to read as follows:

LOCAL HEALTH OFFICER--APPOINTMENT BY SECRETARY OF HEALTH IF LOCAL BOARD FAILS TO ACT. If the local board of health or other official responsible for appointing a local health officer under RCW

70.05.050 refuses or neglects to appoint a local health officer after a vacancy exists, the secretary of health may appoint a local health officer and fix the compensation. The local health officer so appointed shall have the same duties, powers and authority as though appointed under RCW 70.05.050. Such local health officer shall serve until a qualified individual is appointed according to the procedures set forth in RCW 70.05.050. The board or official responsible for appointing the local health officer under RCW 70.05.050 shall also be authorized to appoint an acting health officer to serve whenever the health officer is absent or incapacitated and unable to fulfill his or her responsibilities under the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.099~~).

Sec. 241. RCW 70.05.120 and 1984 c 25 s 8 are each amended to read as follows:

REMOVAL OF LOCAL HEALTH OFFICER. Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.099~~) or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.099~~) or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.099~~) or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

Sec. 242. RCW 70.05.130 and 1991 c 3 s 313 are each amended to read as follows:

EXPENSES OF CARRYING OUT PUBLIC HEALTH LAW. All expenses incurred by the state, health district, or county in carrying out the provisions of chapters 70.05 and 70.46 RCW (~~and RCW 70.46.020 through 70.46.099~~) or any other public health law, or the rules of the ((state)) department of health enacted under such laws, shall be paid by the county (~~or city by which or in behalf of which such expenses shall have been incurred~~) and such expenses shall constitute a claim against the general fund as provided (~~herein~~) in this section.

Sec. 243. RCW 70.05.150 and 1967 ex.s. c 51 s 22 are each amended to read as follows:

AUTHORITY TO CONTRACT. In addition to powers already granted them, any ((city, town,)) county, district, or local health department may contract for either the sale or purchase of any or all health services from any local health department (~~:- PROVIDED, That~~). Such contract shall require the approval of the state board of health.

Sec. 244. RCW 70.08.010 and 1985 c 124 s 1 are each amended to read as follows:

APPOINTMENT OF LOCAL HEALTH OFFICER BY COMBINED CITY AND COUNTY HEALTH DEPARTMENT. Any city with one hundred thousand or more population and the county in which it is located, are authorized, as shall be agreed upon between the respective governing bodies of such city and said county, to establish and operate a combined city and county health department, and to appoint ((the director of public health)) a local health officer for the county served. Class AA counties may appoint a director of public health as specified in this chapter.

Sec. 245. RCW 70.12.030 and 1945 c 46 s 1 are each amended to read as follows:

MONEY MANAGEMENT. Any county, ~~((first class city))~~ combined city-county health department, or health district is hereby authorized and empowered to create a "public health pooling fund", hereafter called the "fund", for the efficient management and control of all moneys coming to such county, ~~((first class city))~~ combined department, or district for public health purposes.

~~("Health district" as used herein may mean all territory consisting of one or more counties and all cities with a population of one hundred thousand or less, and towns therein.)~~

Sec. 246. RCW 70.12.050 and 1945 c 46 s 3 are each amended to read as follows:

EXPENDITURES. All expenditures in connection with salaries, wages and operations incurred in carrying on the health department of the county, ~~((first class city))~~ combined city-county health department, or health district shall be paid out of such fund.

Sec. 247. RCW 70.46.020 and 1967 ex.s. c 51 s 6 are each amended to read as follows:

MULTICOUNTY HEALTH DISTRICTS. Health districts consisting of two or more counties may be created whenever two or more boards of county commissioners shall by resolution establish a district for such purpose. Such a district shall consist of all the area of the combined counties ~~((including all cities and towns except cities of over one hundred thousand population))~~. The district board of health of such a district shall consist of not less than five members for districts of two counties and seven members for districts of more than two counties, including two representatives from each county who are members of the board of county commissioners and who are appointed by the board of county commissioners of each county within the district, and shall have a jurisdiction coextensive with the combined boundaries. ~~((The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the financial contribution of such cities and towns and representation from the several classifications of cities and towns.))~~

At the first meeting of a district board of health the members shall elect a ~~((chairman))~~ chair to serve for a period of one year.

Sec. 248. RCW 70.46.060 and 1967 ex.s. c 51 s 11 are each amended to read as follows:

DISTRICT BOARD OF HEALTH POWERS AND DUTIES. The district board of health shall constitute the local board of health for all the territory included in the health district, and shall supersede and exercise all the powers and perform all the duties by law vested in the county ~~((or city or town))~~ board of health of any county~~((, city or town))~~ included in the health district~~((, except as otherwise in chapter 70.05 RCW and RCW 70.46.020 through 70.46.090 provided))~~.

Sec. 249. RCW 70.46.080 and 1971 ex.s. c 85 s 10 are each amended to read as follows:

DISTRICT HEALTH FUND. Each health district shall establish a fund to be designated as the "district health fund", in which shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. ~~((The county treasurer of the county in the district embracing only one county; or,))~~ In a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board~~((: PROVIDED, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above))~~.

Each county~~((, city or town))~~ which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health ~~((after consultation with the Washington state association of counties and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of the proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district))~~.

Sec. 250. RCW 70.46.085 and 1967 ex.s. c 51 s 20 are each amended to read as follows:

COUNTY TO BEAR EXPENSES. The expense of providing public health services shall be borne by each county(~~(, city or town)~~) within the health district(~~(, and the local health officer shall certify the amount agreed upon or as determined pursuant to RCW 70.46.080, and remaining unpaid by each county, city or town to the fiscal or warrant issuing officer of such county, city or town.~~

~~If the expense as certified is not paid by any county, city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the governmental unit is situated who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund shall be reimbursed by the county auditor out of the money due said governmental unit at the next monthly settlement or settlements of the collection of taxes and shall be transferred to the current expense fund).~~

Sec. 251. RCW 70.46.090 and 1967 ex.s. c 51 s 21 are each amended to read as follows:

WITHDRAWAL FROM MEMBERSHIP. Any county (~~or any city or town~~) may withdraw from membership in said health district any time after it has been within the district for a period of two years, but no withdrawal shall be effective except at the end of the calendar year in which the county(~~(, city or town)~~) gives at least six months' notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of any moneys paid to the district nor relieve it of any obligations to pay to the district all sums for which it obligated itself due and owing by it to the district for the year at the end of which the withdrawal is to be effective(~~(: PROVIDED, That)~~). Any county(~~(, city or town)~~) which withdraws from membership in said health district shall immediately establish a health department or provide health services which shall meet the standards for health services promulgated by the state board of health(~~(: PROVIDED FURTHER, That)~~). No local health department ((shall)) may be deemed to provide adequate public health services unless there is at least one full time professionally trained and qualified physician as set forth in RCW 70.05.050.

Sec. 252. RCW 70.46.120 and 1963 c 121 s 1 are each amended to read as follows:

FEES MAY BE CHARGED. In addition to all other powers and duties, health districts shall have the power to charge fees in connection with the issuance or renewal of a license or permit required by law: PROVIDED, That the fees charged shall not exceed the actual cost involved in issuing or renewing the license or permit(~~(: PROVIDED FURTHER, That no fees shall be charged pursuant to this section within the corporate limits of any city or town which prior to the enactment of this section charged fees in connection with the issuance or renewal of a license or permit pursuant to city or town ordinance and where said city or town makes a direct contribution to said health district, unless such city or town expressly consents thereto).~~

Sec. 253. RCW 82.44.110 and 1991 c 199 s 221 are each amended to read as follows:

DISPOSITION OF MOTOR VEHICLE EXCISE TAX REVENUE--PUBLIC HEALTH. The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) ~~((8.83))~~ 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(l) 2.95 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

Sec. 254. RCW 82.44.155 and 1991 c 199 s 223 are each amended to read as follows:

MOTOR VEHICLE EXCISE TAX DISTRIBUTION TO CITIES AND TOWNS. When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110~~((4))~~(1)(d) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection ~~((and the preservation of the public health))~~ in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise taxes imposed by RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 255. RCW 43.20.030 and 1984 c 287 s 75 are each amended to read as follows:

COMPOSITION OF STATE BOARD OF HEALTH--CITY MEMBER ELIMINATED. The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, ~~((an elected city official who is a member of a local health board, an))~~ two elected county officials who ~~((is a))~~ are members of a local health board, a local health officer, and two persons representing the consumers of health care. ~~((Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities.))~~ Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department ~~((of social and health services))~~ shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 256. RECODIFICATION--CITY/COUNTY HEALTH DEPARTMENT. RCW 70.08.010, as amended by this act, shall be recodified in chapter 70.05 RCW.

NEW SECTION. Sec. 257. REPEALERS--CITIES AND TOWNS. The following acts or parts of acts are each repealed:

- (1) RCW 70.05.005 and 1989 1st ex.s. c 9 s 243;
- (2) RCW 70.05.020 and 1967 ex.s. c 51 s 2;
- (3) RCW 70.05.132 and 1984 c 25 s 9 & 1983 1st ex.s. c 39 s 6;
- (4) RCW 70.05.145 and 1983 1st ex.s. c 39 s 5;
- (5) RCW 70.12.005 and 1989 1st ex.s. c 9 s 245;
- (6) RCW 70.46.030 and 1991 c 363 s 141, 1969 ex.s. c 70 s 1, 1967 ex.s. c 51 s 5, & 1945 c 183 s 3;
- (7) RCW 70.46.040 and 1967 ex.s. c 51 s 7 & 1945 c 183 s 4; and
- (8) RCW 70.46.050 and 1967 ex.s. c 51 s 8, 1957 c 100 s 1, & 1945 c 183 s 5.

NEW SECTION. Sec. 258. STUDY LOCAL GOVERNMENT HEALTH SERVICE DELIVERY. It is hereby requested that the governing authorities of the association of Washington cities, the Washington state association of counties, and the Washington association of county officials jointly initiate a study and develop consensus recommendations regarding implementation of the provisions of sections 234 through 257 of this act. The study and recommendations should at a minimum include consideration of the fiscal impact of these sections on counties, the desirability of maintaining a process whereby city officials can effectively communicate concerns regarding the delivery of public health services to both the counties and the state, the need for larger cities to be able to continue to provide health care services when needed, and other matters as the three associations agree are of substance in the implementation of sections 234 through 257 of this act. This study shall be coordinated with the public health services improvement planning process set forth in section 466 of this act. The agreed upon recommendations shall be presented to the senate health and human services and house of representatives health care committees prior to March 1, 1994.

F. DATA COLLECTION

Sec. 259. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

STATE-WIDE DATA SYSTEM--HEALTH SERVICES COMMISSION. (1) To promote the public interest consistent with the purposes of chapter . . . , Laws of 1993 (this act), the department is responsible for the development, implementation, and custody of a state-wide ((hospital)) health care data system, with policy direction and oversight to be provided by the Washington health services commission. As part of the design stage for development of the system, the department shall undertake a needs assessment of the types of, and format for, ((hospital)) health care data needed by consumers, purchasers, health care payers, ((hospitals)) providers, and state government as consistent with the intent of chapter . . . , Laws of 1993 (this act) ((chapter)). The department shall identify a set of ((hospital)) health care data elements and report specifications which satisfy these needs. The ((council)) Washington health services commission, created by section 403 of this act, shall review the design of the data system and may ((direct the department to)) establish a technical advisory committee on health data and may, if deemed cost-effective and efficient, recommend that the department contract with a private vendor for assistance in the design of the data system or for any part of the work to be performed under this section. The data elements, specifications, and other ((design)) distinguishing features of this data system shall be made available for public review and comment and shall be published, with comments, as the department's first data plan by ((January 1, 1994)) July 1, 1994.

(2) Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered ((through the department's development of a biennial data plan, as proposed to,)) with the oversight and policy guidance of the Washington health services commission or its technical advisory committee and funded by((,)) the legislature through the biennial appropriations process with funds appropriated to the health services account. ((Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.

((3)) In designing the state-wide ((hospital)) health care data system and any data plans, the department shall identify ((hospital)) health care data elements relating to ((both hospital finances)) health care costs, the quality of health care services, the outcomes of health care services, and ((the)) use of ((services by patients)) health care by consumers. Data elements ((relating to hospital finances)) shall be reported ((by hospitals)) as the Washington health services commission directs by reporters in conformance with a uniform ((system of)) reporting ((as specified by the department and shall)) system established by the department, which shall be adopted by reporters. "Reporter" means an individual, hospital, or business entity, required to be registered with the department of revenue for payment of taxes imposed under chapter 82.04 RCW or Title 48 RCW, that is primarily engaged in furnishing or insuring for medical, surgical, and other health services to persons. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act), for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ((and reported to the Washington state hospital commission)). The commission and the department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

((4)) (3) The state-wide ((hospital)) health care data system shall be uniform in its identification of reporting requirements for ((hospitals)) reporters across the state to the extent that such uniformity is ((necessary)) useful to fulfill the purposes of chapter . . . , Laws of 1993 (this ((chapter)) act). Data reporting requirements may reflect differences ((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors)) that involve pertinent distinguishing features as determined by the Washington health services commission by rule. So far as ((possible)) is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ((and)) the state in its role of gathering public health statistics, or any other payer program of consequence so as to minimize any unduly burdensome reporting requirements imposed on ((hospitals)) reporters.

((5)) (4) In identifying financial reporting requirements under the state-wide ((hospital)) health care data system, the department may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

((6) In designing the initial state-wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.

(7) ~~Until such time as the state wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable~~

period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.

~~(8))~~ (5) The ~~((hospital))~~ health care data collected ~~((and))~~, maintained, and studied by the department or the Washington health services commission shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department which reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to chapter . . . , Laws of 1993 (this act) shall comply with departmental or commission requirements established by rule in the acquisition of data.

Sec. 260. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

HEALTH CARE DATA--STUDIES, ANALYSES, OR REPORTS. The department shall provide, or may contract with a private entity to provide, ~~((hospital))~~ analyses and reports or any studies it chooses to conduct consistent with the purposes of chapter . . . , Laws of 1993 (this ~~((chapter))~~ act), subject to the availability of funds and any policy direction that may be given by the Washington health services commission. ~~((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance.))~~ These studies, analyses, or reports shall include:

(1) Consumer guides on purchasing ~~((hospital care services and))~~ or consuming health care and publications providing verifiable and useful aggregate comparative information to ~~((consumers on hospitals and hospital services))~~ the public on health care services, their cost, and the quality of health care providers who participate in certified health plans;

(2) Reports for use by classes of purchasers, who purchase from certified health plans, health care payers, and providers as specified for content and format in the state-wide data system and data plan; ~~((and))~~

(3) Reports on relevant ~~((hospital))~~ health care policy ~~((issues))~~ including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ~~((hospital))~~ provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ~~((hospital))~~ health care; and

(4) Any other reports the commission or department deems useful to assist the public or purchasers of certified health plans in understanding the prudent and cost-effective use of certified health plan services.

NEW SECTION. Sec. 261. A new section is added to chapter 70.170 RCW to read as follows:

CONFIDENTIALITY OF DATA. (1) Notwithstanding the provisions of chapter 42.17 RCW, any material contained within the state-wide health care data system or in the files of either the department or the Washington health services commission shall be subject to the following limitations: (a) Records obtained, reviewed by, or on file that contain information concerning medical treatment of individuals shall be exempt from public inspection and copying; and (b) any actuarial formulas, statistics, and assumptions submitted by a certified health plan to the commission or department upon request shall be exempt from public inspection and copying in order to preserve trade secrets or prevent unfair competition.

(2) All persons and any public or private agencies or entities whatsoever subject to this chapter shall comply with any requirements established by rule relating to the acquisition or use of health services data and maintain the confidentiality of any information that may, in any manner, identify individual persons.

(3) Data collected pursuant to sections 262 and 263 of this act shall be used solely for the health care reform provisions of chapter . . . , Laws of 1993 (this act). The department shall ensure that the enrollee identifier used will employ the highest available standards for accuracy and uniqueness.

(4) Nothing in this section shall impede an enrollee's access to her or his health care records as provided in chapter 70.02 RCW.

NEW SECTION. Sec. 262. A new section is added to chapter 70.170 RCW to read as follows:

HEALTH SERVICES COMMISSION ACCESS TO DATA. The Washington health services commission shall have access to all health data available to the secretary of health. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies. The department of health shall be the designated depository agency for all health data collected pursuant to chapter . . . , Laws of 1993 (this act). The following data sources shall be developed or made available:

(1) The commission shall coordinate with the secretary of health to utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the commission's responsibilities.

(2) The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct

other research necessary for the specific purpose of assisting in the design of the uniform benefits package under chapter . . . , Laws of 1993 (this act).

(3) The commission shall establish cost data sources and shall require each certified health plan to provide the commission and the department of health with enrollee care and cost information, to include, but not be limited to: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health care services or procedures provided; (e) provider charges, if any; and (f) amount paid. The department shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release.

(4) The commission shall coordinate with the area Indian health service, reservation Indian health service units, tribal clinics, and any urban Indian health service organizations the design, development, implementation, and maintenance of an American Indian-specific health data, statistics information system. The commission rules regarding the confidentiality to safeguard the information from inappropriate use or release shall apply.

NEW SECTION. Sec. 263. A new section is added to chapter 70.170 RCW to read as follows:

PERSONAL HEALTH SERVICES DATA AND INFORMATION SYSTEM. (1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges, if any; and (f) amount paid. The commission shall establish by rule, confidentiality standards to safeguard the information from inappropriate use or release. The department shall assist the commission in establishing reasonable time frames for the completion of the system development and system implementation.

NEW SECTION. Sec. 264. HEALTH CARE ENTITY REPORTING REQUIREMENTS. The commission shall determine, by January 1, 1995, the necessity, if any, of reporting requirements by the following health care entities: Health care providers, health care facilities, insuring entities, and certified health plans. The reporting requirements, if any, shall be for the purposes of determining whether the health care system is operating as efficiently as possible. Information reported pursuant to this section shall be made available to interested parties upon request. The commission shall report its findings to the legislature by January 1, 1995.

G. DISCLOSURE OF HOSPITAL, NURSING HOME, AND PHARMACY CHARGES

NEW SECTION. Sec. 265. A new section is added to chapter 70.41 RCW to read as follows:

SPIRALING COSTS--HOSPITALS. (1) The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making physicians and other health care providers with hospital admitting privileges more aware of the cost consequences of health care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial hospital services, with a potential for reducing the utilization of those services. The requirement of the hospital to inform physicians and other health care providers of the charges of the health care services that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

(2) The chief executive officer of a hospital licensed under this chapter and the superintendent of a state hospital shall establish and maintain a procedure for disclosing to physicians and other health care providers with admitting privileges the charges of all health care services ordered for their patients. Copies of hospital charges shall be made available to any physician and/or other health care provider ordering care in hospital inpatient/outpatient services. The physician and/or other health care provider may inform the patient of these charges and may specifically review them. Hospitals are also directed to study methods for making daily charges available to prescribing physicians through the use of interactive software and/or computerized information thereby allowing physicians and other health care providers to review not only the costs of present and past services but also future contemplated costs for additional diagnostic studies and therapeutic medications.

NEW SECTION. Sec. 266. A new section is added to chapter 18.68 RCW to read as follows:

SPIRALING COSTS--PRESCRIPTION MEDICATIONS. The legislature finds that the spiraling costs of health care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. One of the fastest growing segments of the health care expenditure involves prescription medications. By making

physicians and other health care providers with prescriptive authority more aware of the cost consequences of health care treatments for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial drug and medication treatments. The requirement of the pharmacy to inform physicians and other health care providers of the charges of prescription drugs and medications that they order may have a positive effect on containing health costs. Further, the option of the physician or other health care provider to inform the patient of these charges may strengthen the necessary dialogue in the provider-patient relationship that tends to be diminished by intervening third-party payers.

NEW SECTION. Sec. 267. A new section is added to chapter 18.68 RCW to read as follows:

COST OF PRESCRIPTIVE MEDICATIONS. The registered or licensed pharmacist of this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

NEW SECTION. Sec. 268. A new section is added to chapter 18.51 RCW to read as follows:

SPIRALING COSTS--NURSING HOMES. (1) The legislature finds that the spiraling costs of nursing home care continue to surmount efforts to contain them, increasing at approximately twice the inflationary rate. The causes of this phenomenon are complex. By making nursing home facilities and care providers more aware of the cost consequences of care services for consumers, these providers may be inclined to exercise more restraint in providing only the most relevant and cost-beneficial services and care, with a potential for reducing the utilization of those services. The requirement of the nursing home to inform physicians, consumers, and other care providers of the charges of the services that they order may have a positive effect on containing health costs.

(2) All nursing home administrators in facilities licensed under this chapter shall be required to develop and maintain a written procedure for disclosing patient charges to attending physicians with admitting privileges. The nursing home administrator shall have the capability to provide an itemized list of the charges for all health care services that may be ordered by a physician. The information shall be made available on request of consumers, or the physicians or other appropriate health care providers responsible for prescribing care.

H. HEALTH PROFESSIONAL SHORTAGES

NEW SECTION. Sec. 269. **LEGISLATIVE INTENT.** The legislature finds that the successful implementation of health care reform will depend on a sufficient supply of primary health care providers throughout the state. Many rural and medically underserved urban areas lack primary health care providers and because of this, basic health care services are limited or unavailable to populations living in these areas. The legislature has in recent years initiated new programs to address these provider shortages but funding has been insufficient and additional specific provider shortages remain.

Sec. 270. RCW 28B.125.010 and 1991 c 332 s 5 are each amended to read as follows:

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN--PERSONS OF COLOR--INDIAN HEALTH. (1) The higher education coordinating board, the state board for community (~~college education~~) and technical colleges, the superintendent of public instruction, the state department of health, the Washington health services commission, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-

wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational-technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) Strategies to increase the number of persons of color in the health professions. Such strategies shall incorporate, to the extent possible, federal and state assistance programs for health career development, including those for American Indians, economically disadvantaged persons, physically challenged persons, and persons of color.

(g) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

~~((g))~~ (h) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

~~((h))~~ (i) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

~~((i))~~ (j) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

~~((j))~~ (k) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

~~((k))~~ (l) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

~~((l))~~ (m) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

~~((m))~~ (n) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in RCW 28B.115.070.

~~((n))~~ (o) A description of needed changes in regulatory laws governing the credentialing of health professionals.

~~((o))~~ (p) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

~~((p))~~ (q) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

~~((q))~~ (r) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a

manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

~~((#))~~ (s) A description of how the higher education coordinating board, state board for community ~~(college education)~~ and technical colleges, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

~~((#))~~ (t) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B.115 RCW.

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

Sec. 271. RCW 28B.115.080 and 1991 c 332 s 21 are each amended to read as follows:

ANNUAL AWARD AMOUNT. After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall ~~((not be more than fifteen thousand dollars per year))~~ be established by the board for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under chapter ~~((48.450))~~ 28B.115, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 272. A new section is added to chapter 41.05 RCW to read as follows:

MULTICULTURAL HEALTH CARE TECHNICAL ASSISTANCE PROGRAM. (1) Consistent with funds appropriated specifically for this purpose, the authority shall provide matching grants to support community-based multicultural health care technical assistance programs. The purpose of the programs shall be to promote technical assistance through community and migrant health clinics and other appropriate health care providers who serve underserved populations and persons of color.

The technical assistance provided shall include, but is not limited to: (a) Collaborative research and data analysis on health care outcomes that disproportionately affect persons of color; (b) design and development of model health education and promotion strategies aimed at modifying unhealthy health behaviors or enhancing the use of the health care delivery system by persons of color; (c) provision of technical information and assistance on program planning and financial management; (d) administration, public policy development, and analysis in health care issues affecting people of color; and (e) enhancement and promotion of health care career opportunities for persons of color.

(2) Consistent with appropriated funds, the programs shall be available on a state-wide basis.

Sec. 273. RCW 70.185.030 and 1991 c 332 s 9 are each amended to read as follows:

COMMUNITY-BASED RECRUITMENT AND RETENTION--UNDERSERVED URBAN AREAS. (1) The department ~~((shall))~~ may, subject to funding, establish ~~((up to three))~~ community-based recruitment and retention project sites to provide financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural and underserved urban areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate ~~((the project))~~ and avoid duplication with similar federal programs and with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

NEW SECTION. Sec. 274. A new section is added to chapter 70.185 RCW to read as follows:

STUDENT POSITIONS. (1) The department may develop a mechanism for underserved rural or urban communities to contract with education and training programs for student positions above the full time equivalent lids. The goal of this program is to provide additional capacity, educating students who will practice in underserved communities.

(2) Eligible education and training programs are those programs approved by the department that lead to eligibility for a credential as a credentialed health care professional. Eligible professions are those licensed under chapters 18.36A, 18.57, 18.57A, 18.71, and 18.71A RCW and advanced registered nurse practitioners and certified nurse midwives licensed under chapter 18.88 RCW, and may include other providers identified as needed in the health personnel resource plan.

(3) Students participating in the community contracted educational positions shall meet all applicable educational program requirements and provide assurances, acceptable to the community, that they will practice in the sponsoring community following completion of education and necessary licensure.

(4) Participants in the program incur an obligation to repay any contracted funds with interest set by state law, unless they serve at least three years in the sponsoring community.

(5) The department may provide funds to communities for use in contracting.

NEW SECTION. Sec. 275. A new section is added to chapter 70.185 RCW to read as follows:

AREA HEALTH EDUCATION CENTERS. The secretary may establish and contract with area health education centers in the eastern and western parts of the state. Consistent with the recruitment and retention objectives of this chapter, the centers shall provide or facilitate the provision of health professional educational and continuing education programs that strengthen the delivery of primary health care services in rural and medically underserved urban areas of the state. The center shall assist in the development and operation of health personnel recruitment and retention programs that are consistent with activities authorized under this chapter. The centers shall

further provide technical expertise in the development of well managed health care delivery systems in rural Washington consistent with the goals and objectives of chapter . . . , Laws of 1993 (this act).

Sec. 276. RCW 43.70.460 and 1992 c 113 s 2 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--MALPRACTICE INSURANCE. (1) The department may establish a program to purchase and maintain liability malpractice insurance for retired ~~((physicians))~~ primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;

(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired ~~((physicians))~~ primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer to provide coverage to a ~~((physician))~~ primary care provider should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or ~~((physician))~~ primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

Sec. 277. RCW 43.70.470 and 1992 c 113 s 3 are each amended to read as follows:

RETIRED PRIMARY CARE PROVIDERS--CONDITIONS. The department may establish by rule the conditions of participation in the liability insurance program by retired ~~((physicians))~~ primary care providers at clinics utilizing retired physicians for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating ~~((physician))~~ primary care provider associated with the clinic shall hold a valid license to practice ~~((medicine and surgery in this state and otherwise))~~ as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A or 18.57A RCW, an advanced registered nurse practitioner under chapter 18.88 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply in the health personnel resource plan under chapter 28B.125 RCW. All primary care providers must be in conformity with current requirements for licensure as a retired ~~((physician))~~ primary care provider, including continuing education requirements;

(2) The participating ~~((physician))~~ primary care provider shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses. Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating ~~((physician))~~ primary care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating ~~((physician))~~ primary care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating ~~((physician))~~ primary care provider for services provided by the ~~((physician))~~ primary care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating ~~((physician))~~ primary care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

NEW SECTION. Sec. 278. MEDICAL SCHOOL GRADUATES SERVING IN RURAL AND MEDICALLY UNDERSERVED AREAS OF THE STATE--LEGISLATIVE INTENT. The legislature finds that the shortage of

primary care physicians practicing in rural and medically underserved areas of the state has created a severe public health and safety problem. If unaddressed, this problem is expected to worsen with health care reform since an increased demand for primary care services will only contribute further to these shortages.

The legislature further finds that the medical training program at the University of Washington is an important and well respected resource to the people of this state in the training of primary care physicians. Currently, only a small proportion of medical school graduates are Washington residents who serve as primary care practitioners in certain parts of this state.

NEW SECTION. Sec. 279. MEDICAL SCHOOL PRIMARY CARE PHYSICIAN SHORTAGE PLAN DEVELOPMENT. (1) The University of Washington shall prepare a primary care shortage plan that accomplishes the following:

(a) Identifies specific activities that the school of medicine shall pursue to increase the number of Washington residents serving as primary care physicians in rural and medically underserved areas of the state, including establishing a goal that assures that no less than fifty percent of medical school graduates who are Washington state residents at the time of matriculation will enter into primary care residencies, to the extent possible, in Washington state by the year 2000;

(b) Assures that the school of medicine shall establish among its highest training priorities the distribution of its primary care physician graduates from the school and associated postgraduate residency programs into rural and medically underserved areas;

(c) Establishes the goal of assuring that the annual number of graduates from the family practice residency network entering rural or medically underserved practice shall be increased by forty percent over a baseline period from 1988 through 1990 by 1995;

(d) Establishes a further goal to make operational at least two additional family practice residency programs within Washington state in geographic areas identified by the plan as underserved in family practice by 1997. The geographic areas identified by the plan as being underserved by family practice physicians shall be consistent with any such similar designations as may be made in the health personnel research plan as authorized under chapter 28B.125 RCW;

(e) Establishes, with the cooperation of existing community and migrant health clinics in rural or medically underserved areas of the state, three family practice residency training tracks. Furthermore, the primary care shortage plan shall provide that one of these training tracks shall be a joint American osteopathic association and American medical association approved training site coordinated with an accredited college of osteopathic medicine with extensive experience in training primary care physicians for the western United States. Such a proposed joint accredited training track will have at least fifty percent of its residency positions in osteopathic medicine; and

(f) Implements the plan, with the exception of the expansion of the family practice residency network, within current biennial appropriations for the University of Washington school of medicine.

(2) The plan shall be submitted to the appropriate committees of the legislature no later than December 1, 1993.

I. SHORT-TERM HEALTH INSURANCE REFORM

NEW SECTION. Sec. 280. INTENT--INCREASE ACCESS TO COVERAGE. The legislature intends that, during the transition to a fully reformed health services system, certain health insurance practices be modified to increase access to health insurance coverage for some individuals and groups. The legislature recognizes that health insurance reform will not remedy the significant lack of access to coverage in Washington state without the implementation of strong cost control measures. The authority granted to the commissioner in chapter . . . , Laws of 1993 (this act) is in addition to any authority the commissioner currently has under Title 48 RCW to regulate insurers, health care service contractors, and health maintenance organizations.

NEW SECTION. Sec. 281. A new section is added to chapter 48.18 RCW to read as follows:

CANCELLATIONS, DENIALS--WRITTEN COMMUNICATION. Every insurer upon canceling, denying, or refusing to renew any disability policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer and to any person covered under a group contract. Any benefits, terms, rates, or conditions of such a contract that are restricted, excluded, modified, increased, or reduced shall, upon written request, be set forth in writing and supplied to the insured and to any person covered under a group contract. The written communications required by this section shall be phrased in simple language that is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 282. RCW 48.21.200 and 1983 c 202 s 16 and 1983 c 106 s 24 are each reenacted and amended to read as follows:

REDUCTIONS OR REFUSAL OF BENEFITS. (1) No individual or group disability insurance policy, health care service contract, or health maintenance agreement which provides benefits for hospital, medical, or surgical

expenses shall be delivered or issued for delivery in this state (~~(after September 8, 1975)~~) which contains any provision whereby the insurer, contractor, or health maintenance organization may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any ~~((individual))~~ disability insurance policy, ~~((or under any individual))~~ health care service contract, or health maintenance agreement.

(2) No individual or group disability insurance policy, health care service contract, or health maintenance agreement providing hospital, medical or surgical expense benefits and which contains a provision for the reduction of benefits otherwise payable or available thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses exclusive of copayments, deductibles, and other similar cost-sharing arrangements.

(3) The commissioner shall by rule establish guidelines for the application of this section, including:

(a) The procedures by which persons ~~((insured))~~ covered under such policies, contracts, and agreements are to be made aware of the existence of such a provision;

(b) The benefits which may be subject to such a provision;

(c) The effect of such a provision on the benefits provided;

(d) Establishment of the order of benefit determination; ~~((and))~~

(e) Exceptions necessary to preserve policy, contract, or agreement requirements for use of particular health care facilities or providers; and

(f) Reasonable claim administration procedures to expedite claim payments and prevent duplication of payments or benefits under such a provision ~~((: PROVIDED, HOWEVER, That any group disability insurance policy which is issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3) may exclude all or part of any deductible amounts from the definition of total allowable expenses for purposes of coordination of benefits within the plan and between such plan and other applicable group coverages: AND PROVIDED FURTHER, That any group disability insurance policy providing coverage for persons in this state may exclude all or part of any deductible amounts required by a group disability insurance policy from the definition of total allowable expenses for purposes of coordination of benefits between such policy and a group disability insurance policy issued as part of an employee insurance benefit program authorized by RCW 41.05.025(3).))~~

~~(3) The provisions of this section shall apply to health care service contractor contracts and health maintenance organization agreements).~~

NEW SECTION. Sec. 283. A new section is added to chapter 48.20 RCW to read as follows:

DISABILITY INSURER--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 284. A new section is added to chapter 48.21 RCW to read as follows:

GROUP DISABILITY INSURERS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every disability insurer issuing coverage against loss arising from medical, surgical, hospital, or emergency care coverage shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new policy to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 285. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTORS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health care service contractor, except limited health care service contractors as defined under RCW 48.44.035, shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new contract to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

NEW SECTION. Sec. 286. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE ORGANIZATIONS--PREEXISTING CONDITIONS EXCLUSIONS AND LIMITATIONS. (1) After January 1, 1994, every health maintenance organization shall waive any preexisting condition exclusion or limitation for persons who had similar coverage under a different policy, health care service contract, or health maintenance agreement in the three-month period immediately preceding the effective date of coverage under the new agreement to the extent that such person has satisfied a waiting period under such preceding policy, contract, or agreement; however, if the person satisfied a twelve-month waiting period under such preceding policy, contract, or agreement, the insurer shall waive any preexisting condition exclusion or limitation. The insurer need not waive a preexisting condition exclusion or limitation under the new policy for coverage not provided under such preceding policy, contract, or agreement.

(2) The commissioner may adopt rules establishing guidelines for determining when coverage is similar under new and preceding policies, contracts, and agreements and for determining when a preexisting condition waiting period has been satisfied.

(3) The commissioner in consultation with insurers, health care service contractors, and health maintenance organizations shall study the effect of preexisting condition exclusions and limitations on the cost and availability of health care coverage and shall adopt rules restricting the use of such conditions and limitations by January 1, 1994. No insurer, health care service contractor, or health maintenance organization may deny, exclude, or limit coverage for preexisting conditions for a period longer than that provided for in such rules after July 1, 1994.

Sec. 287. RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each amended to read as follows:

UNFAIR PRACTICES. Notwithstanding any provision contained in Title 48 RCW to the contrary:

(1) No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. Subject to the provisions of subsection (2) of this section these provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

(2) With respect to disability policies issued or renewed on and after July 1, 1994, that provide coverage against loss arising from medical, surgical, hospital, or emergency care services:

(a) Policies shall guarantee continuity of coverage. Such provision, which shall be included in every policy, shall provide that:

(i) The policy may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premium or as permitted under RCW 48.18.090; and

(ii) The policy may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the insurer has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a disability insurer to modify the coverage provided or rates applying to an in-force disability insurance policy and to fail to make such modification in all such issued and outstanding policies.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a disability insurer to:

(i) Cease the sale of a policy form unless it has received prior written authorization from the commissioner and has offered all policyholders covered under such discontinued policy the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects policyholders to rate increases on discontinued policy forms unless such policyholders are offered the opportunity to purchase comparable coverage without health screening.

The insurer may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 288. A new section is added to chapter 48.44 RCW to read as follows:

HEALTH CARE SERVICE CONTRACTS--UNFAIR PRACTICES. (1) With respect to all health care service contracts issued or renewed on and after July 1, 1994, except limited health care service contracts as defined in RCW 48.44.035:

(a) Contracts shall guarantee continuity of coverage. Such provision, which shall be included in every contract, shall provide that:

(i) The contract may be canceled or nonrenewed without the prior written approval of the commissioner only for nonpayment of premiums, for violation of published policies of the contractor that have been approved by the commissioner, for persons who are entitled to become eligible for medicare benefits and fail to subscribe to a medicare supplement plan offered by the contractor, for failure of such subscriber to pay any deductible or copayment amount owed to the contractor and not the provider of health care services, for fraud, or for a material breach of the contract; and

(ii) The contract may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the contractor has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for a contractor to modify the coverage provided or rates applying to an in-force contract and to fail to make such modification in all such issued and outstanding contracts.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health care service contractor to:

(i) Cease the sale of a contract form unless it has received prior written authorization from the commissioner and has offered all subscribers covered under such discontinued contract the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects subscribers to rate increases on discontinued contract forms unless such subscribers are offered the opportunity to purchase comparable coverage without health screening.

(2) The health care service contractor may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

NEW SECTION. Sec. 289. A new section is added to chapter 48.46 RCW to read as follows:

HEALTH MAINTENANCE AGREEMENTS--UNFAIR PRACTICES. (1) With respect to all health maintenance agreements issued or renewed on and after July 1, 1994, and in addition to the restrictions and limitations contained in RCW 48.46.060(4):

(a) Agreements shall guarantee continuity of coverage. Such provision, which shall be included in every agreement, shall provide that the agreement may be canceled or nonrenewed because of a change in the physical or mental condition or health of a covered person only with the prior written approval of the commissioner. Such approval shall be granted only when the organization has discharged its obligation to continue coverage for such person by obtaining coverage with another insurer, health care service contractor, or health maintenance organization, which coverage is comparable in terms of premiums and benefits as defined by rule of the commissioner.

(b) It is an unfair practice for an organization to modify the coverage provided or rates applying to an in-force agreement and to fail to make such modification in all such issued and outstanding agreements.

(c) Subject to rules adopted by the commissioner, it is an unfair practice for a health maintenance organization to:

(i) Cease the sale of an agreement form unless it has received prior written authorization from the commissioner and has offered all enrollees covered under such discontinued agreement the opportunity to purchase comparable coverage without health screening; or

(ii) Engage in a practice that subjects enrollees to rate increases on discontinued agreement forms unless such enrollees are offered the opportunity to purchase comparable coverage without health screening.

(2) The health maintenance organization may limit an offer of comparable coverage without health screening to a period not less than thirty days from the date the offer is first made.

Sec. 290. RCW 48.44.260 and 1979 c 133 s 3 are each amended to read as follows:

HEALTH CARE SERVICE CONTRACTOR--NOTICE OF CANCELLATION. Every authorized health care service contractor, upon canceling, denying, or refusing to renew any individual health care service contract, shall, upon written request, directly notify in writing the applicant or ~~((insured))~~ subscriber, as the case may be, of the reasons for the action by the health care service contractor. Any benefits, terms, rates, or conditions of such a contract which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the ~~((insured))~~ subscriber. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

Sec. 291. RCW 48.46.380 and 1983 c 106 s 16 are each amended to read as follows:

HEALTH MAINTENANCE ORGANIZATION--NOTICE OF CANCELLATIONS. Every authorized health maintenance organization, upon canceling, denying, or refusing to renew any individual health maintenance agreement, shall, upon written request, directly notify in writing the applicant or enrolled participant as appropriate, of the reasons for the action by the health maintenance organization. Any benefits, terms, rates, or conditions of such agreement which are restricted, excluded, modified, increased, or reduced ~~((because of the presence of a sensory, mental, or physical handicap))~~ shall, upon written request, be set forth in writing and supplied to the individual. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 292. REPEALERS--REPORT; STUDIES. The following acts or parts of acts are each repealed:

(1) RCW 48.46.160 and 1975 1st ex.s. c 290 s 17; and

(2) RCW 48.46.905 and 1975 1st ex.s. c 290 s 25.

NEW SECTION. Sec. 293. REPEALER--NONTERMINATION FOR CHANGE IN HEALTH. RCW 48.44.410 and 1986 c 223 s 12 are each repealed, effective July 1, 1994.

NEW SECTION. Sec. 294. A new section is added to chapter 48.01 RCW to read as follows:

CERTIFIED HEALTH PLAN PROVISIONS--APPLICATION. Whenever the provisions of this title conflict with the provisions of chapter . . . , Laws of 1993 (this act), chapter . . . , Laws of 1993 (this act) shall control.

Sec. 295. RCW 48.44.095 and 1983 c 202 s 3 are each amended to read as follows:

ANNUAL STATEMENT. (1) Every health care service contractor shall annually, ~~((within one hundred twenty days of the closing date of its fiscal year))~~ before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health care service contractor showing its financial condition as of the ~~((closing date of its fiscal year))~~ last day of the preceding calendar year. The statement shall be in such form as is furnished or prescribed by the commissioner. The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.

(2) The commissioner may suspend or revoke the certificate of registration of any health care service contractor failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.

Sec. 296. RCW 48.46.080 and 1983 c 202 s 10 and 1983 c 106 s 6 are each reenacted and amended to read as follows:

ANNUAL STATEMENT. (1) Every health maintenance organization shall annually, ~~((within one hundred twenty days of the closing date of its fiscal year))~~ before the first day of March, file with the commissioner a statement verified by at least two of the principal officers of the health maintenance organization showing its financial condition as of the ~~((closing date of its fiscal year))~~ last day of the preceding calendar year.

(2) Such annual report shall be in such form as the commissioner shall prescribe and shall include:

(a) A financial statement of such organization, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

- (i) all prepayments and other payments received for health care services rendered pursuant to health maintenance agreements;
- (ii) expenditures to all categories of health care facilities, providers, insurance companies, or hospital or medical service plan corporations with which such organization has contracted to fulfill obligations to enrolled participants arising out of its health maintenance agreements, together with all other direct expenses including depreciation, enrollment, and commission; and
- (iii) expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;
- (b) The number of participants enrolled and terminated during the report period. Every employer offering health care benefits to their employees through a group contract with a health maintenance organization shall furnish said health maintenance organization with a list of their employees enrolled under such plan;
- (c) The number of doctors by type of practice who, under contract with or as an employee of the health maintenance organization, furnished health care services to consumers during the past year;
- (d) A report of the names and addresses of all officers, directors, or trustees of the health maintenance organization during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals for services to such organization. For partnership and professional service corporations, a report shall be made for partners or shareholders as to any compensation or expense reimbursement received by them for services, other than for services and expenses relating directly for patient care;
- (e) Such other information relating to the performance of the health maintenance organization or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter, in accordance with rules and regulations; and
- (f) Disclosure of any financial interests held by officers and directors in any providers associated with the health maintenance organization or any provider of the health maintenance organization.
- (3) The commissioner may for good reason allow a reasonable extension of the time within which such annual statement shall be filed.
- (4) The commissioner may suspend or revoke the certificate of registration of any health maintenance organization failing to file its annual statement when due or during any extension of time therefor which the commissioner, for good cause, may grant.
- (5) No person shall knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a health maintenance organization which does not accurately state the health maintenance organization's financial condition.

PART III. TAXES

NEW SECTION. Sec. 301. A new section is added to chapter 48.14 RCW to read as follows:

TAX ON PREMIUMS AND PREPAYMENTS. (1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under section 434 of this act.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the health services account under section 469 of this act.

(6) The taxes imposed in this section do not apply to:

- (a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. This exemption does not apply to amounts received under a certified health plan certified under section 434 of this act.

Sec. 302. RCW 48.14.080 and 1949 c 190 s 21 are each amended to read as follows:

PREMIUM TAX IN LIEU OF OTHER FORMS. As to insurers other than title insurers, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and tangible personal property (~~and~~),¹ excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(15).

NEW SECTION. Sec. 303. A new section is added to chapter 82.04 RCW to read as follows:

EXEMPTION FROM BUSINESS AND OCCUPATION TAX. This chapter does not apply to any health maintenance organization, health care service contractor, or certified health plan in respect to premiums or prepayments that are taxable under section 301 of this act.

Sec. 304. RCW 82.04.260 and 1991 c 272 s 15 are each amended to read as follows:

TAX ON HOSPITALS OPERATED AS NONPROFIT CORPORATIONS. (1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this

subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of seventy-five one-hundredths of one percent through June 30, 1995, and one and five-tenths percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under section 469 of this act.

Sec. 305. RCW 82.04.4289 and 1981 c 178 s 2 are each amended to read as follows:

~~HOSPITAL EXEMPTION DELETED. ((In computing tax there may be deducted from the measure of tax)) This chapter does not apply to amounts derived as compensation for services rendered to patients or from sales of prescription drugs as defined in RCW 82.08.0281 furnished as an integral part of services rendered to patients by ((a hospital, as defined in chapter 70.41 RCW, which is operated as a nonprofit corporation,)) a kidney dialysis facility operated as a nonprofit corporation, ((whether or not operated in connection with a hospital,)) nursing homes, and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. ((In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.))~~

NEW SECTION. Sec. 306. REPEALER--BUSINESS AND OCCUPATION TAX DEDUCTION FOR PUBLICLY OPERATED HOSPITALS. RCW 82.04.4288 and 1980 c 37 s 9 are each repealed.

Sec. 307. RCW 82.24.020 and 1989 c 271 s 504 are each amended to read as follows:

TAX ON CIGARETTES. (1) There is levied and there shall be collected as ~~((hereinafter))~~ provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) Until July 1, 1995, an additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under section 469 of this act by the twenty-fifth day of the following month.

(4) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((4))~~ (5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 308. RCW 82.24.080 and 1972 ex.s. c 157 s 4 are each amended to read as follows:

TAX LIABILITY--CIGARETTE TAX. It is the intent and purpose of this chapter to levy a tax on all of the articles taxed ~~((herein))~~ under this chapter, sold, used, consumed, handled, possessed, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, possesses (either physically or constructively, in accordance with RCW 82.24.020) or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles ~~((herein))~~ taxed under this chapter is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, possessed, or distributed in this state.

It is also the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event occurring within this state ~~((--PROVIDED, HOWEVER, That))~~. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

In the event of an increase in the rate of the tax imposed under this chapter, it is the intent of the legislature that the first person who sells, uses, consumes, handles, possesses, or distributes previously taxed articles after the effective date of the rate increase shall be liable for the additional tax represented by the rate increase, but the failure to pay the additional tax with respect to the first taxable event after the effective date of a rate increase shall not prevent tax liability for the additional tax from arising from a subsequent taxable event.

Sec. 309. RCW 82.26.020 and 1983 2nd ex.s. c 3 s 16 are each amended to read as follows:

TAX ON TOBACCO PRODUCTS. (1) ~~((From and after June 1, 1971,))~~ There is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. ~~((Such tax))~~

(2) Taxes under this section shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

~~((2))~~ (3) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section.

(4) An additional tax is imposed equal to ten percent of the wholesale sales price of tobacco products. The moneys collected under this subsection shall be deposited in the health services account created under section 469 of this act.

Sec. 310. RCW 82.08.150 and 1989 c 271 s 503 are each amended to read as follows:

TAX ON SPIRITS. (1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) Until July 1, 1995, an additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional

tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to class H licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to class H licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under section 469 of this act by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020(~~(-as now or hereafter amended,)~~) shall not apply to sales of spirits or strong beer in the original package.

((7)) (8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

((8)) (9) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 311. RCW 66.24.290 and 1989 c 271 s 502 are each amended to read as follows:

TAX ON BEER--REDUCED RATE FOR CERTAIN BREWERIES. (1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps ~~((herein))~~ provided ~~((for))~~ under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to ~~((the rate specified in RCW 82.02.030))~~ seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) Until July 1, 1995, an additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the drug enforcement and education account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on the effective date of this section or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under section 469 of this act.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 312. RCW 82.02.030 and 1990 c 42 s 319 are each amended to read as follows:

ADDITIONAL TAX RATES. ~~((4))~~ The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), ~~((66.24.290(2,)))~~ 82.04.2901, 82.16.020(2), ~~((82.26.020(2,)))~~ 82.27.020(5), and 82.29A.030(2) shall be seven percent~~((; and~~

~~((2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent)).~~

PART IV. HEALTH SYSTEM REFORM

NEW SECTION. Sec. 401. INTENT. The legislature intends that chapter . . . , Laws of 1993 (this act) establish structures, processes, and specific financial limits to stabilize the overall cost of health services within the economy, reduce the demand for unneeded health services, provide access to essential health services, improve public health, and ensure that health system costs do not undermine the financial viability of nonhealth care businesses.

NEW SECTION. Sec. 402. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with sections 433 through 448 of this act.

(2) "Chair" means the presiding officer of the Washington health services commission.

(3) "Commission" or "health services commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means amounts paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, and may include copayments, coinsurance, or deductibles, that together must be actuarially equivalent across plans and within overall limits established by the commission.

(9) "Enrollee premium sharing" means that portion of the premium that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW and chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with sections 425 and 426 of this act.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any project or expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that: (a) Assumes financial risk for delivery of health services and uses a defined network of providers; or (b) assumes financial risk for delivery of health services and promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced uniform benefits packages offered by plans in a geographic region including both premium sharing and enrollee point of service cost-sharing.

(18) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

(19) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point of service cost-sharing.

(20) "Qualified employee" means an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

(21) "Registered employer health plan" means a certified health plan established by a private employer of more than seven thousand active employees in this state solely for the benefit of such employees and their dependents and that meets the requirements of section 430 of this act. Nothing contained in this subsection shall be deemed to preclude the plan from providing benefits to retirees of the employer.

(22) "Supplemental benefits" means those appropriate and effective health services that are not included in the uniform benefits package or that expand the type or level of health services available under the uniform benefits package and that are offered to all residents in accordance with the provisions of sections 452 and 453 of this act.

(23) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(24) "Uniform benefits package" or "package" means those appropriate and effective health services, defined by the commission under section 449 of this act, that must be offered to all Washington residents through certified health plans.

(25) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under sections 427 through 466 of this act. "Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

A. THE WASHINGTON HEALTH SERVICES COMMISSION

NEW SECTION. Sec. 403. CREATION OF COMMISSION--MEMBERSHIP--TERMS OF OFFICE--VACANCIES--SALARIES. (1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members reflecting ethnic and racial diversity, appointed by the governor, with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The insurance commissioner shall serve as an additional nonvoting member. Of the initial members, one shall be appointed to a term of three years, two shall be appointed to a term of four years, and two shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter 42.18 RCW, the executive branch conflict of interest act.

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Commission members and the professional commission staff are subject to the public disclosure provisions of chapter 42.17 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

NEW SECTION. Sec. 404. ADVISORY COMMITTEES. (1)(a) The chair shall appoint an advisory committee with balanced representation from consumers, business, government, labor, certified health plans, practicing health care providers, health care facilities, and health services researchers reflecting ethnic and racial diversity. In addition, the chair may appoint special committees for specified periods of time.

(b) The chair shall also appoint a five-member health services effectiveness committee whose members possess a breadth of experience and knowledge in the treatment, research, and public and private funding of health care services. The committee shall meet at the call of the chair. The health services effectiveness committee shall advise the commission on: (i) Those health services that may be determined by the commission to be appropriate and effective; (ii) use of technology and practice indicators; (iii) the uniform benefits package; and (iv) rules that insurers and certified health plans must use to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.

(c) The commission shall also appoint a small business advisory committee composed of seven owners of businesses with twenty-five or fewer full-time equivalent employees' reflecting ethnic and racial diversity, to assist the commission in development of the small business economic impact statement and the small business assistance program, as provided in sections 450 and 466 of this act.

(d) The commission shall also appoint an organized labor advisory committee composed of seven representatives of employee organizations representing employees of public or private employers. The committee shall assist the commission in conducting the evaluation of Taft-Hartley health care trusts and self-insured employee health benefits plans, as provided in section 406(26) of this act, and shall advise the commission on issues related to the impact of chapter . . . , Laws of 1993 (this act) on negotiated health benefits agreements and other employee health benefits plans.

(2) Members of committees and panels shall serve without compensation for their services but shall be reimbursed for their expenses while attending meetings on behalf of the commission in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 405. POWERS AND DUTIES OF THE CHAIR. The chair shall be the chief administrative officer and the appointing authority of the commission and has the following powers and duties:

(1) Direct and supervise the commission's administrative and technical activities in accordance with the provisions of this chapter and rules and policies adopted by the commission;

(2) Employ personnel of the commission in accordance with chapter 41.06 RCW, and prescribe their duties. With the approval of a majority of the commission, the chair may appoint persons to administer any entity established pursuant to subsection (8) of this section, and up to seven additional employees all of whom shall be exempt from the provisions of chapter 41.06 RCW;

(3) Enter into contracts on behalf of the commission;

(4) Accept and expend gifts, donations, grants, and other funds received by the commission;

(5) Delegate administrative functions of the commission to employees of the commission as the chair deems necessary to ensure efficient administration;

(6) Subject to approval of the commission, appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the commission;

(7) Preside at meetings of the commission;

(8) Consistent with policies and rules established by the commission, establish such administrative divisions, offices, or programs as are necessary to carry out the purposes of chapter . . . , Laws of 1993 (this act); and

(9) Perform such other administrative and technical duties as are consistent with chapter . . . , Laws of 1993 (this act) and the rules and policies of the commission.

NEW SECTION. Sec. 406. POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

(3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter . . . , Laws of 1993 (this act). An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination with the planning process set forth in section 467 of this act a uniform set of health services based on the recommendations of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990.

(5) Establish and modify as necessary the uniform benefits package as provided in section 449 of this act, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.

(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package that shall operate to control overall health care costs. The maximum premium cost of the uniform benefits package in the base year 1995 shall be established upon an actuarial determination of the costs of providing the uniform benefits package and such other cost impacts as may be deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the uniform benefits package for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management.

(b) In establishing the community-rated maximum premium under this subsection, the commission shall develop a composite rate for employees that provides nominal, if any, variance between the rate for individual employees and employees with dependents to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required. Nothing in this subsection (6)(b) shall preclude the commission from evaluating other methodologies for establishing the community-rated maximum premium and recommending an alternative methodology to the legislature.

(c) If the commission adds or deletes services or benefits to the uniform benefits package in subsequent years, it may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.

(d) The level of state expenditures for the uniform benefits package shall be limited to the appropriation of funds specifically for this purpose.

(7) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to protect certified health plans from any unsustainable negative effects of adverse selection; (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments; and (c) consider whether registered employer health plans should be included in any medical risk adjustment mechanism. Proposed medical risk adjustment mechanisms shall be submitted to the legislature as provided in section 454 of this act.

(8) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(9) Monitor the actual growth in total annual health services costs.

(10) Monitor the increased application of technology as required by chapter . . . , Laws of 1993 (this act) and take necessary action to ensure that such application is made in a cost-effective and efficient manner and consistent with existing laws that protect individual privacy.

(11) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports and shall report to the legislature regarding major capital expenditures on at least an annual basis. The Washington health care facilities authority and the commission shall develop standards jointly for evaluating and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission.

(12) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income.

(13) For health services provided under the uniform benefits package and supplemental benefits, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, health care facilities, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

(14) Propose that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to section 410 of this act for these purposes.

(15) Propose other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines

shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

(16) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.

(17) Adopt standards that prevent conflict of interest by health care providers as provided in section 408 of this act.

(18) At the appropriate juncture and in the fullness of time, consider the extent to which medical research and health professions training activities should be included within the health service system set forth in this chapter . . . , Laws of 1993 (this act).

(19) Evaluate and monitor the extent to which racial and ethnic minorities have access and to receive health services within the state, and develop strategies to address barriers to access.

(20) Develop standards for the certification process to certify health plans and employer health plans to provide the uniform benefits package, according to the provisions for certified health plans and registered employer health plans under chapter . . . , Laws of 1993 (this act).

(21) Develop rules for implementation of individual and employer participation under sections 463 and 464 of this act specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

(22) After receiving advice from the health services effectiveness committee, adopt rules that must be used by certified health plans, disability insurers, health care service contractors, and health maintenance organizations to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.

(23) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

(24) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

(25) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(26) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these trusts are organized; and make appropriate recommendations to the governor and the legislature on or before December 1, 1994, as to whether these trusts should be brought under the provisions of chapter . . . , Laws of 1993 (this act) when it is fully implemented, and if the commission recommends inclusion of the trusts, how to implement such inclusion.

(27) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of unsubsidized and subsidized health care benefits for all residents and report to the governor and the legislature their findings.

(28) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

(29) Evaluate the effect of reforms under chapter . . . , Laws of 1993 (this act) on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policymaking authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

NEW SECTION. Sec. 407. MODIFICATION OF MAXIMUM PREMIUM. Upon the recommendation of the insurance commissioner, and on the basis of evidence established by independent actuarial analysis, if the commission finds that the economic viability of a significant number of the state's certified health plans is seriously threatened, the commission may increase the maximum premium to the extent mandated by the Constitution, and must immediately thereafter submit to the legislature a proposal for a new formula for adjusting the maximum premium, which must be enacted into law by a sixty percent vote of each house of the legislature.

NEW SECTION. Sec. 408. A new section is added to chapter 18.130 RCW to read as follows:
CONFLICT OF INTEREST STANDARDS. The Washington health services commission established by section 403 of this act, in consultation with the secretary of health, and the health care disciplinary authorities under

RCW 18.130.040(2)(b), shall establish standards and monetary penalties in rule prohibiting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems or certified health plans. The commission shall report to the health policy committees of the senate and house of representatives by December 1, 1994, on the development of the standards and any recommended statutory changes necessary to implement the standards.

NEW SECTION. Sec. 409. CONTINUOUS QUALITY IMPROVEMENT AND TOTAL QUALITY MANAGEMENT. To ensure the highest quality health services at the lowest total cost, the commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science for continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful experiences in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop standards for a Washington state health services supplier certification process and recommend such standards to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later than July 1, 1996, whereby all health service providers and health service facilities shall be certified prior to providing uniform benefits package services.

B. PRACTICE INDICATORS

NEW SECTION. Sec. 410. A new section is added to chapter 43.70 RCW to read as follows:
PRACTICE INDICATORS. The department of health shall consult with health care providers and facilities, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

- (1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.
- (2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.
- (3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

C. HEALTH CARE LIABILITY REFORMS

Sec. 411. RCW 43.70.320 and 1991 sp.s. c 13 s 18 are each amended to read as follows:
HEALTH PROFESSIONS ACCOUNT. (1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

NEW SECTION. Sec. 412. A new section is added to chapter 18.130 RCW to read as follows:
MALPRACTICE INSURANCE COVERAGE MANDATE. Except to the extent that liability insurance is not available, every licensed health care practitioner whose services are included in the uniform benefits package, as determined by section 449 of this act, and whose scope of practice includes independent practice, shall, as a condition of licensure and relicensure, be required to provide evidence of a minimum level of malpractice insurance coverage issued by a company authorized to do business in this state. On or before January 1, 1994, the department shall designate by rule:

- (1) Those health professions whose scope of practice includes independent practice;
- (2) For each health profession whose scope of practice includes independent practice, whether malpractice insurance is available; and
- (3) If such insurance is available, the appropriate minimum level of mandated coverage.

NEW SECTION. Sec. 413. A new section is added to chapter 48.22 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, a casualty insurer's issuance of a new medical malpractice policy or renewal of an existing medical malpractice policy to a physician or other independent health care practitioner shall be conditioned upon that practitioner's participation in, and completion of, an insurer-designed health care liability risk management training program once every three years. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with the adverse health outcomes that do occur. For purposes of this section, "independent health care practitioners" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

NEW SECTION. Sec. 414. A new section is added to chapter 48.05 RCW to read as follows:

RISK MANAGEMENT TRAINING OF INDEPENDENT HEALTH CARE PRACTITIONERS. Effective July 1, 1994, each health care provider, facility, or health maintenance organization that self-insures for liability risks related to medical malpractice and employs physicians or other independent health care practitioners in Washington state shall condition each physician's and practitioner's liability coverage by that entity upon that physician's or practitioner's participation in risk management training offered by the provider, facility, or health maintenance organization to its employees. The risk management training shall provide information related to avoiding adverse health outcomes resulting from substandard practice and minimizing damages associated with those adverse health outcomes that do occur. For purposes of this section, "independent health care practitioner" means those health care practitioner licensing classifications designated by the department of health in rule pursuant to section 412 of this act.

Sec. 415. RCW 70.41.200 and 1991 c 3 s 336 are each amended to read as follows:

QUALITY IMPROVEMENT PROGRAM. (1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality (~~(assurance)~~) improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures(~~(—At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity);~~);

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality (~~(assurance)~~) improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained (~~(about health care providers arising out of the matters that are under review or have been evaluated)~~) by a (~~(review)~~) quality improvement committee (~~(conducting quality assurance reviews)~~) are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or (~~(board)~~) who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the

testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~(assurance)~~ improvement committees regarding such health care provider; ~~((e))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

~~(5)~~ The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

~~((5))~~ (6) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

~~((6))~~ (7) Violation of this section shall not be considered negligence per se.

Sec. 416. RCW 70.41.230 and 1991 c 3 s 337 are each amended to read as follows:

REQUEST FOR STAFF PRIVILEGES. (1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained ~~((about health care providers arising out of the matters that are under review or have been evaluated))~~ by a ~~((review))~~ quality improvement committee ~~((conducting quality assurance reviews))~~ are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or ~~((board))~~ who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the

testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; ~~((b))~~ (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality ~~((assurance))~~ improvement committees regarding such health care provider; ~~((e))~~ (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((d))~~ (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 417. A new section is added to chapter 43.70 RCW to read as follows:

COORDINATED QUALITY IMPROVEMENT PROGRAM. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, and certified health plans approved pursuant to section 428 of this act may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, or certified health plan, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) The department of health shall adopt rules as are necessary to implement this section.

NEW SECTION. Sec. 418. MEDICAL MALPRACTICE REVIEW. (1) The administrator for the courts shall coordinate a collaborative effort to develop a voluntary system for review of medical malpractice claims by health services experts prior to the filing of a cause of action under chapter 7.70 RCW.

(2) The system shall have at least the following components:

(a) Review would be initiated, by agreement of the injured claimant and the health care provider, at the point at which a medical malpractice claim is submitted to a malpractice insurer or a self-insured health care provider.

(b) By agreement of the parties, an expert would be chosen from a pool of health services experts who have agreed to review claims on a voluntary basis.

(c) The mutually agreed upon expert would conduct an impartial review of the claim and provide his or her opinion to the parties.

(d) A pool of available experts would be established and maintained for each category of health care practitioner by the corresponding practitioner association, such as the Washington state medical association and the Washington state nurses association.

(3) The administrator for the courts shall seek to involve at least the following organizations in a collaborative effort to develop the informal review system described in subsection (2) of this section:

(a) The Washington defense trial lawyers association;

(b) The Washington state trial lawyers association;

(c) The Washington state medical association;

(d) The Washington state nurses association and other employee organizations representing nurses;

(e) The Washington state hospital association;

(f) The Washington state physicians insurance exchange and association;

(g) The Washington casualty company;

(h) The doctor's agency;

(i) Group health cooperative of Puget Sound;

(j) The University of Washington;

(k) Washington osteopathic medical association;

(l) Washington state chiropractic association;

(m) Washington association of naturopathic physicians; and

(n) The department of health.

(4) On or before January 1, 1994, the administrator for the courts shall provide a report on the status of the development of the system described in this section to the governor and the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 419. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. (1) All causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after the effective date of this section shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held;

(f) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(g) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

NEW SECTION. Sec. 420. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE. The making of a written, good faith request for mediation of a dispute related to damages for injury occurring as a result of health care provided prior to filing a cause of action under this chapter shall toll the statute of limitations provided in RCW 4.16.350.

NEW SECTION. Sec. 421. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. Section 419 of this act may not be construed to abridge the right to trial by jury following an unsuccessful attempt at mediation.

Sec. 422. RCW 5.60.070 and 1991 c 321 s 1 are each amended to read as follows:

MEDIATION--COMMUNICATIONS PRIVILEGED. (1) If there is a court order to mediate ~~((or))~~, a written agreement between the parties to mediate, or if mediation is mandated under section 419 of this act, then any

communication made or materials submitted in, or in connection with, the mediation proceeding, whether made or submitted to or by the mediator, a mediation organization, a party, or any person present, are privileged and confidential and are not subject to disclosure in any judicial or administrative proceeding except:

- (a) When all parties to the mediation agree, in writing, to disclosure;
 - (b) When the written materials or tangible evidence are otherwise subject to discovery, and were not prepared specifically for use in and actually used in the mediation proceeding;
 - (c) When a written agreement to mediate permits disclosure;
 - (d) When disclosure is mandated by statute;
 - (e) When the written materials consist of a written settlement agreement or other agreement signed by the parties resulting from a mediation proceeding;
 - (f) When those communications or written materials pertain solely to administrative matters incidental to the mediation proceeding, including the agreement to mediate; or
 - (g) In a subsequent action between the mediator and a party to the mediation arising out of the mediation.
- (2) When there is a court order ~~((e))~~, a written agreement to mediate, or when mediation is mandated under section 419 of this act, as described in subsection (1) of this section, the mediator or a representative of a mediation organization shall not testify in any judicial or administrative proceeding unless:
- (a) All parties to the mediation and the mediator agree in writing; or
 - (b) In an action described in subsection (1)(g) of this section.

NEW SECTION. Sec. 423. A new section is added to chapter 7.70 RCW to read as follows:

MANDATORY MEDIATION OF HEALTH CARE MALPRACTICE CLAIMS. A cause of action that has been mediated as provided in section 419 of this act shall be exempt from any superior court civil rules mandating arbitration of civil actions or participation in settlement conferences prior to trial.

Sec. 424. RCW 4.22.070 and 1986 c 305 s 401 are each amended to read as follows:

PERCENTAGE OF FAULT--JOINT AND SEVERAL LIABILITY. (1) Except as provided in subsection (4) of this section, in all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsection ~~((e))~~ (1)(a) or (1)(b) or (4) (a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

(4) In all actions governed by chapter 7.70 RCW involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault that is attributable to every entity that caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant, and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount that represents that party's proportionate share of the claimant's total damages. The total damages shall first be reduced by any amount paid to the claimant by a released entity. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(c) A defendant against whom judgment has been entered shall be responsible to the claimant for any fault of an entity released by the claimant. The total damages shall first be reduced by any amount paid to the claimant by a released entity, and, then, where some fault has been attributed to the claimant, by the claimant's proportionate share of his or her total damages.

D. HEALTH INSURANCE PURCHASING COOPERATIVES

NEW SECTION. Sec. 425. HEALTH INSURANCE PURCHASING COOPERATIVES--DESIGNATION OF REGIONS BY COMMISSION, INFORMATION SYSTEMS, MINIMUM STANDARDS, AND RULES. (1) The commission shall designate four geographic regions within the state in which health insurance purchasing cooperatives may operate, based upon population, assuming that each cooperative must serve no less than one hundred fifty thousand persons; geographic factors; market conditions; and other factors deemed appropriate by the commission. The commission shall designate one health insurance purchasing cooperative per region.

(2) In coordination with the commission and consistent with the provisions of chapter 70.170 RCW, the department of health shall establish an information clearinghouse for the collection and dissemination of information necessary for the efficient operation of cooperatives, including the establishment of a risk profile information system related to certified health plan enrollees that would permit the equitable distribution of losses among plans in accordance with section 406(7) of this act.

(3) Every health insurance purchasing cooperative shall:

(a) Admit all individuals, employers, or other groups wishing to participate in the cooperative;

(b) Make available for purchase by cooperative members every health care program offered by every certified health plan operating within the cooperative's region;

(c) Be operated as a member-governed and owned, nonprofit cooperative in which no certified health plan, health maintenance organization, health care service contractor, independent practice association, independent physician organization, or any individual with a pecuniary interest in any such organization, shall have any pecuniary interest in or management control of the cooperative;

(d) Provide for centralized enrollment and premium collection and distribution among certified health plans; and

(e) Serve as an ombudsman for its members to resolve inquiries, complaints, or other concerns with certified health plans.

(4) Every health insurance purchasing cooperative shall assist members in selecting certified health plans and for this purpose may devise a rating system or similar system to judge the quality and cost-effectiveness of certified health plans consistent with guidelines established by the commission. For this purpose, each cooperative and directors, officers, and other employees of the cooperative are immune from liability in any civil action or suit arising from the publication of any report, brochure, or guide, or dissemination of information related to the services, quality, price, or cost-effectiveness of certified plans unless actual malice, fraud, or bad faith is shown. Such immunity is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

(5) Every health insurance purchasing cooperative shall bear the full cost of its operations, including the costs of participating in the information clearinghouse, through assessments upon its members. Such assessments shall be billed and accounted for separately from premiums collected and distributed for the purchase of the uniform benefits package or any other supplemental insurance or health services program.

(6) No health insurance purchasing cooperative may bear any financial risk for the delivery of uniform benefits package services, or for any other supplemental insurance or health services program.

(7) No health insurance purchasing cooperative may directly broker, sell, contract for, or provide any insurance or health services program. However, nothing contained in this section shall be deemed to prohibit the use or employment of insurance agents or brokers by the cooperative for other purposes or to prohibit the facilitation of the sale and purchase by members of supplemental insurance or health services programs.

(8) The commission may adopt rules necessary for the implementation of this section including rules governing charter and bylaw provisions of cooperatives and may adopt rules prohibiting or permitting other activities by cooperatives.

(9) The commission shall consider ways in which cooperatives can develop, encourage, and provide incentives for employee wellness programs.

NEW SECTION. Sec. 426. LICENSING AND REGULATION OF HEALTH INSURANCE PURCHASING COOPERATIVES BY THE INSURANCE COMMISSIONER. (1) No person may establish or operate a health insurance purchasing cooperative without having first obtained a certificate of authority from the insurance commissioner.

(2) Every proposed cooperative shall furnish notice to the insurance commissioner that shall:

- (a) Identify the principal name and address of the cooperative;
 - (b) Furnish the names and addresses of the initial officers of the cooperative;
 - (c) Include copies of letters of agreement for participation in the cooperative including minimum term of participation;
 - (d) Furnish copies of its proposed articles and bylaws; and
 - (e) Provide other information as prescribed by the insurance commissioner in consultation with the health services commission to verify that the cooperative is qualified and is managed by competent and trustworthy individuals.
- (3)(a) The commissioner shall approve applications for certificates in accordance with the order received.
- (b) The commissioner shall establish by rule a fee to be paid by cooperatives in an amount necessary to review and approve applications for a certificate of authority. Such fee shall accompany the application and no certificate may be issued until such fee is paid. Fees collected for such purpose shall be deposited in the insurance commissioner's regulatory account in the state treasury.
- (4) All funds representing premiums or return premiums received by a cooperative in its fiduciary capacity shall be accounted for and maintained in a separate account from all other funds. Each willful violation of this section constitutes a misdemeanor.
- (5) Every cooperative shall keep at its principal address, a record of all transactions it has consummated on behalf of its members with certified health plans. All such records shall be kept available and open to the inspection of the insurance commissioner at any business time during a five-year period immediately after the date of completion of the transaction.

E. CERTIFIED HEALTH PLANS

NEW SECTION. Sec. 427. CERTIFIED HEALTH PLANS--CERTIFICATION REQUIRED--PENALTY. (1) On and after July 1, 1995, no person or entity in this state shall provide the uniform benefits package and supplemental benefits as defined in section 402 of this act without being certified as a certified health plan by the insurance commissioner.

(2) On and after July 1, 1995, no certified health plan may offer less than the uniform benefits package to residents of this state and no registered employer health plan may provide less than the uniform benefits package to its employees and their dependents.

NEW SECTION. Sec. 428. HEALTH PLAN CERTIFICATION STANDARDS. A certified health plan shall:

- (1) Provide the benefits included in the uniform benefits package to enrolled Washington residents for a prepaid per capita community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission;
- (2) Offer supplemental benefits to enrolled Washington residents for a prepaid per capita community-rated premium and provide such benefits through managed care in accordance with rules adopted by the commission;
- (3) Accept for enrollment any state resident within the plan's service area and provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a certified health plan, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a certified health plan is required to continue enrollment of additional eligible individuals;
- (4) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the benefits prescribed in the uniform benefits package and offer supplemental benefits to enrolled Washington residents, and that it is financially capable of providing such residents with, or has made adequate contractual arrangements with health care providers and facilities to provide enrollees with such benefits;
- (5) Comply with portability of benefits requirements prescribed by the commission;
- (6) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing certified health plans;
- (7) Provide all enrollees with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities;
- (8) Disclose to enrollees the charity care requirements under chapter 70.170 RCW;
- (9) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing enrollees for any amounts in excess of applicable enrollee point of service cost-sharing obligations for services included in the uniform benefits package and supplemental benefits;

(10) Include in all of its contracts issued for uniform benefits package and supplemental benefits coverage a subrogation provision that allows the certified health plan to recover the costs of uniform benefits package and supplemental benefits services incurred to care for an enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the certified health plan has not intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be limited to the excess remaining after the enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the certified health plan, the certified health plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the certified health plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the certified health plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less;

(11) Establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for resolution of grievances;

(12) Comply with the provisions of chapter 48.30 RCW prohibiting unfair and deceptive acts and practices to the extent such provisions are not specifically modified or superseded by the provisions of chapter . . . , Laws of 1993 (this act) and be prohibited from offering or supplying incentives that would have the effect of avoiding the requirements of subsection (3) of this section;

(13) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age;

(14) Permit every category of health care provider to provide health services or care for conditions included in the uniform benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of health services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious health services;

(15) Establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance with guidelines adopted by the commission, those that have been clearly drawn to be exclusionary within a health care catchment area;

(16) Annually report the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals;

(17) Annually report the number of residents enrolled and terminated during the previous year. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to determine compliance with the open enrollment and free access requirements of chapter..., Laws of 1993 (this act); and

(18) Disclose any financial interests held by officers and directors in any facilities associated with or operated by the certified health plan.

NEW SECTION. Sec. 429. LIMITED CERTIFIED HEALTH PLAN FOR DENTAL SERVICES. (1) For the purposes of this section "limited certified dental plan" or "dental plan" means a limited health service contractor governed by RCW 48.44.035 offering dental care services only and that complies with all certified health plan requirements for managed care, community rating, portability, and nondiscrimination as provided in section 427 of this act.

(2) A dental plan may provide coverage for dental services directly to individuals or to employers for the benefit of employees. If an individual or an employer purchases dental care services from a dental plan, the certified health plan covering the individual or the employees need not provide dental services required under the uniform benefits package. A certified health plan may subcontract with a dental plan to provide the dental benefits required under the uniform benefits package.

NEW SECTION. Sec. 430. REGISTERED EMPLOYER HEALTH PLANS. Consistent with the provisions of section 464 of this act, a registered employer health plan shall:

(1) Register with the insurance commissioner by filing its plan of management and operation including but not limited to information required by the commissioner sufficient for a determination by the commissioner that such plan meets the requirements of this section and any rules adopted by the health services commission and the insurance commissioner pertaining to such plans.

(2) Provide the benefits included in the uniform benefits package to employees and their dependents for a prepaid, community-rated premium not to exceed the maximum premium established by the commission and provide such benefits through managed care in accordance with rules adopted by the commission. Such plans need not comply with the provisions of sections 449 and 450 of this act.

(3) Offer supplemental benefits to employees and their dependents for a prepaid, community-rated premium and provide such benefits through managed care in accordance with rules adopted by the commission. Such supplemental benefits, including the uniform benefits package, offered by such plan need not comply with the provisions of sections 449 and 450 of this act.

(4) Provide or assure the provision of all services within the uniform benefits package and offer supplemental benefits regardless of age, sex, family structure, ethnicity, race, health condition, socioeconomic status, or other condition or situation.

(5) If the plan provides benefits through contracts with, ownership of, or management of health care facilities and contracts with or employs health care providers, demonstrate to the satisfaction of the insurance commissioner in consultation with the department of health and the commission that its facilities and personnel are adequate to provide the uniform benefits package and any supplemental benefits or has made adequate contractual arrangements with health care providers and facilities to provide employees and their dependents with such benefits.

(6) Comply with portability of benefits requirements prescribed by the commission for registered employer health plans.

(7) Comply with administrative rules prescribed by the commission, the insurance commissioner, and other state agencies governing registered employer health plans.

(8) Provide all employees and their dependents enrolled in the plan with instruction and informational materials to increase individual and family awareness of injury and illness prevention; encourage assumption of personal responsibility for protecting personal health; and stimulate discussion about the use and limits of medical care in improving the health of individuals and communities.

(9) Include in all of its contracts with health care providers and health care facilities a provision prohibiting such providers and facilities from billing employees and their dependents enrolled in the plan for any amounts in excess of applicable enrollee point of service, cost-sharing obligations for services included in the uniform benefits package and supplemental benefits.

(10) Include in all of its contracts issued for uniform benefits package and supplemental benefits coverage a subrogation provision that allows the plan to recover the costs of uniform benefits package and supplemental benefit services incurred to care for a plan enrollee injured by a negligent third party. The costs recovered shall be limited to:

(a) If the plan has not intervened in the action by an injured plan enrollee against a negligent third party, then the amount of costs the plan can recover shall be limited to the excess remaining after the plan enrollee has been fully compensated for his or her loss minus a proportionate share of the enrollee's costs and fees in bringing the action. The proportionate share shall be determined by:

(i) The fees and costs approved by the court in which the action was initiated; or

(ii) The written agreement between the attorney and client that established fees and costs when fees and costs are not addressed by the court.

When fees and costs have been approved by a court, after notice to the plan, the plan shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share;

(b) If the plan has intervened in the action by an injured enrollee against a negligent third party, then the amount of costs the plan can recover shall be the excess remaining after the enrollee has been fully compensated for his or her loss or the amount of the plan's incurred costs, whichever is less.

(11) Establish and maintain a grievance procedure approved by the insurance commissioner, to provide a reasonable and effective resolution of complaints initiated by plan enrollees concerning any matter relating to the provision of benefits under the uniform benefits package and supplemental benefits, access to health care services, and quality of services. Each plan shall respond to complaints filed with the insurance commissioner within fifteen working days. The insurance commissioner in consultation with the commission shall establish standards for resolution of grievances by enrollees of registered employer health plans.

(12) Have culturally sensitive health promotion programs that include approaches that are specifically effective for persons of color and accommodating to different cultural value systems, gender, and age. (13) Permit every category of health care provider to provide health services or care for conditions included in the uniform benefits package to the extent that:

(a) The provision of such health services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

- (i) Provision, utilization review, and cost containment of health services;
- (ii) Management and administrative procedures; and
- (iii) Provision of cost-effective and clinically efficacious health services.

(14) Pay to the state treasurer a tax equivalent to the tax applied to taxpayers under section 301 of this act in accordance with rules adopted by the department of revenue.

(15) File their uniform benefits package and supplemental benefits with the insurance commissioner who may disapprove and order a modification of such package or benefits if such package or benefits fail to meet any standards or rules adopted by the commission pertaining to maximum premiums, enrollee financial participation, point of service cost-sharing, benefit design, or health service delivery.

(16) Comply with and shall be subject to sections 429, 446, and 447 of this act.

(17) Pay an annual fee to the insurance commissioner's office in an amount established by rule of the commissioner necessary for the performance of the commissioner's responsibilities under this section consistent with and subject to the collection, depositing, and spending provisions applicable to fees collected pursuant to RCW 48.02.190.

(18) File an annual report with the commissioner containing such information as the commissioner may require to determine compliance with this section.

(19) In addition to any other penalties prescribed by law, be subject to the penalties contained in section 436 of this act for violations of this section.

NEW SECTION. Sec. 431. CONTRACTS BETWEEN CERTIFIED HEALTH PLANS AND HEALTH CARE PROVIDERS. (1) Balancing the need for health care reform and the need to protect health care providers, as a class and as individual providers, from improper exclusion presents a problem that can be satisfied with the creation of a process to ensure fair consideration of the inclusion of health care providers in managed care systems operated by certified health plans. It is therefore the intent of the legislature that the health services commission in developing rules in accordance with this section and the attorney general in monitoring the level of competition in the various geographic markets, balance the need for cost-effective and quality delivery of health services with the need for inclusion of both individual health care providers and categories of health care providers in managed care programs developed by certified health plans.

(2) All licensed health care providers licensed by the state, irrespective of the type or kind of practice, should be afforded the opportunity for inclusion in certified health plans consistent with the goals of health care reform.

The health services commission shall adopt rules requiring certified health plans to publish general criteria for the plan's selection or termination of health care providers. Such rules shall not require the disclosure of criteria deemed by the plan to be of a proprietary or competitive nature that would hurt the plan's ability to compete or to manage health services. Disclosure of criteria is proprietary or anticompetitive if revealing the criteria would have the tendency to cause health care providers to alter their practice pattern in a manner that would harm efforts to contain health care costs and is proprietary if revealing the criteria would cause the plan's competitors to obtain valuable business information.

If a certified health plan uses unpublished criteria to judge the quality and cost-effectiveness of a health care provider's practice under any specific program within the plan, the plan may not reject or terminate the provider participating in that program based upon such criteria until the provider has been informed of the criteria that his or her practice fails to meet and is given a reasonable opportunity to conform to such criteria.

(3)(a) Whenever a determination is made under (b) of this subsection that a plan's share of the market reaches a point where the plan's exclusion of health care providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services, the certified health plan must allow all providers within the affected market to participate in the programs of the certified health plan. All such providers must meet the published criteria and requirements of the programs.

(b) The attorney general with the assistance of the insurance commissioner shall periodically analyze the market power of certified health plans to determine when the market share of any program of a certified health plan reaches a point where the plan's exclusion of health service providers from a program of the plan would result in the substantial inability of providers to continue their practice thereby unreasonably restricting consumer access to needed health services. In analyzing the market power of a certified health plan, the attorney general shall consider:

- (i) The ease with which providers may obtain contracts with other plans;
- (ii) The amount of the private pay and government employer business that is controlled by the certified health plan taking into account the selling of its provider network to self-insured employer plans;
- (iii) The difficulty in establishing new competing plans in the relevant geographic market; and
- (iv) The sufficiency of the number or type of providers under contract with the plan available to meet the needs of plan enrollees.

Notwithstanding the provisions of this subsection, if the certified health plan demonstrates to the satisfaction of the attorney general and the health services commission that health service utilization data and similar information shows that the inclusion of additional health service providers would substantially lessen the plan's ability to control

health care costs and that the plan's procedures for selection of providers are not improperly exclusive of providers, the plan need not include additional providers within the plan's program.

(4) The health services commission shall adopt rules for the resolution of disputes between providers and certified health plans including disputes regarding the decision of a plan not to include the services of a provider.

(5) Nothing contained in this section shall be construed to require a plan to allow or continue the participation of a provider if the plan is a federally qualified health maintenance organization and the participation of the provider or providers would prevent the health maintenance organization from operating as a health maintenance organization in accordance with 42 U.S.C. Sec. 300e.

NEW SECTION. Sec. 432. CERTIFIED HEALTH PLANS--REGISTRATION REQUIRED--PENALTY. (1) No person or entity in this state may, by mail or otherwise, act or hold himself or herself out to be a certified health plan as defined by section 402 of this act without being registered as a certified health plan with the insurance commissioner.

(2) Anyone violating subsection (1) of this section is liable for a fine not to exceed ten thousand dollars and imprisonment not to exceed six months for each instance of such violation.

NEW SECTION. Sec. 433. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF REGISTRATION--APPLICATION REQUIREMENTS. Any corporation, cooperative group, partnership, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education are entitled to a certificate from the insurance commissioner as a certified health plan if it:

(1) Submits an application for certification as a certified health plan, which shall be verified by an officer or authorized representative of the applicant, being in a form as the insurance commissioner prescribes in consultation with the health services commission;

(2) Meets the minimum net worth requirements set forth in section 438 of this act and the funding reserve requirements set forth in section 439 of this act;

(3) A certified health plan may establish the geographic boundaries in which they will obligate themselves to deliver the services required under the uniform benefits package and include such information in their application for certification, but the commissioner shall review such boundaries and may disapprove, in conformance to guidelines adopted by the commission, those which have been clearly drawn to be exclusionary within a health care catchment area.

NEW SECTION. Sec. 434. ISSUANCE OF CERTIFICATE--GROUNDS FOR REFUSAL. The commissioner shall issue a certificate as a certified health plan to an applicant within one hundred twenty days of such filing unless the commissioner notifies the applicant within such time that such application is not complete and the reasons therefor; or that the commissioner is not satisfied that:

(1) The basic organization document of the applicant permits the applicant to conduct business as a certified health plan;

(2) The applicant has demonstrated the intent and ability to assure that the health services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with a casualty insurer, a government agency, or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; and

(c) Any arrangements for liability and malpractice insurance coverage.

(4) The procedures for offering health care services are reasonable and equitable; and

(5) Procedures have been established to:

(a) Monitor the quality of care provided by the certified health plan including standards and guidelines provided by the health services commission and other appropriate state agencies;

(b) Operate internal peer review mechanisms; and

(c) Resolve complaints and grievances in accordance with section 443 of this act and rules established by the insurance commissioner in consultation with the commission.

NEW SECTION. Sec. 435. PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--FILING OF PREMIUMS AND ENROLLEE PAYMENT AMOUNTS--ADDITIONAL CHARGES PROHIBITED. (1) The insurance commissioner shall verify that the certified health plan and its providers are charging no more than the maximum premiums and enrollee financial participation amounts during the course of financial and market conduct examinations or more frequently if justified in the opinion of the insurance commissioner or upon request by the health services commission.

(2) The certified health plans shall file the premium schedules including employer contributions, enrollee premium sharing, and enrollee point of service cost sharing amounts with the insurance commissioner, within thirty days of establishment by the health services commission.

(3) No certified health plan or its provider may charge any fees, assessments, or charges in addition to the premium amount or in excess of the maximum enrollee financial participation limits established by the health services commission. The certified health plan that directly provides health care services may charge and collect the enrollee point of service cost sharing fees as established in the uniform benefits package or other approved benefit plan.

NEW SECTION. Sec. 436. ANNUAL STATEMENT FILING--CONTENTS--PENALTY FOR FAILURE TO FILE--ACCURACY REQUIRED. (1) Every certified health plan shall annually not later than March 1 of the calendar year, file with the insurance commissioner a statement verified by at least two of its principal officers showing its financial condition as of December 31 of the preceding year.

(2) Such annual report shall be in such form as the insurance commissioner shall prescribe and shall include:

(a) A financial statement of the certified health plan, including its balance sheet and receipts and disbursements for the preceding year, which reflects at a minimum;

(i) All prepayments and other payments received for health care services rendered pursuant to certified health plan benefit packages;

(ii) Expenditures to all categories of health care facilities, providers, and organizations with which the plan has contracted to fulfill obligations to enrolled residents arising out of the uniform benefits package and other approved supplemental benefit agreements, together with all other direct expenses including depreciation, enrollment, and commission; and

(iii) Expenditures for capital improvements, or additions thereto, including but not limited to construction, renovation, or purchase of facilities and capital equipment;

(b) A report of the names and addresses of all officers, directors, or trustees of the certified health plan during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals;

(c) The number of residents enrolled and terminated during the report period. Additional information regarding the enrollment and termination pattern for a certified health plan may be required by the commissioner to demonstrate compliance with the open enrollment and free access requirements of chapter . . . , Laws of 1993 (this act). The insurance commissioner shall specify additional information to be reported, which may include but not be limited to age, sex, location, and health status information;

(d) Such other information relating to the performance of the certified health plan or the health care facilities or providers with which it has contracted as reasonably necessary to the proper and effective administration of this chapter in accordance with rules;

(e) Disclosure of any financial interests held by officers and directors in any providers associated with the certified health plan or provider of the certified health plan.

(3) The commissioner may require quarterly reporting of financial information, such information to be furnished in a format prescribed by the commissioner in consultation with the commission.

(4) The commissioner may for good reason allow a reasonable extension of time within which such annual statement shall be filed.

(5) The commissioner may suspend or revoke the certificate of a certified health plan for failing to file its annual statement when due or during any extension of time therefor that the commissioner, for good cause, may grant.

(6) The commissioner shall provide to the health services commission an annual summary report of at least the information required in subsections (2) and (3) of this section.

(7) No person may knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a certified health plan that does not accurately state the certified health plan's financial condition.

NEW SECTION. Sec. 437. PROVIDER CONTRACTS--ENROLLED RESIDENT'S LIABILITY, COMMISSIONER'S REVIEW. (1) Subject to subsection (2) of this section, every contract between a certified health plan and its providers of health care services shall be in writing and shall set forth that in the event the certified health plan fails to pay for health care services as set forth in the uniform benefits package, the enrollee is not liable to the provider for any sums owed by the certified health plan. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a contracting provider with the certified health plan, or to emergent and urgently needed out-of-area services.

(3) The certified health plan shall file the contracts with the insurance commissioner for approval thirty days prior to use.

NEW SECTION. Sec. 438. MINIMUM NET WORTH--REQUIREMENTS TO MAINTAIN--DETERMINATION OF AMOUNT. (1) Every certified health plan must maintain a minimum net worth equal to the greater of:

(a) One million dollars; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the insurance commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2)(a) In determining net worth, no debt may be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt may not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the insurance commissioner, may not be considered a liability and shall be recorded as equity.

(3) Every certified health plan shall, in determining liabilities, include an amount estimated in the aggregate to provide for unearned premiums and for the payment of claims for health care expenditures that have been incurred, whether reported or unreported, that are unpaid and for which such organization is or may be liable and to provide for the expense of adjustment or settlement of such claims.

The claims shall be computed in accordance with rules adopted by the insurance commissioner in consultation with the health services commission.

NEW SECTION. Sec. 439. FUNDED RESERVE REQUIREMENTS. (1) Each certified health plan obtaining certification from the insurance commissioner under sections 427 through 444 of this act shall provide and maintain a funded reserve of one hundred fifty thousand dollars. The funded reserve shall be deposited with the insurance commissioner or with any organization acceptable to the commissioner in the form of cash, securities eligible for investment under chapter 48.13 RCW, approved surety bond, or any combination of these, and must be equal to or exceed one hundred fifty thousand dollars. The funded reserve shall be established as an assurance that the uncovered expenditures obligations of the certified health plan to the enrolled Washington residents shall be performed.

(2) All income from reserves on deposit with the commissioner shall belong to the depositing certified health plan and shall be paid to it as it becomes available.

(3) Funded reserves required by this section shall be considered an asset in determining the plan's net worth.

NEW SECTION. Sec. 440. EXAMINATION OF CERTIFIED HEALTH PLANS, POWERS OF COMMISSIONER, DUTIES OF PLANS, INDEPENDENT AUDIT REPORTS. (1) The insurance commissioner shall make an examination of the operations of a certified health plan as often as the commissioner deems it necessary in order to assure the financial security and health and safety of the enrolled residents. The insurance commissioner shall make an examination of a certified health plan not less than once every three calendar years.

(2) Every certified health plan shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. The quality or appropriateness of health services and systems shall be examined by the department of health except that the insurance commissioner may review such areas to the extent that such items impact the financial condition or the market conduct of the certified health plan. For the purpose of the examinations the insurance commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the certified health plans concerning their business.

(3) The insurance commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the certified health plan in the course of that part of the insurance commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4) Certified health plans shall be equitably assessed to cover the cost of financial condition and market conduct examinations, the costs of adopting rules, and the costs of enforcing the provisions of this chapter. The assessments shall be levied not less frequently than once every twelve months and shall be in an amount expected to fund the examinations, adoption of rules, and enforcement of the provisions of this chapter including a reasonable margin for cost variations. The assessments shall be established by rules adopted by the commissioner in consultation with the health services commission but may not exceed five and one-half cents per month per resident enrolled in the certified health plan. The minimum assessment shall be one thousand dollars. Assessment receipts shall be deposited in the insurance commissioner's regulatory account in the state treasury and shall be used for the purpose of funding the examinations authorized in subsection (1) of this section. Assessments received shall be used to pay a pro rata share of the costs, including overhead of regulating certified health plans. Amounts remaining in the separate account at the end of a biennium shall be applied to reduce the assessments in succeeding biennia.

NEW SECTION. Sec. 441. INSOLVENCY--COMMISSIONER'S DUTIES, CONTINUATION OF BENEFITS, ALLOCATION OF COVERAGE. (1) In the event of insolvency of a certified health plan and upon order of the commissioner, all other certified health plans shall offer the enrolled Washington residents of the insolvent certified

health plan the opportunity to enroll in a solvent certified health plan. Enrollment shall be without prejudice for any preexisting condition and shall be continuous provided the resident enrolls in the new certified health plan within thirty days of the date of insolvency and otherwise complies with the certified health plan's managed care procedures within the thirty-day open enrollment period.

(2) The insurance commissioner, in consultation with the health services commission, shall establish guidelines for the equitable distribution of the insolvent certified health plan's enrollees to the remaining certified health plans. The guidelines may include limitations to enrollment based on financial conditions, provider delivery network, administrative capabilities of the certified health plan, and other reasonable measures of the certified health plan's ability to provide benefits to the newly enrolled residents.

(3) Each certified health plan shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the coverage period for which premiums have been paid and continuation of benefits to enrolled Washington residents who are confined on the date of insolvency in an inpatient facility until their discharge or transfer to a new certified health plan as provided in subsection (1) of this section. The plan shall be approved by the insurance commissioner at the time of certification and shall be submitted for review and approval on an annual basis. The commissioner shall approve such a plan if it includes:

(a) Insurance to cover the expenses to be paid for continued benefits after insolvency;

(b) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the certified health plan's insolvency for which premium payment has been made and until the enrolled participant is transferred to a new certified health plan in accordance with subsection (1) of this section. Such extension of coverage shall not obligate the provider of service beyond thirty days following the date of insolvency;

(c) Use of the funded reserve requirements as provided under section 439 of this act;

(d) Acceptable letters of credit or approved surety bonds; or

(e) Other arrangements the insurance commissioner and certified health plan mutually agree are appropriate to assure that benefits are continued.

NEW SECTION. Sec. 442. FINANCIAL FAILURE, SUPERVISION OF COMMISSIONER--PRIORITY OF DISTRIBUTION OF ASSETS. (1) Any rehabilitation, liquidation, or conservation of a certified health plan shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the insurance commissioner under the law governing the rehabilitation, liquidation, or conservation of insurance companies. The insurance commissioner may apply for an order directing the insurance commissioner to rehabilitate, liquidate, or conserve a certified health plan upon one or more of the grounds set forth in RCW 48.31.030, 48.31.050, and 48.31.080. Enrolled residents shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled residents and their dependents shall have the same priority as established by RCW 48.31.280 for policyholders and their dependents of insurance companies. If an enrolled resident is liable to a provider for services under and covered by a certified health plan, that liability shall have the status of an enrolled resident claim for distribution of general assets.

(3) A provider who is obligated by statute or agreement to hold enrolled residents harmless from liability for services provided under and covered by a certified health plan shall have a priority of distribution of the general assets immediately following that of enrolled residents and enrolled residents' dependents as described in this section, and immediately preceding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 443. GRIEVANCE PROCEDURE. A certified health plan shall establish and maintain a grievance procedure approved by the commissioner, to provide a reasonable and effective resolution of complaints initiated by enrolled Washington residents concerning any matter relating to the provision of benefits under the uniform benefits package, access to health care services, and quality of services. Each certified health plan shall respond to complaints filed with the insurance commissioner within twenty working days. The insurance commissioner in consultation with the health services commission shall establish standards for grievance procedures and resolution.

NEW SECTION. Sec. 444. EXEMPTION. The provisions of sections 433 through 443 of this act do not apply to any disability insurance company, health care service contractor, or health maintenance organization authorized to do business in Washington.

NEW SECTION. Sec. 445. ENFORCEMENT AUTHORITY OF COMMISSIONER. For the purposes of chapter . . ., Laws of 1993 (this act), the insurance commissioner shall have the same powers and duties of enforcement as are provided in Title 48 RCW.

NEW SECTION. Sec. 446. ANNUAL REPORT BY THE INSURANCE COMMISSIONER TO THE HEALTH SERVICES COMMISSION. Beginning January 1, 1997, the insurance commissioner shall report annually to the health services commission on the compliance of certified health plans and health insurance purchasing cooperatives

with the provisions of chapter . . . , Laws of 1993 (this act). The report shall include information on (1) compliance with chapter . . . , Laws of 1993 (this act) open enrollment and antidiscrimination provisions, (2) financial solvency requirements, (3) the mix of enrollee characteristics within and among plans and groups including age, sex, ethnicity, and any easily obtainable information related to medical risk, (4) the geographic distribution of plans and groups, and (5) other information that the commission may request consistent with the goals of chapter . . . , Laws of 1993 (this act).

F. MANAGED COMPETITION AND LIMITED ANTI-TRUST IMMUNITY

NEW SECTION. Sec. 447. MANAGED COMPETITION FINDINGS AND INTENT. (1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health insurers, contractors, and health maintenance organizations face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter . . . , Laws of 1993 (this act) by any person or entity created or regulated by chapter . . . , Laws of 1993 (this act) are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 448 of this act or under rules adopted pursuant to chapter . . . , Laws of 1993 (this act), does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;

(b) Among certified health plans as to the price or level of reimbursement for health care services;

(c) Among certified health plans to boycott a group or class of health care service providers;

(d) Among purchasers of certified health plan coverage to boycott a particular plan or class of plans;

(e) Among certified health plans to divide the market for health care coverage; or

(f) Among certified health plans and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a certified health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a certified health plan or purchasing group.

NEW SECTION. Sec. 448. COMPETITIVE OVERSIGHT AND ANTI-TRUST IMMUNITY. (1) A certified health plan, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or certified health plans may request, in writing, that the commission obtain an informal opinion from the attorney general as to whether particular conduct is authorized by chapter . . . , Laws of 1993 (this act). The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not authorized by chapter . . . , Laws of 1993 (this act), the person or organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and consistent with such opinion, the health services commission:

(a) May authorize conduct by a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter . . . , Laws of 1993 (this act) and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and certified health plans including rules governing provider and facility contracts with certified health plans, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that certified health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a certified health plan including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) A certified health plan, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or certified health plans may file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the commission.

The commission shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the commission for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the commission with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(a) Enhancement of the quality of health services to consumers;

(b) Gains in cost efficiency of health services;

(c) Improvements in utilization of health services and equipment;

(d) Avoidance of duplication of health services resources; or

(e) And as to subsections (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of certified health plans and providers in negotiating more cost effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among certified health plans, health care providers, or health care facilities;

(ii) Adverse impact on quality, availability, or price of health care services to consumers; or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commission shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the commission that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the commission determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commission shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter . . . , Laws of 1993 (this act) is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

G. THE UNIFORM BENEFITS PACKAGE

NEW SECTION. Sec. 449. UNIFORM BENEFITS PACKAGE DESIGN. (1) The commission shall define the uniform benefits package, which shall include those health services that, consistent with the goals and intent of chapter . . . , Laws of 1993 (this act), are effective and necessary on a societal basis for the maintenance of the health of citizens of the state, weighed against the need to control state health services expenditures.

(2) The schedule of covered health services shall emphasize proven preventive and primary health care and shall be composed of the following essential health services: (a) Primary and specialty health services; (b) inpatient and outpatient hospital services; (c) prescription drugs and medications; (d) reproductive services; (e) services necessary for maternity and well-child care, including preventive dental services for children; and (f) case-managed chemical dependency, mental health, short-term skilled nursing facility, home health, and hospice services, to the extent that such services reduce inappropriate utilization of more intensive or less efficacious medical services. The commission shall determine the specific schedule of health services within the uniform benefits package, including limitations on scope and duration of services. The schedule shall be the benefit and actuarial equivalent of the

schedule of benefits offered by the basic health plan on January 1, 1993, including any additions that may result from the inclusion of the services listed in (c) through (f) of this subsection. The commission shall consider the recommendations of health services effectiveness panels established pursuant to section 404 of this act in defining the uniform benefits package.

(3) The uniform benefits package shall not limit coverage for preexisting or prior conditions, except that the commission shall establish exclusions for preexisting or prior conditions to the extent necessary to prevent residents from waiting until health services are needed before enrolling in a certified health plan.

(4) The commission shall establish enrollee point of service cost-sharing for nonpreventive health services, related to enrollee household income, such that financial considerations are not a barrier to access for low-income persons, but that, for those of means, the uniform benefits package provides for moderate point of service cost-sharing. All point of service cost-sharing and cost control requirements shall apply uniformly to all health care providers providing substantially similar uniform benefits package services. The schedule shall provide for an alternate and lower schedule of cost-sharing applicable to enrollees with household income below the federal poverty level.

(5) The commission shall adopt rules related to coordination of benefits and premium payments. The rules shall not have the effect of eliminating enrollee financial participation. The commission shall endeavor to assure an equitable distribution, among both employers and employees, of the costs of coverage for those households composed of more than one member in the work force.

(6) In determining the uniform benefits package, the commission shall endeavor to seek the opinions of and information from the public. The commission shall consider the results of official public health assessment and policy development activities including recommendations of the department of health in discharging its responsibilities under this section.

(7) The commission shall submit the following to the legislature by December 1, 1994, and by December 1 of the year preceding any year in which the commission proposes to significantly modify the uniform benefits package: (a) The uniform benefits package; and (b) an independent actuarial analysis of the cost of the proposed package, giving consideration to the factors considered under section 406(6) of this act. The commission shall not modify the services included in the uniform benefits package before January 1, 1999.

NEW SECTION. Sec. 450. SMALL BUSINESS ECONOMIC IMPACT STATEMENT. (1) In conjunction with submission of the uniform benefits package as provided in section 449(7) of this act, the commission also shall submit a small business economic impact statement, prepared in consultation with the small business advisory committee. The impact statement shall address the economic impact on businesses with twenty-five or fewer full-time equivalent employees of participating in the cost of the uniform benefits package for their employees and employees' dependents. As an aid in preparing the small business economic impact statement, the commission shall conduct a survey of a statistically valid sample of small businesses.

(2) If the small business economic impact statement indicates a need to address the economic consequences of mandating employer participation in the cost of uniform benefits package coverage for employees and their dependents, the commission shall submit proposed strategies to address such consequences. Strategies may include: The level of employer participation in uniform benefits package costs; coverage of dependents; application of the uniform benefits package as the minimum benefits package offered to employees or dependents; and any other strategies deemed appropriate by the commission.

NEW SECTION. Sec. 451. HOUSEHOLD INCOME ANALYSIS. In conjunction with submission of the uniform benefits package as provided in section 449(7) of this act, the commission shall submit an analysis of the impact of employee premium contributions on individuals with household income of less than two hundred percent of the federal poverty level. The analysis shall include estimates of the cost of varying levels of premium subsidies for these individuals and their families.

NEW SECTION. Sec. 452. CERTIFIED HEALTH PLAN BENEFIT PACKAGES--OFFERING, FILING, AND APPROVAL OF FORMS. No uniform benefits package or supplemental benefits may be offered, delivered, or issued for delivery to any person in this state unless it otherwise complies with chapter . . . , Laws of 1993 (this act), and complies with the following:

(1) All certified health plan forms for uniform and supplemental benefits issued by the plan to enrollees and such other marketing documents purporting to describe the plan's benefits shall comply with the minimum standards the commissioner deems reasonable and necessary to carry out the purposes and provisions of this chapter and consistent with health services commission standards. The plan's forms and documents shall fully inform enrollees of the health services to which they are entitled, and shall fully disclose any limitations, exclusions, rights, responsibilities, and duties required of either the enrollee or the certified health plan. No form or document may be issued, delivered, or issued for delivery unless it has been filed with and approved by the commissioner.

(2) Every form or document filing containing a certification, in a manner approved by the commissioner, by either the chief executive officer of the plan or by an actuary who is a member of the American academy of actuaries, attesting that the filing complies with Title 48 RCW, Title 284 WAC, and this chapter, may be used by such certified

health plan immediately after filing with the commissioner. The commissioner may order a plan to cease using a certified form or document upon the grounds set forth in subsection (6) of this section.

(3) Every filing that does not contain a certification pursuant to subsection (2) of this section shall be made not less than thirty days in advance of any such issuance, delivery, or use. At the expiration of such thirty days the form or document filed shall be deemed approved unless affirmatively approved or disapproved by the commissioner within the thirty-day period. The commissioner may extend by not more than an additional fifteen days the period within which the commissioner may review such filing, by notifying the plan of the extension before expiration of the initial thirty-day period. At the expiration of any extension period and in the absence of prior affirmative approval or disapproval, any such form or document shall be deemed approved. The commissioner may withdraw approval at any time for cause. By approval of any filing for immediate use, the commissioner may waive any unexpired portion of the initial thirty-day waiting period.

(4) Whenever the commissioner disapproves a filing or withdraws a previous approval, the commissioner shall state the grounds for disapproval.

(5) The commissioner may exempt from the requirements of this section any plan document or form that, in the commissioner's opinion, may not practicably be applied to, or the filing and approval of which are, in the commissioner's opinion, not desirable or necessary for the protection of the public.

(6) The commissioner shall disapprove any form or document or shall withdraw any previous approval, only:

(a) If it is in any respect in violation of or does not comply with Title 48 RCW, Title 284 WAC, and this chapter, or any applicable order of the commissioner;

(b) If it does not comply with any controlling filing previously made and approved;

(c) If it contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions that unreasonably or deceptively affect the health services purported to be offered or provided;

(d) If it has any title, heading, or other indication of its provisions that is misleading;

(e) If purchase of health services under the form or document is being solicited by deceptive advertising; or

(f) If the health service benefits provided in the form or document are unreasonable in relation to the premium charged.

NEW SECTION. Sec. 453. UNIFORM AND SUPPLEMENTAL BENEFITS--RATES--FILING AND APPROVAL. (1) Premium rates for uniform benefits package and supplemental benefits shall not be excessive or inadequate, and shall not discriminate in a manner prohibited by section 428(3) of this act. Premium rates, enrollee point of service cost-sharing, or maximum enrollee financial participation amounts for a uniform benefits package may not exceed the limits established by the health services commission in accordance with section 406 of this act. Premium rates for uniform benefits package and supplemental benefits shall be developed on a community-rated basis as determined by the health services commission.

(2) Prior to using, every certified health plan shall file with the commissioner its enrollee point of service, cost-sharing amounts, enrollee financial participation amounts, rates, its rating plan, and any other information used to determine the specific premium to be charged any enrollee and every modification of any of the foregoing.

(3) Every such filing shall indicate the type and extent of the health services contemplated and must be accompanied by sufficient information to permit the commissioner to determine whether it meets the requirements of this chapter. A plan shall offer in support of any filing:

(a) Any historical data and actuarial projections used to establish the rate filed;

(b) An exhibit detailing the major elements of operating expense for the types of health services affected by the filing;

(c) An explanation of how investment income has been taken into account in the proposed rates;

(d) Any other information that the plan deems relevant; and

(e) Any other information that the commissioner requires by rule.

(4) If a plan has insufficient loss experience to support its proposed rates, it may submit loss experience for similar exposures of other plans within the state.

(5) Every filing shall state its proposed effective date.

(6) Actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by a plan or submitted to the commissioner at the commissioner's request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

(7) No plan may make or issue a benefits package except in accordance with its filing then in effect.

(8) The commissioner shall review a filing as soon as reasonably possible after made, to determine whether it meets the requirements of this section.

(9)(a) No filing may become effective within thirty days after the date of filing with the commissioner, which period may be extended by the commissioner for an additional period not to exceed fifteen days if the commissioner gives notice within such waiting period to the plan that the commissioner needs additional time to consider the filing.

(b) A filing shall be deemed to meet the requirements of this section unless disapproved by the commissioner within the waiting period or any extension period.

(c) If within the waiting or any extension period, the commissioner finds that a filing does not meet the requirements of this section, the commissioner shall disapprove the filing, shall notify the plan of the grounds for disapproval, and shall prohibit the use of the disapproved filing.

(10) If at any time after the applicable review period provided in this section, the commissioner finds that a filing does not meet the requirements of this section, the commissioner shall, after notice and hearing, issue an order specifying in what respect the commissioner finds that such filing fails to meet the requirements of this section, and stating when, within a reasonable period thereafter, the filings shall be deemed no longer effective.

The order shall not affect any benefits package made or issued prior to the expiration of the period set forth in the order.

NEW SECTION. Sec. 454. The legislature may disapprove of the uniform benefits package developed under section 449 of this act and medical risk adjustment mechanisms developed under section 406(7) of this act by an act of law at any time prior to the thirtieth day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit a modified package to the legislature within fifteen days of the disapproval. If the legislature does not disapprove or modify the package by an act of law by the end of that regular session, the package is deemed approved.

NEW SECTION. Sec. 455. SUPPLEMENTAL AND ADDITIONAL BENEFITS NEGOTIATION. (1) Nothing in chapter . . . , Laws of 1993 (this act) shall preclude insurers, health care service contractors, health maintenance organizations, or certified health plans from insuring, providing, or contracting for benefits not included in the uniform benefits package or in supplemental benefits.

(2) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer, an employee representative to negotiate for, or an individual to purchase supplemental or additional benefits not included in the uniform benefits package.

(3) Nothing in chapter . . . , Laws of 1993 (this act) shall restrict the right of an employer to offer or an employee representative to negotiate for payment of up to one hundred percent of the premium of the lowest priced uniform benefits package available in the geographic area where the employer is located.

(4) Nothing in chapter . . . , Laws of 1993 (this act) shall be construed to affect the collective bargaining rights of employee organizations to the extent that federal law specifically restricts the ability of states to limit collective bargaining rights of employee organizations.

(5) After July 1, 1999, no property or casualty insurance policy issued in this state may provide first-party coverage for health services to the extent that such services are provided under a uniform benefits package covering the resident to whom such property or casualty insurance policy is issued.

NEW SECTION. Sec. 456. CONSCIENCE OR RELIGION. (1) No certified health plan or health care provider may be required by law or contract in any circumstances to participate in the provision of any uniform benefit if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(2) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the uniform benefits package. Each certified health plan shall:

(a) Provide written notice to certified health plan enrollees, upon enrollment with the plan and upon enrollee request thereafter, listing, by provider, services that any provider refuses to perform for reason of conscience or religion;

(b) Develop written information describing how an enrollee may directly access, in an expeditious manner, services that a provider refuses to perform; and

(c) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b) of this subsection.

NEW SECTION. Sec. 457. LONG-TERM CARE INTEGRATION PLAN. (1) To meet the health needs of the residents of Washington state, it is critical to finance and provide long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. This system shall be available, accessible, and responsive to all residents based upon an assessment of their functional disabilities. The governor and the legislature recognize that families, volunteers, and community organizations are essential for the delivery of effective and efficient long-term care and support services, and that this private and public service infrastructure should be supported and strengthened. Further, it is important to provide benefits without requiring family or program beneficiary impoverishment for service eligibility.

(2) To realize the need for a strong long-term care system and to carry out the November 30, 1992, final recommendations of the Washington health care cost control and access commission, established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990, related to long-term care, the commission shall:

(a) Engage in a planning process, in conjunction with an advisory committee appointed for this purpose, for the inclusion of long-term care services in the uniform benefits package established under section 449 of this act by July 1999;

(b) Include in its planning process consideration of the scope of services to be covered, the cost of and financing of such coverage, the means through which existing long-term care programs and delivery systems can be coordinated and integrated, and the means through which family members can be supported in their role as informal caregivers for their parents, spouses, or other relatives.

(3) The commission shall submit recommendations concerning any necessary statutory changes or modifications of public policy to the governor and the legislature by January 1, 1995.

(4) The departments of health, retirement systems, revenue, social and health services, and veterans' affairs, the offices of financial management, insurance commissioner, and state actuary, along with the health care authority, shall participate in the review of the long-term care needs enumerated in this section and provide necessary supporting documentation and staff expertise as requested by the commission.

(5) The commission shall include in its planning process, the development of two social health maintenance organization long-term care pilot projects. The two pilot projects shall be referred to as the Washington life care pilot projects. Each life care pilot program shall be a single-entry system administered by an individual organization that is responsible for bringing together a full range of medical and long-term care services. The commission, in coordination with the appropriate agencies and departments, shall establish a Washington life care benefits package that shall include the uniform benefits package established in chapter . . . , Laws of 1993 (this act) and long-term care services. The Washington life care benefits package shall include, but not be limited to, the following long-term care services: Case management, intake and assessment, nursing home care, adult family home care, home health and home health aide care, hospice, chore services/homemaker/personal care, adult day care, respite care, and appropriate social services. The pilot project shall develop assessment and case management protocol that emphasize home and community-based care long-term care options.

(a) In designing the pilot projects, the commission shall address the following issues: Costs for the long-term care benefits, a projected case-mix based upon disability, the required federal waiver package, reimbursement, capitation methodology, marketing and enrollment, management information systems, identification of the most appropriate case management models, provider contracts, and the preferred organizational design that will serve as a functioning model for efficiently and effectively transitioning long-term care services into the uniform benefits package established in chapter . . . , Laws of 1993 (this act). The commission shall also be responsible for establishing the size of the two membership pools.

(b) Each program shall enroll applicants based on their level of functional disability and personal care needs. The distribution of these functional level categories and ethnicity within the enrolled program population shall be representative of their distribution within the community, using the best available data to estimate the community distributions.

(c) The two sites selected for the Washington life care pilot program shall be drawn from the largest urban areas and include one site in the eastern part of the state and one site in the western part of the state. The two organizations selected to manage and coordinate the life care services shall have the proven ability to provide ambulatory care, personal care/chore services, dental care, case management and referral services, must be accredited and licensed to provide long-term care for home health services, and may be licensed to provide nursing home care.

(d) The report on the development and establishment date of the two social health maintenance organizations shall be submitted to the governor and appropriate committees of the legislature by September 16, 1994. If the necessary federal waivers cannot be secured by January 1, 1995, the commission may elect to not establish the two pilot programs.

NEW SECTION. Sec. 458. WASHINGTON LONG-TERM CARE PARTNERSHIP. The department of social and health services shall from July 1, 1993, to July 1, 1998, coordinate a pilot program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. This program must allow for the exclusion of an individual's assets, as approved by the federal health care financing administration, in a determination of the individual's eligibility for medicaid; the amount of any medicaid payment; or any subsequent recovery by the state for a payment for medicaid services to the extent such assets are protected by a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter.

NEW SECTION. Sec. 459. WASHINGTON LONG-TERM CARE PARTNERSHIP. The department of social and health services shall seek approval and a waiver of appropriate federal medicaid regulations to allow the protection of an individual's assets as provided in this chapter. The department shall adopt all rules necessary to implement the Washington long-term care partnership program, which rules shall permit the exclusion of an individual's assets in a determination of medicaid eligibility to the extent that private long-term care insurance provides payment or benefits for services that medicaid would approve or cover for medicaid recipients.

NEW SECTION. Sec. 460. WASHINGTON LONG-TERM CARE PARTNERSHIP. (1) The insurance commissioner shall adopt rules defining the criteria that long-term care insurance policies must meet to satisfy the requirements of this chapter. The rules shall provide that all long-term care insurance policies purchased for the purposes of this chapter:

- (a) Be guaranteed renewable;
- (b) Provide coverage for home and community-based services and nursing home care;
- (c) Provide automatic inflation protection or similar coverage to protect the policyholder from future increases in the cost of long-term care;
- (d) Not require prior hospitalization or confinement in a nursing home as a prerequisite to receiving long-term care benefits; and
- (e) Contain at least a six-month grace period that permits reinstatement of the policy or contract retroactive to the date of termination if the policy or contract holder's nonpayment of premiums arose as a result of a cognitive impairment suffered by the policy or contract holder as certified by a physician.

(2) Insurers offering long-term care policies for the purposes of this chapter shall demonstrate to the satisfaction of the insurance commissioner that they:

- (a) Have procedures to provide notice to each purchaser of the long-term care consumer education program;
- (b) Offer case management services;
- (c) Have procedures that provide for the keeping of individual policy records and procedures for the explanation of coverage and benefits identifying those payments or services available under the policy that meet the purposes of this chapter;
- (d) Agree to provide the insurance commissioner, on or before September 1 of each year, an annual report containing the following information:
 - (i) The number of policies issued and of the policies issued, that number sorted by issue age;
 - (ii) To the extent possible, the financial circumstance of the individuals covered by such policies;
 - (iii) The total number of claims paid; and
 - (iv) Of the number of claims paid, the number paid for nursing home care, for home care services, and community-based services.

NEW SECTION. Sec. 461. WASHINGTON LONG-TERM CARE PARTNERSHIP. The insurance commissioner, in conjunction with the department of social and health services, shall develop a consumer education program designed to educate consumers as to the need for long-term care, methods for financing long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided under this chapter.

NEW SECTION. Sec. 462. WASHINGTON LONG-TERM CARE PARTNERSHIP. By January 1 of each year, the insurance commissioner, in conjunction with the department of social and health services, shall report to the legislature on the progress of the asset protection program. The report shall include:

- (1) The success of the agencies in implementing the program;
- (2) The number of insurers offering long-term care policies meeting the criteria for asset protection;
- (3) The number, age, and financial circumstances of individuals purchasing long-term care policies meeting the criteria for asset protection;
- (4) The number of individuals seeking consumer information services;
- (5) The extent and type of benefits paid by insurers offering policies meeting the criteria for asset protection;
- (6) Estimates of the impact of the program on present and future medicaid expenditures;
- (7) The cost-effectiveness of the program; and
- (8) A determination regarding the appropriateness of continuing the program.

H. STATE RESIDENT AND EMPLOYER PARTICIPATION

NEW SECTION. Sec. 463. INDIVIDUAL PARTICIPATION. (1) All residents of the state of Washington are required to purchase a uniform benefits package from a certified health plan no later than July 1, 1998. This participation requirement shall be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions set forth in the First Amendment, United States Constitution or Article I, section 11 of the state Constitution. Residents of the state of Washington who work in another state for an out-of-state employer shall be deemed to have satisfied the requirements of this section if they receive health insurance coverage through such employer.

(2) The commission shall monitor the enrollment of individuals into certified health plans and shall make public periodic reports concerning the number of persons enrolled and not enrolled, the reasons why individuals are not enrolled, recommendations to reduce the number of persons not enrolled, and recommendations regarding enforcement of this provision.

NEW SECTION. Sec. 464. EMPLOYER PARTICIPATION. (1) The legislature recognizes that small businesses play an essential and increasingly important role in the state's economy. The legislature further recognizes that many of the state's small business owners provide health insurance to their employees through small group policies at a cost that directly affects their profitability. Other small business owners are prevented from providing health benefits to their employees by the lack of access to affordable health insurance coverage. The legislature intends that the provisions of chapter . . . , Laws of 1993 (this act) make health insurance more available and affordable to small businesses in Washington state through strong cost control mechanisms and the option to purchase health benefits through the basic health plan, the Washington state group purchasing association, and health insurance purchasing cooperatives.

(2) On July 1, 1995, every employer employing more than five hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, and for employers who have established a registered employer health plan, one of which may be its own registered employer health plan, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1996, all dependents of qualified employees of these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(3) By July 1, 1996, every employer employing more than one hundred qualified employees shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1997, all dependents of qualified employees in these firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(4) By July 1, 1997, every employer shall:

(a) Offer a choice of the uniform benefits package as provided by at least three available certified health plans, one of which shall be the lowest cost available package within their geographic region, to all qualified employees. The employer shall be required to pay no less than fifty percent of the premium cost of the lowest cost available package within their geographic region. On July 1, 1998, all dependents of qualified employees in all firms shall be offered a choice of packages as provided in this section with the employer paying no less than fifty percent of the premium of the lowest cost package within their geographic region.

(b) For employees who work fewer than thirty hours during a week or one hundred twenty hours during a calendar month, three hundred sixty hours during a calendar quarter or one thousand four hundred forty hours during a calendar year, and their dependents, pay, for the period of time adopted by the employer under this subsection, the amount resulting from application of the following formula: The number of hours worked by the employee in a month is multiplied by the amount of a qualified employee's premium, and that amount is then divided by one hundred twenty.

(c) If an employee under (b) of this subsection is the dependent of a qualified employee, and is therefore covered as a dependent by the qualified employee's employer, then the employer of the employee under (b) of this subsection shall not be required to participate in the cost of the uniform benefits package for that employee.

(d) If an employee working on a seasonal basis is a qualified employee of another employer, and therefore has uniform benefits package coverage through that primary employer, then the seasonal employer of the employee shall not be required to participate in the cost of the uniform benefits package for that employee.

(5) This employer participation requirement shall be waived if imposition of the requirement would constitute a violation of the freedom of religion provisions of the First Amendment of the United States Constitution or Article I, section 11, of the state Constitution. In such case the employer shall, pursuant to commission rules, set aside an amount equal to the applicable employer contribution level in a manner that would permit his or her employee to fully comply with the requirements of this chapter.

(6) In lieu of offering the uniform benefits package to employees and their dependents through direct contracts with certified health plans, an employer may combine the employer contribution with that of the employee's contribution and enroll in the basic health plan as provided in chapter 70.47 RCW or a health insurance purchasing cooperative established under sections 427 and 428 of this act.

NEW SECTION. Sec. 465. DEPOSITORY. (1) The health care authority shall establish a depository where payments under section 464 of this act can be made and held in safekeeping for the benefit of employees working less than the number of hours worked by a qualified employee.

(2) The authority shall adopt appropriate rules for operation of the depository, in consultation with representatives of employees and employers, especially those that are seasonal or employ large numbers of part-time workers. The rules shall address the means through which payments will be properly deposited to the credit of employees and the means through which employees can access payments made on their behalf. On and after July 1, 1995, payments deposited by employers on behalf of employees may be used by employees only for purchase of the uniform benefits package. Prior to July 1, 1995, payments may be used for purchase of any health insurance coverage.

NEW SECTION. Sec. 466. SMALL FIRM FINANCIAL ASSISTANCE. (1) Beginning July 1, 1997, firms with fewer than twenty-five workers that face barriers to providing health insurance for their employees may, upon application, be eligible to receive financial assistance with funds set aside from the health services account. Firms with the following characteristics shall be given preference in the distribution of funds: (a) New firms, (b) employers with low average wages, (c) employers with low profits, and (d) firms in economically distressed areas.

(2) All employers in existence on or before July 1, 1997, who meet the criteria set forth in this section, and rules adopted under this section, may apply to the health services commission for assistance. Such employers may not receive premium assistance beyond July 1, 2001. New employers, who come into existence after July 1, 1997, may apply for and receive premium assistance for a limited period of time, as determined by the commission.

(3) The total funds available for small business assistance shall not exceed one hundred fifty million dollars for the biennium beginning July 1, 1997. Thereafter, the amount of total funds available for premium assistance shall be determined by the office of financial management, based on a forecast of inflation, employment, and the number of eligible firms.

(4) By July 1, 1997, the health services commission, with assistance from the small business advisory committee established in section 404 of this act, shall develop specific definitions, rules, and procedures governing all aspects of the small business assistance program, including application procedures, thresholds regarding firm size, wages, profits, and age of firm, and rules governing duration of assistance.

(5) Final determination of the amount of the premium assistance to be dispensed to an employer shall be made by the commission based on rules, definitions, and procedures developed under this section. If total claims for assistance are above the amount of total funds available for such purposes, the commission shall have the authority to prorate employer claims so that the amount of available funds is not exceeded.

(6) The office of financial management, in consultation with the commission, shall establish appropriate criteria for monitoring and evaluating the economic and labor market impacts of the premium assistance program and report its findings to the commission annually through July 1, 2001.

I. PUBLIC HEALTH SERVICES IMPROVEMENT PLAN

NEW SECTION. Sec. 467. A new section is added to chapter 43.70 RCW to read as follows:

PUBLIC HEALTH SERVICES IMPROVEMENT PLAN. (1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances;

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) Timing of increased funding for public health services linked to specific objectives for improving public health; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258 of this act.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

NEW SECTION. Sec. 468. A new section is added to chapter 41.05 RCW to read as follows:

AMERICAN INDIAN HEALTH CARE DELIVERY PLAN. Consistent with funds appropriated specifically for this purpose, the authority shall establish in conjunction with the area Indian health services system and providers an advisory group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery plan. The plan shall include:

(1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;

(2) Methods to improve American Indian-specific health programming; and

(3) Creation of co-funding recommendations and opportunities for the unmet health services programming needs of American Indians.

J. HEALTH ACCOUNTS

NEW SECTION. Sec. 469. **HEALTH SERVICES ACCOUNT.** The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

NEW SECTION. Sec. 470. PUBLIC HEALTH SERVICES ACCOUNT. The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts. Funds appropriated from this account to local health departments and districts shall be distributed ratably based on county population as last determined by the office of financial management.

NEW SECTION. Sec. 471. HEALTH SYSTEM CAPACITY ACCOUNT. The health system capacity account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the following purposes: Health data systems; health systems and public health research; health system regulation; health system planning, development, and administration; and improving the supply and geographic distribution of primary health service providers.

NEW SECTION. Sec. 472. PERSONAL HEALTH SERVICES ACCOUNT. The personal health services account is created in the treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the support of subsidized personal health services for low-income Washington residents.

Sec. 473. RCW 43.84.092 and 1993 c 4 s 9 are each amended to read as follows:

EARNINGS OF INVESTMENTS. (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

K. EXCLUSIONS AND STUDIES

NEW SECTION. Sec. 474. CODE REVISIONS AND WAIVERS. (1) The commission shall determine the state and federal laws that would need to be repealed, amended, or waived to implement chapter . . . , Laws of 1993 (this act), and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor, and appropriate committees of the legislature by July 1, 1994.

(2) The governor, in consultation with the commission, shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement chapter . . . , Laws of 1993 (this act) to include, but not be limited to:

(a) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medical assistance statute, Title XIX of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for low-income residents of Washington state. Such waivers shall include any waiver needed to require that: (i) Medical assistance recipients enroll in managed care systems, as defined in chapter . . . , Laws of 1993 (this act); (ii) the uniform benefits package, as provided in section 449 of this act, be the benefits package available to medical assistance recipients; and (iii) enrollee point of service, cost-sharing levels adopted pursuant to section 449 of this act be applied to medical assistance recipients. Waived provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; administrative requirements regarding single state agencies, choice of providers, and fee for service reimbursement; and other limitations on health services provider payment methods.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute, Title XVIII of the federal social security act that currently constitute barriers to full implementation of provisions of chapter . . . , Laws of 1993 (this act) related to access to health services for elderly and disabled residents of Washington state. Such waivers shall include any waivers needed to implement managed care programs. Waived provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services; and limitations on health services provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to ensure integration of federally funded community and migrant health clinics and other health services funded through the public health services act into the health services system established pursuant to chapter . . . , Laws of 1993 (this act). The commission shall request in the waiver that funds from these sources continue to be allocated to federally funded community and migrant health clinics to the extent that such clinics' patients are not yet enrolled in certified health plans.

(d) Negotiate with the United States congress to obtain a statutory exemption from provisions of the Employee Retirement Income Security Act that limit the state's ability to ensure that all employees and their dependents in the state comply with the requirement to enroll in certified health plans, and have their employers participate in financing their enrollment in such plans.

(e) Request that the United States congress amend the Internal Revenue Code to treat employee premium contributions to plans, such as the basic health plan or the uniform benefits package offered through a certified health plan, as fully deductible from adjusted gross income.

(3) On or before December 1, 1995, the commission shall report the following to the appropriate committees of the legislature:

(a) The status of its efforts to obtain the waivers provided in subsection (2) of this section;

(b) If all federal statutory or regulatory waivers necessary to fully implement chapter . . . , Laws of 1993 (this act) have not been obtained:

(i) The extent to which chapter . . . , Laws of 1993 (this act) can be implemented without receipt of all of such waivers; and

(ii) Changes in chapter . . . , Laws of 1993 (this act) necessary to implement a residency-based health services system using one or a limited number of sponsors, or an alternative system that will ensure access to care and control health services costs.

NEW SECTION. Sec. 475. REPORTS OF HEALTH CARE COST CONTROL AND ACCESS COMMISSION. In carrying out its powers and duties under chapter . . . , Laws of 1993 (this act), the design of the uniform benefits package, and the development of guidelines and standards, the commission shall consider the reports of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990. Nothing in chapter . . . , Laws of 1993 (this act) requires the commission to

follow any specific recommendation contained in those reports except as it may also be included in chapter . . . , Laws of 1993 (this act) or other law.

NEW SECTION. Sec. 476. EVALUATIONS, PLANS, AND STUDIES. (1) By July 1, 1997, the legislative budget committee either directly or by contract shall conduct the following study:

A study to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into the delivery and financing of uniform benefits package services through certified health plans:

- (a) State and federal veterans' health services;
- (b) Civilian health and medical program of the uniformed services (CHAMPUS) of the federal department of defense and other federal agencies; and
- (c) Federal employee health benefits.

(2) The legislative budget committee shall evaluate the implementation of the provisions of chapter . . . , Laws of 1993 (this act). The study shall determine to what extent chapter . . . , Laws of 1993 (this act) has been implemented consistent with the principles and elements set forth in chapter . . . , Laws of 1993 (this act) and shall report its findings to the governor and appropriate committees of the legislature by July 1, 2003.

NEW SECTION. Sec. 477. FINANCIAL AND ACCOUNTING STRUCTURE OF STATE PURCHASED HEALTH CARE. The commission, the office of financial management, and the legislative evaluation and accountability program committee shall jointly review the financial and accounting structure of all current state-purchased health care programs and any new programs established in chapter . . . , Laws of 1993 (this act). They shall report to the legislature on or before December 1, 1994, with recommendations on how to structure a state-purchased health services budget that: (1) Meets federal and state audit requirements; (2) exercises adequate fiscal and programmatic control; (3) provides management and organizational accountability and control; and (4) provides continuity with historical health services expenditure data.

NEW SECTION. Sec. 478. EVALUATION OF REFORM EFFORT. The office of financial management may undertake or facilitate evaluations of health care reform, including analysis of fiscal and economic impacts, the effectiveness of managed care and managed competition, and effects of reform on access and quality of service.

NEW SECTION. Sec. 479. COORDINATION OF CERTIFIED HEALTH PLANS AND OTHER INSURANCE. (1) On or before December 1, 1994, the legislative budget committee, whether directly or by contract, shall conduct a study related to coordination of certified health plans and other property and casualty insurance products. The goal of the study shall be to determine methods for containing costs of health services paid for through coverage underwritten by property and casualty insurers.

(2) The study shall address methods to integrate coverage sold by property and casualty insurance companies that covers medical and hospital expenses with coverage provided through certified health plans.

NEW SECTION. Sec. 480. HOSPITAL REGULATION STUDY. The legislative budget committee, through a competitive bidding process restricted to those with suitable expertise to conduct such a study, shall contract for an examination of local, state, and federal regulations that apply to hospitals and shall report to the health care policy committees of the legislature by July 1, 1994, on the following:

- (1) An inventory of health and safety regulations that apply to hospitals;
- (2) A description of the costs to local, state, and federal agencies for operating the regulatory programs;
- (3) An estimate of the costs to hospitals to comply with the regulations;
- (4) A description of whether regulatory functions are duplicated among different regulatory programs;
- (5) An analysis of the effectiveness of regulatory programs in meeting their safety and health objectives;
- (6) An analysis of hospital charity care requirements under RCW 70.170.060 and their relevance under the health care reforms created under chapter . . . , Laws of 1993 (this act);
- (7) Recommendations on elimination or consolidation of unnecessary or duplicative regulatory activities that would not result in a reduction in the health and safety objectives.

NEW SECTION. Sec. 481. NURSING HOME STUDY. The legislative budget committee, through a competitive bidding process restricted to those with suitable expertise to conduct such a study, shall contract for an examination of local, state, and federal regulations that apply to nursing homes and shall report to the health care policy committees of the legislature by July 1, 1994, on the following:

- (1) An inventory of health and safety regulations that apply to nursing homes;
- (2) A description of the costs to local, state, and federal agencies for operating the regulatory programs;
- (3) An estimate of the costs to nursing homes to comply with the regulations;
- (4) A description of whether regulatory functions are duplicated among different regulatory programs;
- (5) An analysis of the effectiveness of regulatory programs in meeting their safety and health objectives;

(6) Recommendations on elimination or consolidation of unnecessary or duplicative regulatory activities that would not result in a reduction in the health and safety objectives. The review shall specifically address documentation or protocols that are redundant and efficiencies that could be realized through the development of standardized physicians' protocols for repetitive but nonlife-threatening conditions.

NEW SECTION. Sec. 482. CERTIFIED HEALTH PLAN LICENSING STUDY. The insurance commissioner shall undertake a study of the feasibility and benefits of developing a single licensing category for certified health plans that would replace current statutes licensing disability insurers, health care service contractors, and health maintenance organizations. The commissioner shall report his or her findings and recommendations to the legislature by January 1, 1994, and final findings and recommendations to the legislature by October 1, 1994. In conducting such study, the commissioner shall:

(1) Consider standards for the regulation and inclusion of preferred provider organizations, independent practice associations, and independent physician organizations under such new certified health plan statute;

(2) Review existing capital and reserve statutes governing insurers, contractors, and health maintenance organizations to determine the appropriate level of capital and reserve for licensing of certified health plans to protect consumers while encouraging competition in the certified health plan market from new entrants into the market;

(3) Review existing rate regulation of disability insurance policies, health care service contracts, and health maintenance agreements and propose a uniform approach for regulation of rates that balances the need of certified health plans to freely compete and the need to protect consumers from inadequate, excessive, or unfairly discriminatory rates;

(4) Consider regulatory methods to ensure the adequate provision of and contracting with health care facilities and providers by certified health plans to meet the health care needs of enrollees of certified health plans;

(5) Consider the need to modify existing insurance statutes and regulations to govern the integration, development, and marketing of health care coverage that would supplement the uniform benefits package; and

(6) Consult with health care service contractors, health maintenance organizations, disability insurance companies, and other health care providers and facilities who would be affected by such changes.

NEW SECTION. Sec. 483. CRIME VICTIMS' COMPENSATION MEDICAL BENEFITS. (1) On or before January 1, 1995, the department of labor and industries in coordination with the commission, shall complete a study related to the medical services component of the crime victims' compensation program of the department of labor and industries. The goal of the study shall be to determine whether and how the medical services component of the crime victims' compensation program can be modified to provide appropriate medical services to crime victims in a more cost-effective manner. In conducting the study, consideration shall be given to at least the following factors: Required benefit design, necessary statutory changes, and the use of managed care to provide services to crime victims. The study shall evaluate at least the following options:

(a) Whether the medical services component of the crime victims' compensation program should be maintained within the department of labor and industries, and its purchasing and other practices modified to control costs and increase efficacy of health services provided to crime victims;

(b) Whether the medical services component of the crime victims' compensation program should be administered by the health care authority as the state health care purchasing agent;

(c) Whether the medical services component of the crime victims' compensation program should be included in the services offered by certified health plans.

(2) The department of labor and industries shall present the recommendations to the governor and the appropriate committees of the legislature by January 1, 1995.

NEW SECTION. Sec. 484. MEDICAL CARE SAVINGS ACCOUNTS. The Washington health services commission shall study and report to the legislature on the feasibility of offering employer-funded medical care savings account arrangements and reduced cost qualified higher deductible insurance policies as a choice to K-12 system, state, and local government employees in meeting their health care obligations.

L. WORKERS' COMPENSATION

NEW SECTION. Sec. 485. WORKERS' COMPENSATION MEDICAL BENEFITS. On or before January 1, 1995, the health services commission, in coordination with the department of labor and industries and the workers' compensation advisory committee, shall study and make an interim report, and on or before January 1, 1996, a final report, to the governor and appropriate committees of the legislature on the provision of medical benefits for injured workers under a consolidated health care system. The study shall include a review of options and recommendations for modifying the industrial insurance system to provide medical services for injured workers in a more cost-effective manner under a consolidated system, and may include consideration of the purchase of industrial insurance medical benefits through the health care authority or the inclusion of industrial insurance medical benefits in the services offered by certified health plans or other appropriate options. The commission should also give consideration to at

least the following issues: The use of managed care and the effect of managed care options on the injured workers' choice of health services provider; the potential cost savings or other impacts of various consolidation options; the benefit structure required under industrial insurance; the potential for consolidation to meet or exceed existing medical cost management of the medical aid fund; the impact of separating the medical management of claims from the disability management of claims; the relationship between return-to-work efforts, medical services, and disability prevention; the relationship between medical services and rehabilitation services; and the effects of the quasi-judicial system that determines industrial insurance rights and obligations. In addition, the final report shall include a proposed plan and timeline for including the medical benefits of the industrial insurance system in the services offered by certified health plans. The proposed plan shall assure that:

(1) The plan shall not take effect until at least ninety-seven percent of state residents have access to the uniform benefits package as required in chapter ..., Laws of 1993 (this act);

(2) The uniform benefits package of the certified health plan will provide benefits for injured workers that are at least equivalent to the medical benefits provided to injured workers under Title 51 RCW as determined by the department of labor and industries as of the effective date of the plan, including payments for services that are ancillary to industrial insurance medical benefits, such as but not limited to medical examinations for permanent disabilities;

(3) Other nonmedical benefits required to be provided under Title 51 RCW, such as but not limited to total or partial disability benefits or vocational rehabilitation benefits, are not affected;

(4) Employers who do not choose to become certified health plans under chapter..., Laws of 1993 (this act), will continue to be required to provide industrial insurance medical benefits under Title 51 RCW;

(5) Employees participating in the plan shall not be required to pay deductibles, copayments, or other point of service charges for services related to industrial insurance injuries or diseases, such costs to be paid by the department of labor and industries or self-insured employer, as applicable;

(6) The plan includes a mechanism to return to workers and employers, in equal shares, any savings that are realized in the costs of medical services for injured workers, as identified by the department of labor and industries;

(7) The majority of the employer's employees or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative voluntarily agree to the employer's participation in the plan.

NEW SECTION. Sec. 486. MANAGED CARE PILOT PROJECTS. (1) The department of labor and industries, in consultation with the workers' compensation advisory committee, may conduct pilot projects to purchase medical services for injured workers through managed care arrangements. The projects shall assess the effects of managed care on the cost and quality of, and employer and employee satisfaction with, medical services provided to injured workers.

(2) The pilot projects may be limited to specific employers. The implementation of a pilot project shall be conditioned upon a participating employer and a majority of its employees, or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative, voluntarily agreeing to the terms of the pilot. Unless the project is terminated by the department, both the employer and employees are bound by the project agreements for the duration of the project.

(3) Solely for the purpose and duration of a pilot project, the specific requirements of Title 51 RCW that are identified by the department as otherwise prohibiting implementation of the pilot project shall not apply to the participating employers and employees to the extent necessary for conducting the project. Managed care arrangements for the pilot projects may include the designation of doctors responsible for the care delivered to injured workers participating in the projects.

(4) The projects shall conclude no later than January 1, 1996. The department shall present the results of the pilot projects and any recommendations related to the projects to the governor and appropriate committees of the legislature on or before October 1, 1996.

M. MISCELLANEOUS

NEW SECTION. Sec. 487. SHORT TITLE. This act may be known and cited as the Washington health services act of 1993.

Sec. 488. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

EXECUTIVE STATE OFFICERS. For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee,

the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges (~~(education)~~), state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage (~~(commissioners)~~) commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, (~~(state)~~) public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 489. RCW 43.20.050 and 1992 c 34 s 4 are each amended to read as follows:

STATE BOARD OF HEALTH--PUBLIC HEALTH POLICY. (1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the (~~(health)~~) forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by (~~(June)~~) January 1 of each even-numbered year for adoption by the governor. The governor, no later than (~~(September)~~) March 1 of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board (~~(shall)~~) may create ad hoc committees or other such committees of limited duration as necessary. (~~(Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.)~~)

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health.

Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 490. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 491. SAVINGS CLAUSE. The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

NEW SECTION. Sec. 492. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 493. CODIFICATION. (1) Sections 401 through 407, 409, 425, 427 through 430, and 447 through 466 of this act shall constitute a new chapter in Title 43 RCW.

(2) Sections 426 and 431 through 446 of this act shall constitute a new chapter in Title 48 RCW.

(3) Sections 458 through 462 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 494. RESERVATION OF LEGISLATIVE AUTHORITY. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

NEW SECTION. Sec. 495. EFFECTIVE DATE CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

(1) Sections 234 through 257 of this act, which shall take effect July 1, 1995; and

(2) Sections 301 through 303 of this act, which shall take effect January 1, 1996.

NEW SECTION. **Sec. 496.** NULL AND VOID. If specific funding for section 418 of this act, referencing section 418 of this act by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 418 of this act shall be null and void."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.080, 41.05.011, 41.05.021, 41.05.050, 41.05.055, 41.05.065, 41.05.120, 41.05.140, 47.64.270, 74.09.055, 19.68.010, 70.05.010, 70.05.030, 70.05.040, 70.05.050, 70.05.070, 70.05.080, 70.05.120, 70.05.130, 70.05.150, 70.08.010, 70.12.030, 70.12.050, 70.46.020, 70.46.060, 70.46.080, 70.46.085, 70.46.090, 70.46.120, 82.44.110, 82.44.155, 43.20.030, 70.170.100, 70.170.110, 28B.125.010, 28B.115.080, 70.185.030, 43.70.460, 43.70.470, 48.30.300, 48.44.260, 48.46.380, 48.44.095, 48.14.080, 82.04.260, 82.04.4289, 82.24.020, 82.24.080, 82.26.020, 82.08.150, 66.24.290, 82.02.030, 43.70.320, 70.41.200, 70.41.230, 5.60.070, 4.22.070, 43.84.092, 42.17.2401, and 43.20.050; reenacting and amending RCW 28A.400.200, 28A.400.350, 48.21.200, and 48.46.080; adding a new section to chapter 70.47 RCW; adding new sections to chapter 41.05 RCW; adding a new section to Title 43 RCW; adding new sections to chapter 70.05 RCW; adding new sections to chapter 70.170 RCW; adding a new section to chapter 70.41 RCW; adding new sections to chapter 18.68 RCW; adding a new section to chapter 18.51 RCW; adding new sections to chapter 70.185 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; adding a new section to chapter 48.01 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 18.130 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 48.05 RCW; adding new sections to chapter 7.70 RCW; adding a new chapter to Title 43 RCW; adding new chapters to Title 48 RCW; creating new sections; recodifying RCW 70.08.010; repealing RCW 70.05.005, 70.05.020, 70.05.132, 70.05.145, 70.12.005, 70.46.030, 70.46.040, 70.46.050, 48.46.160, 48.46.905, 48.44.410, and 82.04.4288; prescribing penalties; providing effective dates; and declaring an emergency."

MOTION

Representative Dellwo moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5304. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5304 as recommended by the Conference Committee.

Representatives Dellwo, L. Johnson, Peery, Flemming, Appelwick, Kessler, Veloria, Jacobsen, Conway, Wineberry, R. Johnson, G. Fisher, Linville, J. Kohl, Locke, Heavey, Sommers, Springer, Shin and Campbell spoke in favor of passage of the bill.

Representatives Ballard, Tate, Chandler, Reams, Sheldon, Miller, Sheahan, Kremen, Cooke, Padden, Carlson, Silver, Brough, Stevens, Van Luven, Forner, Sehlin and Dyer spoke against passage of the bill.

Representative Miller demanded an oral roll call vote and the demand was sustained. was

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Chandler.

Representative Chandler: Thank you, Mr. Speaker. Representative Dyer, one of the concerns that I have and it's something that was expressed to me when I campaigned through the year was on health care, but one of the concerns that I have was people in my district who are uninsured and do not have insurance. If this bill is approved today, will that be taken care of, will all my people in my district that are uninsured be able have insurance and at what kind of cost?

Representative Dyer: Representative Chandler, currently 89 percent of Washington citizens have health insurance. After 20 years, Hawaii, who has an employer mandated program, has only insured 95 percent of its citizens. In other words, 95 percent is probably the best Washington will do after a 20 year track record. The bill impose, on nearly two billion in taxes in 1999 at an estimated cost to employers of an additional 1.9 billion per year.

Imposition with waste a large portion of money on new tax dollars rather than greater access and we can only expect to gain another 6 percent of the state's population in expanded access.

POINT OF INQUIRY

Representative Dellwo yielded to a question by Representative Conway.

Representative Conway: Under the conference committee report to Engrossed Second Substitute Senate Bill No. 5304, does the legislature intend an employer have the rights to provide health benefits contributions to employees working fewer than thirty hours per week, or their dependents, at levels greater than those established in section 464 of the act?

Representative Dellwo: Yes, it is the intent of the legislature to define minimum hours requirements related to employees qualifying for employer contributions to health benefits costs. Nothing in this act restricts the right of employers, either unilaterally or through collective bargaining, to provide health benefits contributions to employees working fewer than thirty hours per week, or their dependents, at levels greater than those established in section 464 of the act.

POINT OF INQUIRY

Representative Dellwo yielded to a question by Representative R. Johnson.

Representative R. Johnson: Is it the purpose of the maximum premium [or cap], as set forth in section 406(6) of this bill, to set an exact price for the uniform benefits package?

Representative Dellwo: No, it is not. The maximum premium or cap is meant to be an upper price limit and no certified health plan or registered employer health plan may charge more than this amount for the uniform benefits package. It is not the intent of this legislation to fix prices, but to encourage managed competition among plans. It is our hope that this competition will be so effective that no plan price will ever approach the maximum premium.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Sheahan.

Representative Sheahan: Representative Dyer, I'm very concerned about the future impact on the economy of this piece of legislation. Are there any future state costs that will not be funded by this legislation, that might require more taxes?

Representative Dyer: Representative Sheahan, in working with the bill and looking at the current package of Appropriations and Revenue, it's very clear there are numerous and future hidden costs not included in the nearly 2 billion dollars of new taxes already required by the bill. Its hidden cost will create a huge financial blow that will require even more taxes of the citizens of Washington in the very near future, all to gain insurance for only 6 percent of the population.

POINT OF INQUIRY

Representative Dellwo yielded to a question by Representative Linville.

Representative Linville: Is it the intent of the legislature that the commission examine issues relating to coverage of non-traditional employees, such as seasonal, migrant and agricultural workers?

Representative Dellwo: Yes. The legislature recognizes that there are unique issues associated with employer sponsorship of health benefits for these non-traditional workers.

Section 232 of the legislation directs the health care authority to maximize the use of existing community and migrant health clinics in meeting the health care needs of these populations. In addition, the commission, in section 406 of the legislation, is given the authority to contract directly with community and migrant health clinics to serve these populations.

If the commission determines that direct employer sponsorship of health benefits for seasonal, migrant or agricultural workers is not the best means to provide access to health care for these workers, the legislature fully expects that the commission will develop recommendations as to an alternative means to provide health care to these workers in a cost-effective manner.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Carlson.

Representative Carlson: One of the big concerns I have from my constituents is the question of benefits and whether under the current health package there would be a reduction under this plan. Representative Dyer, do you feel there would be a reduction under the proposed plan?

Representative Dyer: Well, I certainly do believe there will be a change in the way plans are administered. The implementation of the uniform benefit package will considerably lessen than most comprehensive plans now benefits held by the 89 percent of the population out there that have coverage. As the cost of providing the uniform benefit package is likely to increase with the impact of community rating and composite rating, there will be a definite pressure on the benefit size and there will be a significant change in the employees' expectations of what their coverage will be.

POINT OF INQUIRY

Representative Dellwo yielded to a question by Representative Springer.

Representative Springer: Is it the intent of this legislation that a composite premium rate be implemented even if the commission discovers that such a method is inequitable and not feasible?

Representative Dellwo: No, it is not. The reference to a composite rate was included in the legislation as a way to address, in general, the potential costs problem that families might face in paying their part of the premium. However, the commission is charged with the responsibility of examining this approach and proposing alternative methods to the legislature so we can be sure that the rate is workable and fair.

Representative Zellinsky demanded the previous question.

A division was called on the motion.

The results of the division were 63-YEAS, 35-NAYS. The demand was not sustained.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

ROLL CALL

The Clerk called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5304 as amended by the House and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 42.

Engrossed Second Substitute Senate Bill No. 5304, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209. The President has appointed the following members as Conferees: Senators Pelz, Hochstatter and McAuliffe, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512. The President has appointed the following members as Conferees: Senators Talmadge, Roach and Hargrove, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1931. The President has appointed the following members as Conferees: Senators Vogniild, Nelson and Drew, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307. The President has appointed the following members as Conferees: Senators Sheldon, Erwin and Williams, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1175. The President has appointed the following members as Conferees: Senators Pelz, Roach and McAuliffe, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5241,
SENATE BILL NO. 5245,
ENGROSSED SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5270,
ENGROSSED SENATE BILL NO. 5280,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5316,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SENATE BILL NO. 5508,
SECOND SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5528,
ENGROSSED SENATE BILL NO. 5534,
ENGROSSED SENATE BILL NO. 5545,
SENATE BILL NO. 5635,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2036 with the following amendments:

On page 2, beginning on line 30, strike all material through line 37.

On page 5, line 30, after "transportation account;" insert "and the"

On page 5, line 32, after "competitive" strike "; and the multimodal account"
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 2036 and pass the bill as amended by the Senate.

Representative R. Fisher spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2036 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2036 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 2036, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while present state law prohibits the sale and distribution of tobacco to minors, youth obtain tobacco products with ease. Availability and lack of enforcement put tobacco products in the hands of youth.

Federal law requires states to enforce laws prohibiting sale and distribution of tobacco products to minors in a manner that can reasonably be expected to reduce the extent to which the products are available to minors. It is imperative to effectively reduce the sale, distribution, and availability of tobacco products to minors.

NEW SECTION. Sec. 2. The definitions set forth in RCW 82.24.010 shall apply to sections 3 through 14 of this act. In addition, for the purposes of this chapter, unless otherwise required by the context:

- (1) "Board" means the Washington state liquor control board.
- (2) "Minor" refers to an individual who is less than eighteen years old.
- (3) "Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.
- (4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.
- (5) "Sampler" means a person engaged in the business of sampling other than a retailer.
- (6) "Sampling" means the distribution of samples to members of the general public in a public place.
- (7) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

NEW SECTION. Sec. 3. A person who holds a license issued under RCW 82.24.520 or 82.24.530 shall:

- (1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and
- (2) Display a sign concerning the prohibition of tobacco sales to minors.

Such sign shall:

- (a) Be posted so that it is clearly visible to anyone purchasing tobacco products from the licensee;
- (b) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED"; and
- (c) Be provided free of charge by the liquor control board.

NEW SECTION. Sec. 4. No person shall sell or permit to be sold any tobacco product through any device that mechanically dispenses tobacco products unless the device is located fully within premises from which minors are prohibited or in industrial worksites where minors are not employed and not less than ten feet from all entrance or exit ways to and from each premises.

NEW SECTION. Sec. 5. No person shall sell or permit to be sold cigarettes not in the original unopened package or container to which the stamps required by RCW 82.24.060 have been affixed.

This section does not apply to the sale of loose leaf tobacco by a retail business that generates a minimum of sixty percent of annual gross sales from the sale of tobacco products.

NEW SECTION. Sec. 6. (1) No person may engage in the business of sampling within the state unless licensed to do so by the board. If a firm contracts with a manufacturer to distribute samples of the manufacturer's products, that firm is deemed to be the person engaged in the business of sampling.

(2) The board shall issue a license to a sampler not otherwise disqualified by section 11 of this act upon application and payment of the fee.

(3) A sampler's license expires on the thirtieth day of June of each year and must be renewed annually upon payment of the appropriate fee.

(4) The board shall annually determine the fee for a sampler's license and each renewal. However, the fee for a manufacturer whose employees distribute samples within the state is five hundred dollars per annum, and the fee for all other samplers must be not less than fifty dollars per annum.

(5) A sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. A person engaged in sampling under the license shall carry the license or a copy at all times.

NEW SECTION. Sec. 7. (1) No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to sampling (a) in an area to which persons under the age of eighteen are denied admission, (b) in or at a store or concession to which a retailer's license has been issued, or (c) at or adjacent to a production, repair, or outdoor construction site or facility.

(2) Notwithstanding subsection (1) of this section, no person may distribute or offer to distribute samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when that facility is being used primarily by persons under the age of eighteen for recreational, educational, or other purposes.

NEW SECTION. Sec. 8. No person shall give or distribute cigarettes or other tobacco products to a person by a coupon if such coupon is redeemed in any manner that does not require an in-person transaction in a retail store.

NEW SECTION. Sec. 9. A person under the age of eighteen who purchases or attempts to purchase or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in a smoking cessation program, or both. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

NEW SECTION. Sec. 10. (1) Where there may be a question of a person's right to purchase or obtain tobacco products by reason of age, the retailer, sampler, or agent thereof, shall require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: Liquor control authority card of identification of a state or province of Canada; driver's license, instruction permit, or identification card of a state or province of Canada; "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; United States military identification; passport; or merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080(4) that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The liquor control board shall waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence.

NEW SECTION. Sec. 11. (1) The liquor control board may suspend or revoke a retailer's license held by a business at any location, or may impose a monetary penalty as set forth in subsection (2) of this section, if the liquor control board finds that the licensee has violated RCW 26.28.080(4), or section 3, 4, 5, 6, 7, 8, or 10 of this act.

(2) The sanctions that the liquor control board may impose against a person licensed under RCW 82.24.530 and sections 6 and 7 of this act based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) For violation of RCW 26.28.080(4) or section 3 of this act:

(i) A monetary penalty of one hundred dollars for the first violation within any two-year period;

(ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;

(iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;

(iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;

(b) For violations of section 4 of this act, a monetary penalty in the amount of one hundred dollars for each day upon which such violation occurred;

(c) For violations of section 5 of this act occurring on the licensed premises:

(i) A monetary penalty of one hundred dollars for the first violation within any two-year period;

(ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;

(iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two-year period;

(iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;

(d) For violations of sections 6 and 7 of this act, a monetary penalty in the amount of three hundred dollars for each violation;

(e) For violations of section 8 of this act, a monetary penalty in the amount of one thousand dollars for each violation.

(3) The liquor control board may impose a monetary penalty upon any person other than a licensed cigarette retailer or licensed sampler if the liquor control board finds that the person has violated RCW 26.28.080(4), or section 3, 4, 5, 6, 7, 8, or 10 of this act.

(4) The monetary penalty that the liquor control board may impose based upon one or more findings under subsection (3) of this section may not exceed the following:

(a) For violation of RCW 26.28.080(4) or section 3 of this act, fifty dollars for the first violation and one hundred dollars for each subsequent violation;

(b) For violations of section 4 of this act, one hundred dollars for each day upon which such violation occurred;

(c) For violations of section 5 of this act, one hundred dollars for each violation;

(d) For violations of sections 6 and 7 of this act, three hundred dollars for each violation;

(e) For violations of section 8 of this act, one thousand dollars for each violation.

(5) The liquor control board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(6) The liquor control board may issue a cease and desist order to any person who is found by the liquor control board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080(4) or 82.24.500, requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order shall not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(7) The liquor control board may seek injunctive relief to enforce the provisions of RCW 26.28.080(4) or 82.24.500 or this chapter. The liquor control board may initiate legal action to collect civil penalties imposed under this chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the liquor control board under this chapter, the court may, in addition to any other relief, award the liquor control board reasonable attorneys' fees and costs.

(8) All proceedings under subsections (1) through (6) of this section shall be conducted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 12. (1) The liquor control board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080(4) and 82.24.500. The liquor control board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of section 11 of this act.

(2) The liquor control board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080(4) and 82.24.500, a peace officer or enforcement officer of the liquor control board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products is under the age of eighteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor control board.

(4) The liquor control board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

NEW SECTION. Sec. 13. (1) The youth tobacco prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520 and 82.24.530 and funds collected by the liquor control board from the imposition of monetary penalties and samplers' fees shall be deposited into this account, except that ten percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the liquor control board to pay the costs incurred, up to thirty percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products are available to individuals under the age of eighteen. The agreements shall also set forth requirements for data reporting by the liquor control board regarding its enforcement activities.

(4) The department of health and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco intervention strategies to prevent and reduce tobacco use by youth.

NEW SECTION. Sec. 14. This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of tobacco product promotions and sales within retail stores, except that political subdivisions that have adopted ordinances prohibiting sampling by January 1, 1993, may continue to enforce these ordinances. No political subdivision may: (1) Impose fees or license requirements on retail businesses for possessing or selling cigarettes or tobacco products, other than general business taxes or license fees not primarily levied on tobacco products; or (2) regulate or prohibit activities covered by sections 3 through 9 of this act. This chapter does not otherwise preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with chapter ..., Laws of 1993 (this act).

Sec. 15. RCW 82.24.530 and 1986 c 321 s 7 are each amended to read as follows:

A fee of ~~((ten))~~ ninety-three dollars shall accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates. A fee of ~~((one))~~ thirty additional dollars for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

NEW SECTION. Sec. 16. The department of health shall report to the house of representatives and senate committees with jurisdiction for health issues no later than February 1, 1995, on the effectiveness of enforcement and education activities as specified in this act. This study shall include information concerning the adequacy of revenue to support enforcement and education activities.

Sec. 17. RCW 82.24.550 and 1986 c 321 s 9 are each amended to read as follows:

(1) The department of revenue shall enforce the provisions of this chapter except RCW 82.24.500, which will be enforced by the liquor control board. The department of revenue may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The department of revenue has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the department of revenue. The department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the department of revenue finds the offender has been guilty of willful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department of revenue if it appears to the satisfaction of the department of revenue that the licensee will comply with the provisions of this chapter and the rules promulgated thereunder.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the department of revenue.

Sec. 18. RCW 82.24.560 and 1986 c 321 s 10 are each amended to read as follows:
Except as specified in section 13 of this act, all fees and penalties received or collected by the department of revenue pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund.

NEW SECTION. Sec. 19. Sections 2 through 14 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "tobacco;" strike the remainder of the title and insert "amending RCW 82.24.530, 82.24.550, and 82.24.560; adding a new chapter to Title 70 RCW; creating new sections; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Johnson moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2071 and pass the bill as amended by the Senate.

Representatives L. Johnson and Foreman spoke in favor of the motion and the motion was carried.

POINT OF INQUIRY

Representative L. Johnson yielded to a question by Representative Appelwick.

Representative Appelwick: What does political subdivision mean in Section 14 of this bill? Does that mean, for instance, local departments and agencies, such as local health departments?

Representative L. Johnson: Political subdivision is intended to include all local governments and their departments, agencies, and offices including local health departments of cities and counties.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2071 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2071 as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Valle - 1.

Engrossed Substitute House Bill No. 2071, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved the Rules Committee be relieved of House Joint Resolution No. 4201 and that the resolution was placed on the second reading calendar. The motion was carried.

HOUSE JOINT RESOLUTION NO. 4201, by Representatives Ludwig, Padden, Appelwick, Foreman and Johanson

Amending the Constitution to provide that superior courts and district courts have concurrent jurisdiction in cases in equity.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the Resolution was placed on final passage.

Representatives Talcott, Heavey, Sehlin, Flemming, Casada, Wineberry, Dyer, Campbell and Thomas spoke in favor of the Resolution.

House Joint Resolution No. 4201 was adopted.

The Speaker introduced Soldiers of First Corps and Fort Lewis, Rocky Houser, the Command Sergeant Major of First Corps and Fort Lewis, Staff Sergeant Michael D. Miracle, Fort Lewis Non-Commissioned Officer of the Year for 1993, Specialist Tiffany M. Martin, Fort Lewis Soldier of the Year for 1993 and Lieutenant General Carmen J. Caveeza.

General Caveeza briefly addressed the House of Representatives.

MESSAGES FROM THE SENATE

April 20, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5056,
SENATE BILL NO. 5079,
SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5124,
SUBSTITUTE SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,

and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1993

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1490 and passed the bill without the Senate amendments.
and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1993

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1741 and passed the bill without the Senate amendments.
and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

RESOLUTIONS

HOUSE RESOLUTION NO. 93-4646, by Representatives Vance and Roland

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Auburn Senior High School Forensic Program has exhibited the highest levels of excellence in winning numerous awards the past two years in state and national forensic competition; and

WHEREAS, The Auburn Senior High School Forensic Program teaches young people the art of public discussion and debate and helps develop skills in argumentative discourse; and

WHEREAS, The Auburn Senior High School Forensic Program will participate in some fourteen summer seminars and workshops during the summer of 1993 throughout the country with students participating at their own expense, including those at American University in Washington, D.C., University of Michigan, Northwestern University, University of Kansas, Baylor University, Stanford University, and Pacific Lutheran University here in Washington State; and

WHEREAS, The Auburn Senior High School Forensic Program has been invited to five national tournaments including those at the Bronx School of Science in New York City, Glenbrook North in Chicago, Redlands University in Los Angeles, University of California at Berkeley, Tournament of Champions at the University of Kentucky and the National Forensic League Nationals in Indianapolis, Indiana; and

WHEREAS, The following awards have been received by the Auburn Senior High School Forensic Program or its participants during the past two years:

(1) The Auburn Senior High School Forensic Program: Rated eighteenth in the nation by the National Forensic League in 1992; rated fifteenth in the nation by the National Forensic League and member of their "200 Club" with over two hundred members and degrees in 1993; 1992-93 Sweepstakes Award for the Championship of the Western Washington National Forensic League District; 1991-92 AAA Debate Academic State Championship as presented by the W.I.A.A.; and 1992-93 AAA Debate Academic State Championship as presented by the W.I.A.A.;

(2) Mike Burton: Outstanding Service to Forensic in the state of Washington as presented by the Washington State Forensic Coaches Association; 1992 Outstanding Forensic Education in the state of Washington as presented by the Pacific Lutheran Forensic Program; and 1992 National Forensic League Distinguished Key Award for Service;

(3) Hannah Knudsen: 1992-93 Outstanding Senior Forensic Student as presented by the Pacific Lutheran University Forensic team;

(4) Brenna Bell: 1992-93 Erik Helppie Award and Scholarship for the Outstanding Forensic Student in the state of Washington as presented by the Washington State Forensic Coaches Association;

(5) Shannon Smith: 1992 National Qualifier for the National Forensic League Nationals in Fargo, North Dakota;

(6) Nigel Barron and Larry Daugherty: 1993 National Qualifiers for the National Forensic League Nationals at Indianapolis, Indiana;

(7) Erika Rhett and Chris Kuhel: 1993 Alternates to the National Forensic League Nationals;

(8) Gavin Skok and Brent Jones: 1992 Degree of Outstanding Distinction from the National Forensic League for outstanding ability in speech and debate, an award provided to only one-half of one percent of all students involved in Forensics;

(9) Chris Kuhel and Erika Rhett: 1993 Degree of Outstanding Distinction from the National Forensic League for outstanding ability in speech and debate, an award provided to only one-half of one percent of all students involved in Forensics;

(10) Larry Daugherty: Winner of the Seattle-Chongquig Sister City Speech Contest to China for himself and his coach; and

(11) Mr. Archie McCallum, Former Principal-Retired 1992, Auburn Senior High School: 1992 Administrator of the Year as presented by the Washington State Forensic Association; and

WHEREAS, These program and individual accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, and community members, who backed them all the way; and

WHEREAS, The Auburn Senior High School Forensic Program Director of Forensics Mike Burton, and all the program participants, share in the Auburn Senior High School Forensic Program's success by combining outstanding direction with outstanding performance; and

WHEREAS, The individual and team achievements of the Auburn Senior High School Forensic Program over the past two years will always be remembered when commemorating their successes, and are a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representative of the state of Washington honor the Auburn Senior High School Forensic Program; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Auburn Senior High School Forensic Program Director of Forensics Mike

Burton, Auburn Senior High School Principal Kip Herren, Auburn School District Superintendent Dr. James P. Fugate, and President of the Board, Lee Singer.

Representative Vance moved adoption of the resolution.

Representatives Vance, Roland and Karahalios spoke in favor of adoption of the resolution.

House Resolution No. 4646 was adopted.

HOUSE RESOLUTION NO. 93-4656, by Representatives Edmondson, Lemmon, Lisk, Chandler, Rayburn and Hansen

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Greater Yakima area has exhibited the highest level of excellence in winning the 1993 National Civic League's All American City Program's recognition as one of the top thirty All American Cities in the United States; and

WHEREAS, The National Civic League's All American City Program is the premiere community recognition program in the United States, and this year the 1993 National Civic League's All American City Program received the largest number of applications than at any previous time in its 50 year history, over 151 applications from throughout the United States; and

WHEREAS, The Greater Yakima Chamber of Commerce filed the application for recognition of the Greater Yakima area as an All American City, and focused on three projects which showed a strong community partnership, the Substance Abuse Coalition, the Yakima Greenway, and the Washington State Fairground renovation, such as the Sundome; and

WHEREAS, The Greater Yakima Chamber of Commerce All American City Committee consisted of Chairperson, Curtis King, Dr. Larry Petry, Jim Barnhill, Mal Arnett, Esther Huey, Bill Baker, Cee Vogt, Mel Wagner, Glenn Rice, Greg Stewart, and Greater Yakima Chamber of Commerce General Manager, Gary Webster; and

WHEREAS, The Greater Yakima area was the only Northwest city, and one of only five cities in the western United States, to be given the honor of being recognized by the National Civic League's All American City Program as one of the top thirty All American Cities in the United States; and

WHEREAS, The choice of the Greater Yakima area as one of the top thirty All American Cities in the United States shows the commitment of all the citizens of the Greater Yakima area to help create a great community; and

WHEREAS, This extraordinary accomplishment could not have been achieved without the support and encouragement of all the families, businesses, workers, and area residents, who have worked hard, and this achievement will always be remembered as a source of great pride to all the citizens of the state of Washington; and

WHEREAS, The Greater Yakima area will be contending for recognition as one of the top ten All American Cities in Tampa, Florida on Saturday, May 22, 1993;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the Greater Yakima area for its recognition by the National Civic League's All American City Program as one of the top thirty All American Cities in the United States for 1993, and encourage state-wide support for Greater Yakima area's selection as one of the top ten All American Cities in the United States for 1993; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mayor of Yakima, Patricia Berndt, City Manager of Yakima, Dick Zais, the Greater Yakima Chamber of Commerce General Manager, Gary Webster, and the Greater Yakima Chamber of Commerce All American City Committee Chairperson, Curtis King.

Representative Edmondson moved adoption of the resolution.

Representatives Edmondson, Lemmon, Lisk, Rayburn and Chandler spoke in favor of adoption of the resolution.

The Speaker called on Representative Ogden to preside.

House Resolution No. 4656 was adopted.

The Speaker (Representative Ogden presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker called on Representative R. Meyers to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1069, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter does not apply to property subject to forfeiture under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, 9.46.230, 9A.82.100, 9A.83.030, 7.48.090, or 77.12.101.

NEW SECTION. Sec. 2. (1) The following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.

A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party neither had knowledge of nor consented to the commission of the felony.

(2) Personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of personal property without process may be made if:

- (a) The seizure is incident to an arrest or a search under a search warrant;
- (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;
- (c) A law enforcement officer has probable cause to believe that the property is directly dangerous to health or safety; or
- (d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in the commission of a felony.

(3) In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within ninety days of the seizure, the item seized shall be deemed forfeited. A perfected security interest of a secured party may be extinguished only after a contested hearing or agreement by the secured party.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within ninety days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The prosecuting attorney shall file the case into a court of competent jurisdiction. The court to which the matter is filed shall be the district court when the aggregate value of the personal property is within the jurisdictional limit of the district court. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be by a preponderance and upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the trier of fact that the claimant is the present lawful owner or is lawfully entitled to possession.

(6) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the criminal law;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(7) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(a) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(b) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(c) Retained property and net proceeds not required to be paid to the state treasurer, or otherwise required to be spent under this section, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 10 RCW."

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and adding a new chapter to Title 10 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Appelwick moved the House refuse to concur on Senate amendments to Substitute House Bill No. 1069 and ask for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Appelwick, Ludwig and Padden as conferees on Substitute House Bill No. 1069.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1357 with the following amendments:

On page 3, after line 9, insert the following:

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the public works board.

(2) "Department" means the department of health.

(3) "Private water purveyor" means a public water system not owned by a governmental body.

(4) "Public water purveyor" means a governmental body, including a public or quasi-public organization, that owns and operates a public water system, or the authorized agent of such an entity.

(5) "Public water system" has the meaning prescribed in the Washington state safe drinking water act, chapter 70.119A RCW.

NEW SECTION. Sec. 6. The drinking water assistance account is established in the state treasury. Money may be placed in the account from the proceeds of bonds when authorized by the legislature, transfers from other state funds or accounts, federal financial assistance, or any other lawful source. Moneys from the account may be

spent only by the secretary of health or the public works board after appropriation. Expenditures from the account may be used only to meet the purposes of this chapter.

NEW SECTION. Sec. 7. The department shall, by January 1, 1994, in consultation with the board, purveyors, local health departments, and other interested parties, establish guidelines and requirements for the provision of grants and/or loans to public water systems. The department shall ensure that guidelines and requirements:

- (1) Utilize, to the maximum extent, all available federal financial assistance;
- (2) Are consistent with existing water resource planning and management, including coordinated water supply plans, regional water resource plans, and comprehensive plans under the growth management act, chapter 36.70A RCW;
- (3) Prioritize least-cost solutions, including consolidation and restructuring of small systems into more economical units and the provision of regional facilities;
- (4) Assure implementation of water conservation and other demand management measures consistent with state guidelines for water utilities;
- (5) Provide assistance for the necessary planning and engineering to assure that consistency, coordination, and proper professional review are incorporated into projects or activities proposed for funding;
- (6) Include minimum standards for financial viability and water system planning;
- (7) Provide for testing and evaluation of the water quality of the state's public water systems to assure that priority for financial assistance is provided to systems and areas with threats to public health from contaminated supplies and reduce in appropriate cases the substantial increases in costs and rates that customers of small systems would otherwise incur under the monitoring and testing requirements of the federal safe drinking water act; and
- (8) Are coordinated, to the maximum extent possible, with other state programs that provide financial assistance to public water systems and state programs that address existing or potential water quality or drinking water contamination problems.

NEW SECTION. Sec. 8. The board shall develop a financial assistance program using appropriated funds from the drinking water assistance account to meet the purposes and implement the guidelines authorized in this chapter. The board shall consult with the department and water purveyors in developing the financial assistance program.

The board shall develop criteria for grants and/or loans to be made to public water systems. The criteria shall emphasize public water systems with the most critical public health needs; the capacity of the water system to effectively manage its resources; the ability to promptly commence the project; and the relative benefit to the community served. Priority shall be given to those systems that are ready to proceed, that will provide water system improvements to the greatest number of people, and any other criteria that the board shall develop in consultation with the department and water system purveyors.

NEW SECTION. Sec. 9. The department and the board shall be entitled to reasonable administrative expenses in developing and implementing the programs authorized under this chapter.

In all cases where the department, board, and any other department, agency, board, or commission of state government interact or provide service under this chapter, the administering government body shall endeavor to provide cost-effective services. The provision of services shall include: (1) The use of policy statements or guidelines instead of administrative rules; (2) using existing management mechanisms rather than creating new administrative structures; (3) investigating the use of service contracts, either with other governmental entities or with nongovernmental service providers; (4) the use of joint or combined financial assistance applications; and (5) any other method or practice designed to streamline the delivery of services.

NEW SECTION. Sec. 10. Sections 5 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 11. Sections 5 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "70.119.150;" strike "and"

On page 1, line 3 of the title, after "RCW" insert "; adding a new chapter to Title 70 RCW; and declaring an emergency" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved the House refuse to concur in the Senate amendments to Substitute House Bill No. 1357 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.31.611 and 1991 c 314 s 3 are each amended to read as follows:

- (1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to timber impact areas.
- (2) The coordinator's responsibilities shall include but not be limited to:
 - (a) Serving as executive secretary of the economic recovery coordination board and directing staff associated with the board.
 - (b) Chairing the agency timber task force and directing staff associated with the task force.
 - (c) Coordinating and maximizing the impact of state and federal assistance to timber impact areas.
 - (d) Coordinating and expediting programs to assist timber impact areas.
 - (e) Providing the legislature with a status and impact report on the timber recovery program in January 1992.
- (3) This section shall expire June 30, (~~1993~~) 1995.

Sec. 2. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

- (1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community and technical colleges (~~(education)~~), state (~~board for vocational education~~) work force training and education coordinating board, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.
- (2) This section shall expire June 30, (~~1993~~) 1995.

Sec. 3. RCW 43.31.631 and 1991 c 314 s 6 are each amended to read as follows:

- (1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each county that is a timber impact area. The timber recovery coordinator shall also be a member of the board. Each associate development organization from counties that are timber impact areas, in consultation with the county legislative authority, shall submit to the governor the names of three nominees representing different interests in each county. Within sixty days after July 28, 1991, the governor shall select one nominee from each list submitted by associate development organizations. In making the appointments, the governor shall endeavor to ensure that the board represents a diversity of backgrounds. Vacancies shall be filled in the same manner as the original appointment.
- (2) The board shall:
 - (a) Advise the timber recovery coordinator and the agency timber task force on issues relating to timber impact area economic and social development, and review and provide recommendations on proposals for the diversification of the timber impact areas presented to it by the timber recovery coordinator.
 - (b) Respond to the needs and concerns of citizens at the local level.
 - (c) Develop strategies for the economic recovery of timber impact areas.
 - (d) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that affect timber impact areas.
 - (e) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber impact areas.

(3) Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) This section shall expire June 30, (~~1993~~) 1995.

Sec. 4. RCW 43.160.200 and 1991 c 314 s 23 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

(12) Cities and counties otherwise eligible under and in compliance with this section are authorized to use the loans or grants for buildings and structures.

Sec. 5. 1991 c 314 s 26 (uncodified) is amended to read as follows:

(1) For the period beginning July 1, 1991, and ending June 30, (~~1993~~) 1995, in timber impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27 of this act:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available:

(i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

Sec. 6. 1991 c 314 s 32 (uncodified) is amended to read as follows:

RCW 43.160.076 and 1991 c 314 s 24 and 1985 c 446 s 6 are each repealed effective June 30, ~~((1993))~~ 1995.

Sec. 7. 1991 c 314 s 33 (uncodified) is amended to read as follows:

RCW 43.160.200 expires June 30, ~~((1993))~~ 1995.

Sec. 8. 1991 c 314 s 34 (uncodified) is amended to read as follows:

~~((Section 25 of this act))~~ RCW 43.160.210 shall take effect July 1, ~~((1993))~~ 1995.

Sec. 9. 1991 c 315 s 2 (uncodified) is amended to read as follows:

(1) Coordination of the programs in this act shall be through the economic recovery coordination board created in RCW 43.31.631, the timber recovery coordinator created in RCW 43.31.611, and the agency timber task force created in RCW 43.31.621.

(2) This section shall expire June 30, ~~((1993))~~ 1995.

Sec. 10. RCW 50.22.090 and 1992 c 47 s 2 are each amended to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after July 1, 1991, and for the forest products industry beginning with the third week after the first Sunday after July 1, 1991. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July ~~((3))~~ 1, ~~((1993))~~ 1995, but for claims established on or before July ~~((3))~~ 1, ~~((1993))~~ 1995, weeks of unemployment occurring after July ~~((3))~~ 1, ~~((1993))~~ 1995, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be ~~((fifty-two))~~ one hundred four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than ~~((one))~~ two years beyond the end of the benefit year of the regular claim for an individual whose benefit year ends on or after July 27, 1991, and shall not be payable for weeks ending on or after ~~((one))~~ two years after March 26, 1992, for individuals who become eligible as a result of chapter 47, Laws of 1992~~((, and shall be payable for up to five weeks following the completion of the training required by this section))~~.

(c) Notwithstanding the provisions of (b) of this subsection, individuals will be entitled to up to five additional weeks of benefits following the completion or termination of training.

(d) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

~~((4))~~ (e) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(f) The amendments in chapter . . . , Laws of 1993 (this act) affecting subsection (3) (b) and (c) of this section shall apply in the case of all individuals determined to be monetarily eligible under this section without regard to the date eligibility was determined.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b)(i) Has received notice of termination or layoff; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after July 1, 1991, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

(7) For the purpose of this section, an individual who has a benefit year beginning after January 1, 1989, and ending before July 27, 1991, shall be treated as if his or her benefit year ended on July 27, 1991.

NEW SECTION. Sec. 11. Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1993."

On page 1, line 2 of the title, after "1991;" strike the remainder of the title and insert "amending RCW 43.31.611, 43.31.621, 43.31.631, 43.160.200, and 50.22.090; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); amending 1991 c 314 s 34 (uncodified); amending 1991 c 315 s 2 (uncodified); providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved the House refuse to concur in Senate amendments to Engrossed Substitute House Bill No. 1529 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Springer, Jones and Chandler as conferees on Engrossed Substitute House Bill No. 1529.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, with the following amendments:

On page 2, after line 19, strike the remainder of the bill.

On page 1, line 2 of the title, after "charges;" strike "amending RCW 67.28.240;"

On page 2, after line 19, insert the following:

"Sec. 1. RCW 67.28.240 and 1991 c 363 s 140 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of ~~((two))~~ three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section."

On page 1, line 2 of the title, after "charges;" insert "amending RCW 67.28.240;" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Holm moved the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1862 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives G. Fisher, Foreman and Mastin as conferees on Engrossed Substitute House Bill No. 1862.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. It is the intent of the legislature to combat discrimination in the economy.

(1) The legislature finds that discrimination is in part responsible for:

(a) The disproportionately small percentage of the state's businesses that are owned by minorities and women;

(b) The limited and unequal opportunity minority and women entrepreneurs and business owners have to procure small business financing; and

(c) The difficulty many minority and women-owned contracting businesses have in securing bonds and contract work.

(2) The legislature further finds that:

(a) Many minority and women entrepreneurs and business owners lack training in how to establish and operate a business. This lack of training inhibits their competitiveness when they apply for business loans, bonds, and contracts;

(b) Minorities and women are an increasingly expanding portion of the population and work force. In order for these individuals to fully contribute to the society and economy it is necessary to ensure that minority and women entrepreneurs and business owners are provided an equal opportunity to procure small business financing, bonds, and contracts; and

(c) The growth of small businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the marketplace, and expanding tax revenues. Access to financial markets, bonds, and contracts by entrepreneurs and small business owners is vital to this process. Without reasonable access to financing, bonds, and contracts, talented and aggressive entrepreneurs and small business owners are cut out of the economic system and the state's economy suffers.

(3) Therefore, the legislature declares there to be a substantial public purpose in providing technical assistance in the areas of marketing, finance, and management, and access to capital resources, bonds, and contracts, to help start or expand a minority or women-owned business, and specifically to encourage and make possible greater participation by minorities and women in international trade, public works and construction, and public facility concessions. To accomplish these purposes, it is the intent of the legislature to:

(a) Develop or contract for training courses in financing, marketing, managing, accounting, and recordkeeping for a small business and to make these programs available to minority and women entrepreneurs and small business owners;

(b) Make public works and construction projects, public facility concessions, and purchase of goods and services accessible to a greater number of minority and women-owned businesses;

(c) Provide for the lending of nonstate funds to qualified minority and women entrepreneurs and business owners in order to provide the maximum practicable opportunity for innovative minority and women entrepreneurs and business owners to compete for small business financing; and

(d) Provide professional services assistance grants and bond guarantees on behalf of qualified contractors in order to provide the maximum practicable opportunity for minority and women-owned contracting businesses to participate in the Washington state economy by bidding and completing various public and private contracting jobs.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Minority" means persons of color, including African-Americans, Hispanic/Latino Americans, Native Americans, and Asian/Pacific Islanders Americans;

(2) "Minority and women-owned business" means any resident minority business enterprise or women's business enterprise, certified as such by the office of minority and women's business enterprises under chapter 39.19 RCW and consistent with subsection (1) of this section.

I. EDUCATION AND TECHNICAL ASSISTANCE

Sec. 3. RCW 43.31.085 and 1989 c 430 s 2 are each amended to read as follows:

MARKETING, FINANCE, AND MANAGEMENT ASSISTANCE. The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) ~~((The business assistance center shall))~~ Work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) Provide or contract for technical assistance to minority and women-owned business enterprises in a variety of areas, including, but not limited to, marketing, finance, bidding and estimating assistance, public contracting assistance, and management.

(9) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program. As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) the department of community development, (d) the employment security department, (e) the department of trade and economic development, (f) the small business development center, and (g) the department of social and health services.

~~((9))~~ (10) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

~~((10))~~ (11) Actively seek public and private money to support the child care facility fund described in RCW 43.31.502, staff and assist the child care facility fund committee as described in RCW 43.31.504, and work to promote applications to the committee for loan guarantees, loans, and grants.

Sec. 4. RCW 43.31.055 and 1985 c 466 s 6 are each amended to read as follows:

EXPORT ASSISTANCE. The department shall assist in expanding the state's role as a major international gateway for landing and transshipping goods bound for domestic and foreign markets. The department shall identify and work with Washington businesses, especially minority and women-owned businesses and ethnic community-based organizations, which can utilize state assistance to increase domestic and foreign exports and are capable of increasing production of goods and services, including but not limited to manufactured goods, raw materials, services, and retail trade. The department shall participate in trade and industry exhibitions both foreign and domestic to promote and market state products and services. The department's activities shall include, but not be limited to:

(1) Operating an active and vigorous effort to market the state's products and services internationally, coordinated with private and public international trade efforts throughout the state.

(2) Coordinating with the domestic and foreign export market development activities of the state department of agriculture.

(3) Sending delegations to foreign countries and other states to promote trade with Washington.

(4) Acting as a centralized location for the assimilation and distribution of trade information.

(5) Identifying domestic and international markets in which minority and women-owned businesses may have an advantage and providing technical assistance to develop capacity for minority and women-owned businesses to participate in international trade.

NEW SECTION. Sec. 5. A new section is added to chapter 43.210 RCW to read as follows:

The small business export finance assistance center shall develop a minority business export outreach program. The program shall provide outreach services to minority-owned businesses in Washington to inform them of the importance of and opportunities in international trade, and to inform them of the export assistance programs available to assist these businesses to become exporters.

NEW SECTION. Sec. 6. A new section is added to chapter 43.31 RCW to read as follows:

ENTREPRENEURIAL TRAINING COURSES. The department of trade and economic development shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned small businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. The business assistance center may recommend professional instructors, with practical knowledge and experience on how to start and operate a business, to teach the courses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for minority and women small business owners and entrepreneurs.

NEW SECTION. Sec. 7. A new section is added to chapter 43.31 RCW to read as follows:

BUSINESS ASSISTANCE CENTER MINORITY AND WOMEN BUSINESS DEVELOPMENT OFFICE. There is established within the department's business assistance center the minority and women business development office. This office shall provide business-related assistance to minorities and women as well as serve as an outreach program to increase minority and women-owned businesses' awareness and use of existing business assistance services.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of sections 5 and 6 of this act, referencing sections 5 and 6 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 5 and 6 of this act are null and void.

II. FAIRNESS IN CONTRACTING AND CONCESSIONS

Sec. 9. RCW 39.19.060 and 1983 c 120 s 6 are each amended to read as follows:

Each state agency and educational institution shall comply with the annual goals established for that agency or institution under this chapter for public works and procuring goods or services. This chapter applies to all public works and procurement by state agencies and educational institutions, including all contracts and other procurement under chapters 28B.10, 39.04, 39.29, 43.19, and 47.28 RCW. Each state agency shall adopt a plan, developed in consultation with the director and the advisory committee, to insure that minority and women-owned businesses are afforded the maximum practicable opportunity to directly and meaningfully participate in the execution of public contracts for public works and goods and services. The plan shall include specific measures the agency will undertake to increase the participation of certified minority and women-owned businesses. The office shall annually notify the governor, the state auditor, and the legislative budget committee of all agencies and educational institutions not in compliance with this chapter.

NEW SECTION. **Sec. 10.** A new section is added to chapter 39.19 RCW to read as follows:

(1) State agencies shall not require a performance bond for any public works project that does not exceed twenty-five thousand dollars awarded to a prequalified and certified minority or woman-owned business that has been prequalified as provided under subsection (2) of this section.

(2) A limited prequalification questionnaire shall be required assuring:

(a) That the bidder has adequate financial resources or the ability to secure such resources;

(b) That the bidder can meet the performance schedule;

(c) That the bidder is experienced in the type of work to be performed; and

(d) That all equipment to be used is adequate and functioning and that all equipment operators are qualified to operate such equipment.

III. LOAN FUND AND GUARANTEES

Sec. 11. RCW 43.168.030 and 1985 c 164 s 3 are each amended to read as follows:

(1) The Washington state development loan fund committee is established as an entity within the department of community development. The committee shall have ~~((seven))~~ eight members. The director shall appoint the members, subject to the following requirements: (a) Three members shall be experienced in investment finance and have skills in providing capital to new and innovative businesses, in starting and operating businesses and providing professional services to small or expanding businesses; (b) two members shall be residents of distressed areas; (c) one member shall represent organized labor; ~~((and))~~ (d) one member shall represent a minority business; and (e) one member shall represent a women-owned business. Careful consideration in making these appointments shall be taken to ensure that the various geographic regions of the state are represented, that members will be available for meetings on a regular basis, and will have a commitment to working with local governments and local development organizations.

(2) Each member appointed by the director shall serve a term of three years, except that of the members first appointed, two shall serve two-year terms and two shall serve one-year terms. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the director only for cause.

(3) The director shall designate a member of the board as its chairperson. The committee may elect such other officers as it deems appropriate. ~~((Four))~~ Five members of the committee constitute a quorum and ~~((four))~~ five affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members of the committee shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for wilful dishonesty or intentional violations of law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 12. RCW 43.168.050 and 1990 1st ex.s. c 17 s 74 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities ~~((or))~~, the maintenance of threatened employment, or development or expansion of business ownership by minorities and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, ~~((and))~~ the employment of disadvantaged workers, and development or expansion of business ownership by minorities and women, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5)(a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) For loans not made to minority and women-owned businesses, the committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. For loans not made to minority and women-owned businesses, the committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

(12) For loans to minority and women-owned businesses who do not meet the credit criteria, the committee may consider nontraditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses in the economy. For applicants with high potential who do not meet the credit criteria, the committee shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the committee shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, priority shall be given to members of eligible groups which previously have been least served by this fund.

NEW SECTION. Sec. 13. A new section is added to chapter 43.168 RCW to read as follows:

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the committee under this chapter shall conform to applicable federal requirements. The committee shall prioritize available funds for loan guarantees rather than loans when possible. The committee may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the committee may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the committee from making individual loan guarantees.

To the maximum extent practicable, the funds available under this section shall be made available on an equal basis to minority and women-owned businesses. The committee shall submit to the appropriate committees of the senate and house of representatives quarterly reports that detail the number of loans approved and the characteristics of the recipients by ethnic and gender groups.

Sec. 14. RCW 43.168.070 and 1987 c 461 s 5 are each amended to read as follows:

The committee may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The committee shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

Sec. 15. RCW 43.168.100 and 1986 c 204 s 1 are each amended to read as follows:

The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements; and (3) spend ~~((double the))~~ at least the same amount of the grant for loans to businesses from the federal funds received by the entitlement community.

IV. BONDING ASSISTANCE

NEW SECTION. **Sec. 16.** DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 17 through 26 of this act.

(1) "Approved surety company" means a surety company approved by the department for participation in providing direct bonding assistance to qualified contractors.

(2) "Bond" means any bond or security required for bid, payment, or performance of contracts.

(3) "Department" means the department of trade and economic development.

(4) "Program" means the Washington state small business bonding assistance program provided for in this chapter.

(5) "Qualified contractor" means any resident minority business enterprise or women's business enterprise, as determined by the department to be consistent with the requirements of chapter 39.19 RCW and engaged in the contracting business, which has obtained a certificate of accreditation from the Washington state small business bonding assistance program.

NEW SECTION. **Sec. 17.** PROGRAM ESTABLISHED. There is established within the department of trade and economic development the Washington state small business bonding assistance program to assist resident minority and women-owned small contracting businesses to acquire the managerial and financial skills, standards, and assistance necessary to enable them to obtain bid, payment, and performance bonds from surety companies for either advertised or designated contracts. The department shall implement the program by establishing a course of instruction as set forth in section 19 of this act. The department shall encourage surety companies and other private interests to help implement this course of instruction to assist minority and women-owned small contracting businesses. The department shall adopt rules to ensure the proper implementation of the program set forth in this chapter.

NEW SECTION. **Sec. 18.** ASSISTANCE. The department shall seek information, advice, and assistance from regional minority contractor organizations, and the United States small business administration and any other appropriate organization or agency.

The following departments, offices, and agencies shall, at the request of the department, provide information, advice, and assistance to the department:

(1) The department of general administration;

(2) The Washington state business assistance center;

(3) The office of the insurance commissioner;

(4) The Washington state economic development finance authority; and

(5) The office of minority and women's business enterprises.

NEW SECTION. **Sec. 19.** SPECIALIZED INSTRUCTION FOR SMALL CONTRACTING BUSINESSES. The business assistance center shall modify the entrepreneurial training course established in section 6 of this act in order to provide instruction which is appropriate to the specific needs of contracting businesses. This course of instruction shall be available to resident minority and women-owned small business contractors. The instruction shall be intensive, practical training courses in financing, bidding for contracts, managing, accounting, and recordkeeping for a contracting business, with an emphasis on federal, state, local, or private programs available to assist small contractors. The business assistance center shall appoint professional instructors, with practical knowledge and experience in the field of small business contracting, to teach those courses developed to meet the specific needs of

contracting businesses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for people in the contracting business.

NEW SECTION. Sec. 20. ACCREDITATION OF SMALL CONTRACTING BUSINESSES. Any resident minority or women-owned small business contractor may select a key management employee or employees to attend any course of instruction established under section 6 of this act. When the records, maintained by the business assistance center, indicate that a key management employee of a small contracting business has attended all the courses offered, and has successfully completed any tests required, the department shall award the small contracting business a certificate of accreditation which acknowledges successful completion of the courses. The department may also award a certificate of accreditation if a review of the key management employee's education, experience, and business history indicates that the business already possesses the knowledge and skills offered through the course of instruction, or if the key management employee successfully completes all tests required of those who attend the entrepreneurial training course.

NEW SECTION. Sec. 21. PROFESSIONAL SERVICES ASSISTANCE--GRANTS. Any qualified contractor seeking a grant for professional services assistance may apply to the department. If approved, the department may enter into an agreement to provide a grant of up to two thousand five hundred dollars on behalf of a qualified contractor for the acquisition of the professional services of certified public accountants, construction management companies, or any other technical, surety, financial, or managerial professionals. This assistance is only available to a qualified contractor on a one-time basis.

NEW SECTION. Sec. 22. GRANT MONITORING. The department shall administer all grants issued to assist qualified contractors and shall monitor the performance of all grant recipients in order to provide such further assistance as is necessary to ensure that all program requirements are met and that the program's purpose is fulfilled. However, nothing in this chapter should be construed to restrict the rendering of program services to any qualified contractor over and above the services provided by the grant.

NEW SECTION. Sec. 23. BOND GUARANTEE APPLICATIONS. If a qualified contractor makes a bond application to an approved surety company for a public or private contracting job, but fails to obtain the bond because the contractor is unable to meet the requirements of the surety company on such bonding contracts, for reasons other than nonperformance, and if the approved surety company applies to the department to have the bond guaranteed by the program, then the department may provide a bond guarantee of up to seventy-five thousand dollars on behalf of the qualified contractor.

NEW SECTION. Sec. 24. BOND GUARANTEE APPROVAL. Upon receipt of an approved surety company's application for a bond guarantee, the program supervisor shall review the application in order to verify that:

- (1) The bond being sought by the qualified contractor is needed;
- (2) The contracting job is within the qualified contractor's capability to perform; and
- (3) The qualified contractor has not been denied a bond due to nonperformance.

Based upon subsections (1) through (3) of this section, the department shall either approve or disapprove the application. If the application is approved, the department has the authority to enter into a contract with the approved surety company. Under the terms of this contract the approved surety company shall enter into a contract with, and issue the required bond to, the qualified contractor at the standard fees and charges usually made by the company for the type and amount of the bond issued. The bond issued by the approved surety company shall be guaranteed by money in the program fund. The approved surety company shall also agree to make a reasonable, good faith effort to pursue and collect any claims it may have against a qualified contractor who defaults on a bond guaranteed by the program, including, but not limited to, the institution of legal proceedings against the defaulting contractor, prior to collecting on the guarantee.

NEW SECTION. Sec. 25. PROGRAM FUND ESTABLISHED. The Washington state small business bonding assistance program fund is created in the state treasury. Any amounts appropriated, donated, or granted to the program shall be deposited and credited to the program fund. Moneys in the program fund may be spent only after appropriation. Expenditures from the program fund shall only be used as follows:

- (1) To pay the implementation costs of the program provided for in this chapter;
- (2) To be disbursed by the department to enable qualified contractors to obtain services provided for in this chapter; and
- (3) To guarantee bonds issued pursuant to sections 23 and 24 of this act and to pay such bonds in the event of default by a qualified contractor.

However, the full faith and credit of the state of Washington shall not be used to secure the bonds and the state's liability shall be limited to the money appropriated by the legislature.

NEW SECTION. Sec. 26. FUND SUPPORT. The department shall solicit funds and support from surety companies and other public and private entities with an interest in assisting Washington's small business contractors and may enter into agreements with such companies and interests by which they provide funds to the program fund to be matched with funds from nonstate sources.

NEW SECTION. Sec. 27. The department may receive gifts, grants, and endowments from public or private sources that may be made from time to time, in trust or otherwise, for the use and benefit of the Washington state small business bonding assistance program and spend gifts, grants, endowments or any income from the public or private sources according to their terms.

NEW SECTION. Sec. 28. If specific funding for the purposes of sections 16 through 27 of this act, referencing sections 16 through 27 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 16 through 27 of this act are null and void.

V. WASHINGTON STATE LINKED DEPOSIT PROGRAM

NEW SECTION. Sec. 29. The legislature finds that minority and women's business enterprises have been historically excluded from access to capital in the marketplace. The lack of capital has been a major barrier to the development and expansion of business by various minority groups and women. There has been a significant amount of attention on the capital needs of minority and women's business enterprises. It is the intent of the legislature to remedy the problem of a lack of access to capital by minority and women's business enterprises, and other small businesses by authorizing the state treasurer to operate a program that links state deposits to business loans by financial institutions to minority and women's business enterprises.

NEW SECTION. Sec. 30. A new section is added to chapter 43.86A RCW to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. Each time certificate of deposit purchased by the state treasurer shall be equal to the amount of the qualifying loan made by the qualified public depository. The state treasurer is authorized to set interest rates on certificates and on qualifying loans consistent with the intent of sections 29 through 33, chapter . . . , Laws of 1993 (sections 29 through 33 of this act) and sound financial practices.

(2) Qualifying loans made under this section are those that:

- (a) Are loans that have terms that do not exceed five years;
 - (b) Are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;
 - (c) Are made to minority or women's business enterprises that are considered a small business as defined in RCW 43.31.025;
 - (d) Are made where the interest rate on the loan to the minority or women's business enterprise does not exceed the interest rate on the corresponding time certificate of deposit by two hundred fifty basis points;
 - (e) Are made where the points or fees charged at loan closing do not exceed one percent of the loan amount; and
 - (f) Are consistent with other criteria set by the state treasurer.
- (3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository.

NEW SECTION. Sec. 31. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall provide technical assistance and loan packaging services that enable minority and women-owned business enterprises to obtain financing under the linked deposit program created under section 30 of this act.

(2) The department shall, in consultation with the state treasurer, monitor the performance of loans made to minority and women-owned business enterprises under section 30 of this act.

Sec. 32. RCW 43.85.230 and 1984 c 177 s 20 are each amended to read as follows:

The state treasurer may deposit moneys not required to meet current demands upon a term deposit basis not to exceed (~~one year~~) five years at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state treasurer and any qualified public depository.

Sec. 33. RCW 43.86A.030 and 1982 c 74 s 1 are each amended to read as follows:

(1) Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year

average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2) The state treasurer may use up to fifty million dollars per year of all funds available under this section for the purposes of section 30 of this act. The amounts made available to these public depositories shall be equal to the amounts of outstanding loans made under section 30 of this act.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors~~((: PROVIDED, That))~~. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

NEW SECTION. Sec. 34. A new section is added to chapter 43.86A RCW to read as follows:

The state and those acting as its agents are not liable in any manner for payment of the principal or interest on qualifying loans made under section 30 of this act. Any delay in payments or defaults on the part of the borrower does not in any manner affect the deposit agreement between the qualified public depository and the state treasurer.

NEW SECTION. Sec. 35. A new section is added to chapter 43.131 RCW to read as follows:

The linked deposit program shall be terminated on June 30, 1996, as provided in section 36 of this act.

NEW SECTION. Sec. 36. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) Section 30 of this act;
- (2) Section 31 of this act; and
- (3) Section 34 of this act.

NEW SECTION. Sec. 37. If specific funding for the purposes of sections 29 through 36 of this act, referencing sections 29 through 36 of this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 29 through 36 of this act are null and void.

VI. MISCELLANEOUS

NEW SECTION. Sec. 38. This act may be known and cited as the omnibus minority and women-owned businesses assistance act.

NEW SECTION. Sec. 39. Sections 1, 2, and 16 through 27 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 40. CAPTIONS NOT LAW. Part headings and section captions as used in this act do not constitute part of the law.

NEW SECTION. Sec. 41. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 42. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 43.31.085, 43.31.055, 39.19.060, 43.168.030, 43.168.050, 43.168.070, 43.168.100, 43.85.230, and 43.86A.030; adding a new section to chapter 43.210 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.168 RCW; adding new sections to chapter 43.86A RCW; adding a new section to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1493 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Wineberry, Shin and Forner as conferees on Engrossed Substitute House Bill No. 1493.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) The legislature finds that the long-term health of the economy of Washington state depends on the sustainable management of its natural resources. Washington's forests, estuaries, waterways, and watersheds provide a livelihood for thousands of citizens of Washington state and millions of dollars of income and tax revenues every year from forests, fisheries, shellfisheries, recreation, tourism, and other water-dependent industries.

(2) The legislature further finds that the livelihoods and revenues produced by Washington's forests, estuaries, waterways, and watersheds are threatened by continuing degradation of water quality and habitat degradation, and that immediate investments in clean water infrastructure and habitat restoration and enhancement are required to prevent the burdening of future generations with clean-up costs, poorly functioning ecosystems, and the collapse of economically important industries that rely on a healthy environment.

(3) The legislature further finds that an insufficiency in financial resources, especially in timber-dependent communities, has resulted in investments in clean water and habitat restoration too low to ensure the long-term economic and environmental health of Washington's forests, estuaries, waterways, and watersheds.

(4) The legislature further finds that unemployed workers and Washington's economically distressed communities, especially timber-dependent areas, can benefit from opportunities for employment in environmental restoration projects.

(5) The legislature therefore declares that immediate investments in environmental restoration projects, based on sound principles of watershed management and environmental and forest restoration, are necessary to assist timber-dependent and other economically distressed communities and to rehabilitate damaged watersheds.

NEW SECTION. Sec. 2. PURPOSE AND INTENT--DEFINITIONS. (1) It is the intent of this chapter to provide financial resources to make substantial progress toward: (a) Implementing the Puget Sound water quality management plan and other watershed-based management strategies and plans; (b) ameliorating degradation to watersheds; and (c) keeping and creating stable, environmentally sound, good wage employment in Washington state. The legislature intends that employment under this chapter is not to displace or partially displace currently employed workers, including but not limited to state employees and service employees under existing contracts.

(2) It is the purpose of this chapter to:

(a) Implement clean water, forest, and habitat restoration projects that will produce measurable improvements in water and habitat quality, that rate highly when existing environmental ranking systems are applied, and that provide economic stability.

(b) Facilitate the coordination and consistency of federal, state, tribal, local, and private water and habitat protection and enhancement programs in the state's watersheds.

(c) Fund necessary projects for which a public planning process has been completed.

(d) Provide immediate funding to create jobs and training for environmental restoration and enhancement jobs for unemployed workers and displaced workers in impact areas, especially timber-dependent communities.

(3) For purposes of this chapter "impact areas" means: (a) Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty areas in those counties not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (c) urban subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that the task force determines are likely to experience dislocations in the near future from downturns in natural resource-based industries.

(4) For purposes of this chapter, "high-risk youth" means youth eligible for Washington conservation corps programs under chapter 43.220 RCW or Washington service corps programs under chapter 50.65 RCW.

(5) For purposes of this chapter, "dislocated forest products worker" has the meaning set forth in RCW 50.70.010.

(6) For purposes of this chapter, "task force" means the environmental enhancement and job creation task force created under section 5 of this act.

NEW SECTION. Sec. 3. ENVIRONMENTAL AND FOREST RESTORATION ACCOUNT. (1) The environmental and forest restoration account is established in the state treasury. Money in the account may be spent only after appropriation by the legislature and in a manner consistent with this chapter. Private nonprofit organizations and state, local, and tribal entities are eligible for funds under this chapter. Money in the account may be used to make grants, loans, or interagency contracts as needed to implement environmental and forest restoration projects.

(2) At least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in rural communities impacted by the decline in timber harvest levels as defined in chapter 50.70 RCW and that employ displaced timber workers. These projects may include watershed restoration such as removing or upgrading roads to reduce erosion and sedimentation, and improvements in forest habitat such as thinning and pruning.

(3) The environmental and forest restoration account shall consist of funds appropriated by law, principal and interest from the repayment of loans granted under this chapter, and federal and other money received by the state for deposit in the account.

(4) At least ten percent of the funds distributed from the environmental and forest restoration account annually shall be allocated to the Washington conservation corps established under chapter 43.220 RCW to employ high-risk youth on projects consistent with this chapter and to fund administrative support services required by the senior environmental corps established under chapter 43.63A RCW.

(5) At least five percent of the funds distributed from the environmental and forest restoration account annually shall be used for contracts with nonprofit corporations to fund or finance projects, including those that increase private sector investments in pollution prevention activities and equipment and that are consistent with the provisions of this section and section 4 of this act.

(6) No more than five percent of the annual revenues to the environmental and forest restoration account may be expended for administrative purposes by any state agency or project administration; however, funds expended by the Washington conservation corps shall be subject solely to the limitations set forth in RCW 43.220.230.

(7) No project may receive more than five percent of the funds distributed from the environmental and forest restoration account in a given year.

(8) Except for essential administrative and supervisory purposes, funds in the environmental and forest restoration account may not be used for hiring permanent state employees.

NEW SECTION. Sec. 4. GRANTS OR LOANS FOR ENVIRONMENTAL AND FOREST RESTORATION PROJECTS--CRITERIA. (1) Subject to the limitations of section 3 of this act, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall require a contribution of local funds or resources to each project funded. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the proponents of the project to quantify their projected improvements in water quality, habitat quality, or both;

(b) The cost-effectiveness of the project based on (i) projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan;

(e) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(f) The project's use of environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(g) The ease with which the project can be administered from the community the project serves; and

(h) The extent to which the project will augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community.

(2) The task force shall evaluate and rate proposals for training programs using the following criteria:

(a) The number of dislocated forest products workers, high-risk youth, and residents of impact areas to be trained by the project;

(b) The extent to which the training program addresses long range, high priority environmental and forest restoration needs;

(c) The cost-effectiveness of the training as measured by similar past training programs;

- (d) The use of environmental businesses to assist in training; and
- (e) The prospect that the training will result in high-skill, long-term, and good wage jobs.
- (3) The following types of projects and programs shall be given top priority in the first fiscal year after the effective date of this act:
 - (a) Projects in impact areas that employ dislocated forest products workers and high-risk youth;
 - (b) Training programs;
 - (c) Projects that are highly ranked in and implement adopted and approved watershed action plans, such as those developed pursuant to Puget Sound water quality authority rules adopted for local planning and management of nonpoint source pollution;
 - (d) Conservation district projects that provide water quality and habitat improvements;
 - (e) Indian tribe projects that provide water quality and habitat improvements; or
 - (f) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.
- (4) Funds shall not be awarded for the following activities:
 - (a) Administrative rule making;
 - (b) Planning; or
 - (c) Public education.

NEW SECTION. Sec. 5. ENVIRONMENTAL ENHANCEMENT AND JOB CREATION TASK FORCE. (1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter . . . , Laws of 1993 (this act). The task force shall consist of the commissioner of public lands, the director of the department of wildlife, the director of the department of fisheries, the director of the department of ecology, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget sound water quality authority, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community development, the department of trade and economic development, the conservation commission, the employment security department, appropriate federal agencies and special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

- (2) The task force shall have the following responsibilities:
 - (a) Soliciting and evaluating, in accordance with the criteria set forth in section 4 of this act, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;
 - (b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;
 - (c) Considering unemployment profile data provided by the employment security department;
 - (d) No later than December 31, 1993, providing recommendations to the appropriate standing committees of the legislature for improving the administration of grants for projects or training programs funded under this chapter that prevent habitat and environmental degradation or provide for its restoration;
 - (e) Submitting to the appropriate standing committees of the legislature a biennial report summarizing the jobs and the environmental benefits created by the projects funded under this chapter.
- (3) Beginning July 1, 1994, the task force shall have the following responsibilities:
 - (a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;
 - (b) To rank the proposals based on criteria developed by the task force in accordance with section 4 of this act; and
 - (c) To determine funding allocations for projects to be funded from the account created in section 3 of this act and for projects or programs as designated in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 6. FIRST YEAR PROJECT FUNDING. The legislature recognizes the need for immediate job creation and environmental and forest restoration, especially in timber-dependent communities. For fiscal year 1994, funding to implement the purposes of this chapter shall be provided through individual agency appropriations as specified in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 7. UNANTICIPATED FEDERAL FUNDS. When an agency submits an unanticipated federal receipt under RCW 43.79.270, the governor shall consider placing these funds into the environmental and

forest restoration account or requiring that the funds be used in a manner consistent with the criteria established in section 4 of this act.

NEW SECTION. Sec. 8. RECRUITMENT AND EMPLOYMENT. (1) Eligibility for training or employment in projects funded through the environmental and forest restoration account shall, to the extent practicable, be for workers who are currently unemployed.

(2) To the greatest extent practicable, the following groups of individuals shall be given preference for training or employment in projects funded through the environmental and forest restoration account:

(a) Dislocated forest products workers who are receiving unemployment benefits or have exhausted unemployment benefits; and

(b) High-risk youth.

(3) Projects funded for forest restoration shall be for workers whose employment was terminated in the Washington forest products industry within the previous four years.

(4) The task force shall submit a list to private industry councils and the employment security department of projects receiving funds under the provisions of this chapter. The list shall include the number, location, and types of jobs expected to be provided by each project. The employment security department shall recruit workers for these jobs by:

(a) Notifying dislocated forest workers who meet the definitions in chapter 50.70 RCW, who are receiving unemployment benefits or who have exhausted unemployment benefits, of their eligibility for the programs;

(b) Notifying other unemployed workers;

(c) Developing a pool of unemployed workers including high-risk youth eligible to enroll in the program; and

(d) Establishing procedures for workers to apply to the programs.

(5) The employment security department shall refer eligible workers to employers hiring under the environmental and forest restoration account programs. Recipients of funds shall consider the list of eligible workers developed by the employment security department before conducting interviews or making hiring decisions. Workers shall receive opportunities for vocational training, job placement, and remedial education.

(6) An individual is eligible for applicable employment security benefits while participating in training related to this chapter. Eligibility shall be confirmed by the commissioner of employment security by submitting a commissioner-approved training waiver.

(7) Persons receiving funds from the environmental and forest restoration account shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave, vacation, and civil service but shall receive health benefits. Persons receiving funds from this account who are hired by a state agency, except for Washington conservation and service corps enrollees, shall receive medical and dental benefits as provided under chapter 41.05 RCW and industrial insurance coverage under Title 51 RCW, but are exempt from the provisions of chapter 41.06 RCW.

(8) Compensation for employees, except for Washington conservation and service corps enrollees, hired under the program established by this chapter shall be based on market rates in accordance with the required skill and complexity of the jobs created. Remuneration paid to employees under this chapter shall be considered covered employment for purposes of chapter 50.04 RCW.

(9) Employment under this program shall not result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

NEW SECTION. Sec. 9. An individual shall be considered to be in training with the approval of the commissioner as defined in RCW 50.20.043, and be eligible for applicable unemployment insurance benefits while participating in and making satisfactory progress in training related to this chapter.

NEW SECTION. Sec. 10. For the purpose of providing the protection of the unemployment compensation system to individuals at the conclusion of training or employment obtained as a result of this chapter, a special base year and benefit year are established.

(1) Only individuals who have entered training or employment provided by the environmental and forest restoration account, and whose employment or training under such account was not considered covered under chapter 50.04 RCW, shall be allowed the special benefit provisions of this chapter.

(2) An application for initial determination made under this chapter must be filed in writing with the employment security department within twenty-six weeks following the week in which the individual commenced employment or training obtained as a result of this chapter. Notice from the individual, from the employing entity, or notice of hire from employment security department administrative records shall satisfy this requirement.

(3) For the purpose of this chapter, a special base year is established for an individual consisting of the first four of the last five completed calendar quarters, or if a benefit year is not established using the first four of the last five completed calendar quarters as the base year, the last four completed calendar quarters immediately prior to the first day of the calendar week in which the individual began employment or training provided by the environmental and forest restoration account.

(4) A special individual benefit year is established consisting of the entire period of training or employment provided by the environmental and forest restoration account and a fifty-two consecutive week period commencing with the first day of the calendar week in which the individual last participated in such employment or training. No special benefit year shall have a duration in excess of three hundred twelve calendar weeks. Such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year may elect to establish a special benefit year under this chapter, notwithstanding the provisions in RCW 50.04.030 relating to establishment of a subsequent benefit year, and RCW 50.40.010 relating to waiver of rights. Such unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish a special benefit year under this chapter.

(5) The individual's weekly benefit amount and maximum amount payable during the special benefit year shall be governed by the provisions contained in RCW 50.20.120. The individual's basic and continuing right to benefits shall be governed by the general laws and rules relating to the payment of unemployment compensation benefits to the extent that they are not in conflict with the provisions of this chapter.

(6) The fact that wages, hours, or weeks worked during the special base year may have been used in computation of a prior valid claim for unemployment compensation shall not affect a claim for benefits made under the provisions of this chapter. However, wages, hours, and weeks worked used in computing entitlement on a claim filed under this chapter shall not be available or used for establishing entitlement or amount of benefits in any succeeding benefit year.

(7) Benefits paid to an individual filing under the provisions of this section shall not be charged to the experience rating account of any contribution paying employer.

NEW SECTION. **Sec. 11.** On or before June 30, 1998, the legislative budget committee shall prepare a report to the legislature evaluating the implementation of the environmental restoration jobs act of 1993, chapter . . . , Laws of 1993 (this act).

Sec. 12. RCW 43.220.900 and 1987 c 367 s 5 are each amended to read as follows:

The Washington conservation corps shall cease to exist and chapter 43.220 RCW shall expire on July 1, (~~(1995, unless extended by law for an additional fixed period of time)~~) 2000.

NEW SECTION. **Sec. 13.** SHORT TITLE. This act shall be known as the environmental restoration jobs act of 1993.

NEW SECTION. **Sec. 14.** CAPTIONS AND PART HEADINGS. Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. **Sec. 15.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 16.** Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 17.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 18.** EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 2 of the title, after "watersheds;" strike the remainder of the title and insert "amending RCW 43.220.900; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1785 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Rust, J. Kohl and Horn as conferees on Engrossed Substitute House Bill No. 1785.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1808 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the expansion of international trade is vital to the economy of Washington state. International trade-related activities currently account for approximately twenty percent of employment in this state even though only a small percentage of businesses do extensive exporting. Washington's long-term economic prosperity depends on the creation and retention of jobs that international trade provides through providing an expanded marketplace for goods and services produced in this state. Increasing the number of businesses exporting and the foreign markets accessed helps diversify the state economy and make the state's businesses more competitive by providing experience in the international marketplace. There are many international markets that offer export potential for Washington businesses that are not currently being accessed, particularly several Pacific Rim countries. The legislature also finds that there presently exists several programs and initiatives by federal, state, and local governments that have to be coordinated effectively within and among economic development organizations, state agencies, academic institutions, and businesses so as to enhance the sale of goods and services in foreign markets.

The legislature further finds that a strategy to expand international trade must be integrated into a comprehensive long-term economic development plan, and that the expertise of the private sector can enhance the joint strategic planning efforts of the governor, executive agencies, and the legislature.

Therefore, the legislature declares that an important public purpose can be accomplished through an international trade council that, through coordination and advice, can facilitate increased exporting by Washington businesses.

NEW SECTION. Sec. 2. A new section is added to chapter 44.52 RCW to read as follows:

(1) The council on international trade is established. The council shall consist of fifteen members as follows:

- (a) Two members of trade organizations, appointed by the governor;
- (b) Two representatives of ports, appointed by the governor;
- (c) Three representatives of businesses active in exporting goods, appointed by the governor;
- (d) Three representatives from the executive-legislative committee on economic development created in chapter ..., (Senate Bill No. 5300), Laws of 1993;
- (e) Two members with experience in foreign marketing, appointed by the governor;
- (f) Two experts in financing export transactions, appointed by the governor; and
- (g) The director of the department of trade and economic development.

(2) Nonlegislative members may receive reimbursement from the governor's office for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.

(3) The council shall:

(a) Advise the executive-legislative committee on economic development regarding policies, programs, and activities to enhance the exporting of Washington goods and services to international markets;

(b) Review current state export targeting efforts and advise the executive-legislative committee on economic development regarding markets with potential that currently are not being emphasized;

(c) Assist in the coordination of public export programs state-wide;

(d) Identify for the executive-legislative committee on economic development current and long-term international trade issues that need to be addressed by the state in its long-term economic development plan;

(e) Recommend methods to increase the awareness of international trade, especially its opportunities and its importance, throughout the state;

(f) Study the impact of the Uruguay round of the general agreement on tariffs and trade and the north american free trade agreement on the state's small manufacturing and export firms, focusing on the competitive

threats and opportunities presented by the trade agreements to the state's six most significant traded sectors as measured by the number of employees in the sector and the aggregate dollar volume of goods and services traded in the sector. The counsel shall identify and utilize existing analyses, studies, and data from the federal government, national and state business and labor organizations, and educational and policy institutes.

NEW SECTION. Sec. 3. The council may accept gifts, grants, donations, devises, and bequests to facilitate the work of the council.

NEW SECTION. Sec. 4. The council shall make a preliminary report to the executive-legislative committee on economic development on its activities by June 1, 1994, and make a final report by December 1, 1994.

NEW SECTION. Sec. 5. This act shall expire on June 30, 1995.

On page 1, line 1 of the title, after "trade;" strike the remainder of the title and insert "adding a new section to chapter 44.52 RCW; creating new sections; and providing an expiration date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved the House refuse to concur in the Senate amendments to Substitute House Bill No. 1808 and ask the Senate for a Conference thereon. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1870 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that the licensing of bail bond agents should be uniform throughout the state. Therefore, it is the intent of the legislature to preempt any local regulation of bail bond agents, including licensing fees, but not including local business license fees. Nothing in this chapter limits the discretion of the courts of this state to accept or reject a particular surety or recognizance bond in a particular case.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Collateral or security" means property of any kind given as security to obtain a bail bond.
- (4) "Bail bond agency" means a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to insure the appearance of a criminal defendant before the courts of this state or the United States.
- (5) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license.
- (6) "Bail bond agent" means a person who is employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not mean a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds.
- (7) "Licensee" means a bail bond agency or a bail bond agent or both.

NEW SECTION. Sec. 3. An applicant must meet the following minimum requirements to obtain a bail bond agent license:

- (1) Be at least eighteen years of age;
- (2) Be a citizen or resident alien of the United States;
- (3) Not have been convicted of a crime in any jurisdiction in the preceding ten years, if the director determines that the applicant's particular crime directly relates to a capacity to perform the duties of a bail bond agent and the director determines that the license should be withheld to protect the citizens of Washington state. If the director shall make a determination to withhold a license because of previous convictions, the determination shall be consistent with the restoration of employment rights act, chapter 9.96A RCW;

- (4) Be employed by a bail bond agency or be licensed as a bail bond agency; and
- (5) Pay the required fee.

NEW SECTION. Sec. 4. (1) In addition to meeting the minimum requirements to obtain a license as a bail bond agent, a qualified agent must meet the following additional requirements to obtain a bail bond agency license:

(a) Pass an examination determined by the director to measure the person's knowledge and competence in the bail bond agency business; or

(b) Have had at least three years' experience as a manager, supervisor, or administrator in the bail bond business or a related field as determined by the director. A year's experience means not less than two thousand hours of actual compensated work performed before the filing of an application. An applicant shall substantiate the experience by written certifications from previous employers. If the applicant is unable to supply written certifications from previous employers, applicants may offer written certifications from persons other than employers who, based on personal knowledge, can substantiate the employment; and

(c) Pay any additional fees as established by the director.

(2) An agency license issued under this section may not be assigned or transferred without prior written approval of the director.

NEW SECTION. Sec. 5. (1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria, which may include fingerprints.

(2) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth in the application are true.

NEW SECTION. Sec. 6. (1) The director shall issue a bail bond agent license card to each licensed bail bond agent. A bail bond agent shall carry the license card whenever he or she is performing the duties of a bail bond agent and shall exhibit the card upon request.

(2) The director shall issue a license certificate to each licensed bail bond agency.

(a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and display the certificate in a conspicuous place in the principal office of the licensee within the state.

(b) It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon premises other than those described in the license certificate or to materially alter a license certificate.

(c) Every advertisement by a licensee that solicits or advertises business shall contain the name of the licensee, the address of record, and the license number as they appear in the records of the director.

(d) The licensee shall notify the director within thirty days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director.

NEW SECTION. Sec. 7. (1) The director shall adopt rules establishing precense training and testing requirements, which shall include a minimum of four hours of classes. The director may establish, by rule, continuing education requirements for bail bond agents.

(2) The director shall consult with the bail bond industry before adopting or amending the precensing training or continuing education requirements of this section.

(3) The director may appoint an advisory committee consisting of representatives from the bail bond industry and a consumer to assist in the development of rules to implement this chapter.

(4) A bail bond agent need not fulfill the precensing training requirements of this chapter if he or she, within sixty days prior to July 1, 1994, provides proof to the director that he or she previously has met the training requirements of this chapter or has been employed as a bail bond agent for at least eighteen consecutive months immediately prior to the date of application.

NEW SECTION. Sec. 8. (1) No bail bond agency license may be issued under the provisions of this chapter unless the qualified agent files with the director a bond, executed by a surety company authorized to do business in this state, in the sum of ten thousand dollars conditioned to recover against the agency and its servants, officers, agents, and employees by reason of its violation of the provisions of section 11 of this act. The bond shall be made payable to the state of Washington, and anyone so injured by the agency or its servants, officers, agents, or employees may bring suit upon the bond in any county in which jurisdiction over the licensee may be obtained. The suit must be brought not later than two years after the failure to return property in accordance with section 11 of this act. If valid claims against the bond exceed the amount of the bond or deposit, each claimant shall be entitled only to a pro rata amount, based on the amount of the claim as it is valid against the bond, without regard to the date of filing of any claim or action.

(2) Every licensed bail bond agency must at all times maintain on file with the director the bond required by this section in full force and effect. Upon failure by a licensee to do so, the director shall suspend the licensee's license and shall not reinstate the license until this requirement is met.

(3) In lieu of posting a bond, a qualified agent may deposit in an interest-bearing account, ten thousand dollars.

(4) The director may waive the bond requirements of this section, in his or her discretion, pursuant to adopted rules.

NEW SECTION. Sec. 9. (1) The provisions of this chapter relating to the licensing for regulatory purposes of bail bond agents and bail bond agencies are exclusive. No governmental subdivision of this state may enact any laws or rules licensing for regulatory purposes such persons, except as provided in subsections (2) and (3) of this section.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business fee, business and occupation tax, or other tax upon bail bond agencies if such fees or taxes are levied by the political subdivision on other types of businesses within its boundaries.

(3) This section shall not be construed to prevent this state or a political subdivision of this state from licensing for regulatory purposes bail bond agencies with respect to activities that are not regulated under this chapter.

NEW SECTION. Sec. 10. (1) A bail bond agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed bail bond agent.

(2) A bail bond agency shall notify the director within seventy-two hours upon receipt of information affecting a licensed bail bond agent's continuing eligibility to hold a license under the provisions of this chapter.

NEW SECTION. Sec. 11. (1) Every qualified agent shall keep adequate records for three years of all collateral and security received, all trust accounts required by this section, and all bail bond transactions handled by the bail bond agency, as specified by rule. The records shall be open to inspection without notice by the director or authorized representatives of the director.

(2) Every qualified agent who receives collateral or security is a fiduciary of the property and shall keep adequate records for three years of the receipt, safekeeping, and disposition of the collateral or security. Every qualified agent shall maintain a trust account in a federally insured financial institution located in this state. All moneys, including cash, checks, money orders, wire transfers, and credit card sales drafts, received as collateral or security or otherwise held for a bail bond agency's client shall be deposited in the trust account not later than the third banking day following receipt of the funds or money. A qualified agent shall not in any way encumber the corpus of the trust account or commingle any other moneys with moneys properly maintained in the trust account. Each qualified agent required to maintain a trust account shall report annually under oath to the director the account number and balance of the trust account, and the name and address of the institution that holds the trust account, and shall report to the director within ten business days whenever the trust account is changed or relocated or a new trust account is opened.

(3) Whenever a bail bond is exonerated by the court, the bail bond agency shall, within five business days after written notification of exoneration and upon demand, return all collateral or security to the person entitled thereto.

NEW SECTION. Sec. 12. The following acts are prohibited and constitute grounds for disciplinary action or denial, suspension, or revocation of any license under this chapter, as deemed appropriate by the director:

(1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter;

(2) Knowingly making a material misstatement or omission in the application for or renewal of a license;

(3) Failing to meet the qualifications set forth in sections 3 and 4 of this act;

(4) Conviction of a gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(5) Advertising that is false, fraudulent, or misleading;

(6) Incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;

(7) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(8) Failure to cooperate with the director by not:

(a) Furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation for disciplinary action, denial, suspension, or revocation of a license under this chapter;

(b) Furnishing in writing a full and complete explanation covering the matter contained in a complaint filed with the department; or

(c) Responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(10) Aiding or abetting an unlicensed person to practice if a license is required;

(11) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relies upon the word, representation, or conduct of the licensee;

(12) Failure to adequately supervise employees to the extent that the client funds are at risk;

(13) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(14) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in section 4 of this act;

(15) Conversion of any money or contract, deed, note, mortgage, or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, or other evidence of title within thirty days after the owner is entitled to possession, and makes demand for possession, shall be prima facie evidence of conversion;

(16) Failing to keep records, maintain a trust account, or return collateral or security, as required by section 11 of this act;

(17) Any conduct in a bail bond transaction which demonstrates bad faith, dishonesty, or untrustworthiness;

or

(18) Violation of an order to cease and desist that is issued by the director under this chapter.

NEW SECTION. Sec. 13. The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules as deemed necessary to carry out this chapter;

(2) To issue an order providing for one or any combination of the following upon violation or violations of this chapter: Denying, suspending, or revoking a license; assessing monetary penalties; restricting or limiting practice; complying with conditions of probation for a designated period of time; making restitution to the person harmed by the licensee; or other corrective action;

(3) To issue subpoenas and administer oaths in connection with an investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To establish fees by rule under RCW 43.24.086 and chapter 34.05 RCW;

(7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the director;

(8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(10) To adopt standards of professional conduct or practice;

(11) In the event of a finding of unprofessional conduct by an applicant or license holder, to impose sanctions against an applicant or license holder as provided by this chapter;

(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, and the assurance shall not be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(13) To designate individuals authorized to sign subpoenas and statements of charges; and

(14) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 14. Any person may submit a written complaint to the department charging a license holder or applicant with unprofessional conduct and specifying the grounds for the charge. If the director determines that the complaint merits investigation, or if the director has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the director shall investigate to determine if there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 15. (1) If the director determines, upon investigation, that there is reason to believe a violation of this chapter has occurred, a statement of charges shall be prepared and served upon the license holder or applicant and notice of this action given to the owner or qualified agent of the employing bail bond agency. The statement of charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the director may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 16. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, shall govern all hearings before the director.

NEW SECTION. Sec. 17. If an order for payment of a monetary penalty is made as a result of a hearing and timely payment is not made as directed in the final order, the director may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the director may have as to a licensee ordered to pay a monetary penalty but shall not be construed to limit a licensee's ability to seek judicial review.

In an action for enforcement of an order of payment of a monetary penalty, the director's order is conclusive proof of the validity of the order of payment of a penalty and the terms of payment.

NEW SECTION. Sec. 18. (1) The director shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by this chapter. In the investigation of the complaints, the director has the same authority as provided the director under section 15 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders.

(2) The attorney general, a county prosecuting attorney, the director, or any person may, in accordance with the law of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by this chapter without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) After June 30, 1994, any person who performs the functions and duties of a bail bond agent in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(4) After January 1, 1994, a person is guilty of a gross misdemeanor if he or she owns or operates a bail bond agency in this state without first obtaining a bail bond agency license.

(5) After June 30, 1994, the owner or qualified agent of a bail bond agency is guilty of a gross misdemeanor if he or she employs any person to perform the duties of a bail bond agent without the employee having in his or her possession a permanent bail bond agent license issued by the department.

(6) All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the department.

NEW SECTION. Sec. 19. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction.

NEW SECTION. Sec. 20. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 21. The director, in implementing and administering the provisions of this chapter, shall act in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 22. Failure to fulfill the fiduciary duties and other duties as prescribed in section 11 of this act is not reasonable in relation to the development and preservation of business. A violation of section 11 of this act is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. The director of licensing may take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 26. Sections 1 through 23 of this act shall constitute a new chapter in Title 18 RCW." On page 1, line 1 of the title, after "agents;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Zellinsky moved the House do concur in the Senate amendments to Substitute House Bill No. 1870 and pass the bill as amended by the Senate.

Representative Mielke spoke in favor of the motion and it was carried.

On motion of Representative J. Kohl, Representatives Cothorn and Dorn were excused.

On motion of Representative Wood, Representative Casada were excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1870 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1870 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler,

Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Loven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Brough, Casada, Cothorn and Dorn - 4.

Substitute House Bill No. 1870, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1855, with the following amendments:

On page 17, line 25, after "to" strike "shareholder" and insert "shareholders or"

On page 114, after line 2, insert the following:

"NEW SECTION. Sec. 110. A new section is added to chapter 48.01 RCW to read as follows:

The activities and operations of mental health regional support networks, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Zellinsky moved the House refuse to concur in the Senate amendments to Substitute House Bill No. 1855 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Zellinsky, Kessler and Mielke as conferees on Substitute House Bill No. 1855.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1912 with the following amendments:

On page 2, line 28, after "order of the" strike "Walla Walla" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mastin moved the House do concur in the Senate amendments to Substitute House Bill No. 1912 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1912 as amended by the Senate.

Representative Mastin spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1912 as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Voloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Thibaudeau and Wang - 2.

Excused: Representatives Brough, Casada, Cothorn and Dorn - 4.

Substitute House Bill No. 1912, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Pursuant to the work of the juvenile justice task force created by the 1991 legislature to undertake a study of Washington state's juvenile justice system, the department of social and health services and the commission on African-American affairs commissioned an independent study of racial disproportionality in the state's juvenile justice system. The study team, which documented evidence of disparity in the treatment of juvenile offenders of color throughout the system, provided recommendations to the legislature on December 15, 1992. The study recommends cultural diversity training for juvenile court and law enforcement personnel, expanded data collection on juvenile offenders throughout the system, development of uniform prosecutorial standards for juvenile offenders, changes to the consolidated juvenile services program and funding formula, dissemination of information to families and communities regarding juvenile court procedures, and examination of juvenile disposition standards for racial and/or ethnic bias.

It is the intent of the legislature to implement the recommendations of this study in an effort to discourage differential treatment of youth of color and their families who come in contact with the juvenile courts in this state, and to promote racial and ethnic sensitivity and awareness throughout the juvenile court system.

NEW SECTION. Sec. 2. The administrator for the courts shall develop a plan to improve the collection and reporting of information on juvenile offenders by all juvenile courts in the state. The information related to juvenile offenders shall include, but is not limited to, social, demographic, education, and economic data on juvenile offenders and where possible, their families. Development and implementation of the plan shall be accomplished in consultation with the human rights commission, the governor's juvenile justice advisory committee, superior court judges, juvenile justice administrators, and interested juvenile justice practitioners and researchers. The plan shall include a schedule and budget for implementation and shall be provided to the office of financial management by September 15, 1993.

Sec. 3. RCW 2.56.030 and 1992 c 205 s 115 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988. The curriculum shall be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be completed and made available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel by October 1, 1993. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide.

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

The criminal justice training commission shall develop, in consultation with the administrator for the courts and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be developed by October 1, 1993. The commission shall ensure that ethnic and diversity training becomes an integral part of the training of law enforcement personnel so as to incorporate cultural sensitivity and awareness into the daily activities of law enforcement personnel.

NEW SECTION. Sec. 5. A new section is added to chapter 2.56 RCW to read as follows:

The administrator for the courts shall, in cooperation with juvenile courts, develop informational materials describing juvenile laws and juvenile court processes and procedures related to such laws, and make such information available to the public. Similar information shall also be made available for the non-English speaking youth and their families.

NEW SECTION. Sec. 6. A new section is added to chapter 13.04 RCW to read as follows:

The administrator of juvenile court shall obtain interpreters as needed consistent with the intent and practice of chapter 2.43 RCW, to enable non-English speaking youth and their families to participate in detention, probation, or court proceedings and programs.

Sec. 7. RCW 13.06.050 and 1983 c 191 s 5 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application and plan are approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth in this section. In addition, any county making application for state funds under this chapter that also operates a juvenile detention facility must have standards of operations in place that include: Intake and admissions, medical and health care, communication, correspondence, visiting and telephone use, security and control, sanitation and hygiene, juvenile rights, rules and discipline, property, juvenile records, safety and emergency procedures, programming, release and transfer, training and staff development, and food service.

(1) The distribution of funds to a county or a group of counties shall be based on criteria including but not limited to the county's per capita income, regional or county at-risk populations, juvenile crime or arrest rates, rates of poverty, size of racial minority populations, existing programs, and the effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department and reducing reliance on other traditional departmental services.

(2) The secretary will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in meeting the terms and conditions of the approved plan and contract. Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs.

(3) The secretary, in conjunction with the human rights commission, shall evaluate the effectiveness of programs funded under this chapter in reducing racial disproportionality. The secretary shall investigate whether implementation of such programs has reduced disproportionality in counties with initially high levels of disproportionality. The analysis shall indicate which programs are cost-effective in reducing disproportionality in such areas as alternatives to detention, intake and risk assessment standards pursuant to RCW 13.40.038, alternatives to incarceration, and in the prosecution and adjudication of juveniles. The secretary shall report his or her findings to the legislature by December 1, 1994, and December 1 of each year thereafter.

NEW SECTION. Sec. 8. The administrator for the courts shall convene a working group to develop standards and guidelines for the prosecution of juvenile offenders under Title 13 RCW, review any racial disproportionality in diversion, and review the use of detention facilities in a way to reduce racial disproportionality. The administrator shall appoint:

(1) One defense attorney familiar with juvenile justice, and three prosecuting attorneys familiar with juvenile justice;

(2) One superior court judge;

(3) One court commissioner;

(4) One juvenile court administrator;

(5) One representative of the juvenile disposition standards board;

(6) One representative of the department of social and health services;

(7) One social researcher with expertise in juvenile or criminal justice;

(8) Two representatives of child advocacy groups recommended by the governor; and

(9) Two persons recommended jointly by the Washington state minority commissions.

The work group shall develop and submit its recommended standards and guidelines to the appropriate committees of the legislature by December 1, 1994.

Sec. 9. RCW 13.40.027 and 1992 c 205 s 103 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a)(i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally (~~and~~), (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and (iii) review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030. The evaluations shall be submitted to the legislature (~~by December 1, 1992, and~~) on December 1 of each even-numbered year thereafter.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 2 of the title, after "recommendations;" strike the remainder of the title and insert "amending RCW 2.56.030, 13.06.050, and 13.40.027; adding a new section to chapter 43.101 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 13.04 RCW; and creating new sections." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Leonard moved the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1966 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1966 as amended by the Senate.

Representatives Leonard and Cooke spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Jacobsen was excused.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1966 as amended by the Senate and the bill passed the House by the following vote: Yeas - 87, Nays - 6, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Voting nay: Representatives Fuhrman, Morton, Padden, Stevens, Talcott and Thomas - 6.

Excused: Representatives Brough, Casada, Cothorn, Dorn and Jacobsen - 5.

Engrossed Substitute House Bill No. 1966, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5375 and asks the House to recede therefrom. and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Anderson moved the House insist on its position regarding the House amendments to Senate Bill No. 5375 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Ogden, Valle and Reams as conferees on Senate Bill No. 5375.

With the consent of the House, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8400, by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Talmadge, Skratek, Haugen, Owen, A. Smith, Pelz, Bluechel, Winsley and Erwin)

Declaring a sister state relationship with Taiwan.

The resolution was read the second time.

Representative Wang moved adoption of the following amendment by Representative Wang and others:
On page 1, line 2, strike "Taiwan" and insert "the Province of Taiwan in the Republic of China"

Representatives Wang and Wineberry spoke in favor of adoption of the amendment and Representatives Forner and Reams spoke against it. The amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wang, Chandler and Edmondson spoke in favor of adoption of the resolution and Representative Forner spoke against it.

Substitute Senate Concurrent Resolution No. 8400 was adopted.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5851 and asks the House to recede therefrom.
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Anderson moved the House insist on its position regarding the House Amendments to Senate Bill No. 5851 and ask the Senate for a Conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Anderson, Veloria and Dyer as conferees on Senate Bill No. 5851.

MESSAGES FROM THE SENATE

April 21, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1338,
and the same is herewith transmitted.

Marty Brown, Secretary

April 21, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5300,
SUBSTITUTE SENATE BILL NO. 5357,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502,
SENATE BILL NO. 5723,

and the same are herewith transmitted.

Marty Brown, Secretary

April 21, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5360,
SENATE BILL NO. 5799,
SUBSTITUTE SENATE BILL NO. 5829,
SENATE BILL NO. 5875,
SUBSTITUTE SENATE BILL NO. 5837,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5888,
SUBSTITUTE SENATE BILL NO. 5963,

and the same are herewith transmitted.

Marty Brown, Secretary

April 21, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 2055. The President has appointed the following members as Conferees: Senators Owen, Oke and Hargrove and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1708. The President has appointed the following members as Conferees: Senators Pelz, Hochstatter and McAuliffe and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1748. The President has appointed the following members as Conferees: Senators Bauer, Prince and Drew and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5176,
SENATE BILL NO. 5241,
SENATE BILL NO. 5245,
ENGROSSED SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5270,
ENGROSSED SENATE BILL NO. 5280,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5330,
ENGROSSED SENATE BILL NO. 5342,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SENATE BILL NO. 5508,
SECOND SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5528,
ENGROSSED SENATE BILL NO. 5534,
ENGROSSED SENATE BILL NO. 5545,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5584,
SENATE BILL NO. 5635,
SUBSTITUTE SENATE BILL NO. 5686,
SUBSTITUTE SENATE BILL NO. 5688,
SENATE BILL NO. 5838,

and the same are herewith transmitted.

Marty Brown, Secretary

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1058, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.44 RCW to read as follows:

Public hospital districts may employ chaplains for their hospitals, health care facilities, and hospice programs.

NEW SECTION. Sec. 2. This act shall take effect on January 1, 1994, if the proposed amendment to Article I, section 11 of the state Constitution authorizing the legislature to permit public hospital districts to employ chaplains is validly submitted to and is approved and ratified by the voters at the next general election held. If the proposed amendment is not so approved and ratified, this act is void in its entirety."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendments to House Bill No. 1058 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker assumed the chair.

The Speaker stated the question before the House to be final passage of House Bill No. 1058 as amended by the Senate.

Representatives H. Myers, Rust, Edmondson, Zellinsky, Forner, L. Johnson, Vance and Kremen spoke in favor of passage of the bill and Representatives Heavey and Dunshee spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1058, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 60, Nays - 34, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Ballard, Basich, Bray, Brumsickle, Campbell, Carlson, Chandler, Chappell, Conway, Cooke, Dellwo, Dyer, Edmondson, Flemming, Foreman, Forner, Fuhrman, Grant, Holm, Horn, Johnson, L., Kremen, Lemmon, Leonard, Lisk, Ludwig, Mastin, Mielke, Miller, Morton, Myers, H., Orr, Padden, Patterson, Peery, Quall, Rayburn, Reams, Roland, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Veloria, Wineberry, Wood, Zellinsky and Mr. Speaker - 60.

Voting nay: Representatives Anderson, Ballasiotes, Brown, Cole, G., Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Hansen, Heavey, Jacobsen, Johanson, Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Linville, Locke, Long, Meyers, R., Morris, Ogden, Pruitt, Riley, Romero, Rust, Schmidt, Springer, Thibaudeau, Wang and Wolfe - 34.

Excused: Representatives Brough, Casada, Cothorn and Dorn - 4.

House Bill No. 1058, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a water right confers significant economic benefits to the water right holder. The fees associated with acquiring a water right have not changed significantly since 1917. Water rights applicants pay less than two percent of the costs of the administration of the water rights program. The legislature finds that, since water rights are of significant value, water rights applicants should contribute more to the cost of administration of the water rights program.

The legislature also finds that an abrupt increase in water rights fees could be disruptive to water rights holders and applicants. The legislature further finds that water rights applicants have a right to know that the water rights program is being administered efficiently and that the fees charged for various services relate directly to the cost of providing those services.

Therefore, the legislature creates a task force to review the water rights program, to make recommendations for streamlining the application process and increasing the overall efficiency and accountability of the administration of the program, and to return to the legislature with a proposal for a fee schedule where the fee levels relate clearly to the cost of services provided.

Sec. 2. RCW 90.03.470 and 1987 c 109 s 98 are each amended to read as follows:

Except as otherwise provided in subsection (15) of this section, the following fees shall be collected by the department in advance:

(1) For the examination of an application for permit to appropriate water or on application to change point of diversion, withdrawal, purpose or place of use, a minimum of ten dollars, to be paid with the application. For each second foot between one and five hundred second feet, two dollars per second foot; for each second foot between five hundred and two thousand second feet, fifty cents per second foot; and for each second foot in excess thereof,

twenty cents per second foot. For each acre foot of storage up to and including one hundred thousand acre feet, one cent per acre foot, and for each acre foot in excess thereof, one-fifth cent per acre foot. The ten dollar fee payable with the application shall be a credit to that amount whenever the fee for direct diversion or storage totals more than ten dollars under the above schedule and in such case the further fee due shall be the total computed amount less ten dollars.

Within five days from receipt of an application the department shall notify the applicant by registered mail of any additional fees due under the above schedule and any additional fees shall be paid to and received by the department within thirty days from the date of filing the application, or the application shall be rejected.

(2) For filing and recording a permit to appropriate water for irrigation purposes, forty cents per acre for each acre to be irrigated up to and including one hundred acres, and twenty cents per acre for each acre in excess of one hundred acres up to and including one thousand acres, and ten cents for each acre in excess of one thousand acres; and also twenty cents for each theoretical horsepower up to and including one thousand horsepower, and four cents for each theoretical horsepower in excess of one thousand horsepower, but in no instance shall the minimum fee for filing and recording a permit to appropriate water be less than five dollars. For all other beneficial purposes the fee shall be twice the amount of the examination fee except that for individual household and domestic use, which may include water for irrigation of a family garden, the fee shall be five dollars.

(3) For filing and recording any other water right instrument, four dollars for the first hundred words and forty cents for each additional hundred words or fraction thereof.

(4) For making a copy of any document recorded or filed in his office, forty cents for each hundred words or fraction thereof, but when the amount exceeds twenty dollars, only the actual cost in excess of that amount shall be charged.

(5) For certifying to copies, documents, records or maps, two dollars for each certification.

(6) For blueprint copies of a map or drawing, or, for such other work of a similar nature as may be required of the department, at actual cost of the work.

(7) For granting each extension of time for beginning construction work under a permit to appropriate water, an amount equal to one-half of the filing and recording fee, except that the minimum fee shall be not less than five dollars for each year that an extension is granted, and for granting an extension of time for completion of construction work or for completing application of water to a beneficial use, five dollars for each year that an extension is granted.

(8) For the inspection of any hydraulic works to insure safety to life and property, the actual cost of the inspection, including the expense incident thereto.

(9) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ten dollars, or the actual cost.

(10) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of five dollars.

(11) For preparing and issuing all water right certificates, five dollars.

(12) For filing and recording a protest against granting any application, two dollars.

(13) The department shall provide timely notification by certified mail with return receipt requested to applicants that fees are due. No action may be taken until the fee is paid in full. Failure to remit fees within sixty days of the department's notification shall be grounds for rejecting the application or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

(14) For purposes of calculating fees for ground water filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

(15) For the period beginning July 1, 1993, and ending June 30, 1994, there is imposed and the department shall collect a fifty dollar surcharge on all water rights applications or changes filed under this section, and upon all water rights applications or changes pending as of July 1, 1993. This charge shall be in addition to any other fees imposed under this section.

NEW SECTION. Sec. 3. (1) There is created a water rights fees task force. The task force shall be comprised of fourteen members, who are appointed as follows:

(a) Two members of the Washington state house of representatives, one from each major caucus, to be appointed by the speaker of the house of representatives;

(b) Two members of the Washington state senate, one from each major caucus, to be appointed by the president of the senate;

(c) Ten members, to be appointed jointly by the speaker of the house of representatives and the president of the senate, to represent the following interests: Agriculture, aquaculture, business, cities, counties, the state department of ecology, environmentalists, water recreation interests, water utilities, and hydropower interests. The task force may establish technical advisory committees as necessary to complete its tasks.

(2) The task force shall conduct a comprehensive review of water rights fees. The task force's tasks shall include but not be limited to:

(a) Identification of the costs associated with the various activities and services provided by the water rights program and examination of how these costs compare with the fees charged for these activities and services;

(b) Identification of appropriate accountability measures for the department of ecology to employ in administration of the water rights program. Recommendations of accountability requirements and measurements shall take into account the distinctive characteristics of the water rights program, that is, that the department receives a large number of applications on a one-time basis and that the department of ecology must meet its legal obligations under the doctrine of prior appropriation;

(c) Identification of which program activities should be eligible for cost recovery from fees, as well as which direct and indirect costs of program administration;

(d) Review of the application, examination, and water rights permit requirements for marine water users to determine if these users should receive special fee consideration;

(e) Review of the definition and treatment of nonconsumptive water uses to determine if special fee consideration should be given to these users;

(f) Review of the fees and accounting methods for the dam safety program;

(g) Identification of the appropriate distribution of responsibility between the applicant and the department of ecology for provision of technical information and analysis; and

(h) Establishment of a reasonable time framework for completion of new and pending water rights applications, and an analysis of the staff and funding levels required to meet the established time framework.

(3) Before December 1, 1993, the task force shall:

(a) Provide recommendations to the department of ecology on ways to improve the efficiency and accountability of the water rights program;

(b) Provide recommendations to the legislature on statutory changes necessary to make these efficiency and accountability improvements; and

(c) Propose a new fee schedule for the water rights program which incorporates the results of the task force's work and which funds through fees fifty percent of the cost of the activities and services provided by the program.

(4) The department of ecology and the legislature shall jointly provide for the staff support of the task force.

(5) The task force shall convene as soon as possible upon the appointment of its members. Task force members shall elect a chair and adopt rules for conducting the business of the task force. The task force shall expire on June 30, 1994.

NEW SECTION. Sec. 4. The legislature finds that there is a significant number of high-value orchard and vineyard crops that can be grown utilizing highly water-efficient trickle irrigation systems. The legislature finds that over a period of several years, existing orchard plantings will be revitalized and replaced with new plantings, and that additional orchards will be planted which provide opportunities for improved water efficiency.

The legislature finds that significant water savings could be realized through the installation of trickle irrigation systems where climatically and economically suitable. The legislature also finds that positive economic incentives, establishment of necessary legal procedures, and removal of legal barriers are needed to stimulate the development of workable technologies and farming systems that rely on lesser quantities of water.

The purpose of this act is to stimulate the use of trickle irrigation systems by allowing the saved water to be voluntarily transferred by the water right holder to other uses. Additionally, the purpose is to establish incentives through enabling self-funded, private capital or public funds to provide improved market-based incentives for adopting water saving technologies and to allow the benefits of the conserved water to be fully realized. It is the intent of this act that sufficient protections be provided to assure that existing water users are not adversely affected by transfers approved under sections 5 through 12 of this act.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Contract" means a written legal instrument that provides for the transfer of a portion of a water right from an existing water right holder to another person for consideration.

(2) "Department" means the department of ecology.

(3) "Net water savings" has the same meaning as defined in RCW 90.42.020.

(4) "Person" means a person, corporation, quasi-municipal corporation, municipal corporation, state, or federal agency.

(5) "Reduction in evaporative loss" means the amount of water that was needed to grow an orchard or other crops using conventional irrigation systems minus the quantity of water needed to grow the crops with the use of a trickle irrigation system. "Reduction in evaporative loss" includes the reduction in the amount of water used through transpiration by nonproductive plants such as cover crops.

(6) "Trickle irrigation system" means those types of systems which qualify, as determined by the department, that apply water at the base of a plant producing food or fiber with minimal evaporation, or transpiration loss to nonproductive vegetation.

(7) "Trust water right" means a water right transferred to and managed by the department for the benefit of instream flows or for the allocation to new uses as provided in chapter 90.38 or 90.42 RCW.

NEW SECTION. Sec. 6. A person holding a valid water right may enter into a contract with another person for the transfer of water saved through installation of a qualifying trickle irrigation system. In determining the amount that is transferrable, the department shall allow the transfer of an amount equal to the reduction in the evaporative loss. The reduction in evaporative loss is a readily transferrable component of net water savings.

In addition, the department shall evaluate whether there are additional net water savings as defined in RCW 90.42.020 that could be transferred to the purchaser without detriment to other existing water users. The department may not delay because of decisions on the determination of additional net water savings the approval of the transfer of the water that constitutes the reduction in evaporative loss.

A person wishing to make application for a transfer of a water right under this chapter shall comply with RCW 90.03.380. A contract may allow for a permanent transfer of a portion of the original water right, or for lease agreements with set expiration dates. The applicant shall state that the contract is not permanent in the application if the contract is not permanent.

The transferred portion has the same date of priority as the water right from which it originated, but between them the transferred portion of the right is inferior in priority unless otherwise provided by the parties in the contract.

The department shall maintain a record of contracts with the certificate of water right for the transferred water.

NEW SECTION. Sec. 7. The department shall adopt rules, in accordance with chapter 34.05 RCW and by July 1, 1994, for procedures to be used to facilitate the processing of requests for water right transfers made under this chapter and to establish a streamlined procedure to quantify the reduction in the evaporative loss. In developing streamlined procedures, the department may use data from the United States soil conservation service or the Washington state cooperative extension service to base calculations of reduction in evaporative loss in various regions of the state.

The rules may establish procedures for the department to make preliminary findings that can be used as an initial basis for developing contracts by applicants.

NEW SECTION. Sec. 8. An applicant shall accompany an application for a water right transfer under this chapter with a fee of six hundred twenty-five dollars.

NEW SECTION. Sec. 9. In processing applications for transfers of portions of water rights under this chapter, if the department is unable to conclusively determine the validity of the original water right, the department may include a presumption of validity in the certificate of water rights. The presumption must provide to the contract purchaser the same right to the use of water as the holder of the original water right.

The presumption of validity may not be used as evidence as to the existence or nonexistence in a water right adjudication conducted under chapter 90.03 RCW.

NEW SECTION. Sec. 10. A holder of a water right may voluntarily enter into a contract with the department. The department may utilize funds available from chapter 43.99E RCW to purchase water savings made available under this chapter. The department shall utilize the same methods of calculating water that is transferrable to another party under this chapter in determining the amount of water that is transferrable to the state. If additional net water saved is available for the benefit of only a stream segment, the calculations may be made on a case-by-case basis while assuring no detriment to existing water users occurs.

NEW SECTION. Sec. 11. A holder of a valid water right who installs a trickle irrigation system may apply for a transfer of the reduction in evaporative loss, plus any additional net water savings, for the irrigation of an additional parcel of previously unirrigated land, to land with less senior water rights, or that lacks a full and sufficient supply. The application must be processed based upon the same criteria as if the transfer were to be made to another person.

NEW SECTION. Sec. 12. This chapter may be known and cited as the agricultural water conservation incentives act.

NEW SECTION. Sec. 13. Sections 5 through 12 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 14. If specific funding for the purposes of sections 5 through 12 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 5 through 12 of this act shall be null and void.

NEW SECTION. Sec. 15. Sections 1 through 3 this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "approvals;" strike the remainder of the title and insert "amending RCW 90.03.470; adding a new chapter to Title 90 RCW; creating new sections; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Pruitt moved the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1236 and ask the Senate for a Conference thereon.

MOTION

Representative Chandler moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1236.

The Speaker stated the question before the House to be the motion by Representative Chandler to concur in the Senate amendments to Engrossed Substitute House Bill No. 1236.

Representatives Chandler and Schoesler spoke in favor of the motion and Representative Pruitt spoke against it.

Representative Vance demanded an electronic roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of the motion by Representative Chandler to concur in the Senate amendments to Engrossed Substitute House Bill No. 1236, and the motion was not carried by the following vote: Yeas - 40, Nays - 54, Absent - 0, Excused - 4.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brumsickle, Carlson, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Kremen, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance and Wood - 40.

Voting nay: Representatives Anderson, Appelwick, Brown, Campbell, Cole, G., Conway, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Van Luven, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 54.

Excused: Representatives Brough, Casada, Cothorn and Dorn - 4.

The motion by Representative Chandler to concur in the Senate amendments to Engrossed Substitute House Bill No. 1236, having failed to receive the constitutional majority, was declared lost.

The motion not to concur with the Senate amendments was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Pruitt, Rust and Chandler as conferees on Engrossed Substitute House Bill No. 1236.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate refuses to recede from the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1122 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators Fraser, Barr and Loveland and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved the House grant the request of the Senate for a conference on Substitute House Bill No. 1122. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Pruitt, Dunshee and Edmondson as conferees on Substitute House Bill No. 1122.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators Haugen, Erwin and Drew and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved the House grant the request of the Senate for a Conference on Engrossed Substitute House Bill No. 1761. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives H. Myers, R. Fisher and Edmondson as conferees on Engrossed Substitute House Bill No. 1761.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067 and once again asks the House to concur therein and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brown moved the House insist on its position on Substitute House Bill No. 2067 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives R. Fisher, Jones and Schmidt as conferees on Engrossed Substitute House Bill No. 2067.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5044 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators Haugen, Winsley and Loveland and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved the House grant the request of the Senate for a Conference on Substitute Senate Bill No. 5044. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives H. Myers, Romero and Horn as conferees on Substitute Senate Bill No. 5044.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5704 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators Adam Smith, McCaslin and Quigley and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5704. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Appelwick, Ludwig and Padden as conferees on Substitute Senate Bill No. 5704.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5407 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Fraser, Barr and Loveland and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved the House grant the request of the Senate for a Conference on Substitute Senate Bill No. 5407. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Rust, L. Johnson and Horn as conferees on Substitute Senate Bill No. 5407.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5815 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Adam Smith, West and Quigley and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ludwig moved the House grant the request of the Senate for a Conference on Engrossed Substitute Senate Bill No. 5815. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Appelwick, Riley and Padden as conferees on Engrossed Substitute Senate Bill No. 5815.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5157 and asks the House to recede therefrom and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Appelwick moved the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5157 and ask the Senate to concur therein. The motion was carried.

Representative Dunshee assumed the chair.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5844 and asks the House to recede therefrom and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Leonard moved the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5844 and again ask the Senate to concur therein. The motion was carried.

The Speaker assumed the chair.

With the consent of the House, the House resumed consideration of House Bill No. 1379.

SPEAKER'S RULING

Representative Mielke has raised a point of order to the scope and object of the Senate amendment to House Bill No. 1379.

In ruling on the point of order, the Speaker finds that House Bill No. 1379 is a measure which relates to motor vehicles. It makes various changes to the programs administered by the Department of Licensing Vehicle Services Division.

The Senate amendment includes provisions relating to vessel (watercraft) dealer laws.

The Speaker therefore finds that the Senate amendment does change the scope and object of the bill and the point of order is well taken.

MOTION

Representative R. Fisher moved the House refuse to concur in the Senate amendments to House Bill No. 1379 and ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1021 and once again asks the House to concur therein and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Rust: Mr. Speaker, I would request a ruling on the scope and object of the Senate amendments to Substitute House Bill No. 1021.

With the consent of the House, the House deferred further consideration of Substitute House Bill No. 1021.

With the consent of the House, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, by Senate Committee on Trade, Technology & Economic Development (originally sponsored by Senators Skratek, Bluechel, Sheldon, Erwin, Deccio, M. Rasmussen, Snyder, Gaspard and Winsley)

Creating the department of economic and community development.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, April 2, 1993.)

Representative Anderson moved that the committee amendment not be adopted. The committee amendment was not adopted.

Representative Anderson moved adoption of the following amendment by Representatives Anderson, Wineberry and H. Myers:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature finds that the long-term economic health of the state and its citizens depends upon the strength and vitality of its communities and businesses. It is the intent of this chapter to create a merged community and economic development department that fosters new partnerships for strong and sustainable communities. The consolidation of the department of trade and economic development and the department of community development into one department will: Streamline access to services by providing a simpler point of entry for state programs; provide focused and flexible responses to changing economic conditions;

generate greater local capacity to respond to both economic growth and environmental challenges; and increase accountability to the public, the executive branch, and the legislature.

A new department can bring together a focused effort to: Manage growth and achieve sustainable development; diversify the state's economy and export goods and services; provide greater access to economic opportunity; stimulate private sector investment and entrepreneurship; provide stable family-wage jobs and meet the diverse needs of families; provide affordable housing and housing services; construct public infrastructure; protect our cultural heritage; and promote the health and safety of the state's citizens.

The legislature further finds that as a result of the rapid pace of global social and economic change, the state and local communities will require coordinated and creative responses by every segment of the community. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote such partnerships. The department has a primary responsibility to provide financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of communities and their residents. It is the intent of the legislature in this consolidation to maximize the use of local expertise and resources in the delivery of community and economic development services.

NEW SECTION. Sec. 2. MANAGEMENT RESPONSIBILITY. The purpose of this chapter is to establish the broad outline of the structure of the community and economic development department, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the new department and is intended to provide flexibility to the director to reorganize these functions and to make recommendations for changes through the implementation plan required in section 8 of this act.

NEW SECTION. Sec. 3. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the community and economic development department.

(3) "Director" means the director of the community and economic development department.

NEW SECTION. Sec. 4. DEPARTMENT CREATED. A community and economic development department is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided in chapter ..., Laws of 1993 (this act), the existing responsibilities and functions of the agency programs will continue to be administered in accordance with their implementing legislation.

NEW SECTION. Sec. 5. DIRECTOR'S APPOINTMENT. The executive head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 6. DIRECTOR'S RESPONSIBILITIES. (1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

(c) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(e) Prepare and submit budgets for the department for executive and legislative action;

(f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

(i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

NEW SECTION. Sec. 7. DEPARTMENT RESPONSIBILITIES. The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to manage growth; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; fostering the development of minority and women-owned businesses; facilitating technology development, transfer, and diffusion; community services and advocacy for low-income persons; and public safety efforts. The department shall have the following general functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

(3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(5) Cooperate with and provide technical and financial assistance to local governments, businesses, and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give additional consideration to local communities and individuals with the greatest relative need and the fewest resources;

(6) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(7) Hold public hearings and meetings to carry out the purposes of this chapter;

(8) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market, demographic, and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic and social problems in the state; and

(9) Develop a schedule of fees for services where appropriate.

NEW SECTION. Sec. 8. IMPLEMENTATION PLAN. (1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of trade and economic development and the department of community development into the community and economic development department so that the department will operate as a single entity on July 1, 1994.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for combining the existing functions and responsibilities of both agencies into a coordinated and unified department including a strategic plan for each major program area that includes implementation steps, evaluation measures, and methods for collaboration among programs;

(b) Recommendations for any changes in existing programs and functions of both agencies, including new initiatives and possible transfer of programs and functions to and from other departments;

- (c) Implementation steps necessary to bring about operation of the combined department as a single entity;
- (d) Benchmarks by which to measure progress and to evaluate the performance and effectiveness of the department's efforts; and
- (e) Strategies for coordinating and maximizing federal, state, local, international, and private sector support for community and economic development efforts within the state.

(3) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, businesses, labor unions, associate development organizations, low-income housing interests, housing industry, Indian tribes, community action programs, public safety groups, nonprofit community and development organizations, and any other organizations the directors determine should have input to the plan.

NEW SECTION. Sec. 9. TRADE AND BUSINESS ASSISTANCE. (1) The department shall assist in expanding the state's role as an international center of trade, culture, and finance. The department shall promote and market the state's products and services internationally in close cooperation with other private and public international trade efforts and act as a centralized location for the assimilation and distribution of trade information.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in work force training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools and by assisting in targeting and improving the efficiency of existing investment mechanisms.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to increased investment and employment and becoming full participants in Washington's traded sector economy.

NEW SECTION. Sec. 10. LOCAL DEVELOPMENT CAPACITY--BUILDING AND TECHNICAL ASSISTANCE. (1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and challenges. The department shall coordinate the delivery of development services and technical assistance to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state. The department shall promote appropriate local development by: Supporting the ability of communities to develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, and businesses. The department shall emphasize providing training in those communities most in need of state assistance.

NEW SECTION. Sec. 11. LOCAL AND REGIONAL DEVELOPMENT CONTRACTS. (1) The department may contract with associate development organizations or other local organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, private industry councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The department shall be responsible for determining the scope of services delivered under these contracts.

(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.

(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.

(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.

(5) The contracting organization shall participate with the work force training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board, in providing for the coordination of job skills training within its region.

NEW SECTION. Sec. 12. ECONOMIC DIVERSIFICATION AND SECTORAL STRATEGIES. (1) The department shall work with private sector organizations, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ensure that the state continues to pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition, the department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state.

(3) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

By January 10th of each year, the department shall report in writing on its targeted sector programs to the appropriate legislative economic development committees. The department's report shall include an appraisal of the sector, activities the department has undertaken to assist in the development of each sector, and recommendations to the legislature regarding activities that the state should implement but are currently beyond the scope of the department's program or resources.

NEW SECTION. Sec. 13. LOCAL DEVELOPMENT FINANCE AND PUBLIC FACILITIES. (1) The department shall support the development and maintenance of local infrastructure and public facilities and provide local communities with flexible sources of funding. The department shall coordinate grant and loan programs that provide infrastructure and investment in local communities. This shall include coordinating funding for eligible projects with other federal, state, local, private, and nonprofit funding sources.

(2) At a minimum, the department shall provide coordinated procedures for applying for and tracking grants and loans among and between the community economic revitalization board, the public works trust fund, and community development block grants.

NEW SECTION. Sec. 14. HOUSING AFFORDABILITY. (1) The department shall maintain an active effort to help communities, families, and individuals build and maintain capacity to meet housing needs in Washington state. The department shall facilitate partnerships among the many entities related to housing issues and leverage a variety of resources and services to produce comprehensive, cost-effective, and innovative housing solutions.

(2) The department shall assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for very low, low, and moderate-income persons; operate programs to assist home ownership, offer housing services, and provide emergency, transitional, and special needs housing services; and qualify as a participating state agency for all programs of the federal department of housing and urban development or its successor. The department shall develop or assist local governments in developing housing plans required by the state or federal government.

(3) The department shall coordinate and administer energy assistance and residential energy conservation and rehabilitation programs of the federal and state government through nonprofit organizations, local governments, and housing authorities.

NEW SECTION. Sec. 15. GROWTH MANAGEMENT. (1) The department shall serve as the central coordinator for state government in the implementation of the growth management act, chapter 36.70A RCW. The department shall work closely with all Washington communities planning for future growth and responding to the pressures of urban sprawl. The department shall ensure coordinated implementation of the growth management act by state agencies.

(2) The department shall offer technical and financial assistance to cities and counties planning under the growth management act. The department shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.

(3) The department shall provide alternative dispute resolution to jurisdictions and organizations to mediate disputes and to facilitate consistent implementation of the growth management act. The department shall review local governments compliance with the requirements of the growth management act and make recommendations to the governor.

NEW SECTION. Sec. 16. COMMUNITY SERVICES AND PROTECTION. (1) The department shall coordinate services to communities that are directed to the poor and disadvantaged through private and public nonprofit organizations and units of general purpose local governments. The department shall coordinate these programs using, to the extent possible, integrated case management methods, with other community and economic development efforts that promote self-sufficiency.

(2) These services may include, but not be limited to, comprehensive education services to preschool children from low-income families, providing for human service needs and advocacy, promoting volunteerism and citizen service as a means for accomplishing local community and economic development goals, coordinating and providing emergency food assistance to distribution centers and needy individuals, and providing for human service needs through community-based organizations.

(3) The department shall provide local communities and at-risk individuals with programs that provide community protection and assist in developing strategies to reduce substance abuse. The department shall administer programs that develop collaborative approaches to prevention, intervention, and interdiction programs. The department shall administer programs that support crime victims, address youth and domestic violence problems, provide indigent defense for low-income persons, border town disputes, and administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

(4) The department shall provide fire protection and emergency management services to support and strengthen local capacity for controlling risk to life, property, and community vitality that may result from fires, emergencies, and disasters.

Sec. 17. RCW 28C.18.060 and 1991 c 238 s 7 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.

(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.

(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.

(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.

(21) Facilitate programs for school-to-work transition that combine classroom education and on-the-job training in industries and occupations without a significant number of apprenticeship programs.

(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(23) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(25) Allocate funding from the state job training trust fund.

(26) Work with the director of community and economic development to ensure coordination between work force training priorities and that department's economic development efforts.

(27) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

Sec. 18. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the ~~((department of trade))~~ community and economic development department, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) ~~((the department of community development, and (16)))~~ the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 19. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of wildlife, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of ~~((trade))~~ community and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) ~~((the director of community development, and (16)))~~ the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

NEW SECTION. Sec. 20. The department of community development is hereby abolished and its powers, duties, and functions are hereby transferred to the community and economic development department.

NEW SECTION. Sec. 21. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community development shall be delivered to the custody of the community and economic development department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community development shall be made available to the community and economic development department. All funds, credits, or other assets held by the department of community development shall be assigned to the community and economic development department.

Any appropriations made to the department of community development shall, on the effective date of this section, be transferred and credited to the community and economic development department.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 22. All employees of the department of community development are transferred to the jurisdiction of the community and economic development department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the community and economic development department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 23. All rules and all pending business before the department of community development shall be continued and acted upon by the community and economic development department. All existing contracts and obligations shall remain in full force and shall be performed by the community and economic development department.

NEW SECTION. Sec. 24. The transfer of the powers, duties, functions, and personnel of the department of community development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 25. If apportionments of budgeted funds are required because of the transfers directed by sections 21 through 24 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 26. Nothing contained in sections 20 through 25 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 27. The department of trade and economic development is hereby abolished and its powers, duties, and functions are hereby transferred to the community and economic development department.

NEW SECTION. Sec. 28. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of trade and economic development shall be delivered to the custody of the community and economic development department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of trade and economic development shall be made available to the community and economic development department. All funds, credits, or other assets held by the department of trade and economic development shall be assigned to the community and economic development department.

Any appropriations made to the department of trade and economic development shall, on the effective date of this section, be transferred and credited to the community and economic development department.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 29. All employees of the department of trade and economic development are transferred to the jurisdiction of the community and economic development department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the community and economic development department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 30. All rules and all pending business before the department of trade and economic development shall be continued and acted upon by the community and economic development department. All existing contracts and obligations shall remain in full force and shall be performed by the community and economic development department.

NEW SECTION. Sec. 31. The transfer of the powers, duties, functions, and personnel of the department of trade and economic development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 32. If apportionments of budgeted funds are required because of the transfers directed by sections 28 through 31 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 33. Nothing contained in sections 27 through 32 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 34. RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" (~~has the meaning given in RCW 43.31.025(4))~~ means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one three-digit standard industrial classification as published by the United States department of commerce.

Sec. 35. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163 ((RCW and chapters 43.31, 43.63A)), 43.-- (sections 1 through 7, 9 through 16, 81, and 85 of this act), and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(dd) Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 36. RCW 42.17.319 and 1989 c 312 s 7 are each amended to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by investors or entrepreneurs under chapter ~~((43.34))~~ 43.-- RCW (sections 1 through 7, 9 through 16, 81, and 85 of this act) shall be made available to the public.

Sec. 37. RCW 43.17.065 and 1991 c 314 s 28 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the ~~((department of trade))~~ community and economic development department, and any other state officials, when such officials request timely action on the part of the issuing department.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in timber impact areas, as defined in RCW 43.31.601, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application approved; and

- (b) The assistance that will be made available to the applicant by the agency to expedite the application process.
- (3) The agency timber task force established in RCW 43.31.621 shall oversee implementation of this section.
- (4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

Sec. 38. RCW 43.20A.750 and 1992 c 21 s 4 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, and, where appropriate, under an interagency agreement with the ~~((department of))~~ community and economic development department, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 39. RCW 19.27.070 and 1989 c 246 s 2 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building

code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The ~~((department of))~~ community and economic development department shall provide ~~((administrative and clerical assistance))~~ staff to the building code council.

Sec. 40. RCW 19.27.074 and 1989 c 266 s 3 are each amended to read as follows:

(1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single family or multifamily residential buildings; and

(c) As required by the legislature, develop and adopt any codes relating to buildings ~~((and~~

~~((Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090)).~~

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council; and

(b) ~~((Employ permanent and temporary staff and contract for services; and~~

~~((e)))~~ Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter 34.05 RCW.

All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

Sec. 41. RCW 43.31.057 and 1986 c 183 s 2 are each amended to read as follows:

The ~~((department of trade))~~ community and economic development department is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

Sec. 42. RCW 43.31.085 and 1989 c 430 s 2 are each amended to read as follows:

The business assistance center shall:

(1) Serve as the state's lead agency and advocate for the development and conservation of businesses.

(2) Coordinate the delivery of state programs to assist businesses.

(3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

(8) In collaboration with the child care coordinating committee in the department of social and health services, prepare and disseminate information on child care options for employers and the existence of the program.

As much as possible, and through interagency agreements where necessary, such information should be included in the routine communications to employers from (a) the department of revenue, (b) the department of labor and industries, (c) ~~((the department of community development, (d)))~~ the employment security department, ~~((e))~~ (d) the ~~((department of trade))~~ community and economic development department, ~~((f))~~ (e) the small business development center, and ~~((g))~~ (f) the department of social and health services.

(9) In collaboration with the child care coordinating committee in the department of social and health services, compile information on and facilitate employer access to individuals, firms, organizations, and agencies that provide technical assistance to employers to enable them to develop and support child care services or facilities.

(10) Actively seek public and private money to support the child care facility fund described in RCW 43.31.502, staff and assist the child care facility fund committee as described in RCW 43.31.504, and work to promote applications to the committee for loan guarantees, loans, and grants.

Sec. 43. RCW 43.31.205 and 1992 c 228 s 2 are each amended to read as follows:

In an effort to enhance the economy of the Tri-Cities area, the ~~((department of trade))~~ community and economic development department is directed to promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease. When promoting the existence of the lease, the department shall work in cooperation with any associate development organization~~((s))~~ located in or near the Tri-Cities area.

Sec. 44. RCW 43.31.409 and 1989 c 312 s 3 are each amended to read as follows:

There is created in the business assistance center of the ~~((department of trade))~~ community and economic development department the Washington investment opportunities office.

Sec. 45. RCW 43.31.411 and 1989 c 312 s 4 are each amended to read as follows:

The Washington investment opportunities office shall:

(1) Maintain a list of all entrepreneurs engaged in manufacturing, wholesaling, transportation services, development of destination tourism resorts, or traded services throughout the state seeking capital resources and interested in the services of the investment opportunities office.

(2) Maintain a file on each entrepreneur which may include the entrepreneur's business plan and any other information which the entrepreneur offers for review by potential investors.

(3) Assist entrepreneurs in procuring the managerial and technical assistance necessary to attract potential investors. Such assistance shall include the automatic referral to the small business innovators opportunity program of any entrepreneur with a new product meriting the services of the program.

(4) Provide entrepreneurs with information about potential investors and provide investors with information about those entrepreneurs which meet the investment criteria of the investor.

(5) Promote small business securities financing.

(6) Remain informed about investment trends in capital markets and preferences of individual investors or investment firms throughout the nation through literature surveys, conferences, and private meetings.

(7) Publicize the services of the investment opportunities office through public meetings throughout the state, appropriately targeted media, and private meetings. Whenever practical, the office shall use the existing services of local associate development organizations in outreach and identification of entrepreneurs and investors.

(8) Report to the ways and means committees and ~~((commerce and labor))~~ appropriate economic development committees of the senate and the house of representatives by December 1, 1989, and each year thereafter, on the accomplishments of the office. Such reports shall include:

(a) The number of entrepreneurs on the list referred to in subsection (1) of this section, segregated by standard industrial classification codes;

(b) The number of investments made in entrepreneurs, segregated as required by (a) of this subsection, as a result of contact with the investment opportunities office, the dollar amount of each such investment, the source, by state or nation, of each investment, and the number of jobs created as a result of each investment;

(c) The number of entrepreneurs on the list referred to in subsection (1) of this section segregated by counties, the number of investments, the dollar amount of investments, and the number of jobs created through investments in each county as a result of contact with the investment opportunities office;

(d) A categorization of jobs created through investments made as a result of contact with the investment opportunities office, the number of jobs created in each such category, and the average pay scale for jobs created in each such category;

(e) The results of client satisfaction surveys distributed to entrepreneurs and investors using the services of the investment opportunities office; and

(f) Such other information as the managing director finds appropriate.

Sec. 46. RCW 43.31.422 and 1991 c 272 s 19 are each amended to read as follows:

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used pursuant to the recommendations of the committee created in RCW 43.31.425 and the approval of the director of ~~((the department of trade))~~ community and economic development for Hanford area revolving loan funds, Hanford area infrastructure projects, or other Hanford area economic development and diversification projects, but may not be used for government or nonprofit organization operating expenses. Up to five percent of moneys in the fund may be used for program administration. For the purpose of this chapter "Hanford area" means Benton and Franklin counties. Disbursements from the fund shall be on the authorization of the director of ~~((trade))~~ community and economic development or the director's designee after an affirmative vote of at least six members of the committee created in RCW 43.31.425 on any recommendations by the committee created in RCW 43.31.425. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

Sec. 47. RCW 43.31.504 and 1989 c 430 s 4 are each amended to read as follows:

The child care facility fund committee is established within the business assistance center of the ~~((department of trade))~~ community and economic development department. The committee shall administer the child care facility fund, with review by the director of ~~((the department of trade))~~ community and economic development.

(1) The committee shall have five members. The director of ~~((the department of trade))~~ community and economic development shall appoint the members, who shall include:

- (a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;
- (b) One person representing a philanthropic organization with experience in evaluating funding requests;
- (c) One child care services expert; and
- (d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The ~~((department of trade))~~ community and economic development department may purchase liability insurance for members and may indemnify these persons against the claims of others.

Sec. 48. RCW 43.31.522 and 1990 c 57 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524 and 43.31.526:

- (1) "Department" means the ~~((department of trade))~~ community and economic development department.
- (2) "Center" means the business assistance center established under RCW 43.31.083.
- (3) "Director" means the director of ~~((trade))~~ community and economic development.
- (4) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

Sec. 49. RCW 43.31.524 and 1990 c 57 s 3 are each amended to read as follows:

There is established a Washington marketplace program within the business assistance center established under RCW 43.31.083. The program shall assist businesses to competitively meet their needs for goods and services within Washington state by providing information relating to the replacement of imports or the fulfillment of new requirements with Washington products produced in Washington state. The program shall place special emphasis on strengthening rural economies in economically distressed areas of the state meeting the criteria of an "eligible area" as defined in RCW 82.60.020(3). ~~((The Washington marketplace program shall consult with the community revitalization team established pursuant to chapter 43.165 RCW.))~~

Sec. 50. RCW 43.31.526 and 1990 c 57 s 4 are each amended to read as follows:

(1) The department shall contract with local nonprofit organizations in ~~((at least three economically))~~ distressed areas of the state that meet the criteria of an "eligible area" as defined in RCW 82.60.020(3) to implement the Washington marketplace program in these areas. The department, in order to foster cooperation and linkages

between distressed and nondistressed areas and urban and rural areas, may enter into joint contracts with multiple nonprofit organizations. Contracts with economic development organizations to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas shall be structured by the department and the distressed area marketplace programs. Contracts with economic development organizations shall:

- (a) Award contracts based on a competitive bidding process, pursuant to chapter 43.19 RCW;
- (b) Give preference to nonprofit organizations representing a broad spectrum of community support; and
- (c) Ensure that each location contain sufficient business activity to permit effective program operation.

The department may require that contractors contribute at least twenty percent local funding.

(2) The contracts with local nonprofit organizations shall be for, but not limited to, the performance of the following services for the Washington marketplace program:

(a) Contacting Washington state businesses to identify goods and services they are currently buying or are planning in the future to buy out-of-state and determine which of these goods and services could be purchased on competitive terms within the state;

(b) Identifying locally sold goods and services which are currently provided by out-of-state businesses;

(c) Determining, in consultation with local business, goods and services for which the business is willing to make contract agreements;

(d) Advertising market opportunities described in (c) of this subsection; and

(e) Receiving bid responses from potential suppliers and sending them to that business for final selection.

(3) Contracts may include provisions for charging service fees of businesses that profit as a result of participation in the program.

(4) The center shall also perform the following activities in order to promote the goals of the program:

(a) Prepare promotional materials or conduct seminars to inform communities and organizations about the Washington marketplace program;

(b) Provide technical assistance to communities and organizations interested in developing an import replacement program;

(c) Develop standardized procedures for operating the local component of the Washington marketplace program;

(d) Provide continuing management and technical assistance to local contractors; and

(e) Report by December 31 of each year to the ~~((senate))~~ appropriate economic development ~~((and labor committee and to))~~ committees of the senate and the house of representatives ~~((trade and economic development committee))~~ describing the activities of the Washington marketplace program.

Sec. 51. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

(1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The ~~((department of trade))~~ community and economic development ~~((department of community development))~~ department, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, ~~((1993))~~ 1995.

Sec. 52. RCW 43.31.641 and 1991 c 314 s 7 are each amended to read as follows:

The ~~((department of trade))~~ community and economic development department, as a member of the agency timber task force and in consultation with the board, shall:

(1) Implement an expanded value-added forest products development industrial extension program. The department shall provide technical assistance to small and medium-sized forest products companies to include:

(a) Secondary manufacturing product development;

(b) Plant and equipment maintenance;

(c) Identification and development of domestic market opportunities;

(d) Building products export development assistance;

(e) At-risk business development assistance;

(f) Business network development; and

(g) Timber impact area industrial diversification.

(2) Provide local contracts for small and medium-sized forest product companies, start-ups, and business organizations for business feasibility, market development, and business network contracts that will benefit value-added production efforts in the industry.

(3) Contract with local business organizations in timber impact areas for development of programs to promote industrial diversification. ~~((In addition,))~~ The department shall ~~((develop an interagency agreement with the department of community development for))~~ provide local capacity-building grants to local governments and community-based organizations in timber impact areas, which may include long-range planning and needs assessments.

For the 1991-93 biennium, the ~~((department of trade))~~ community and economic development department shall use funds appropriated for this section for contracts and for no more than two additional staff positions.

Sec. 53. RCW 43.31.651 and 1991 c 314 s 9 are each amended to read as follows:

The ~~((department of))~~ community and economic development department as a part of the agency timber task force and in consultation with the board, shall implement a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The program shall provide resources and technical assistance to timber impact areas.

~~((In addition, the department shall develop an interagency agreement with the department of trade and economic development for local capacity-building grants to local governments and community-based organizations in timber impact areas.))~~

Sec. 54. RCW 43.31.800 and 1987 c 195 s 4 are each amended to read as follows:

"Director" as used in RCW 43.31.790 through 43.31.850 and 67.16.100 means the director of ~~((trade))~~ community and economic development.

Sec. 55. RCW 43.31.830 and 1987 c 195 s 7 are each amended to read as follows:

(1) It shall be the duty of the director of community and economic development to certify, from the applications received, the state international trade fair or fairs qualified and entitled to receive funds under RCW ~~((43.31.790 through 43.31.850 and))~~ 67.16.100, ~~((as now or hereafter amended))~~ and under rules established by the director.

(2) The director shall make annual allotments to state international trade fairs determined qualified to be entitled to participate in the state trade fair fund and shall fix times for the division of and payment from the state trade fair fund: PROVIDED, That total payment to any one state international trade fair shall not exceed sixty thousand dollars in any one year, where participation or presentation occurs within the United States, and eighty thousand dollars in any one year, where participation or presentation occurs outside the United States: PROVIDED FURTHER, That a state international trade fair may qualify for the full allotment of funds under either category. Upon certification of the allotment and division of fair funds by the director ~~((of trade and economic development))~~ the treasurer shall proceed to pay the same to carry out the purposes of RCW ~~((43.31.790 through 43.31.850 and))~~ 67.16.100~~((, as now or hereafter amended))~~.

Sec. 56. RCW 43.31.840 and 1975 1st ex.s. c 292 s 6 are each amended to read as follows:

The director of community and economic development shall at the end of each year for which an annual allotment has been made, ~~((cause to be conducted,))~~ conduct a post audit of all of the books and records of each state international trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state international trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state international trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations.

Sec. 57. RCW 43.160.020 and 1992 c 21 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the ~~((department of trade))~~ community and economic development ~~((or its successor with respect to the powers granted by this chapter))~~ department.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank,

investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 58. RCW 43.168.020 and 1991 c 314 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the ~~((department of))~~ community and economic development department.

(3) "Director" means the director of ~~((the department of))~~ community and economic development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under RCW 43.31.601 if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

Sec. 59. RCW 43.210.110 and 1991 c 314 s 12 are each amended to read as follows:

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under RCW 43.210.100(3):

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in RCW 43.31.601. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their

commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of (~~the department of trade~~) community and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in RCW 43.210.070 and 43.210.100 through 43.210.120; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the

purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

Sec. 60. RCW 43.63A.066 and 1990 c 33 s 579 are each amended to read as follows:

The (~~department of~~) community and economic development department shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.200 and 28A.215.900 through 28A.215.908.

Sec. 61. RCW 43.63A.075 and 1985 c 466 s 53 are each amended to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) Develop expertise in federal, state, and local community and economic development programs; and (2) assist communities and businesses to secure available financing(~~;- and (3) work closely with the department of trade and economic development on financial and technical assistance programs available to small and medium sized businesses~~). To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

Sec. 62. RCW 43.63A.115 and 1990 c 156 s 1 are each amended to read as follows:

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall be a delivery system for federal and state anti-poverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network. The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the (~~department of~~) community and economic development department.

(3) Funds for anti-poverty programs may be distributed to the community action agencies by the (~~department of~~) community and economic development department and other state agencies in consultation with the authorized representatives of community action agency networks.

Sec. 63. RCW 43.63A.155 and 1989 c 225 s 5 are each amended to read as follows:

The (~~department of~~) community and economic development department shall retain the bond information it receives under RCW 39.44.210 and 39.44.230 and shall publish summaries of local government bond issues at least once a year.

The (~~department of~~) community and economic development department shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210 and 39.44.230.

Sec. 64. RCW 43.63A.220 and 1987 c 505 s 34 are each amended to read as follows:

(1) The (~~department of~~) community and economic development department is directed to undertake a study as to the best means of providing encouragement and assistance to the formulation of employee stock ownership plans providing for the partial or total acquisition, through purchase, distribution in lieu of compensation, or a combination of these means or any other lawful means, of shares of stock or other instruments of equity in facilities by persons employed at these facilities in cases in which operations at these facilities would, absent employee equity ownership, be terminated, relocated outside of the state, or so reduced in volume as to entail the permanent layoff of a substantial number of the employees.

(2) In conducting its study, the department shall:

(a) Consider federal and state law relating directly or indirectly to plans proposed under subsection (1) of this section, and to the organization and operation of any trusts established pursuant to the plans, including but not limited to, the federal internal revenue code and any regulations promulgated under the internal revenue code, the federal

securities act of 1933 as amended and other federal statutes providing for regulation of the issuance of securities, the federal employee retirement income and security act of 1974 as amended, the Chrysler loan guarantee legislation enacted by the United States congress in 1979, and other federal and state laws relating to employment, compensation, taxation, and retirement;

(b) Consult with relevant persons in the public sector, relevant persons in the private sector, including trustees of any existing employee stock ownership trust, and employees of any firm operating under an employee stock ownership trust, and with members of the academic community and of relevant branches of the legal profession;

(c) Examine the experience of trusts organized pursuant to an employee stock ownership plan in this state or in any other state; and

(d) Make other investigations as it may deem necessary in carrying out the purposes of this section.

(3) Pursuant to the findings and conclusions of the study conducted under subsection (2) of this section, the ~~((department of))~~ community and economic development department shall develop a plan to encourage and assist the formulation of employee stock ownership plans providing for the acquisition of stock by employees of facilities in this state which are subject to closure or drastically curtailed operation. The department shall determine the amount of any costs of implementing the plan.

(4) The director of community and economic development shall, within one year of July 28, 1985, report the findings and conclusion of the study, together with details of the plan developed pursuant to the study, to the legislature, and shall include in the report any recommendations for legislation which the director deems appropriate.

(5) The ~~((department of))~~ community and economic development department shall carry out its duties under this section using available resources.

Sec. 65. RCW 43.63A.230 and 1988 c 186 s 17 are each amended to read as follows:

(1) The ~~((department of))~~ community and economic development department shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of ~~((the department of trade and economic development,))~~ the employment security department~~((,))~~ and state institutions of higher education to promote employee ownership.

(3) The department shall report to the governor, the ~~((trade and))~~ appropriate economic development ~~((committee of))~~ committees of the senate and the house of representatives, ~~((the commerce and labor committee of the senate,))~~ and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(4) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

Sec. 66. RCW 43.63A.245 and 1992 c 63 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.63A.240 through 43.63A.270.

"Agency" means one of the agencies or organizations participating in the activities of the senior environmental corps.

"Coordinator" means the person designated by the director of ~~((the department of))~~ community and economic development with the advice of the council to administer the activities of the senior environmental corps.

"Corps" means the senior environmental corps.

"Council" means the senior environmental corps coordinating council.

"Department" means the ~~((department of))~~ community and economic development department.

"Director" means the director of ~~((the department of))~~ community and economic development or the director's authorized representative.

"Representative" means the person who represents an agency on the council and is responsible for the activities of the senior environmental corps in his or her agency.

"Senior" means any person who is fifty-five years of age or over.

"Volunteer" means a person who is willing to work without expectation of salary or financial reward, and who chooses where he or she provides services and the type of services he or she provides.

Sec. 67. RCW 43.63A.247 and 1992 c 63 s 3 are each amended to read as follows:

The senior environmental corps is created within the (~~department of~~) community and economic development department. The departments of agriculture, community and economic development, employment security, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority shall participate in the administration and implementation of the corps and shall appoint representatives to the council.

Sec. 68. RCW 43.63A.260 and 1992 c 63 s 5 are each amended to read as follows:

The department shall convene a senior environmental corps coordinating council to meet as needed to establish and assess policies, define standards for projects, evaluate and select projects, develop recruitment, training, and placement procedures, receive and review project status and completion reports, and provide for recognition of volunteer activity. The council shall include representatives appointed by the departments of agriculture, community and economic development, ecology, fisheries, health, natural resources, and wildlife, the parks and recreation commission, and the Puget Sound water quality authority. The council shall develop bylaws, policies and procedures to govern its activities.

The council shall advise the director on distribution of available funding for corps activities.

Sec. 69. RCW 43.63A.275 and 1992 c 65 s 2 are each amended to read as follows:

(1) Each biennium the (~~department of~~) community and economic development department shall distribute such funds as are appropriated for retired senior volunteer programs (RSVP) as follows:

(a) At least sixty-five percent of the moneys may be distributed according to formulae and criteria to be determined by the (~~department of~~) community and economic development department in consultation with the RSVP directors association.

(b) Up to twenty percent of the moneys may be distributed by competitive grant process to develop RSVP projects in counties not presently being served, or to expand existing RSVP services into counties not presently served.

(c) Ten percent of the moneys may be used by the (~~department of~~) community and economic development department for administration, monitoring of the grants, and providing technical assistance to the RSVP projects.

(d) Up to five percent of the moneys may be used to support projects that will benefit RSVPs state-wide.

(2) Grants under subsection (1) of this section shall give priority to programs in the areas of education, tutoring, English as a second language, combating of and education on drug abuse, housing and homeless, and respite care, and shall be distributed in accordance with the following:

(a) None of the grant moneys may be used to displace any paid employee in the area being served.

(b) Grants shall be made for programs that focus on:

(i) Developing new roles for senior volunteers in nonprofit and public organizations with special emphasis on areas targeted in section 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of the local senior population and shall respect their life experiences;

(ii) Increasing the expertise of volunteer managers and RSVP managers in the areas of communication, recruitment, motivation, and retention of today's over-sixty population;

(iii) Increasing the number of senior citizens recruited, referred, and placed with nonprofit and public organizations; and

(iv) Providing volunteer support such as: Mileage to and from the volunteer assignment, recognition, and volunteer insurance.

Sec. 70. RCW 43.63A.300 and 1986 c 266 s 54 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community and economic development and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy.

Sec. 71. RCW 43.63A.320 and 1986 c 266 s 56 are each amended to read as follows:

Except for matters relating to the statutory duties of the director of community and economic development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

(1) Adopt a state fire protection master plan;

(2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;

(3) Establish and promote state arson control programs and ensure development of local arson control programs;

(4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;

(5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(6) Promote mutual aid and disaster planning for fire services in this state;

(7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;

(8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;

(9) Adopt a state fire training and education master plan;

(10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;

(11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;

(12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;

(13) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;

(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule.

Sec. 72. RCW 43.63A.330 and 1986 c 266 s 57 are each amended to read as follows:

In regards to the statutory duties of the director of community and economic development which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the director of community and economic development and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the director of community and economic development and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

Sec. 73. RCW 43.63A.340 and 1986 c 266 s 58 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The director of community and economic development shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of community and economic development, through the director of fire protection, shall, after consultation with the board, prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.

(5) The director of community and economic development, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community and economic development which are to be carried out through the director of fire protection.

(6) The director of community and economic development, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

Sec. 74. RCW 43.63A.400 and 1987 c 308 s 2 are each amended to read as follows:

The (~~department of~~) community and economic development department shall distribute grants to eligible public radio and television broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with programming, operations, and capital needs.

Sec. 75. RCW 43.63A.410 and 1987 c 308 s 3 are each amended to read as follows:

(1) Eligibility for grants under this section shall be limited to broadcast stations which are:

- (a) Licensed to Washington state organizations, nonprofit corporations, or other entities under section 73.621 of the regulations of the federal communications commission; and
- (b) Qualified to receive community service grants from the federally chartered corporation for public broadcasting. Eligibility shall be established as of February 28th of each year.

(2) The formula in this subsection shall be used to compute the amount of each eligible station's grant under this section.

(a) Appropriations under this section shall be divided into a radio fund, which shall be twenty-five percent of the total appropriation under this section, and a television fund, which shall be seventy-five percent of the total appropriation under this section. Each of the two funds shall be divided into a base grant pool, which shall be fifty percent of the fund, and an incentive grant pool, which shall be the remaining fifty percent of the fund.

(b) Each eligible participating public radio station shall receive an equal share of the radio base grant pool, plus a share of the radio incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating radio stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(c) Each eligible participating public television station shall receive an equal share of the television base grant pool, plus a share of the television incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating television stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(3) Annual financial reports to the corporation for public broadcasting by eligible stations shall also be submitted by the stations to the (~~department of~~) community and economic development department.

Sec. 76. RCW 43.63A.440 and 1989 c 424 s 7 are each amended to read as follows:

(1) The (~~department of~~) community and economic development department shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal lands. This assistance shall include the formation and implementation of community economic development plans. The (~~department of~~) community and economic development department shall utilize existing state technical and financial assistance programs, and shall aid communities in seeking private and federal financial assistance for the purposes of this section. The department may contract for services provided for under this section.

(2) The sum of four hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the (~~department of~~) community and economic development department for the biennium ending June 30, 1991, for the purposes of subsection (1) of this section.

Sec. 77. RCW 43.63A.450 and 1990 c 278 s 2 are each amended to read as follows:

The community diversification program is created in the (~~department of~~) community and economic development department. The program shall include:

(1) The monitoring and forecasting of shifts in the economic prospects of major defense employers in the state. This shall include but not be limited to the monitoring of defense contract expenditures, other federal contracts, defense employment shifts, the aircraft and aerospace industry, computer products, and electronics;

(2) The identification of cities, counties, or regions within the state that are primarily dependent on defense or other federal contracting and the identification of firms dependent on federal defense contracts;

(3) Assistance to communities in broadening the local economic base through the provision of management assistance, assistance in financing, entrepreneurial training, and assistance to businesses in using off-the-shelf technology to start new production processes or introduce new products;

(4) Formulating a state plan for diversification in defense dependent communities in collaboration with the employment security department (~~(the department of trade and economic development)~~) and the office of financial management. The plan shall use the information made available through carrying out subsections (1) and (2) of this section; and

(5) The identification of diversification efforts conducted by other states, the federal government, and other nations, and the provision of information on these efforts, as well as information gained through carrying out subsections (1) and (2) of this section, to firms, communities, and (~~workforces~~) work forces that are defense dependent.

The department shall, beginning January 1, 1992, report annually to the governor and the legislature on the activities of the community diversification program.

Sec. 78. RCW 43.63A.460 and 1990 c 176 s 2 are each amended to read as follows:

Beginning on July 1, 1991, the (~~department of~~) community and economic development department shall be responsible for performing all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The (~~department of~~) community and economic development department may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the (~~department of~~) community and economic development department to assume these new functions.

The directors of (~~the department of~~) community and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that this act is implemented on June 7, 1990.

Sec. 79. RCW 43.63A.600 and 1991 c 315 s 23 are each amended to read as follows:

(1) The (~~department of~~) community and economic development department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery coordinator to develop the program in timber impact areas. Organizations eligible to receive funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage or rental assistance loans on behalf of dislocated forest products workers in timber impact areas who are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

Sec. 80. RCW 43.105.020 and 1990 c 208 s 3 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the (~~department of~~) community and

economic development department under chapter (~~(43.63A)~~) 43.-- RCW (sections 1 through 7, 9 through 16, 81, and 85 of this act).

NEW SECTION. Sec. 81. (1) All references to the director or department of community development in the Revised Code of Washington shall be construed to mean the director of community and economic development or community and economic development department.

(2) All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director of community and economic development or community and economic development department.

Sec. 82. RCW 43.31.091 and 1990 c 297 s 9 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, (~~(1993)~~) 1995, as provided in RCW 43.31.092.

Sec. 83. RCW 43.31.092 and 1990 c 297 s 10 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~(1994)~~) 1996:

- (1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;
- (2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;
- (3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and
- (4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

NEW SECTION. Sec. 84. The following acts or parts of acts are each repealed:

- (1) RCW 43.31.005 and 1990 1st ex.s. c 17 s 68 & 1985 c 466 s 1;
- (2) RCW 43.31.015 and 1985 c 466 s 2;
- (3) RCW 43.31.025 and 1987 c 348 s 8 & 1985 c 466 s 3;
- (4) RCW 43.31.035 and 1990 1st ex.s. c 17 s 69 & 1985 c 466 s 4;
- (5) RCW 43.31.045 and 1985 c 466 s 5;
- (6) RCW 43.31.055 and 1985 c 466 s 6;
- (7) RCW 43.31.065 and 1985 c 466 s 9;
- (8) RCW 43.31.075 and 1985 c 466 s 10;
- (9) RCW 43.31.095 and 1985 c 466 s 12;
- (10) RCW 43.31.097 and 1990 1st ex.s. c 17 s 71;
- (11) RCW 43.31.105 and 1985 c 466 s 13;
- (12) RCW 43.31.115 and 1985 c 466 s 14;
- (13) RCW 43.31.130 and 1975-'76 2nd ex.s. c 34 s 110 & 1965 c 8 s 43.31.130;
- (14) RCW 43.31.135 and 1987 c 505 s 30 & 1985 c 466 s 17;
- (15) RCW 43.31.373 and 1988 c 35 s 1, 1985 c 466 s 24, & 1984 c 175 s 1;
- (16) RCW 43.31.375 and 1985 c 466 s 25 & 1984 c 175 s 2;
- (17) RCW 43.31.377 and 1988 c 35 s 2, 1985 c 466 s 26, & 1984 c 175 s 3;
- (18) RCW 43.31.379 and 1988 c 35 s 3, 1985 c 466 s 27, & 1984 c 175 s 4;
- (19) RCW 43.31.381 and 1988 c 35 s 4, 1985 c 466 s 28, & 1984 c 175 s 5;
- (20) RCW 43.31.383 and 1985 c 466 s 29 & 1984 c 175 s 6;
- (21) RCW 43.31.387 and 1985 c 466 s 31 & 1984 c 175 s 8;
- (22) RCW 43.31.430 and 1989 c 423 s 2;
- (23) RCW 43.31.432 and 1989 c 423 s 3;
- (24) RCW 43.31.434 and 1989 c 423 s 6;
- (25) RCW 43.31.436 and 1989 c 423 s 7;
- (26) RCW 43.31.438 and 1989 c 423 s 8;
- (27) RCW 43.31.440 and 1989 c 423 s 9;
- (28) RCW 43.31.442 and 1989 c 423 s 10;
- (29) RCW 43.31.790 and 1975 1st ex.s. c 292 s 2 & 1965 c 148 s 1;
- (30) RCW 43.63A.020 and 1986 c 266 s 136, 1984 c 125 s 2, & 1967 c 74 s 2;
- (31) RCW 43.63A.030 and 1984 c 125 s 1 & 1967 c 74 s 3;
- (32) RCW 43.63A.040 and 1984 c 125 s 3, 1975 c 40 s 10, & 1967 c 74 s 4;
- (33) RCW 43.63A.050 and 1967 c 74 s 5;
- (34) RCW 43.63A.060 and 1987 c 505 s 32, 1984 c 125 s 4, & 1967 c 74 s 6;
- (35) RCW 43.63A.065 and 1992 c 198 s 7, 1990 1st ex.s. c 17 s 70, 1986 c 266 s 137, & 1984 c 125 s 5;
- (36) RCW 43.63A.078 and 1987 c 505 s 33 & 1984 c 125 s 7;
- (37) RCW 43.63A.095 and 1984 c 125 s 8;

- (38) RCW 43.63A.100 and 1984 c 125 s 9 & 1967 c 74 s 10;
- (39) RCW 43.63A.130 and 1983 c 52 s 6, 1981 c 157 s 6, & 1967 c 74 s 13;
- (40) RCW 43.63A.140 and 1967 c 74 s 14;
- (41) RCW 43.63A.210 and 1985 c 85 s 1;
- (42) RCW 43.63A.560 and 1990 1st ex.s. c 17 s 67;
- (43) RCW 43.165.020 and 1985 c 229 s 2;
- (44) RCW 43.165.030 and 1987 c 195 s 13 & 1985 c 229 s 3;
- (45) RCW 43.165.040 and 1985 c 229 s 4;
- (46) RCW 43.165.050 and 1985 c 229 s 5;
- (47) RCW 43.165.060 and 1985 c 229 s 6;
- (48) RCW 43.165.070 and 1985 c 229 s 7;
- (49) RCW 43.165.080 and 1987 c 195 s 14 & 1985 c 229 s 8;
- (50) RCW 43.165.090 and 1985 c 229 s 9;
- (51) RCW 43.165.100 and 1985 c 229 s 10;
- (52) RCW 43.165.900 and 1985 c 229 s 14; and
- (53) RCW 43.165.901 and 1985 c 229 s 15.

NEW SECTION. **Sec. 85.** Captions used in this chapter do not constitute part of the law.

NEW SECTION. **Sec. 86.** Sections 1 through 7, 9 through 16, 81, and 85 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 87.** Sections 82 and 83 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. **Sec. 88.** Sections 1 through 7, 9 through 81, 84, and 85 of this act shall take effect July 1, 1994.

NEW SECTION. **Sec. 89.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representative Sheldon moved adoption of the following amendment to the amendment:

On page 6, line 23 of the amendment, after "districts," insert "small and large"

Representatives Sheldon and Forner spoke in favor of adoption of the amendment to the amendment and it was adopted.

Representative Wineberry moved adoption of the following amendment to the amendment:

On page 6, line 27 of the amendment, after "organizations," insert "international trade organizations, minority and women business organizations,"

Representatives Wineberry and Forner spoke in favor of adoption of the amendment to the amendment and the amendment was adopted.

With the consent of the House, Representative Shin withdrew amendment No. 665.

Representative Wineberry moved adoption of the following amendment to the amendment:

On page 62, after line 14 of the amendment, insert the following:

NEW SECTION. **Sec. 90.** (1) Wherever the name of the director or the department of community development or the director or the department of trade and economic development is changed to the director of community and economic development or the community and economic development department, rename the director and the department as the director of community, trade, and economic development or the department of community, trade, and economic development.

(2) The code revisor shall incorporate the new director and department names into the striking amendment (H-2574.2/93) before the striking amendment is delivered to the Senate."

Representatives Wineberry, H. Myers, Forner, Reams, Shin and Valle spoke in favor of adoption of the amendment to the amendment and the amendment was adopted.

With the consent of the House, Representative Sheldon withdrew amendment No. 682.

With the consent of the House, Representative Sheldon withdrew amendment No. 503.

Representative Anderson moved adoption of the following amendment to the amendment:

On page 27, beginning on line 6 of the amendment, strike all of sections 39 and 40.

Representatives Anderson, H. Myers and Horn spoke in favor of adoption of the amendment to the amendment and it was adopted.

Representative Forner moved adoption of the following amendment to the amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the long-term health of the state and its citizens depends upon the strength and vitality of its communities. It is essential to the state's future that communities have the ability to: Manage growth and achieve sustainable development; provide equitable access to economic opportunity; stimulate innovation and entrepreneurship; construct public infrastructure; and promote the health and safety of their citizens.

The legislature further finds that as a result of the rapid pace of social and economic change, maintaining the quality of life and standard of living for the citizens of the state will require new and inventive responses by every segment of the community, including local governments, educational institutions, business firms and their employees, labor unions, nonprofit institutions, and individuals. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote partnerships among these diverse segments.

The legislature further finds that it is in the interest of the state to restructure the Department of Community Development and the Department of Trade and Economic Development to better coordinate and assist economic self-sufficiency programs in the state's communities. The consolidation of trade, tourism, and economic development programs into the department of trade and economic development will: Improve the efficiency and effectiveness with which state services are delivered; give local communities the capacity to respond to economic change; and increase accountability to the public, the executive, and the legislature.

It is the intent of the legislature in this reorganization to maximize the use of local expertise and resources in the delivery of community and economic development services. It is the further intent of the legislature that the plan provided for in section 4 of this act include recommendations as to how those responsibilities and functions will be changed and integrated into a cohesive and coordinated community and economic development program.

NEW SECTION. Sec. 2. (1) The purpose of this act is to reorganize the department of community development and the department of trade and economic development, putting all economic development and infrastructure financing programs into the department of trade and economic development.

(2) It is also the purpose of this act to change the name of the department of trade and economic development to the department of trade, tourism and economic development.

NEW SECTION. Sec. 3. All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director or department of trade, tourism and economic development.

NEW SECTION. Sec. 4. (1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor and the legislature for the consolidation and smooth transition to the department of trade and economic development all economic development and infrastructure financing programs in the department of community development by July 1, 1994.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for combining the existing economic development and infrastructure financing functions and responsibilities into the department of trade, tourism and economic development;

(b) Recommendations for any changes in existing programs and functions of both agencies, including new initiatives and possible transfer of programs and functions from other departments;

(c) Implementation steps necessary to bring about operation of the reorganization, including suggested changes to the Revised Code of Washington;

(d) Benchmarks by which to measure progress and to evaluate the performance and effectiveness of the department's efforts; and

(e) Strategies for coordinating and maximizing federal, state, and local community and economic development efforts and resources within the state.

(3) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, businesses, labor unions, associate development organizations, low-income housing interests, Indian tribes, community action programs, public safety groups, community-based nonprofit development organizations, and any other organizations the directors determine should have input to the plan.

NEW SECTION. Sec. 5. The department of trade, tourism and economic development shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase their economic vitality and by assisting the state's businesses to maintain and increase their economic competitiveness. Community and economic development efforts shall include: Efforts to increase economic opportunity; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; and technology development, transfer, and diffusion. The department shall have the following functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(3) Solicit private and federal grants for economic development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(4) Undertake business development and retention efforts in coordination with other state agencies, local governments, tribal governments, and public and private local development groups seeking new business investment and the expansion and retention of existing businesses, including providing assistance to local organizations to resolve environmental and natural resource issues related to economic development;

(5) Identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports and that are capable of increasing production of goods and services;

(6) Market the state's products and services internationally in close cooperation with other private and public international trade efforts and act as a centralized location for the assimilation and distribution of trade information;

(7) Market and coordinate the attraction of visitors and conventions to the state and the expansion of the tourism industry throughout the state in cooperation with the visitor industry, as well as public and private tourism development organizations;

(8) Promote, market, and encourage growth in the production of films and videos, as well as television commercials, within the state; and

(9) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic problems in the state.

Sec. 6. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of wildlife, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade, tourism and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) the department of community development, and (16) the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

NEW SECTION. Sec. 7. If apportionments of budgeted funds are required because of the transfers directed by the plan under section 4 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 8. The transfer of the powers, duties, functions, and personnel of the department of community development shall not affect the validity of any act performed prior to the effective date of this section.

Sec. 9. RCW 43.31.091 and 1990 c 297 s 9 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, (~~1993~~) 1995, as provided in RCW 43.31.092.

Sec. 10. RCW 43.31.092 and 1990 c 297 s 10 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1994)) 1996:

- (1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;
- (2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;
- (3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and
- (4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

NEW SECTION. Sec. 11. Sections 4, 9 and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. Sections 1 through 3 and 5 through 8 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Forner, Reams and Edmondson spoke in favor of adoption of the amendment to the amendment and Representatives Anderson, Sheldon and Wineberry spoke against it.

A division was called. The Speaker called upon the House to divide. The result of the division was 34-YEAS, 64-NAYS. The amendment was not adopted.

Representative Dunshee assumed the chair.

The amendment as amended was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative Dunshee presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5868.

Representatives Anderson, Shin and Kremen spoke in favor of passage of the bill and Representatives Reams, Forner and Schoesler spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868, as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Chappell, Cole, G., Conway, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Carlson, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Mielke, Morton, Padden, Reams, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 24.

Excused: Representatives Brough, Casada, Cothorn and Dorn - 4.

Engrossed Substitute Senate Bill No. 5868, as amended by the House, having received the constitutional majority, was declared passed.

With the consent of the House, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Sheldon, the House adjourned until 9:00 a.m., Thursday April 22, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

ONE HUNDRED-FIRST DAY, APRIL 21, 1993

JOURNAL OF THE HOUSE

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

ONE HUNDRED-SECOND DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Thursday, April 22, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Molly Stephins and Inti Bohmer Tapia. Inspirational Message was offered by Representative Bray. Earth Day Prayer was offered by Representative Rust.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 93-4659, by Representatives Basich, Shin, Heavey, Riley, Kessler, Long, Jones, Chandler, Ballard, Morton, Schoesler, Edmondson, Sehlin, Linville, Rust, Wang, Kremen, Rayburn, Zellinsky, Wineberry, Voloria, Quall, Grant, Dunshee, Lemmon, Bray, Brough, Brumsickle, Foreman, Lisk, Thomas and Campbell

WHEREAS, Nearly five years of hard work and dedication is almost complete, as construction of the long-awaited Washington State Korean War Veterans Memorial began this week on the capitol campus; and

WHEREAS, Largely owing to the efforts of The Chosin Few and other concerned veterans, private fund-raising efforts are nearing the goal of the \$250,000 needed for the project; and

WHEREAS, Generous support for the project has come from our State's Korean community, local governments, private businesses, and the general public; and

WHEREAS, Volunteers have given countless hours of their time and effort for a memorial that will pay tribute to the men and women who served in the armed forces in Korea, during a war that has often gone unnoticed and has sometimes been forgotten; and

WHEREAS, The statue is designed by artist Deborah Copenhaver of Spokane and is designed to invite the viewer to contemplate the meaning of war and to acknowledge the personal and supreme sacrifices of veterans; and

WHEREAS, The memorial will remind us and future generations of the sacrifices by the 6 million Americans who served during the Korean War and the 32,964 who lost their lives there; and

WHEREAS, The project specifically provides a permanent memorial for the 473 Washington residents who were killed or declared missing in action during the war; and

WHEREAS, Memorials like these protect the spirit of service, the willingness to sacrifice, and the dedication to freedom that characterized all who sacrifice, and the dedication to freedom that characterized all who served under our flag in Korea; and

WHEREAS, The creation of this monument can truly be described as an act of wisdom and a real labor of love represented by the commitment and dedication of those who are in the gallery with us today and others; and

WHEREAS, Dedication ceremonies for the memorial will be held on July 24, 1993, a date that marks the 40th anniversary of the end of the Korean War;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize the Washington State Korean War Veterans Memorial and the many volunteers who have given so much of themselves to honor and remember those who served our country during that war.

Representative Basich moved the adoption of the resolution.

The Speaker (Representative R. Meyers presiding) called on Representative King to preside.

Representatives Basich, Heavey, Shin and Edmondson spoke in favor of adoption of the resolution.

House Resolution No. 4659 was adopted.

HOUSE RESOLUTION NO. 93-4657, by Representatives Rust, Horn, L. Johnson, Holm, Cothorn, Linville, Anderson, Flemming, Hansen, Roland, Romero, Bray, Thibaudeau, Heavey, Johanson, Rayburn, Shin, Finkbeiner, Morris, Patterson, Pruitt, Jacobsen, Wang, Riley, Ogden, J. Kohl, Wolfe, G. Cole, Karahalios, Zellinsky, Brown, R. Fisher, H. Myers, Van Luven, Edmondson, Springer, Foreman, Chandler, Sheahan, Brough, Thomas and Kremen

WHEREAS, Our environment is devoid of borders and boundaries that separate cities, states, and continents; and

WHEREAS, Earth Day began twenty-three years ago this week as a celebration of life on our fragile planet; and

WHEREAS, Since then, our environment has benefitted from countless new protections while it has also suffered devastating disasters at the hands of its caretakers; and

WHEREAS, While we, as individuals, are often our environment's worst enemy, we are also capable of being its best ally; and

WHEREAS, While we pause every Spring to commemorate this day, we must also remember that increased awareness alone will not protect our world from further threats or future environmental destruction; and

WHEREAS, Earth Day reminds us, for a short time, of our obligation as temporary residents of this planet and of the need to fulfill that charge every day of the year; and

WHEREAS, Washington state is the home of Denis Hayes, the Executive Director of the nation's first Earth Day celebration, and Washington is also the birthplace of landmark environmental legislation; and

WHEREAS, Our state has taken great strides in recent years to protect our waterways from oil spills, clean the air we breathe, safeguard our wetlands, and encourage recycling; and

WHEREAS, We must not allow that pride to foster complacency;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and acknowledge the foresight and contributions of Denis Hayes and countless others with environmental awareness in Washington and throughout the nation; and

BE IT FURTHER RESOLVED, That the House of Representatives observe and commemorate Earth Day as a time for reflection, renewal, and recommitment to a clean and protected environment.

Representative Rust moved the adoption of the resolution.

Representatives Rust, J. Kohl and Valle spoke in favor of adoption of the resolution.

House Resolution No. 4657 was adopted.

HOUSE RESOLUTION NO. 93-4658, by Representatives G. Cole, Rust, Karahalios, Rayburn, Valle, Edmondson, Ballasiotes, Roland, Leonard, Kremen and Vance

WHEREAS, The children of Washington State have lost an important friend and advocate this week, Dorothy Roberts of Enumclaw; and

WHEREAS, The League of Women Voters is mourning the passing of Dorothy Roberts, a good friend and irreplaceable board member; and

WHEREAS, Dorothy Roberts was a lifelong Washington resident and a devoted wife and mother who always found time for people in need; and

WHEREAS, Dorothy Roberts joined the League of Women Voters in 1971, and was a member for over twenty years tirelessly lobbying on education, environmental, taxes, and childrens' issues; and

WHEREAS, Dorothy served for many years as a volunteer lobbyist in Olympia for the P.T.A., childrens' public health, and environmental issues; and

WHEREAS, Dorothy was an active member and advocate for housing the homeless through her United Methodist Church and has been honored by having a family shelter recently dedicated in her name; and

WHEREAS, The King County South League of Women Voters in December awarded Dorothy their Mary Fisher Memorial Award, presented each year to an outstanding member; and

WHEREAS, An appropriate way to acknowledge this faithful citizen would be to dedicate the recently passed Substitute House Bill No. 1064, the Ban on Corporal Punishment, to Dorothy, who lobbied for so many years for its passage;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the many accomplishments of Dorothy Roberts.

Representative G. Cole moved the adoption of the resolution.

Representatives G. Cole, Leonard, Rust, Vance and Valle spoke in favor of adoption of the resolution.

House Resolution No. 4658 was adopted.

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

INTRODUCTIONS AND FIRST READING

HB 2137 by Representatives Veloria, Forner, Campbell and Mielke

Regulating clinical laboratory science practitioners.

Referred to Committee on Health Care.

SB 5977 by Senator Rinehart; by request of Office of Financial Management

Verifying initiative and referendum petitions.

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

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

REPORTS OF STANDING COMMITTEES

SCR 8406 Prime Sponsor, M. Rasmussen: Creating a committee for agricultural housing and benefits. Reported by Committee on Trade, Economic Development & Housing

April 21, 1993

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18, after "of" strike "sixteen" and insert "eighteen".

On page 1, line 19, after "follows" strike "Eight" and insert "Ten".

On page 2, line 2, after "committee," insert "the chair and ranking member of the House of Representatives trade, economic development and housing committee,".

Signed by Representatives Wineberry, Chair; Shin, Vice Chair; Forner, Ranking Minority Member; Campbell; Conway; Schoesler; Springer; and Valle.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler, Assistant Ranking Minority Member;

Excused: Representatives Casada, Morris, Quall, Sheldon and Wood.

Passed to Committee on Rules for second reading.

On motion of Representative Sheldon, the resolution listed on today's committee report under the fifth order of business was referred to the committee so designated.

MESSAGES FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5702 and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate receded from its amendments on page 5, line 11 and page 1, line 3 which the Speaker ruled out of order to SUBSTITUTE HOUSE BILL NO. 1350 and passed the bill with the Senate amendments on page 4, line 33, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5300,
SUBSTITUTE SENATE BILL NO. 5357,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1644 and passed the bill without the Senate amendments, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1648 and passed the bill without the Senate amendments, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1993

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1384 and passed the bill without the Senate amendments, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate has adopted:

HOUSE JOINT MEMORIAL NO. 4021,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5176,
SENATE BILL NO. 5330,
ENGROSSED SENATE BILL NO. 5342,
SUBSTITUTE SENATE BILL NO. 5360,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5584,
SUBSTITUTE SENATE BILL NO. 5686,
SUBSTITUTE SENATE BILL NO. 5688,
SENATE BILL NO. 5723,
SENATE BILL NO. 5799,
SUBSTITUTE SENATE BILL NO. 5829,
SUBSTITUTE SENATE BILL NO. 5837,
SENATE BILL NO. 5838,
SENATE BILL NO. 5875,
SUBSTITUTE SENATE BILL NO. 5963,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 8, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that the husbandry of alternative livestock as a farming operation may provide a consistent source of healthful food, offers opportunities for new jobs and increased farm income stability, and improves the balance of trade.

The legislature intends to establish a process to identify vertebrate animal species that may be commercially raised in the state of Washington.

The legislature finds that many areas of the state of Washington may be suitable for alternative livestock farms, and therefore the legislature encourages the promotion of alternative livestock farming activities, programs, and development with the same status as other agricultural activities, programs, and development within the state.

The legislature finds that alternative livestock farming should be considered a branch of the agricultural industry of the state for purposes of laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry within the state. The legislature further finds, however, that alternative livestock farming may pose threats to the state's wildlife, and therefore requires effective regulation to minimize these threats.

It is therefore the policy of this state to encourage the development and expansion of alternative livestock farming within the state. It is also the policy of this state to protect wildlife and existing traditional livestock industries by providing for effective regulation of alternative livestock farming including but not limited to a disease inspection and control program for alternative livestock farming operations.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative livestock" means those species designated under the provisions of section 10 of this act so long as they are: Confined by humans; raised or used in farm or ranch operations in the private sector; and produced on the farm or ranch or legally acquired for the farm or ranch. "Alternative livestock" shall not include: Resident wildlife species that currently exist in a wild state in the state of Washington; domestic dogs (*canis familiaris*) or domestic cats (*felis domestica*); private sector aquatic products as defined in and regulated under chapter 15.85

RCW; animals raised for release into the wild; animals raised for the purpose of hunting that takes place in this state; or fur farming and game farming as currently allowed and regulated by chapters 16.72 and 77.32 RCW.

(2) "Alternative livestock farm or ranch" means the farm or ranch upon which alternative livestock are reared and shall not include publicly and privately owned facilities for which a license or permit is required under RCW 77.12.570 or 77.32.010.

(3) "Alternative livestock products" means the agricultural products of alternative livestock including, but not limited to, meat and meat products, velvet, antlers, horns, leather, hides, feathers, eggs, gametes, and genetic materials. "Alternative livestock products" does not include a product that is required to be identified under section 5 of this act and is not identified as required.

(4) "Department" means the department of agriculture.

(5) "Traditional livestock" means horses, mules, cattle, sheep, swine, goats, poultry, and rabbits regulated by the department of agriculture. Other species may be designated jointly by the director of agriculture and director of wildlife pursuant to section 10 of this act.

NEW SECTION. Sec. 3. The department is the principal state agency for providing state marketing support services for the alternative livestock industry. The department shall exercise its authorities, including those provided by chapters 15.64, 15.65, 15.66, and 43.23 RCW, to develop a program for assisting the alternative livestock industry to market and promote the use of its products. The department shall consult the alternative livestock council in developing the program.

NEW SECTION. Sec. 4. It is unlawful to hunt or allow others to hunt for a fee, any alternative livestock reared on or derived from an alternative livestock farm.

NEW SECTION. Sec. 5. The director of agriculture shall, in consultation with the director of wildlife and the alternative livestock council, establish methods of identification requirements, such as tattoos, branding, or ear tags, for alternative livestock and alternative livestock products to the extent that identifying the livestock or the source or quantity of the products is necessary to permit the department of wildlife to effectively administer and enforce Title 77 RCW. The director shall also consult with the director of the department of wildlife to ensure that such rules enable the department of wildlife to enforce the programs administered under that title.

NEW SECTION. Sec. 6. The department of agriculture shall, in consultation with the department of wildlife and other interests, develop a program of disease inspection and control for alternative livestock. The purpose of the program is to protect the traditional and alternative livestock industries from the loss of animals or productivity to disease and to protect wildlife in this state.

The department of agriculture shall adopt new or amend existing rules in conformance with chapter 34.05 RCW. The department of agriculture shall administer a program of disease inspection and control for alternative livestock. As used in this section "disease" means, in addition to its ordinary meaning, infestations of parasites or pests.

NEW SECTION. Sec. 7. The owner of a farm or ranch for alternative livestock shall register the farm or ranch annually with the department of agriculture. The director shall develop and maintain a registration list of all alternative livestock farms and ranches. Registered alternative livestock farms and ranches shall provide the department production statistical data. The director of agriculture and the director of wildlife shall, in consultation with the alternative livestock council, establish by rule reasonable annual registration fees sufficient to cover the costs of development of rules and the administration of this chapter and the rules adopted under this chapter. Fees may differ between species based upon factors including but not limited to economic value, degree of services required, and complexity of regulations. Fees collected under this section shall be deposited in the alternative livestock farm account within the agricultural local fund established in RCW 43.23.230 and the wildlife fund established in RCW 77.12.170 and shall be used solely to carry out the provisions of this chapter.

NEW SECTION. Sec. 8. The director of agriculture and the director of wildlife shall study the needs for assuring adequate fences or other methods of enclosure for various species of alternative livestock. The directors shall jointly adopt rules establishing enclosure standards for one or more types of alternative livestock as deemed necessary to assure adequate protection to traditional livestock, wildlife, and alternative livestock.

If an animal is not enclosed as required for the animal in rules adopted under this section or if it is found by a state wildlife or agricultural official or local law enforcement officer outside an area of an enclosure that is required for it in rules adopted under this section, the animal so unenclosed or so found is hereby declared to be a public nuisance. An owner of alternative livestock may request assistance from the department of agriculture, department of wildlife, or local law enforcement office in recapturing escaped alternative livestock and may be billed for the cost of services rendered.

Alternative livestock that escape a required enclosure and are recaptured may be impounded at a suitable facility at the owner's expense. Animals may not be returned to the owner's premises until sufficient repairs or improvement are made to assure that release will not reoccur. The owner of the animal is liable for damages that are shown to be caused by the animal during the time of the escape.

NEW SECTION. Sec. 9. Growers of nontraditional animals shall register with the department of agriculture within one hundred eighty days of the effective date of this act. This registration will not in any way be construed to initiate the petition for designation process established in section 10 of this act. The legal status of a species that on the effective date of this act is present in the state and registered in accordance with this section does not change unless the directors jointly adopt rules about the registered species.

NEW SECTION. Sec. 10. (1) A vertebrate animal identification process is hereby established. The purpose of the process is to provide a method by which animals are classified as alternative or traditional livestock.

(2) Species that are designated as traditional livestock shall be regulated by the department of agriculture. Species in addition to those specified in section 2(5) of this act may be designated as traditional livestock by joint rule adopted by the department of wildlife and the department of agriculture.

(3) A species may be petitioned for regulation by the director of wildlife, the director of agriculture, or any person registering under section 9 of this act by filing with either department a completed written petition requesting the joint regulation of a species under this chapter.

(4) The two directors may decide if and how a species is to be regulated through jointly adopted rules. Each determination shall be in writing and shall be published in the Washington State Register.

(5) If the two directors do not reach agreement as to whether and how a species should be regulated under this chapter, a scientific review board shall be convened in accordance with section 11 of this act and shall make a written recommendation to the directors as to the status of the species in question. Should the directors fail to agree within thirty days after receipt of such recommendation, the determination shall be made by the governor.

(6) Resident wildlife shall be regulated by the department of wildlife and may not be classified under this chapter as alternative livestock except as provided in section 12 of this act.

(7)(a) Any species that is not present in the state as of the effective date of this act, may be petitioned by any person for possible regulation and such petition acted upon under this section prior to entry for allowance or prohibition as alternative livestock.

(b) The legal status of a species that on the effective date of this act is present in the state and registered in accordance with section 9 of this act does not change unless the directors jointly adopt rules about the registered species.

NEW SECTION. Sec. 11. (1) A scientific review board, convened pursuant to section 10 of this act shall consist of three members. One member shall be appointed by the director of the department of wildlife, one member shall be appointed by the director of the department of agriculture, and one member shall be appointed jointly by these two members. The members that are appointed by the two departments must have qualifications that are appropriate to their responsibilities under this chapter. All three members must be residents of the state of Washington prior to appointment.

(2) The board may take testimony and seek other expert advice.

(3) All meetings of the board shall be public.

(4) The board may hold public hearings and take public testimony before making a written recommendation concerning whether a species is prohibited or allowed under section 10 of this act.

(5) All recommendations concerning whether a species is to be regulated under this chapter shall be written and shall include findings of fact. Recommendations shall be published in the Washington State Register.

(6) The board shall attend all public hearings held on the adoption of proposed rules under this chapter, review existing agency rules that pertain to the issues addressed by this chapter, review the rules proposed under this chapter, and provide comments and recommendations to the departments regarding the need, adequacy, and workability of the proposed rules.

NEW SECTION. Sec. 12. Wildlife species that exist in a wild state in the state of Washington are not alternative livestock and may not be farmed except as provided in this section. By joint rule, which shall include methods that will ensure genetic integrity, the directors of the department of agriculture and the department of wildlife may allow rocky mountain elk (*cervus elaphus nelsoni*) to be farmed in the same status and under the same regulatory provisions as alternative livestock. The directors shall, within ninety days of the adoption of the rule, jointly prepare a report on the rule adopted under this section, which shall include specific detail on the methods used to determine genetic integrity of farmed rocky mountain elk (*cervus elaphus nelsoni*). Within two years of the adoption of the rule, the directors shall jointly prepare a report on the status of operations conducted under the provisions of the rule. The reports shall be transmitted to the chairs of the house of representatives committees on agriculture and rural development and fisheries and wildlife and the senate committees on agriculture and natural resources.

NEW SECTION. Sec. 13. (1) If rule making under this chapter restricts the economic utilization of a species being raised for commercial purposes in the state, then the provisions of chapter 19.85 RCW shall apply and a small business economic impact statement shall be prepared. Such activity shall be considered as an industry for the purpose of RCW 19.85.020.

(2) The department of agriculture and the department of wildlife, in consultation with the attorney general, shall develop a report containing findings and recommendations regarding the establishment of an indemnification policy. Such report shall be delivered by December 15, 1993, to the secretary of the senate and the speaker of the house of representatives.

Sec. 14. RCW 19.85.020 and 1989 c 374 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply through this chapter.

(1) "Small business" has the meaning given in RCW 43.31.025(4).

(2) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

(3) "Industry" means all of the businesses in this state in any one three-digit standard industrial classification as published by the United States department of commerce and those specifically declared to be an industry by a provision of state law.

NEW SECTION. Sec. 15. The director of agriculture and the director of wildlife shall develop by rule the requirements for documents, data, scientific evidence, or other items to be submitted that will constitute a completed written petition for the purpose of section 10(4) of this act. The directors shall develop criteria upon which to make evaluations as to whether and how petitioned species will be regulated.

The department of agriculture and the department of wildlife may adopt rules in accordance with chapter 34.05 RCW to carry out the provisions of this chapter.

NEW SECTION. Sec. 16. The alternative livestock council is created. The council shall consist of seven persons. Four members of the council shall be appointed by the director of agriculture to three-year terms. Three members of the council shall be appointed by the director of the department of wildlife to three-year terms. The directors may shorten the initial term for a position on the council to stagger the expiration of terms on the council. Vacancies on the council shall be filled by each director by appointment. The council shall advise the departments on all aspects of alternative livestock farming and the regulation and marketing of alternative livestock and alternative livestock products.

NEW SECTION. Sec. 17. All rules of the department of wildlife and the department of agriculture that are inconsistent with the provisions of chapter . . . , Laws of 1993 (this act), shall be amended or repealed to comply with chapter . . . , Laws of 1993 (this act).

Sec. 18. RCW 77.08.010 and 1989 c 297 s 7 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

(1) "Director" means the director of wildlife.

(2) "Department" means the department of wildlife.

(3) "Commission" means the state wildlife commission.

(4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.

(6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries commission, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified by the director of fisheries. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state but excluding traditional livestock as defined in section 2(5) of this act.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

NEW SECTION. Sec. 19. A new section is added to chapter 16.49A RCW to read as follows:

(1) Meat and meat by-products of alternative livestock, as defined in section 2 of this act, whether or not such meat, meat by-products, or animals originate from within the state, shall not be sold or distributed for public consumption without prior inspection by the department, the United States department of agriculture, or another department-recognized local, state, or federal agency responsible for food safety and inspection.

(2) The department may adopt rules establishing a program for inspecting meat and meat by-products of alternative livestock. Such rules shall include a fee schedule that will provide for the recovery of the full cost of the inspection program. Fees collected under this section shall be deposited in an account within the agricultural local fund and the revenue from such fees shall be used solely for carrying out the provisions of this section. No appropriation is required for disbursement from the account. The director may employ such personnel as are necessary to carry out the provisions of this section.

Sec. 20. RCW 16.36.005 and 1987 c 163 s 1 are each amended to read as follows:

As used in this chapter:

"Alternative livestock" shall have the meaning as defined in section 2 of this act.

"Exotic wildlife" means any wild animal whose members do not exist in Washington in a wild state as of the effective date of this act but does not include alternative livestock as defined in section 2 of this act.

"Director" means the director of agriculture of the state of Washington or his authorized representative.

"Department" means the department of agriculture of the state of Washington.

"Garbage" means the solid animal and vegetable waste and offal together with the natural moisture content resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, markets, meat shops, packing houses and similar establishments or any other food waste containing meat or meat products.

"Veterinary biologic" means any virus, serum, toxin, and analogous product of natural or synthetic origin, or product prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components intended for use in the diagnosis, treatment, or prevention of diseases in animals.

Sec. 21. RCW 16.36.010 and 1927 c 165 s 2 are each amended to read as follows:

The word "quarantine" as used in this act shall mean the placing and restraining of any animal or animals by the owner or agents in charge thereof, either within a certain described and designated enclosure or area within this state, or the restraining of any such animal or animals from entering this state, as may be directed in writing by the director of agriculture, or his or her duly authorized representative. Any animal or animals so quarantined within the state shall at all times be kept separate and apart from other (~~domestic~~) animals and not allowed to have anything in common therewith.

Sec. 22. RCW 16.36.020 and 1987 c 163 s 2 are each amended to read as follows:

The director shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting animals within, in transit through and being imported into the state. The director may establish and enforce quarantine of and against any and all (~~domestic~~) animals which are affected with any such disease or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he or she deems necessary to determine whether any such animal is infected with any such disease. The director shall also enforce and administer the provisions of this chapter pertaining to garbage feeding and when garbage has been fed to swine, the director may require the disinfection of all facilities, including yard, transportation and feeding facilities, used for keeping such swine.

The director shall also have the authority to regulate the sale, distribution, and use of veterinary biologics in the state and may adopt rules to restrict the sale, distribution, or use of any veterinary biologic in any manner the director determines to be necessary to protect the health and safety of the public and the state's animal population.

The director shall also have the authority to adopt rules governing the importation and care of alternative livestock. In adopting the rules, the department shall consult with the department of wildlife of the state of Washington.

Sec. 23. RCW 16.36.050 and 1979 c 154 s 11 are each amended to read as follows:

It is unlawful for a person to intentionally falsely make, complete, alter, use, or sign an animal health certificate, certificate of veterinary inspection, or official written animal health instrument of the department of agriculture. It (~~shall be~~) is unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any domestic animals, exotic wildlife, or alternative livestock without first having secured an official health certificate or certificate of veterinary inspection, certified by the state veterinarian of origin that such animals meet the health requirements (~~promulgated~~) adopted by the director of agriculture of the state of Washington (~~:- PROVIDED, That~~). This section shall not apply to domestic animals imported into this state for immediate slaughter, or domestic animals imported for the purpose of unloading for feed, rest, and water, for a period not in excess of twenty-eight hours except upon prior permit therefor secured from the director of agriculture. It (~~shall be~~) is unlawful for any person to divert en route for other than to an approved, inspected stockyard for immediate slaughter or to sell for other than immediate slaughter or to fail to slaughter within fourteen days after arrival, any animal imported into this state for immediate slaughter. It (~~shall be~~) is unlawful for any person, railroad, transportation company, or other common carrier, to keep any domestic animals which are unloaded for feed, rest and water in other than quarantined pens, or not to report any missing animals to the director of agriculture at the time the animals are reloaded.

Sec. 24. RCW 16.36.040 and 1979 c 154 s 10 are each amended to read as follows:

The director of agriculture shall have power to (~~promulgate~~) adopt and enforce such reasonable rules (~~regulations~~) and orders as he or she may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting domestic animals, exotic wildlife, or alternative livestock in this state, and to (~~promulgate~~) adopt and enforce such reasonable rules (~~regulations~~) and orders as he or she may deem necessary or proper governing the inspection and test of all animals within or about to be imported into this state, and to (~~promulgate~~) adopt and enforce (~~intercounty~~) intrastate embargoes, hold orders, and quarantine (~~to prevent the shipment, trailing, trucking, transporting or movement of bovine animals from any county that has not been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, into a county which has been declared modified accredited by the United States department of agriculture, animal and plant health inspection service, for tuberculosis and/or certified brucellosis-free, unless such animals are accompanied by a negative certificate of tuberculin test made within sixty days and/or a negative brucellosis test made within the forty-five day period prior to the movement of such animal into such county, issued by a duly authorized veterinary inspector of the state department of agriculture, or of the United States department of agriculture, animal and plant health inspection service, or an accredited veterinarian authorized by permit issued by the director of agriculture to execute such certificate~~)).

Sec. 25. RCW 16.36.060 and 1985 c 415 s 2 are each amended to read as follows:

It (~~shall be~~) is unlawful for any person to willfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or her or them, when engaged in the

performance of the duties or in the exercise of the powers conferred by this chapter, and it shall be unlawful for any person to willfully fail to comply with or violate any rule (~~(regulation)~~) or order (~~(promulgated)~~) adopted by the director of agriculture or his or her duly authorized representatives under the provisions of this chapter. The director of agriculture shall have the authority under such rules (~~(and regulations)~~) as shall be (~~(promulgated)~~) adopted by (~~(him)~~) the director to enter at any reasonable time the premises of any (~~(livestock)~~) domestic animals, exotic wildlife, or alternative livestock owner to make tests on any animals for diseased conditions, and it (~~(shall be)~~) is unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his or her duly authorized representative.

Sec. 26. RCW 16.36.070 and 1947 c 172 s 6 are each amended to read as follows:

Whenever a majority of any board of health, board of county commissioners, city council or other governing body of any incorporated city or town, or trustees of any township, whether in session or not, shall, in writing or by telegraph, notify the director of agriculture of the prevalence of or probable danger of infection from any of the diseases of domestic animals, exotic wildlife, or alternative livestock the director of agriculture personally, or by the supervisor of dairy and livestock, or by a duly appointed and deputized veterinarian of the division of (~~(dairy and livestock)~~) food safety and animal health, shall at once go to the place designated in said notice and take such action as the exigencies may in his or her judgment demand, and may in case of an emergency appoint deputies or assistants, with equal power to act. The compensation to be paid such emergency deputies and assistants, shall be fixed by the director of agriculture in conformity with the standards effective in the locality in which the services are performed.

Sec. 27. RCW 16.36.080 and 1947 c 172 s 7 are each amended to read as follows:

It (~~(shall be)~~) is unlawful for any person registered to practice veterinary medicine, surgery and dentistry in this state not to immediately report in writing to the director of agriculture the discovery of the existence or suspected existence among domestic animals, exotic wildlife, or alternative livestock within the state of any reportable diseases as published by the director of agriculture.

Sec. 28. RCW 16.36.100 and 1927 c 165 s 10 are each amended to read as follows:

The governor and the director of agriculture shall have the power to cooperate with the government of the United States in the prevention and eradication of diseases of domestic animals, exotic wildlife, or alternative livestock and the governor shall have the power to receive and receipt for any moneys receivable by this state under the provisions of any act of congress and pay the same into the hands of the state treasurer as custodian for the state to be used and expended in carrying out the provisions of this act and the act or acts of congress under which said moneys are paid over to the state.

Sec. 29. RCW 16.57.010 and 1989 c 286 s 22 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or a duly appointed representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry (~~(and)~~), rabbits, and alternative livestock as defined in section 2 of this act.
- (5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.
- (6) "Production record brand" means a number brand which shall be used for production identification purposes only.
- (7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.
- (8) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.
- (9) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

Sec. 30. RCW 16.52.010 and 1901 c 146 s 17 are each amended to read as follows:

In RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 the singular shall include the plural; the word "animal" shall be held to include every living creature, except man; the words "torture," "torment," and "cruelty," shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; and the words "owner" and "person" shall be held to

include corporations as well as individuals; and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as of such agents or employees.

"Domestic animal" for the purposes of this chapter shall include alternative livestock as defined in section 2 of this act.

NEW SECTION. Sec. 31. Sections 1 through 13, 15, and 16 of this act shall constitute a new chapter in Title 15 RCW."

On page 1, line 1 of the title, after "livestock;" strike the remainder of the title and insert "amending RCW 19.85.020, 77.08.010, 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060, 16.36.070, 16.36.080, 16.36.100, 16.57.010, and 16.52.010; adding a new section to chapter 16.49A RCW; adding a new chapter to Title 15 RCW; and creating a new section." and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Kremen moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1135 and pass the bill as amended by the Senate.

Representative Kremen spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative King presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1135 as amended by the Senate.

Representatives Chandler and Kremen spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Peery, Locke and Morris were excused.

On motion of Representative Wood, Representative Cooke was excused.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1135 as amended by the Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 12, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Johanson, Johnson, R., Jones, Karahalios, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Long, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wood, Zellinsky and Mr. Speaker - 81.

Voting nay: Representatives Cole, G., Cothorn, Eide, Finkbeiner, Fisher, R., Jacobsen, Johnson, L., Kessler, Ludwig, Romero, Rust and Wolfe - 12.

Absent: Representative Wineberry - 1.

Excused: Representatives Cooke, Locke, Morris and Peery - 4.

Engrossed Substitute House Bill No. 1135, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Concerning the alternative livestock bill, Engrossed Substitute House Bill No. 1135, I mistakenly voted "NAY" meaning to have voted "YEA".

BILL FINKBEINER, 45th District.

The Speaker (Representative King presiding) declared the House to be at ease.

The Speaker (Representative King presiding) called the House to order.

The Speaker (Representative King presiding) declared the House at recess until 2:00 p.m.

AFTERNOON SESSION

The Speaker (Representative L. Johnson presiding) called the House to order at 2:00 p.m..

The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374 and once again asks the House to concur therein, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dorn moved the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1374 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Dorn, Cothorn and Brough as conferees to Engrossed Substitute House Bill No. 1374.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, with the following amendments:

On page 1, line 13, after "in" strike all material through "notice" on line 14, and insert "conspicuous places, in a number determined by the board, within each state liquor store, notices"

On page 1, line 14, after "notice" insert "in print not less than one inch high"

On page 1, line 14, after "warning" strike all material through "can" on line 15, and insert "persons that consumption of alcohol shortly before conception or during pregnancy may"

On page 1, after line 16, insert the following:

"NEW SECTION. Sec. 3. The legislature recognizes that the use of alcohol and other drugs during pregnancy can cause medical, psychological, and social problems for women and infants. The legislature further recognizes that communities are increasingly concerned about this problem and the associated costs to the mothers, infants, and society as a whole. The legislature recognizes that the department of health and other agencies are focusing on primary prevention activities to reduce the use of alcohol or drugs during pregnancy but few efforts have focused on secondary prevention efforts aimed at intervening in the lives of women already involved in the use of alcohol or other drugs during pregnancy. The legislature recognizes that the best way to prevent problems for chemically dependent pregnant women and their resulting children is to engage the women in alcohol or drug treatment. The legislature acknowledges that treatment professionals find pretreatment services to clients to be important in engaging women in alcohol or drug treatment. The legislature further recognizes that pretreatment services should be provided at locations where chemically dependent women are likely to be found, including

correctional facilities, public health clinics, and domestic violence or homeless shelters. Therefore the legislature intends to prevent the detrimental effects of alcohol or other drug use to women and their resulting infants by promoting the establishment of local programs to help facilitate a woman's entry into alcohol or other drug treatment. These programs shall provide secondary prevention services and provision of opportunities for immediate treatment so that women who seek help are welcomed rather than ostracized.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of alcohol use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued and impairment of health or disruption of social or economic functioning.

(2) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(3) "Assessment" means an interview with an individual to determine if he or she is chemically dependent and in need of referral to an approved treatment program.

(4) "Chemically dependent individual" means someone suffering from alcoholism or drug addiction, or dependence on alcohol or one or more other psychoactive chemicals.

(5) "Department" means the department of social and health services.

(6) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one family or household member against another.

(7) "Domestic violence program" means a shelter or other program which provides services to victims of domestic violence.

(8) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruptions of social or economic functioning.

(9) "Family or household members" means a family or household member as defined in RCW 10.99.020.

(10) "Pretreatment" means the period of time prior to an individual's enrollment in alcohol or drug treatment.

(11) "Pretreatment services" means activities taking place prior to treatment that include identification of individuals using alcohol or drugs, education, assessment of their use, evaluation of need for treatment, referral to an approved treatment program, and advocacy on a client's behalf with social service agencies or others to ensure and coordinate a client's entry into treatment.

(12) "Primary prevention" means providing information about the effects of alcohol or drug use to individuals so they will avoid using these substances.

(13) "Secondary prevention" means identifying and obtaining an assessment on individuals using alcohol or other drugs for referral to treatment when indicated.

(14) "Secretary" means the secretary of the department of social and health services.

(15) "Treatment" means the broad range of emergency detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, that may be extended to chemically dependent individuals and their families.

(16) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of chemically dependent individuals.

NEW SECTION. Sec. 5. The secretary shall develop and promote state-wide secondary prevention strategies designed to increase the use of alcohol and drug treatment services by women of child-bearing age, before, during, and immediately after pregnancy. These efforts are conducted through the division of alcohol and substance abuse. The secretary shall:

(1) Promote development of four pilot demonstration projects in the state to be called pretreatment projects for women of child bearing age. Two of the pilot projects are in urban areas and two are in rural areas.

(2) Ensure that two of the projects are located in public health department clinics that provide maternity services, one is located in a county correctional facility, and one is located with a domestic violence program.

(3) Hire four certified chemical dependency counselors to work as substance abuse educators in each of the four demonstration projects. The counselors may rotate between more than one clinic, correctional facility, or domestic violence program. The counselor for the domestic violence program shall also be trained in domestic violence issues.

(4) Ensure that the duties and activities of the certified chemical dependency counselors include, at a minimum, the following:

(a) Identifying substance-using pregnant women in the health clinics, correctional facilities, and domestic violence programs;

(b) Educating the women and agency staff on the effects of alcohol or drugs on health, pregnancy, and unborn children;

- (c) Determining the extent of the women's substance use;
 - (d) Evaluating the women's need for treatment;
 - (e) Making referrals for chemical dependency treatment if indicated;
 - (f) Facilitating the women's entry into treatment; and
 - (g) Advocating on the client's behalf with other social service agencies or others to ensure and coordinate clients into treatment.
- (5) Ensure that administrative costs of the department are limited to ten percent of the funds appropriated for the project.

NEW SECTION. Sec. 6. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the department of social and health services for the purposes of sections 2 through 5 of this act.

NEW SECTION. Sec. 7. Sections 4 and 5 of this act are each added to Title 70 RCW."

On page 1, line 2 of the title, after "66.08 RCW;" strike the remainder of the title and insert "adding new sections to Title 70 RCW; creating new sections; and making an appropriation." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Heavey moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2026 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Heavey, Karahalios and Wood as conferees to Engrossed Substitute House Bill No. 2026.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5405 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dorn moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5405 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Dorn, Holm and Carlson as conferees to Substitute Senate Bill No. 5405.

MESSAGE FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate refuses to recede from the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Fraser, Newhouse and Prentice, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House grant the Senate request for a conference on Engrossed Substitute House Bill No. 1562. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Brown, H. Myers and Silver as conferees to Engrossed Substitute House Bill No. 1562.

April 21, 1993

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, and insists on its position regarding the Senate amendments and once again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Veloria moved that the House insist on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1372 and again ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5577 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Appelwick moved that the House insist on its position regarding the House amendments to Senate Bill No. 5577 and again ask the Senate to concur. The motion was carried.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate concurs in the House amendments to Section 1 and 2 and refuses to concur in the House amendments to Section 3 to SENATE BILL NO. 5675 and asks the House to recede from its amendment to Section 3, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House insist on its position regarding the House amendments to Section 3 of Senate Bill No. 5675 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives H. Myers, Bray and Reams as conferees to Senate Bill No. 5675.

MESSAGE FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5836 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Bauer, Prince and Drew, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Quall moved that the House grant the request of the Senate for a conference on Second Substitute Senate Bill No. 5836. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Jacobsen, Quall and Brumsickle as conferees to Second Substitute Senate Bill No. 5836.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1479 with the following amendments:

On page 2, line 29, after "tickets," insert "unredeemed Washington state lottery tickets."

On page 4, beginning on line 7, after "exception of" strike "unredeemed Washington state lottery tickets and" and insert "~~((unredeemed Washington state lottery tickets and))~~"

On page 12, after line 16, insert the following:

"**Sec. 11.** RCW 67.70.190 and 1988 c 289 s 802 are each amended to read as follows:

~~((4))~~ Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, ~~((the prize shall be retained in the state lottery fund for further use as prizes, except as provided in subsection (2) of this section, and all rights to the prize shall be extinguished.~~

~~(2) During the fiscal year ending June 30, 1989, moneys from unclaimed prizes shall be used as follows:~~

~~(a) Fifty percent of the moneys, not exceeding one million dollars, shall be deposited quarterly in the general fund.~~

~~(b) The remainder of the moneys shall be retained in the state lottery account for further use as prizes.)~~ the prize shall be presumed abandoned and reported and remitted to the department of revenue under chapter 63.29 RCW.

"**NEW SECTION. Sec. 12.** A new section is added to chapter 63.29 RCW to read as follows:

Unredeemed Washington state lottery tickets shall be presumed abandoned if the prizes or tickets remain unclaimed one hundred eighty days after the prize or ticket became payable or distributable."

On page 1, beginning on line 2 of the title, after "act;" strike "and" and on line 3, after "63.29.180," strike "and 63.29.220" and insert "63.29.220, and 67.70.190; and adding a new section to chapter 63.29 RCW" and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Holm moved that the House do concur in the Senate amendments to House Bill No. 1479 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1479 as amended by the Senate.

Representatives Holm and Foreman spoke in favor of final passage of the bill as amended by the Senate.

On motion of Representative G. Cole, Representative Anderson was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1479, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Ludwig - 1.

Excused: Representative Anderson - 1.

House Bill No. 1479, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.160.020 and 1992 c 21 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, ~~((or))~~ town, or special utility district.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means:

(a) A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average; or

(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection.

Sec. 2. RCW 43.160.030 and 1987 c 422 s 2 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the chairman of and one minority member appointed by the speaker of the house of representatives from the committee on ~~((trade and economic development))~~ trade, economic development, and housing of the house of representatives, the chairman of and one minority member appointed by the president of the senate from the committee on ~~((commerce and labor of the senate, or the equivalent standing committees))~~ trade, technology, and economic development of the senate, and the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor ~~((and should be a member of the governor's council of economic advisors))~~. The members of the board shall elect one of their members to serve as vice-chair. The director of trade and economic development, the director of community development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Staff support shall be provided by the department of trade and economic development to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

Sec. 3. RCW 43.160.035 and 1987 c 422 s 3 are each amended to read as follows:

Each member of the house of representatives who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the trade ~~((and))~~, economic development, and housing committee of the house of representatives to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each member of the senate who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the ~~((commerce and labor))~~ trade, technology, and economic development committee of the senate to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each agency head of an executive agency who is appointed to serve as a nonvoting advisory member of the community economic revitalization board under RCW 43.160.030 may designate an agency employee

to take his or her place on the board for meetings at which the agency head will be absent. The designee will have all powers to participate in board deliberations as have the other board members but shall not have voting powers.

Sec. 4. RCW 43.160.060 and 1990 1st ex.s. c 17 s 73 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the ~~((acquisition,))~~ construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to distressed rural areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 5. RCW 43.160.076 and 1991 c 314 s 24 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants in a biennium, the board shall spend at least fifty percent for grants and loans for projects in distressed counties or timber impact areas. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or timber impact areas are clearly insufficient to use up the fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or timber impact areas.

Sec. 6. RCW 43.160.077 and 1989 c 431 s 63 are each amended to read as follows:

(1) ~~((Before))~~ When the board ~~((consideration of))~~ receives an application from a political subdivision that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, a copy of the application shall be ~~((forwarded))~~ sent by the board to the department of ecology.

(2) ~~((The department of ecology shall submit a recommendation on all applications related to processing recyclable materials to the board for their consideration.~~

~~(3) Upon receiving an application for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials from the board, the department of ecology shall, within thirty days, determine whether or not the proposed assistance:~~

- ~~(a) Has a significant impact on the residential and commercial waste stream;~~
- ~~(b) Results in a product that has a ready market;~~
- ~~(c) Does not jeopardize any other planned market development projects; and~~
- ~~(d) Results in a product that would otherwise be purchased out of state.~~

~~(4) Upon completion of its determination of the factors contained in subsection (3) of this section and any other factors it deems pertinent, the department of ecology shall forward its recommended approval, as submitted or amended, or recommended disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed market development. If the department of ecology recommends disapproval of any proposed project, it shall specify its reasons for recommending disapproval.~~

~~(5))~~ The board shall notify the department of ecology of its decision regarding any application made under this section.

Sec. 7. RCW 43.160.200 and 1991 c 314 s 23 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government ~~((and are part of a regional tourism plan approved by the local and regional tourism organizations))~~. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

Sec. 8. RCW 43.160.900 and 1987 c 422 s 10 are each amended to read as follows:

~~((The community economic revitalization board and its powers and duties shall be terminated on June 30, 1993, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, 1994. Any remaining duties of the community economic revitalization board after June 30, 1993, regarding repayment of loans made by the community economic revitalization board are transferred to the department of revenue on June 30,~~

1993) The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

Sec. 9. RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are each reenacted and amended to read as follows:

- (1) The following are exempt from public inspection and copying:
 - (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
 - (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
 - (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
 - (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
 - (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
 - (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
 - (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
 - (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
 - (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
 - (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
 - (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
 - (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for ~~((a))~~ (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or ~~((b))~~ (ii) highway construction or improvement as required by RCW 47.28.070.
 - (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under *RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.
 - (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.
 - (p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.
 - (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
 - (r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, 43.160, and 43.168 RCW.
 - (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(dd) Business related information protected from public inspection and copying under RCW 15.86.110.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 10. 1991 c 314 s 32 (uncodified) is amended to read as follows:

RCW 43.160.076 and 1991 c 314 s 24 & 1985 c 446 s 6 are each repealed effective June 30, ~~((1993))~~ 1995.

Sec. 11. 1991 c 314 s 34 (uncodified) is amended to read as follows:

~~((Section 25 of this act))~~ RCW 43.160.210 shall take effect July 1, ~~((1993))~~ 1995.

NEW SECTION. Sec. 12. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 43.160.020, 43.160.030, 43.160.035, 43.160.060, 43.160.076, 43.160.077, 43.160.200, and 43.160.900; amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 34 (uncodified); reenacting and amending RCW 42.17.310; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Shin moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1662 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1662 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1662 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Absent: Representative Ludwig - 1.

Excused: Representative Anderson - 1.

Engrossed Substitute House Bill No. 1662, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1809, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.64.020 and 1985 c 57 s 80 are each amended to read as follows:

A resource management cost account in the state treasury is hereby created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering public lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way as authorized under the provisions of this title. Appropriations from the account to the department shall be expended for no other purposes. Funds in the account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived.

Sec. 2. RCW 79.64.030 and 1988 c 70 s 4 are each amended to read as follows:

Funds in the account derived from the gross proceeds of leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university lands, agricultural college lands, scientific school lands, normal school lands, capitol building lands, or institutional lands shall be pooled and expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering ~~((public lands of the same trust: PROVIDED, That))~~ all of the trust lands enumerated in this section. Such funds may be used for similar costs and expenses in managing and administering other lands managed by the department ~~((: PROVIDED FURTHER,))~~ provided that such expenditures that have been or may be made on such other lands shall be repaid to the resource management cost account together with interest at a rate determined by the board of natural resources.

An accounting shall be made annually of the accrued expenditures ~~((as regards each))~~ from the pooled trust funds in the account. In the event the accounting determines that expenditures have been made from moneys derived from ~~((one category of))~~ trust lands for the benefit of ~~((another trust or))~~ other lands, such expenditure shall be considered a debt ~~((against the trust benefitted))~~ and ~~((shall be considered))~~ an encumbrance against the property ~~((of the trust or trust funds))~~ benefitted, including property held under chapter 76.12 RCW. The results of the accounting shall be reported to the legislature at the next regular session. The state treasurer is authorized, upon request of the department, to transfer funds between the forest development account and the resource management cost account solely for purpose of repaying loans pursuant to this section.

NEW SECTION. **Sec. 3.** This act shall take effect July 1, 1994."

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 79.64.020 and 79.64.030; and providing an effective date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Valle moved that the House do concur in the Senate amendments to House Bill No. 1809 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1809 as amended by the Senate.

Representative Valle spoke in favor of passage of the bill and Representative Thomas spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1809 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 69, Nays - 28, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Bray, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Scott, Sehlin, Sheldon, Sommers, Springer, Thibaudeau, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Casada, Chandler, Cooke, Dyer, Foreman, Forner, Fuhrman, Hansen, Lisk, Mielke, Morris, Morton, Padden, Schmidt, Schoesler, Sheahan, Shin, Silver, Stevens, Talcott, Tate, Thomas, Van Luven and Wood - 28.

Excused: Representative Anderson - 1.

House Bill No. 1809, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 21, 1993

Mr. Speaker:

The Senate refuses to recede from its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818. Under suspension of rules, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818 was returned to second reading for an amendment to the adopted TED committee amendment (1818-S.E AAS 4/13/93 S2713.1), and the bill was passed as amended by the Senate.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that military base expansions, closures, and defense procurement contract cancellations may have extreme economic impacts on communities and firms. The legislature began to address this concern in 1990 by establishing the community diversification program in the department of community development. While this program has helped military dependent communities begin the long road to diversification, base expansions or closures or major procurement contract reductions in the near future will find these communities unable to respond adequately, endangering the health, safety, and welfare of the community. The legislature intends to target emergency state assistance to military dependent communities significantly impacted by defense spending. The emergency state assistance and the long-term strategy should be driven by the impacted community and consistent with the state plan for diversification required under RCW 43.63A.450(4).

NEW SECTION. Sec. 2. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may, by executive order, after consultation with or notification of the executive-legislative committee on economic development created by chapter ... (Senate Bill No. 5300), Laws of 1993, declare a community to be a "military impacted area." A "military impacted area" means a community or communities, as

identified in the executive order, that experience serious social and economic hardships because of a change in defense spending by the federal government in that community or communities.

(2) If the governor executes an order under subsection (1) of this section, the governor shall establish a response team to coordinate state efforts to assist the military impacted community. The response team may include, but not be limited to, one member from each of the following agencies: (a) The department of community development; (b) the department of trade and economic development; (c) the department of social and health services; (d) the employment security department; (e) the state board for community and technical colleges; (f) the higher education coordinating board; (g) the department of transportation; and (h) the Washington energy office. The governor may appoint a response team coordinator. The governor shall seek to actively involve the impacted community or communities in planning and implementing a response to the crisis. The governor may seek input or assistance from the community diversification advisory committee, and the governor may establish task forces in the community or communities to assist in the coordination and delivery of services to the local community. The state and community response shall consider economic development, human service, and training needs of the community or communities impacted.

(3) The governor shall report at the beginning of the next legislative session to the legislature and the executive-legislative committee on economic development created by chapter ... (Senate Bill No. 5300), Laws of 1993, as to the designation of a military impacted area. The report shall include recommendations regarding whether a military impacted area should become eligible for (a) funding provided by the community economic revitalization board, public facilities construction loan revolving account, Washington state development loan fund, basic health plan, the public works assistance account, department of trade and economic development, employment security department, and department of transportation; (b) training for dislocated defense workers; or (c) services for dislocated defense workers."

On page 1, line 1 of the title, after "communities;" strike the remainder of the title and insert "adding a new section to chapter 43.06 RCW; and creating a new section." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Shin moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1818 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1818 as amended by the Senate.

Representatives Karahalios and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1818 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

Engrossed Substitute House Bill No. 1818, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2066, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.52.0531 and 1992 c 49 s 1 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1992, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1991.

(2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(3) For excess levies for collection in calendar year 1993 and thereafter, the maximum dollar amount shall be the sum of (a) and (b) of this subsection minus (c) of this subsection:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation;

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(e) For levies to be collected in calendar years 1994 and 1995 the maximum levy rate shall be the district's maximum levy percentage for 1993 plus four percent reduced by any levy reduction funds. For levies collected in 1996, the prior year shall mean 1993.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy

reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

Sec. 2. RCW 28A.500.010 and 1992 c 49 s 2 are each amended to read as follows:

(1) Commencing with taxes assessed in ~~((1988))~~ 1993 to be collected in calendar year ~~((1989))~~ 1994 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. For ~~((the first))~~ distribution of local effort assistance funds provided under this section in calendar years ~~((1989))~~ 1994 and 1995, state funds may be prorated ~~((according to the formula in this section))~~ as provided in the omnibus appropriations act.

(2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The "state-wide average ~~((ten))~~ twelve percent levy rate" shall mean ~~((ten))~~ twelve percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "~~((ten))~~ twelve percent levy rate" of a district shall mean:

(i) ~~((Ten))~~ twelve percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) "Eligible districts" shall mean those districts with a ~~((ten))~~ twelve percent levy rate which exceeds the state-wide average ~~((ten))~~ twelve percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; to (ii) the state-wide average ~~((ten))~~ twelve percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ~~((ten))~~ twelve percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; divided by (ii) the district's ~~((ten))~~ twelve percent levy rate.

~~(4)((a) Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.~~

~~((b))~~ In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows:

~~((i))~~ (a) Thirty percent in April;

~~((ii))~~ (b) Twenty-three percent in May;

~~((iii))~~ (c) Two percent in June;

~~((iv) Twenty-six))~~ (d) Seventeen percent in August;

(e) Nine percent in October;

~~((v))~~ (f) Seventeen percent in November; and

~~((vi))~~ (g) Two percent in December.

NEW SECTION. Sec. 3. Section 2 of this act shall expire December 31, 1995."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531 and 28A.500.010; and providing an expiration date." and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Valle moved that the House do concur in the Senate amendments to House Bill No. 2066 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2066 as amended by the Senate.

Representatives Valle, Brough, Carlson and Dorn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2066 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 87.

Voting nay: Representatives Campbell, Chandler, Edmondson, Finkbeiner, Fuhrman, Hansen, Lisk, Mielke, Padden and Silver - 10.

Excused: Representative Anderson - 1.

House Bill No. 2066, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wineberry, Shin and Forner as conferees to House Bill No. 1808.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1024,
HOUSE BILL NO. 1025,
SUBSTITUTE HOUSE BILL NO. 1026,
SUBSTITUTE HOUSE BILL NO. 1051,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1067,
HOUSE BILL NO. 1068,
HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1077,
HOUSE BILL NO. 1078,
ENGROSSED HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1082,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1103,
ENGROSSED HOUSE BILL NO. 1110,
ENGROSSED HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1128,
ENGROSSED HOUSE BILL NO. 1157,

HOUSE BILL NO. 1165,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1188,
SUBSTITUTE HOUSE BILL NO. 1219,
ENGROSSED HOUSE BILL NO. 1228,
ENGROSSED HOUSE BILL NO. 1271,
SUBSTITUTE HOUSE BILL NO. 1316,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
HOUSE BILL NO. 1344,
SUBSTITUTE HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1504,
SUBSTITUTE HOUSE BILL NO. 1560,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
HOUSE BILL NO. 1713,
HOUSE BILL NO. 1751,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1800,
SUBSTITUTE HOUSE BILL NO. 1817,
HOUSE BILL NO. 1991,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2130,
HOUSE JOINT MEMORIAL NO. 4005,
HOUSE CONCURRENT RESOLUTION NO. 4419,
HOUSE CONCURRENT RESOLUTION NO. 4420,
SENATE BILL NO. 5300,
SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5360,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5502,
SENATE BILL NO. 5723,
SENATE BILL NO. 5799,
SUBSTITUTE SENATE BILL NO. 5829,
SUBSTITUTE SENATE BILL NO. 5837,
SENATE BILL NO. 5875,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5888,
SUBSTITUTE SENATE BILL NO. 5963,

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988 with the following amendments:

On page 1, after line 7, strike everything through "1994." on page 21, line 4, and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The economy of the state depends on a well-trained work force and a strong employment system. A well-trained work force generates the productivity employers need in order to compete in the global economy and to pay workers good wages. A strong employment and unemployment system ameliorates the negative impacts of unemployment and matches the needs of employers with individuals seeking employment.

(2) The legislature further finds that too many Washington workers are unemployed, many of whom need new or enhanced work force skills in order to meet current demand in the labor market. With the increasing pace of economic change, employees must become life-long learners who periodically obtain additional education and training. The state should provide unemployed workers a variety of effective services, including timely payment of unemployment benefits, job and career counseling, job referral services, and training.

(3) At the same time, too many employers report problems finding workers with the right skills. The state should provide employers with an effective training system and an efficient method for locating well-qualified workers.

Therefore, the legislature finds it necessary and in the public interest to create an employment and training trust fund in order to provide state funding for employment and training services.

NEW SECTION. Sec. 2. It is the purpose of this act to reduce the amount paid by employers in the state to the unemployment compensation fund by twelve one-hundredths of one percent of taxable wages.

It is also the purpose of this act to establish a separate fund for training and employment services for dislocated workers. This fund shall consist of contributions of twelve one-hundredths of one percent of taxable wages.

It is the intent of the legislature that this act not result in any net increase in employer tax rates.

It is the further intent of the legislature that the employment security department and the state board for community and technical colleges shall work cooperatively to ensure expeditious training and placement of dislocated workers.

NEW SECTION. Sec. 3. A new section is added to chapter 50.24 RCW to read as follows:

Employment and training trust fund contributions to the employment and training trust fund shall accrue and become payable by each employer consistent with the tax schedule in RCW 50.29.025 as now existing or hereafter amended, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, and those qualified employers assigned rate class 20 under RCW 50.29.025 at the rate of twelve one-hundredths of one percent for rate years 1994, 1995, 1996, and 1997. The amount of wages subject to tax shall be determined under RCW 50.24.010.

NEW SECTION. Sec. 4. A new section is added to chapter 50.16 RCW to read as follows:

There is hereby established the employment and training trust fund. All moneys in this fund are irrevocably vested for the administration of this title. The employment and training trust fund shall consist of all moneys from employment and training trust fund contributions as established in section 3 of this act. The treasurer of the employment security department shall deposit, administer, and disburse all moneys in the fund under rules adopted by the commissioner and RCW 43.01.050 and 43.84.092 are not applicable to this fund. The treasurer of the employment security department shall be the treasurer of the employment and training trust fund as described in RCW 50.16.020 and shall give a bond conditioned upon the faithful performance of his or her duties in connection with the fund. All sums recovered on the official bond for losses sustained by the employment and training trust fund must be deposited in the fund. Notwithstanding any provision of this section, all moneys received and deposited in the fund under chapter . . . , Laws of 1993 (this act), remain part of the employment and training trust fund and may be used solely for the following purposes:

(1) Providing training and related support services, including financial aid, to individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months;

(2) Assisting workers in finding employment through job referral, job development, counseling, and referral to training resources;

(3) Obtaining labor market information necessary for the administration of the unemployment insurance program and to assist unemployed workers in finding employment. In obtaining the information the employment security department shall ensure the inclusion of information gathered from small businesses as defined in RCW 43.31.025, with particular emphasis on businesses with fifteen or fewer employees;

(4) Performing research by an independent state auditing agency or an independent contractor to determine effectiveness of unemployment insurance programs and to determine whether program changes would benefit workers and employers;

(5) Collecting contributions for and administration of the employment and training trust fund;

(6) Improving service through improved use of information technology; and

(7) Establishing collocation employment security and job service outstations at community and technical college campuses across the state. These outstations shall provide a one-stop point of access for unemployed and dislocated workers seeking job placement services, training program information, and labor market information. In communities without co-located outstations the local job service center and community or technical college shall collaborate to provide these services.

NEW SECTION. Sec. 5. For calculations occurring on or after June 30, 1994, and in accordance with RCW 50.29.025, if the commissioner determines that the employment and training trust fund contributions for the most recent rate year have increased employer unemployment compensation contribution rates, the revenues received by the department from the employment and training contribution for calendar quarters beginning the following July 1st shall not be deposited in the employment and training trust fund but shall be deposited in the unemployment compensation fund.

NEW SECTION. Sec. 6. A new section is added to chapter 50.16 RCW to read as follows:

An individual may be eligible for applicable employment security benefits while participating in work force training. Eligibility is at the discretion of the commissioner of employment security after submitting a commissioner-approved training waiver and developing a detailed individualized training plan.

Benefits paid under this section may not be charged to the experience rating accounts of individual employers.

The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 7. Aerospace workers unemployed as the result of downsizing and restructuring of the aerospace industry will be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043.

NEW SECTION. Sec. 8. (1) The employment security department shall disburse the amounts appropriated by the legislature for the purposes of chapter . . . , Laws of 1993 (this act) to the state board for community and technical colleges. These funds shall be allotted for, and only for, training programs and related support services, including financial aid, in the community and technical college system that:

(a) Are consistent with work force training priorities and based upon the comprehensive plan for work force training developed by the work force training and education coordinating board. The state board for community and technical colleges shall develop a plan for use and evaluation of these funds which is to be approved by the work force training and education coordinating board for consistency with their work force priorities. In developing and approving the plan, information shall be gathered from small businesses as defined in RCW 43.31.025, with particular emphasis on businesses with fifteen or fewer employees. Further, the state board for community and technical colleges shall report to the work force training and education coordinating board and the legislature annually on the progress and results of the training and support services provided to eligible participants;

(b) Provide increased enrollments for individuals who have been terminated or have received a notice of termination from employment, and who are eligible for or have exhausted their entitlement to unemployment compensation benefits within the previous twenty-four months, with first priority given to individuals who are unlikely to return to employment in the individuals' principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; and

(c) Provide increased enrollments and support services, including financial aid, that do not replace or supplant any existing enrollments, programs, support services, or funding sources. For fiscal year 1994, the state board for community and technical colleges may borrow from the general fund to initiate the programs authorized under this act. However, the board shall repay the borrowed amount by the end of the fiscal biennium from funds appropriated to it from the employment and training trust fund.

(2) For purposes of chapter . . . , Laws of 1993 (this act), training provided by the community and technical colleges shall only consist of basic skills and literacy, occupational skills, vocational education, and related or supplemental instruction for apprentices who are enrolled in a registered, state-approved apprenticeship program. Community and technical colleges may contract with skill centers to provide training authorized in this section. Upon the request of an eligible recipient, a community and technical college may contract with a private technical school for specialized vocational training. Available tuition for the training is limited to the amount that would otherwise be obtained per enrolled quarter to a public institution. Furthermore, the funding is only available to students who seek training in a course of study not available at a public institution within an eligible recipient's congressional district.

Sec. 9. RCW 50.16.010 and 1991 sp.s. c 13 s 59 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, an employment and training trust fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 and 43.84.092 shall not be applicable.

(1) The unemployment compensation fund shall consist of

~~((4))~~ (a) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

~~((2))~~ (b) any property or securities acquired through the use of moneys belonging to the fund,

~~((3))~~ (c) all earnings of such property or securities,

~~((4))~~ (d) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

~~((5))~~ (e) all money recovered on official bonds for losses sustained by the fund,

~~((6))~~ (f) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

~~((7))~~ (g) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

~~((8))~~ (h) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

(2)(a) The administrative contingency fund shall consist of:

- (i) All interest on delinquent contributions collected pursuant to this title;
- (ii) All fines and penalties collected pursuant to the provisions of this title;
- (iii) All sums recovered on official bonds for losses sustained by the fund; and
- (iv) Revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(b) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW ~~(74.09.035, 74.09.540, 74.09.520, and 74.09.700)~~ 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

(3) The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 3 of this act.

Sec. 10. RCW 50.16.010 and 1993 c s 9 (section 9 of this act) are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, ~~(an employment and training trust fund,)~~ and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 ~~(and 43.84.092)~~ shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of:

(i) all interest on delinquent contributions collected pursuant to this title;

(ii) all fines and penalties collected pursuant to the provisions of this title;

(iii) all sums recovered on official bonds for losses sustained by the fund; and

(iv) revenue received under RCW 50.24.014:

PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(b) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

~~(3) The employment and training trust fund shall consist of all contributions received from the employment and training trust fund contributions in accordance with section 2 of this act.)~~

Sec. 11. RCW 50.16.020 and 1983 1st ex.s. c 23 s 10 are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund, the employment and training trust fund, and ~~((e))~~ the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. ~~((He))~~ The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 12. RCW 50.16.020 and 1993 c ... s 11 (section 11 of this act) are each amended to read as follows:

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund ~~((, the employment and training trust fund,))~~ and of the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his or her warrants upon them in accordance with such regulations as the commissioner shall prescribe. The treasurer and custodian shall maintain within the unemployment compensation fund three separate accounts as follows:

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account. Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding.

The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Moneys in the clearing and benefit accounts and in the administrative contingency fund shall not be commingled with other state funds, but shall be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Such moneys shall be secured by said bank or public depository to the same extent and in the same manner as required by the general depository law of the state and collateral pledged shall be maintained in a separate custody account.

The treasurer shall give a bond conditioned upon the faithful performance of his or her duties as a custodian of the funds in an amount fixed by the director of the department of general administration and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Sec. 13. RCW 50.29.025 and 1990 c 245 s 7 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

- 3.40 and above A
- 2.90 to 3.39 B
- 2.40 to 2.89 C
- 1.90 to 2.39 D
- 1.40 to 1.89 E
- Less than 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
Cumulative Schedule((€)) of Contribution((€)) Rates
Taxable Payrolls for Effective Tax Schedule
Rate

From To Class A B C D E F

0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78

~~45.01 50.00 0 1.98 2.38 2.78 3.18 3.58 3.98~~
~~50.01 55.00 11 2.28 2.58 2.98 3.38 3.78 4.08~~
~~55.01 60.00 12 2.48 2.78 3.18 3.58 3.98 4.28~~
~~60.01 65.00 13 2.68 2.98 3.38 3.78 4.18 4.48~~
~~65.01 70.00 14 2.88 3.18 3.58 3.98 4.38 4.68~~
~~70.01 75.00 15 3.08 3.38 3.78 4.18 4.58 4.78~~
~~75.01 80.00 16 3.28 3.58 3.98 4.38 4.68 4.88~~
~~80.01 85.00 17 3.48 3.78 4.18 4.58 4.88 4.98~~
~~85.01 90.00 18 3.88 4.18 4.58 4.88 4.98 5.18~~
~~90.01 95.00 19 4.28 4.58 4.98 5.08 5.18 5.38~~
~~95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40))~~

0.00 5.00 1 0.36 0.46 0.86 1.36 1.76 2.36
5.01 10.00 2 0.36 0.66 1.06 1.56 1.96 2.56
10.01 15.00 3 0.46 0.86 1.26 1.66 2.16 2.76
15.01 20.00 4 0.66 1.06 1.46 1.86 2.36 2.96
20.01 25.00 5 0.86 1.26 1.66 2.06 2.56 3.06
25.01 30.00 6 1.06 1.46 1.86 2.26 2.66 3.16
30.01 35.00 7 1.26 1.66 2.06 2.46 2.86 3.26
35.01 40.00 8 1.46 1.86 2.26 2.66 3.06 3.46
40.01 45.00 9 1.66 2.06 2.46 2.86 3.26 3.66
45.01 50.00 10 1.86 2.26 2.66 3.06 3.46 3.86
50.01 55.00 11 2.16 2.46 2.86 3.26 3.66 3.96
55.01 60.00 12 2.36 2.66 3.06 3.46 3.86 4.16
60.01 65.00 13 2.56 2.86 3.26 3.66 4.06 4.36
65.01 70.00 14 2.76 3.06 3.46 3.86 4.26 4.56
70.01 75.00 15 2.96 3.26 3.66 4.06 4.46 4.66
75.01 80.00 16 3.16 3.46 3.86 4.26 4.56 4.76
80.01 85.00 17 3.36 3.66 4.06 4.46 4.76 4.86
85.01 90.00 18 3.76 4.06 4.46 4.76 4.86 5.06
90.01 95.00 19 4.16 4.46 4.86 4.96 5.06 5.26
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 14. RCW 50.29.025 and 1993 c s 13 (section 13 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the

Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

- 3.40 and above A
- 2.90 to 3.39 B
- 2.40 to 2.89 C
- 1.90 to 2.39 D
- 1.40 to 1.89 E
- Less than 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
Cumulative Schedules of Contributions Rates Taxable Payrolls for Effective Tax Schedule
Rate

From To Class A B C D E F

~~((0.00 5.00 1 0.36 0.46 0.86 1.36 1.78 2.36
5.01 10.00 2 0.36 0.66 1.06 1.56 1.96 2.56
10.01 15.00 3 0.46 0.86 1.26 1.66 2.16 2.76
15.01 20.00 4 0.66 1.06 1.46 1.86 2.36 2.96
20.01 25.00 5 0.86 1.26 1.66 2.06 2.56 3.06
25.01 30.00 6 1.06 1.46 1.86 2.26 2.66 3.16
30.01 35.00 7 1.26 1.66 2.06 2.46 2.86 3.26
35.01 40.00 8 1.46 1.86 2.26 2.66 3.06 3.46
40.01 45.00 9 1.66 2.06 2.46 2.86 3.26 3.66
45.01 50.00 10 1.86 2.26 2.66 3.06 3.46 3.86
50.01 55.00 11 2.16 2.46 2.86 3.26 3.66 3.96
55.01 60.00 12 2.36 2.66 3.06 3.46 3.86 4.16
60.01 65.00 13 2.56 2.86 3.26 3.66 4.06 4.36
65.01 70.00 14 2.76 3.06 3.46 3.86 4.26 4.56
70.01 75.00 15 2.96 3.26 3.66 4.06 4.46 4.66
75.01 80.00 16 3.16 3.46 3.86 4.26 4.56 4.76
80.01 85.00 17 3.36 3.66 4.06 4.46 4.76 4.86
85.01 90.00 18 3.76 4.06 4.46 4.76 4.86 5.06
90.01 95.00 19 4.16 4.46 4.86 4.96 5.06 5.26
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40))~~

0.00 5.00 1 0.48 0.58 0.98 1.48 1.88 2.48
5.01 10.00 2 0.48 0.78 1.18 1.68 2.08 2.68
10.01 15.00 3 0.58 0.98 1.38 1.78 2.28 2.88
15.01 20.00 4 0.78 1.18 1.58 1.98 2.48 3.08
20.01 25.00 5 0.98 1.38 1.78 2.18 2.68 3.18
25.01 30.00 6 1.18 1.58 1.98 2.38 2.78 3.28
30.01 35.00 7 1.38 1.78 2.18 2.58 2.98 3.38
35.01 40.00 8 1.58 1.98 2.38 2.78 3.18 3.58
40.01 45.00 9 1.78 2.18 2.58 2.98 3.38 3.78
45.01 50.00 10 1.98 2.38 2.78 3.18 3.58 3.98
50.01 55.00 11 2.28 2.58 2.98 3.38 3.78 4.08

55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

NEW SECTION. Sec. 15. A new section is added to chapter 50.29 RCW to read as follows:

For the purpose of simplification of employer reports, the "combined contribution rate" shall be used in the calculation of employer taxes. The combined contribution rate shall include the regular contribution rate as determined under RCW 50.29.025, employment and training trust fund contributions as determined under section 3 of this act, and special contributions required under RCW 50.24.014. A mention of the "combined contribution rate" may not be made on a tax form or publication unless the form or publication specifically identifies the specific contributions. The combined contribution rate may not be quoted on a form unless the specific component rates are also quoted. The sole purpose of the combined contribution rate is to allow an employer to perform a single calculation on a tax return rather than four separate calculations.

NEW SECTION. Sec. 16. Prior to any increase in the employer tax schedule as provided in section 13, chapter ..., Laws of 1993 (section 13 of this act), the commissioner shall provide a report to the appropriate committees of the legislature specifying to what extent the work force training expenditures in chapter . . ., Laws of 1993 (this act) elevated employer contribution rates for the effective tax schedule.

NEW SECTION. Sec. 17. (1) The employment security department shall report to the appropriate committees of the legislature by December 1, 1994, and every year thereafter, on the status of the programs provided in this act and the resulting outcomes. The department shall include in its report quantitative and demographic information on the increase in job orders, placement referrals, individualized training plans, skill assessments, and other interventions achieved. The department also shall include in its report the number of repeat clients as a percentage of all clients served by programs provided in chapter . . ., Laws of 1993 (this act).

(2) The state board for community and technical colleges shall report to the appropriate standing committees of the legislature by December 1, 1994, and every year thereafter, the number of certified student full-time equivalents receiving training as provided in this act. In addition, the report must include information on the outcomes of the provided training. The report also must include indices of placement rates, student demographics, training plan completion rates, and comparisons of preprogram and postprogram wage levels.

(3) Each community and technical college shall confer and consult with its respective labor-management advisory board concerning the college's efforts to provide the training and services rendered in chapter ..., Laws of 1993 (this act) and meet the completion and placement goals of the work force training and education coordinating board. Each community and technical college shall ensure the participation on its labor-management advisory board of small businesses as defined in RCW 43.31.025, with particular emphasis on businesses with fifteen or fewer employees.

(4) The work force training and education coordinating board shall conduct a study in consultation with the higher education coordinating board on the feasibility of: (a) Redirecting all state and federal job training and retraining funds distributed in the state into a separate job training trust fund; and (b) distributing the funds according

to uniform criteria. The work force training and education coordinating board shall report to the appropriate committees of the legislature on the results of the study by January 1, 1995.

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:
The work force employment and training program created in chapter . . ., Laws of 1993 (this act) shall expire June 30, 1998.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:
The following acts or parts of acts are each repealed, effective June 30, 1999:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 8 of this act;
- (8) Section 15 of this act; and
- (9) Section 17 of this act.

NEW SECTION. Sec. 20. (1) Sections 10 and 12 of this act shall take effect June 30, 1999;
(2) Section 14 of this act shall take effect January 1, 1998.

NEW SECTION. Sec. 21. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

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

NEW SECTION. Sec. 23. This act applies to tax rate years beginning with tax rate year 1994." On page 20, beginning on line 21 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 50.16.010, 50.16.010, 50.16.020, 50.16.020, 50.29.025, and 50.29.025; adding a new section to chapter 50.24 RCW; adding new sections to chapter 50.16 RCW; adding a new section to chapter 50.29 RCW; adding new sections to chapter 43.131 RCW; creating new sections; and providing effective dates." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1988 and pass the bill as amended by the Senate.

Representative Forner spoke against the motion to concur.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1988 as amended by the Senate.

Representatives Sheldon, Wineberry, R. Meyers, Basich, Talcott, Conway, Shin and Jones spoke in favor of passage of the bill.

Representatives Forner, Morton, Ballard, Vance, Silver, Horn and Dyer spoke against it.

Representatives Wineberry and Sheldon again spoke in favor of passage of the bill and Representative Forner again spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1988 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Tate, Thomas, Vance and Van Luven - 30.

Excused: Representative Anderson - 1.

Engrossed Substitute House Bill No. 1988, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 17, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5828 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Jacobsen moved that the House recede from its position and pass Senate Bill No. 5828 without the House amendments.

Representative Jacobsen spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT SENATE AMENDMENTS

The Speaker stated the question before the House to be final passage of Senate Bill No. 5828 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5828, without the House amendments, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt,

Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

Senate Bill No. 5828, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5879 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative R. Fisher moved that the House recede from its position and pass Engrossed Senate Bill No. 5879 without the House amendments.

Representative R. Fisher spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5879 without the House amendments.

Representative Schmidt and R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5879 without the House amendments and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

Engrossed Senate Bill No. 5879, without the House amendments, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 21, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The higher education personnel board and the state personnel board are abolished and their powers, duties, and functions are transferred to the Washington personnel resources board. All references to the director or the higher education personnel board or the state personnel board in the Revised Code of Washington shall be construed to mean the director of the Washington personnel resources board or the Washington personnel resources board.

NEW SECTION. Sec. 2. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education personnel board and the state personnel board shall be delivered to the custody of the Washington personnel resources board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education personnel board and the state personnel board shall be made available to the Washington personnel resources board. All funds, credits, or other assets held by the higher education personnel board and the state personnel board shall be assigned to the Washington personnel resources board.

Any appropriations made to the higher education personnel board and the state personnel board shall, on the effective date of this section, be transferred and credited to the Washington personnel resources board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 3. All employees of the higher education personnel board and the state personnel board are transferred to the jurisdiction of the Washington personnel resources board. All employees classified under chapter 28B.16 RCW on June 30, 1993, or chapter 41.06 RCW, the state civil service law, are assigned to the Washington personnel resources board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 4. All rules of the higher education personnel board and the state personnel board shall be continued until acted upon by the Washington personnel resources board. All pending business shall be continued until acted upon by the Washington personnel resources board. All existing contracts and obligations shall remain in full force and shall be performed by the Washington personnel resources board.

NEW SECTION. Sec. 5. The transfer of the powers, duties, functions, and personnel of the higher education personnel board and the state personnel board shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 6. If apportionments of budgeted funds are required because of the transfers directed by sections 2 through 5 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 7. Nothing contained in sections 1 through 6 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 41.06 RCW to read as follows:

For purposes of this chapter, "manager" means any employee who:

- (1) Formulates state-wide policy or directs the work of an agency or agency subdivision;
- (2) Is responsible to administer one or more state-wide policies or programs of an agency or agency subdivision;
- (3) Manages, administers, and controls a local branch office of an agency or agency subdivision, including the physical, financial, or personnel resources;
- (4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or
- (5) Functionally is above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

NEW SECTION. Sec. 9. A new section is added to chapter 41.06 RCW to read as follows:

- (1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as

defined in section 8 of this act. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted by the board for other employees, and to the extent that the rules adopted apply only to managers shall take precedence over rules adopted by the board, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system consistent with the policy set forth in RCW 41.06.150(17). The system shall provide flexibility in setting and changing salaries;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

NEW SECTION. Sec. 10. A new section is added to chapter 41.06 RCW to read as follows:

Each institution of higher education and each related board shall designate an officer who shall perform duties as personnel officer. The personnel officer at each institution or related board shall direct, supervise, and manage administrative and technical personnel activities for the classified service at the institution or related board consistent with policies established by the institution or related board and in accordance with the provisions of this chapter and the rules adopted under this chapter. Institutions may undertake jointly with one or more other institutions to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects. The services of the department of personnel may also be used by the institutions or related boards pursuant to RCW 41.06.080.

The state board for community and technical colleges shall have general supervision and control over activities undertaken by the various community colleges pursuant to this section.

NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW to read as follows:

Rules adopted by the board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

(1) Appointment, promotion, and transfer of employees;

(2) Dismissal, suspension, or demotion of an employee;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Probationary periods of six to twelve months and rejection of probationary employees;

(5) Sick leaves and vacations;

(6) Hours of work;

(7) Layoffs when necessary and subsequent reemployment;

(8) Allocation and reallocation of positions within the classification plans;

(9) Training programs; and

(10) Maintenance of personnel records.

NEW SECTION. Sec. 12. A new section is added to chapter 41.06 RCW to read as follows:

(1) The legislature recognizes that:

(a) The labor market and the state government work force are diverse in terms of gender, race, ethnicity, age, and the presence of disabilities.

(b) The state's personnel resource and management practices must be responsive to the diverse nature of its work force composition.

(c) Managers in all agencies play a key role in the implementation of all critical personnel policies.

It is therefore the policy of the state to create an organizational culture in state government that respects and values individual differences and encourages the productive potential of every employee.

(2) To implement this policy, the department shall:

(a) In consultation with agencies, employee organizations, employees, institutions of higher education, and related boards, review civil service rules and related policies to ensure that they support the state's policy of valuing and managing diversity in the workplace;

(b) In consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop model policies, procedures, and technical information to be made available to such entities for the support of workplace diversity programs, including, but not limited to:

(i) Voluntary mentorship programs;

(ii) Alternative testing practices for persons of disability where deemed appropriate;

(iii) Career counseling;

(iv) Training opportunities, including management and employee awareness and skills training, English as a second language, and individual tutoring;

(v) Recruitment strategies;

(vi) Management performance appraisal techniques that focus on valuing and managing diversity in the workplace; and

(vii) Alternative work arrangements;

(c) In consultation with agencies, employee organizations, and employees, institutions of higher education, and related boards, develop training programs for all managers to enhance their ability to implement diversity policies and to provide a thorough grounding in all aspects of the state civil service law and merit system rules, and how the proper implementation and application thereof can facilitate and further the mission of the agency.

(3) The department shall coordinate implementation of this section with the office of financial management and institutions of higher education and related boards to reduce duplication of effort.

NEW SECTION. Sec. 13. A new section is added to chapter 41.06 RCW to read as follows:

Meaningful and effective involvement of employees and their representatives is essential to the efficient and effective delivery of state government services. To accomplish this, agencies shall use joint employee-management committees to collaborate on the desired goals of streamlined organizational structures, continuous improvement in all systems and processes, empowerment of line level employees to solve workplace and system delivery problems, managers functioning as coaches and facilitators, and employee training and development as an investment in the future. If employees are represented by an exclusive bargaining representative, the representative shall select the employee committee members and also be on the committee. In addition, the committees shall be used for improvement of the quality of work life for state employees resulting in more productive and efficient service delivery to the general public and customers of state government. Nothing in this section supplants any collective bargaining process or provision.

Sec. 14. RCW 28B.12.060 and 1987 c 330 s 202 are each amended to read as follows:

The higher education coordinating board shall adopt rules (~~and regulations~~) as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules (~~and regulations~~) shall include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules (~~and regulations~~) shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter (~~28B.16~~) 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the (~~higher education~~) Washington personnel resources board's classification plan and shall receive equal compensation;

- (c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and
- (d) That work study positions shall only be established at entry level positions of the classified service.

Sec. 15. RCW 34.05.030 and 1989 c 175 s 2 are each amended to read as follows:

- (1) This chapter shall not apply to:
 - (a) The state militia, or
 - (b) The board of clemency and pardons, or
 - (c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.
- (2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:
 - (a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;
 - (b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;
 - (c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;
 - (d) To actions of the ~~((state))~~ Washington personnel resources board, ~~((the higher education personnel board,))~~ the director of personnel, or the personnel appeals board; or
 - (e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.
- (3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.
- (4) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 16. RCW 34.12.020 and 1989 c 175 s 33 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Office" means the office of administrative hearings.
- (2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.
- (3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.
- (4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the ~~((state personnel board, the higher education))~~ Washington personnel resources board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

Sec. 17. RCW 41.04.340 and 1991 c 249 s 1 are each amended to read as follows:

- (1) An attendance incentive program is established for all eligible employees. As used in this section the term "eligible employee" means any employee of the state, other than teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.
- (2) In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.
- (3) At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate may elect to receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.
- (4) Pursuant to this subsection, in lieu of cash remuneration the state may, with equivalent funds, provide eligible employees with a benefit plan providing for reimbursement of medical expenses. The committee for deferred compensation shall develop any benefit plan established under this subsection, but may offer and administer the plan only if (a) each eligible employee has the option of whether to receive cash remuneration or to have his or her employer transfer equivalent funds to the plan; and (b) the committee has received an opinion from the United States internal revenue service stating that participating employees, prior to the time of receiving reimbursement for

expenses, will incur no United States income tax liability on the amount of the equivalent funds transferred to the plan.

(5) Remuneration or benefits received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

(6) With the exception of subsection ~~((3))~~ (4) of this section, this section shall be administered, and rules shall be ~~((promulgated))~~ adopted to carry out its purposes, by the ~~((state personnel board and the higher education))~~ Washington personnel resources board for persons subject to chapter ~~((s))~~ 41.06 ~~((and 28B-16))~~ RCW ~~((, respectively, and by their respective personnel authorities for other eligible employees))~~: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

(7) Should the legislature revoke any remuneration or benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

Sec. 18. RCW 41.04.670 and 1990 c 23 s 3 are each amended to read as follows:

The ~~((state personnel board, the higher education))~~ Washington personnel resources board ~~((,))~~ and other personnel authorities shall each adopt rules applicable to employees under their respective jurisdictions: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; (2) providing for equivalent treatment of employees between their respective jurisdictions and allowing transfers of leave in accordance with RCW 41.04.665(5); (3) establishing procedures to ensure that the program does not significantly increase the cost of providing leave; and (4) providing for the administration of the program and providing for maintenance and collection of sufficient information on the program to allow a thorough legislative review.

Sec. 19. RCW 41.06.020 and 1985 c 461 s 1 and 1985 c 365 s 3 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the ~~((state))~~ Washington personnel resources board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(8) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(9) "Training" means activities designed to develop job-related knowledge and skills of employees.

(10) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

(11) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

(12) "Institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(13) "Related boards" means the state board for community and technical colleges; and such other boards, councils, and commissions related to higher education as may be established.

Sec. 20. RCW 41.06.030 and 1961 c 1 s 3 are each amended to read as follows:

A department of personnel, governed by ~~((a state))~~ the Washington personnel resources board and administered by a director of personnel, is hereby established as a separate agency within the state government.

Sec. 21. RCW 41.06.070 and 1990 c 60 s 101 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

- ~~((4))~~ (a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
- ~~((2))~~ (b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
- ~~((3))~~ (c) Officers, academic personnel, and employees of ~~((state institutions of higher education, the state board for community))~~ technical colleges ~~((education, and the higher education personnel board))~~;
- ~~((4))~~ (d) The officers of the Washington state patrol;
- ~~((5))~~ (e) Elective officers of the state;
- ~~((6))~~ (f) The chief executive officer of each agency;
- ~~((7))~~ (g) In the departments of employment security, fisheries, social and health services, the director and ~~((his))~~ the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;
- ~~((8))~~ (h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
 - ~~((a))~~ (i) All members of such boards, commissions, or committees;
 - ~~((b))~~ (ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: ~~((i))~~ The secretary of the board, commission, or committee; ~~((ii))~~ the chief executive officer of the board, commission, or committee; and ~~((iii))~~ the confidential secretary of the chief executive officer of the board, commission, or committee;
 - ~~((c))~~ (iii) If the members of the board, commission, or committee serve on a full-time basis: ~~((i))~~ The chief executive officer or administrative officer as designated by the board, commission, or committee; and ~~((ii))~~ a confidential secretary to the ~~((chairman))~~ chair of the board, commission, or committee;
 - ~~((d))~~ (iv) If all members of the board, commission, or committee serve ex officio: ~~((i))~~ The chief executive officer; and ~~((ii))~~ the confidential secretary of such chief executive officer;
- ~~((9))~~ (i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- ~~((10))~~ (j) Assistant attorneys general;
- ~~((11))~~ (k) Commissioned and enlisted personnel in the military service of the state;
- ~~((12))~~ (l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the ~~((state personnel))~~ board ~~((or the board having jurisdiction))~~;
- ~~((13))~~ (m) The public printer or to any employees of or positions in the state printing plant;
- ~~((14))~~ (n) Officers and employees of the Washington state fruit commission;
- ~~((15))~~ (o) Officers and employees of the Washington state apple advertising commission;
- ~~((16))~~ (p) Officers and employees of the Washington state dairy products commission;
- ~~((17))~~ (q) Officers and employees of the Washington tree fruit research commission;
- ~~((18))~~ (r) Officers and employees of the Washington state beef commission;
- ~~((19))~~ (s) Officers and employees of any commission formed under ~~((the provisions of chapter 191, Laws of 1955, and))~~ chapter 15.66 RCW;
- ~~((20))~~ (t) Officers and employees of the state wheat commission formed under ~~((the provisions of chapter 87, Laws of 1964 ()))~~ chapter 15.63 RCW~~(())~~;
- ~~((21))~~ (u) Officers and employees of agricultural commissions formed under ~~((the provisions of chapter 256, Laws of 1964 ()))~~ chapter 15.65 RCW~~(())~~;
- ~~((22))~~ (v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;
- ~~((23))~~ (w) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules ~~((and regulations))~~ adopted by the ~~((state))~~ Washington personnel resources board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;
- ~~((24))~~ (x) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;
- ~~((25))~~ (y) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;
- ~~((26))~~ (z) All employees of the marine employees' commission;

~~((27))~~ (aa) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

~~((28))~~ (2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington;

(3) In addition to the exemptions specifically provided by this chapter, the ~~((state))~~ Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed ~~((one hundred eighty seven))~~ one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The ~~((state))~~ Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections ~~((24), (25), and (28))~~ (1) (x) and (y) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsection ~~((e-40))~~ (1) (j) through ~~((22))~~ (v) of this section, shall be determined by the ~~((state))~~ Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 22. RCW 41.06.076 and 1980 c 73 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors; one confidential secretary for each of the above-named officers; not to exceed six bureau chiefs; and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the ~~((state))~~ Washington personnel resources board.

Sec. 23. RCW 41.06.079 and 1985 c 178 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of transportation to the secretary, a deputy secretary, an administrative assistant to the secretary, if any,

one assistant secretary for each division designated pursuant to RCW 47.01.081, one confidential secretary for each of the above-named officers, up to six transportation district administrators and one confidential secretary for each district administrator, up to six additional new administrators or confidential secretaries designated by the secretary of the department of transportation and approved by the ((state)) Washington personnel resources board pursuant to the provisions of RCW ((41.06.070(26))) 41.06.070(1)(z), the legislative liaison for the department, the state construction engineer, the state aid engineer, the personnel manager, the state project development engineer, the state maintenance and operations engineer, one confidential secretary for each of the last-named five positions, and a confidential secretary for the public affairs administrator. The individuals appointed under this section shall be exempt from the provisions of the state civil service law, and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for individuals exempt from the operation of the state civil service law.

Sec. 24. RCW 41.06.093 and 1990 c 14 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the Washington state patrol to confidential secretaries of agency bureau chiefs, or their functional equivalent, and a confidential secretary for the chief of staff: PROVIDED, That each confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the ((state)) Washington personnel resources board.

Sec. 25. RCW 41.06.110 and 1984 c 287 s 69 are each amended to read as follows:

(1) There is hereby created a ((state)) Washington personnel resources board composed of three members appointed by the governor, subject to confirmation by the senate. ~~((The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years.))~~ The members of the personnel board serving June 30, 1993, shall be the members of the Washington personnel resources board, and they shall complete their terms as under the personnel board. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a ((chairman)) chair and ((vice chairman)) vice-chair from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director ((of personnel)) shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 26. RCW 41.06.130 and 1982 1st ex.s. c 53 s 3 are each amended to read as follows:

The office of director of personnel is hereby established.

(1) ~~((Within ninety days after December 8, 1960, a director of personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone; or the governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations the merit system director is eligible.~~

~~((2))~~ The director of personnel shall be appointed by the governor ((from a list of three names submitted to him by the board with its recommendations. The names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management are eligible to take such examination)). The governor shall consult with, but shall not be obligated by recommendations of the board. The director's appointment shall be subject to confirmation by the senate.

~~((3))~~ (2) The director of personnel ((is removable for cause by)) shall serve at the pleasure of the governor ((with the approval of a majority of the board or by a majority of the board)).

~~((4))~~ (3) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of this chapter and the rules ((and regulations approved and promulgated thereunder. He)) adopted under it. The director shall prepare for consideration by the board proposed rules ((and regulations)) required by this chapter. ((His)) The director's salary shall be fixed by the ((board)) governor.

~~((5))~~ (4) The director of personnel may delegate to any agency the authority to perform administrative and technical personnel activities if the agency requests such authority and the director of personnel is satisfied that the agency has the personnel management capabilities to effectively perform the delegated activities. The director of personnel shall prescribe standards and guidelines for the performance of delegated activities. If the director of personnel determines that an agency is not performing delegated activities within the prescribed standards and guidelines, the director shall withdraw the authority from the agency to perform such activities.

Sec. 27. RCW 41.06.150 and 1990 c 60 s 103 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to ~~((four))~~ six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections ~~((therein))~~ of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;
- (14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;
- (15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;
- (16) Allocation and reallocation of positions within the classification plan;
- (17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality

in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their ~~((widows))~~ surviving spouses by giving such eligible veterans and their ~~((widows))~~ surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the ~~((widow))~~ surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 28. RCW 41.06.155 and 1983 1st ex.s. c 75 s 6 are each amended to read as follows:

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department ~~((in cooperation with the higher education personnel board))~~. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter shall be fully achieved not later than June 30, 1993.

Sec. 29. RCW 41.06.160 and 1985 c 94 s 2 are each amended to read as follows:

In preparing classification and salary schedules as set forth in RCW 41.06.150 as now or hereafter amended the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. For this purpose the department shall undertake comprehensive salary and fringe benefit surveys ~~((to be planned and conducted on a joint basis with the higher education personnel board))~~, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall plan and conduct ~~((on a joint basis with the higher education personnel board))~~ a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend salary and fringe benefit survey shall be completed and forwarded by September 30 with a recommended state salary schedule to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

In the case of comprehensive salary and fringe benefit surveys, the department shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process

and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with(~~(:~~

~~(a)) those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; (~~and~~~~

~~(b) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;))~~

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. (~~Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.))~~

Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.

Sec. 30. RCW 41.06.163 and 1987 c 185 s 9 are each amended to read as follows:

(1) In the conduct of salary and fringe benefit surveys under RCW 41.06.160 as now or hereafter amended, it is the intention of the legislature that the surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of financial management, employee organizations, and the standing committees for appropriations of the senate and house of representatives six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include but not be limited to the following:

(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in this state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(2) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. (~~The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board established under chapter 28B.16 RCW. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board.))~~

(3) Interim or special surveys conducted under RCW 41.06.160 as now or hereafter amended shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this section.

(4) The term "fringe benefits" as used in this section and in conjunction with salary surveys shall include but not be limited to compensation for:

- (a) Leave time, including vacation, holiday, civil, and personal leave;
- (b) Employer retirement contributions;
- (c) Health and insurance payments, including life, accident, and health insurance, workers' compensation, and sick leave; and
- (d) Stock options, bonuses, and purchase discounts where appropriate.

Sec. 31. RCW 41.06.170 and 1981 c 311 s 19 are each amended to read as follows:

(1) The board or director, in the ~~((promulgation))~~ adoption of rules ~~((and regulations))~~ governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board or director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. ~~((The authority shall file a copy of the notice with the director of personnel.))~~

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules ~~((and regulations))~~ of the board, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW ~~((, as now or hereafter amended))~~, or rules ~~((promulgated pursuant thereto))~~ adopted under it, shall have the right to appeal to the personnel appeals board created by RCW 41.64.010 not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal to the personnel appeals board created by RCW 41.64.010 not later than thirty days after the effective date of such action.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the personnel appeals board created by RCW 41.64.010. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

Sec. 32. RCW 41.06.186 and 1985 c 461 s 5 are each amended to read as follows:

The Washington personnel resources board shall adopt rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

Sec. 33. RCW 41.06.196 and 1985 c 461 s 6 are each amended to read as follows:

The Washington personnel resources board shall adopt rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under RCW 41.06.186 have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

Sec. 34. RCW 41.06.280 and 1987 c 248 s 4 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "department of personnel service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter ~~((, except the institutions of higher learning.))~~ shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period, including the training requirements in sections 9 and 12 of this act.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and deposited by him in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 35. RCW 41.06.340 and 1969 ex.s. c 215 s 13 are each amended to read as follows:

Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to this chapter as it relates to state civil service employees and the ~~((state))~~ Washington personnel resources board, or its designee,

whose final decision shall be appealable to the ((state)) Washington personnel resources board, which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190.

Sec. 36. RCW 41.06.350 and 1969 ex.s. c 152 s 1 are each amended to read as follows:

The ((state)) Washington personnel resources board is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280.

Sec. 37. RCW 41.06.450 and 1982 c 208 s 10 are each amended to read as follows:

(1) By January 1, 1983, the Washington personnel resources board shall adopt rules applicable to each agency to ensure that information relating to employee misconduct or alleged misconduct is destroyed or maintained as follows:

(a) All such information determined to be false and all such information in situations where the employee has been fully exonerated of wrongdoing, shall be promptly destroyed;

(b) All such information having no reasonable bearing on the employee's job performance or on the efficient and effective management of the agency, shall be promptly destroyed;

(c) All other information shall be retained only so long as it has a reasonable bearing on the employee's job performance or on the efficient and effective management of the agency.

(2) Notwithstanding subsection (1) of this section, an agency may retain information relating to employee misconduct or alleged misconduct if:

(a) The employee requests that the information be retained; or

(b) The information is related to pending legal action or legal action may be reasonably expected to result.

(3) In adopting rules under this section, the Washington personnel resources board shall consult with the public disclosure commission to ensure that the public policy of the state, as expressed in chapter 42.17 RCW, is adequately protected.

Sec. 38. RCW 41.06.475 and 1986 c 269 s 2 are each amended to read as follows:

The ((state)) Washington personnel resources board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 39. RCW 41.48.140 and 1979 c 152 s 3 are each amended to read as follows:

Nothing in RCW 41.48.120 or 41.48.130 shall affect the power of the ((state)) Washington personnel resources board(~~(, the higher education personnel board,)~~) or any other state personnel authority to establish sick leave ((regulations)) rules except as may be required under RCW 41.48.120 or 41.48.130: PROVIDED, That each personnel board and personnel authority shall establish the maximum number of working days an employee under its jurisdiction may be absent on account of sickness or accident disability without a medical certificate.

"Personnel authority" as used in this section, means a state agency, board, committee, or similar body having general authority to establish personnel ((regulations)) rules.

Sec. 40. RCW 41.50.804 and 1975-'76 2nd ex.s. c 105 s 17 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 41. RCW 41.64.090 and 1981 c 311 s 10 are each amended to read as follows:

(1) The board shall have jurisdiction to decide appeals filed on or after July 1, 1981, of employees under the jurisdiction of the ((state)) Washington personnel resources board pursuant to RCW 41.06.170, as now or hereafter amended.

(2) The board shall have jurisdiction to decide appeals filed on or after July 1, 1993, of employees of institutions of higher education and related boards under the jurisdiction of the Washington personnel resources board pursuant to RCW 41.06.170. An appeal under this subsection by an employee of an institution of higher education or a related board shall be held in the county in which the institution is located or the county in which the person was employed when the appeal was filed.

Sec. 42. RCW 42.16.010 and 1983 1st ex.s. c 28 s 1 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, all state officers and employees shall be paid for services rendered from the first day of the month through the fifteenth day of the month and for services rendered from the sixteenth day of the month through the last calendar day of the month. Paydates for these two pay periods shall be established by the director of financial management through the administrative hearing process and the official paydates shall be established six months prior to the beginning of each subsequent calendar year. Under

no circumstance shall the payday be established more than ten days after the pay period in which the wages are earned except when the designated payday falls on Sunday, in which case the payday shall not be later than the following Monday. Payment shall be deemed to have been made by the established paydates if: (a) The salary warrant is available at the geographic work location at which the warrant is normally available to the employee; or (b) the salary has been electronically transferred into the employee's account at the employee's designated financial institution; or (c) the salary warrants are mailed at least two days before the established payday for those employees engaged in work in remote or varying locations from the geographic location at which the payroll is prepared, provided that the employee has requested payment by mail.

The office of financial management shall develop the necessary policies and operating procedures to assure that all remuneration for services rendered including basic salary, shift differential, standby pay, overtime, penalty pay, salary due based on contractual agreements, and special pay provisions, as provided for by law, Washington personnel resources board rules, agency policy or rule, or contract, shall be available to the employee on the designated payday. Overtime, penalty pay, and special pay provisions may be paid by the next following payday if the postponement of payment is attributable to: The employee's not making a timely or accurate report of the facts which are the basis for the payment, or the employer's lack of reasonable opportunity to verify the claim.

Compensable benefits payable because of separation from state service shall be paid with the earnings for the final period worked unless the employee separating has not provided the agency with the proper notification of intent to terminate.

One-half of the employee's basic monthly salary shall be paid in each pay period. Employees paid on an hourly basis or employees who work less than a full pay period shall be paid for actual salary earned.

(2) Subsection (1) of this section shall not apply in instances where it would conflict with contractual rights or, with the approval of the office of financial management, to short-term, intermittent, noncareer state employees, to student employees of institutions of higher education, and to liquor control agency managers who are paid a percentage of monthly liquor sales.

Sec. 43. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, (~~the director of the higher education personnel board,~~) the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges (~~(education)~~), state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, (~~higher education personnel board,~~) horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, (~~personnel board,~~) board of pilotage (~~(commissioners)~~) commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of

regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

Sec. 44. RCW 43.01.170 and 1992 c 234 s 11 are each amended to read as follows:

In order to ensure that the state derives the expected benefits from the early retirement provisions of chapter 234, Laws of 1992, no state agency may hire persons who retire from state service under the provisions of chapter 234, Laws of 1992 as temporary or project employees, as defined by the ((state)) Washington personnel resources board for employees covered under chapter 41.06 RCW ((and by the higher education personnel board for employees covered under chapter 28B.16 RCW)). Exceptions to this section may be granted by written approval from the director of the office of financial management if the director finds that the temporary or project employment of a retiree is necessary to protect the public safety, protect against the loss of federal certification or loss of critical federal funds, or carry out functions so essential to the agency that even temporary suspension or delay of services would have a significant negative impact on the public. At the end of each three-month period in which exceptions are approved, the director shall forward a copy of any approvals, together with justification for the exceptions, to the fiscal committees of the legislature. Each forwarded approval shall include the name of the temporary or project employee, the agency and division or department requesting the employment, duration and cost of the proposed employment, and specific functions and duties to be carried out during the employment. This section shall expire June 30, 1995.

Sec. 45. RCW 43.03.028 and 1991 c 3 s 294 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the ((State)) Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian-American affairs; the state board for volunteer fire fighters; the transportation improvement board; the public ((employees)) employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 46. RCW 43.03.305 and 1986 c 155 s 2 are each amended to read as follows:

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of fifteen members appointed by the governor as provided in this section.

(1) Eight of the fifteen commission members shall be selected by lot by the secretary of state from among those registered voters eligible to vote at the general election held in November, 1986, and thereafter from among those registered voters eligible to vote at the time of the selection. One member shall be selected from each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission.

(2) The remaining seven of the fifteen commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business;

professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the ~~((chairperson))~~ chair of the ~~((state))~~ Washington personnel resources board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except as provided in subsection (6) of this section, the names of persons selected for appointment to the commission shall be forwarded to the governor not later than February 15, 1987, and not later than the fifteenth day of February every four years thereafter.

(4) Members shall hold office for terms of four years, and no person may be appointed to more than two such terms. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter 42.17 RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

(6) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

Sec. 47. RCW 43.06.410 and 1985 c 442 s 1 are each amended to read as follows:

There is established within the office of the governor the Washington state internship program to assist students and state employees in gaining valuable experience and knowledge in various areas of state government. In administering the program, the governor shall:

(1) Consult with the secretary of state, the director of personnel, ~~((the director of the higher education personnel board;))~~ the commissioner of the employment security department, and representatives of labor;

(2) Encourage and assist agencies in developing intern positions;

(3) Develop and coordinate a selection process for placing individuals in intern positions. This selection process shall give due regard to the responsibilities of the state to provide equal employment opportunities;

(4) Develop and coordinate a training component of the internship program which balances the need for training and exposure to new ideas with the intern's and agency's need for on-the-job work experience;

(5) Work with institutions of higher education in developing the program, soliciting qualified applicants, and selecting participants; and

(6) Develop guidelines for compensation of the participants.

Sec. 48. RCW 43.06.425 and 1985 c 442 s 4 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board ~~((and the higher education personnel board))~~ shall ~~((each))~~ adopt rules to provide that:

(1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

Sec. 49. RCW 43.06.430 and 1985 c 442 s 5 are each amended to read as follows:

The ~~((state))~~ Washington personnel resources board shall adopt rules to provide that persons successfully completing an internship under the executive fellows program created under RCW 43.06.420 are eligible for positions in the career executive program under RCW 41.06.430.

Sec. 50. RCW 43.33A.100 and 1981 c 219 s 3 are each amended to read as follows:

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under

chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the investment officers employed by the investment board shall be established by the ((state)) Washington personnel resources board.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in this 1980 act shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by this 1980 act shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

Sec. 51. RCW 43.43.832 and 1990 c 3 s 1102 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in RCW 43.43.830, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to license or regulate a facility which handles vulnerable adults, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The ((state)) Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

Sec. 52. RCW 43.60A.906 and 1975-'76 2nd ex.s. c 115 s 16 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 53. RCW 43.105.052 and 1992 c 20 s 10 are each amended to read as follows:

The department shall:

- (1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:
 - (a) The review of agency acquisition plans and requests; and
 - (b) Implementation of state-wide and interagency policies, standards, and guidelines;
- (2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:
 - (a) Telecommunications services for voice, data, and video;
 - (b) Mainframe computing services;
 - (c) Support for departmental and microcomputer evaluation, installation, and use;
 - (d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;
 - (e) Facilities management services for information technology equipment, equipment repair, and maintenance service;
 - (f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;
 - (g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department's achievement of state-wide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, ~~((the higher education personnel board,))~~ and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 54. RCW 43.131.090 and 1983 1st ex.s. c 27 s 4 are each amended to read as follows:

Unless the legislature specifies a shorter period of time, a terminated state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the Washington personnel resources board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

Sec. 55. RCW 48.03.060 and 1981 c 339 s 2 are each amended to read as follows:

(1) Examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or ~~((his))~~ the commissioner's examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by him and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) The person examined and liable therefor shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem salary and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the National Association of Insurance Commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the ~~((state))~~ Washington personnel resources board and the expense schedule established by the office of financial management, whichever is higher. Domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by ~~((him))~~ the commissioner.

The commissioner or ~~((his))~~ the commissioner's examiners shall not receive or accept any additional emolument on account of any examination.

Sec. 56. RCW 49.46.010 and 1989 c 1 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by ~~((regulations))~~ rules of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by ~~((regulations))~~ rules of the director. However, those terms shall be defined and delimited by the ~~((state))~~ Washington personnel resources board pursuant to chapter 41.06 RCW ~~((and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions));~~

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

- (h) Any individual engaged in forest protection and fire prevention activities;
 - (i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;
 - (j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;
 - (k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;
 - (l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;
 - (m) All vessel operating crews of the Washington state ferries operated by the department of transportation;
 - (n) Any individual employed as a seaman on a vessel other than an American vessel.
- (6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 57. RCW 49.74.020 and 1985 c 365 s 9 are each amended to read as follows:

If the commission reasonably believes that a state agency, an institution of higher education, or the state patrol has failed to comply with an affirmative action rule adopted under RCW (~~(28B-16-100,)~~) 41.06.150(~~(7)~~) or 43.43.340, the commission shall notify the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol of the noncompliance, as well as the director of personnel (~~(or the director of the higher education personnel board, whichever is appropriate)~~). The commission shall give the director of the state agency, president of the institution of higher education, or chief of the Washington state patrol an opportunity to be heard on the failure to comply.

Sec. 58. RCW 49.74.030 and 1985 c 365 s 10 are each amended to read as follows:

The commission in conjunction with the department of personnel(~~(, the higher education personnel board,)~~) or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW (~~(28B-16-100(20,))~~) 41.06.150(21)(~~(7)~~) and 43.43.340(5), whichever is appropriate.

Sec. 59. RCW 50.13.060 and 1981 c 177 s 1 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (7) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by

subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) must be satisfied.

(6) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(7) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

(8) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel (~~and the higher education personnel board~~) shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

Sec. 60. RCW 70.24.300 and 1988 c 206 s 607 are each amended to read as follows:

The (~~(state)~~) Washington personnel resources board (~~(, the higher education personnel board,)~~) and each unit of local government shall determine whether any employees under their jurisdiction have a substantial likelihood of exposure in the course of their employment to the human immunodeficiency virus. If so, the agency or unit of government shall adopt rules requiring appropriate training and education for the employees on the prevention, transmission, and treatment of AIDS. The rules shall specifically provide for such training and education for law enforcement, correctional, and health care workers. The (~~(state)~~) Washington personnel resources board (~~(, the higher education personnel board,)~~) and each unit of local government shall work with the office on AIDS under RCW 70.24.250 to develop the educational and training material necessary for employees.

Sec. 61. RCW 70.87.120 and 1983 c 123 s 13 are each amended to read as follows:

(1) The department shall appoint and employ inspectors, as may be necessary to carry out the provisions of this chapter, under the provisions of the rules adopted by the (~~(state)~~) Washington personnel resources board in accordance with chapter 41.06 RCW.

(2) The department shall cause all conveyances to be inspected and tested at least once each year. Inspectors have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules adopted by the department. The department shall inspect all installations before it issues any initial permit for operation. Permits shall not be issued until the fees required by this chapter have been paid.

(3) If inspection shows a conveyance to be in an unsafe condition, the department shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance that are necessary to render it safe and may also suspend or revoke a permit pursuant to RCW 70.87.125 or order the operation of a conveyance discontinued pursuant to RCW 70.87.145.

(4) The department may investigate accidents and alleged or apparent violations of this chapter.

Sec. 62. RCW 72.01.210 and 1981 c 136 s 69 are each amended to read as follows:

The secretary of corrections shall appoint chaplains for the state correctional institutions for convicted felons; and the secretary of social and health services shall appoint chaplains for the correctional institutions for juveniles found delinquent by the juvenile courts; and the secretary of corrections and the secretary of social and health services shall appoint one or more chaplains for other custodial, correctional and mental institutions under their control. The chaplains so appointed shall have the qualifications and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the (~~(state)~~) Washington personnel resources board.

Sec. 63. RCW 72.02.045 and 1988 c 143 s 2 are each amended to read as follows:

The superintendent of each institution has the powers, duties, and responsibilities specified in this section.

(1) Subject to the rules of the department, the superintendent is responsible for the supervision and management of the institution, the grounds and buildings, the subordinate officers and employees, and the prisoners committed, admitted, or transferred to the institution.

(2) Subject to the rules of the department and the director of the division of prisons or his or her designee and the ((state)) Washington personnel resources board, the superintendent shall appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of all funds and valuable personal property of convicted persons as may be in their possession upon admission to the institution, or which may be sent or brought in to such persons, or earned by them while in custody, or which shall be forwarded to the superintendent on behalf of convicted persons. All such funds shall be deposited in the personal account of the convicted person and the superintendent shall have authority to disburse moneys from such person's personal account for the personal and incidental needs of the convicted person as may be deemed reasonably necessary. When convicted persons are released from the confines of the institution either on parole, transfer, or discharge, all funds and valuable personal property in the possession of the superintendent belonging to such convicted persons shall be delivered to them. In no case shall the state of Washington, or any state officer, including state elected officials, employees, or volunteers, be liable for the loss of such personal property, except upon a showing that the loss was occasioned by the intentional act, gross negligence, or negligence of the officer, official, employee, or volunteer, and that the actions or omissions occurred while the person was performing, or in good faith purporting to perform, his or her official duties. Recovery of damages for loss of personal property while in the custody of the superintendent under this subsection shall be limited to the lesser of the market value of the item lost at the time of the loss, or the original purchase price of the item or, in the case of hand-made goods, the materials used in fabricating the item.

(4) The superintendent, subject to the approval of the director of the division of prisons and the secretary, shall make, amend, and repeal rules for the administration, supervision, discipline, and security of the institution.

(5) When in the superintendent's opinion an emergency exists, the superintendent may promulgate temporary rules for the governance of the institution, which shall remain in effect until terminated by the director of the division of prisons or the secretary.

(6) The superintendent shall perform such other duties as may be prescribed.

Sec. 64. RCW 72.09.220 and 1981 c 136 s 33 are each amended to read as follows:

Nothing contained in sections 1 through 13 and 16 through 23 of this act may be construed to downgrade any rights of any employee under any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

Sec. 65. RCW 72.19.050 and 1979 c 141 s 226 are each amended to read as follows:

The superintendent shall have the following powers, duties and responsibilities:

(1) Subject to the rules ((~~and regulations~~)) of the department, the superintendent shall have the supervision and management of the institution, of the grounds and buildings, the subordinate officers and employees, and of the juveniles received at such institution and the custody of such persons until released or transferred as provided by law.

(2) Subject to the rules ((~~and regulations~~)) of the department and the ((state)) Washington personnel resources board, appoint all subordinate officers and employees.

(3) The superintendent shall be the custodian of the personal property of all juveniles in the institution and shall make rules ((~~and regulations~~)) governing the accounting and disposition of all moneys received by such juveniles, not inconsistent with the law, and subject to the approval of the secretary.

Sec. 66. RCW 74.09.150 and 1959 c 26 s 74.09.150 are each amended to read as follows:

All personnel employed in the administration of the medical care program shall be covered by the existing merit system under the ((state)) Washington personnel resources board ((~~or its successor~~)).

Sec. 67. RCW 88.46.927 and 1991 c 200 s 436 are each amended to read as follows:

Nothing contained in RCW 88.46.921 through 88.46.926 may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

NEW SECTION. Sec. 68. The following acts or parts of acts are each repealed:

(1) RCW 28B.16.010 and 1969 ex.s. c 36 s 1;

(2) RCW 28B.16.020 and 1985 c 461 s 8, 1985 c 365 s 2, 1983 1st ex.s. c 75 s 1, 1982 1st ex.s. c 53 s 14, 1977 ex.s. c 169 s 41, & 1969 ex.s. c 36 s 2;

(3) RCW 28B.16.030 and 1969 ex.s. c 36 s 3;

- 4;
- (4) RCW 28B.16.040 and 1990 c 60 s 201, 1982 1st ex.s. c 53 s 15, 1977 ex.s. c 94 s 1, & 1969 ex.s. c 36 s 6;
- (5) RCW 28B.16.041 and 1985 c 442 s 9;
- (6) RCW 28B.16.042 and 1985 c 266 s 1;
- (7) RCW 28B.16.043 and 1991 c 238 s 107;
- (8) RCW 28B.16.060 and 1984 c 287 s 63, 1981 c 338 s 19, 1975-'76 2nd ex.s. c 34 s 73, & 1969 ex.s. c 36 s 6;
- (9) RCW 28B.16.070 and 1983 c 23 s 1 & 1969 ex.s. c 36 s 7;
- (10) RCW 28B.16.080 and 1969 ex.s. c 36 s 8;
- (11) RCW 28B.16.090 and 1969 ex.s. c 36 s 9;
- (12) RCW 28B.16.100 and 1990 c 60 s 202;
- (13) RCW 28B.16.101 and 1982 1st ex.s. c 53 s 19 & 1977 ex.s. c 152 s 9;
- (14) RCW 28B.16.105 and 1985 c 461 s 10, 1982 1st ex.s. c 53 s 17, & 1977 ex.s. c 152 s 13;
- (15) RCW 28B.16.110 and 1985 c 94 s 1, 1980 c 11 s 3, 1979 c 151 s 16, 1977 ex.s. c 152 s 10, 1975 1st ex.s. c 122 s 2, & 1969 ex.s. c 36 s 11;
- (16) RCW 28B.16.112 and 1987 c 185 s 3, 1986 c 158 s 4, 1979 c 151 s 17, & 1977 ex.s. c 152 s 11;
- (17) RCW 28B.16.113 and 1977 ex.s. c 152 s 12;
- (18) RCW 28B.16.116 and 1983 1st ex.s. c 75 s 3;
- (19) RCW 28B.16.120 and 1969 ex.s. c 36 s 12;
- (20) RCW 28B.16.130 and 1969 ex.s. c 36 s 13;
- (21) RCW 28B.16.140 and 1969 ex.s. c 36 s 14;
- (22) RCW 28B.16.150 and 1969 ex.s. c 36 s 15;
- (23) RCW 28B.16.160 and 1988 c 202 s 27, 1971 c 81 s 72, & 1969 ex.s. c 36 s 16;
- (24) RCW 28B.16.170 and 1969 ex.s. c 36 s 26;
- (25) RCW 28B.16.180 and 1973 1st ex.s. c 46 s 3 & 1969 ex.s. c 36 s 17;
- (26) RCW 28B.16.190 and 1969 ex.s. c 36 s 19;
- (27) RCW 28B.16.200 and 1979 c 151 s 18 and 1969 ex.s. c 36 s 20;
- (28) RCW 28B.16.210 and 1969 ex.s. c 36 s 29;
- (29) RCW 28B.16.220 and 1969 ex.s. c 36 s 31;
- (30) RCW 28B.16.230 and 1973 c 62 s 6 & 1969 ex.s. c 215 s 14;
- (31) RCW 28B.16.255 and 1985 c 461 s 11;
- (32) RCW 28B.16.265 and 1985 c 461 s 12;
- (33) RCW 28B.16.275 and 1985 c 461 s 13;
- (34) RCW 28B.16.300 and 1990 c 204 s 4;
- (35) RCW 28B.16.900 and 1969 ex.s. c 36 s 18;
- (36) RCW 28B.16.910 and 1969 ex.s. c 36 s 27;
- (37) RCW 28B.16.920 and 1969 ex.s. c 36 s 30; and
- (38) RCW 28B.16.930 and 1969 ex.s. c 36 s 28.

NEW SECTION. Sec. 69. RCW 41.06.430 and 1990 c 60 s 102 and 1980 c 118 s 7 are each repealed.

NEW SECTION. Sec. 70. RCW 28B.16.240 is recodified as a new section in chapter 41.06 RCW.

NEW SECTION. Sec. 71. RCW 41.06.230, 41.06.240, 41.06.310, and 41.64.900 are each decodified.

NEW SECTION. Sec. 72. (1) The legislature recognizes that the most vital asset of state government is the people who design, manage, and implement its programs and deliver its services. The quality and effectiveness of state service depends on many factors, including adequate resources, personal dedication, proper training, skilled and sensitive management, and the removal of artificial barriers to personal and organizational success.

(2) The legislature further recognizes that due to increasing demands on state government requiring new levels of efficiency and effectiveness in service delivery, and the impact of the total system of laws and rules governing recruitment, development, and management of personnel resources in state government, it is imperative to immediately and comprehensively examine all aspects of that system, and make whatever changes are indicated forthwith.

(3) To that end, there is hereby created a study task force composed of the following members: Three members of the house of representatives appointed by the speaker of the house of representatives, three members of the senate appointed by the president of the senate, five members appointed by the governor, and one representative from each employee organization that has at least five hundred dues-paying members employed by the state of Washington. The charge of the task force is to make a comprehensive recommendation to the legislature no later than December 1, 1993, in the form of proposed legislation, regarding the provision of personnel resources in state government. The task force shall address at least the following issues:

- (a) Overall organization of the personnel resources apparatus in state government:
 - (i) Consolidation or decentralization of all personnel services; and
 - (ii) The appropriate role and degree of control of the governor, the Washington personnel resources board, agency directors, and other elected officials;
 - (b) Efficiency in management and service delivery:
 - (i) Identify the principal barriers to, and successes in, effective recruitment, retention, development, and assignment of a quality work force in state service;
 - (ii) Analyze the extent to which improvement in these areas is best achieved by changes in civil service reform, or from management and organizational initiatives of the governor, agency directors, employee organizations, employees, and other elected officials; and
 - (iii) Develop principles regarding the purchase of services by state government;
 - (c) Employee rights and participation:
 - (i) Identify areas and issues that are appropriately decided cooperatively between classified employees and management through collective bargaining or otherwise, and those areas that are inherently management prerogatives and responsibilities;
 - (ii) Analyze the full range of collective bargaining or other collaborative process issues, and identify those features that are the most effective and equitable, including grievance procedures, bargaining units, representation, union security, negotiations, and unfair labor practices;
 - (iii) Analyze the duty of the state to provide job stability and termination rights such as notice for exempt employees and develop a policy of equitable protection for exempt employees; and
 - (d) Any other related issue that comes to light during the course of the study may properly be examined.
- This list of issues is in no way intended to limit the inquiry and exploration of the task force in its pursuit of its principal charge.
- (4) In developing its recommendation the task force shall draw upon the following resources:
 - (a) Full and frequent consultation with particular interest groups, including state employees and their organizations, managers, and directors at all levels of state service, elected officials, and academic and private sector personnel resource specialists;
 - (b) The experience of other states, particularly those who have recently made significant changes in this area; and
 - (c) The experience of private sector organizations that are recognized for innovative and effective accomplishment in this field.
 - (5) The task force shall meet at least monthly, and shall hold meetings in different regions of the state. Staff services shall be provided by legislative and governor's office staff.
 - (6) This section shall expire December 31, 1993.

NEW SECTION. Sec. 73. Section 67 of this act shall take effect July 1, 1997.

NEW SECTION. Sec. 74. Sections 1 through 66 and 68 through 71 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 28B.12.060, 34.05.030, 34.12.020, 41.04.340, 41.04.670, 41.06.030, 41.06.070, 41.06.076, 41.06.079, 41.06.093, 41.06.110, 41.06.130, 41.06.150, 41.06.155, 41.06.160, 41.06.163, 41.06.170, 41.06.186, 41.06.196, 41.06.280, 41.06.340, 41.06.350, 41.06.450, 41.06.475, 41.48.140, 41.50.804, 41.64.090, 42.16.010, 42.17.2401, 43.01.170, 43.03.028, 43.03.305, 43.06.410, 43.06.425, 43.06.430, 43.33A.100, 43.43.832, 43.60A.906, 43.105.052, 43.131.090, 48.03.060, 49.46.010, 49.74.020, 49.74.030, 50.13.060, 70.24.300, 70.87.120, 72.01.210, 72.02.045, 72.09.220, 72.19.050, 74.09.150, and 88.46.927; reenacting and amending RCW 41.06.020; adding new sections to chapter 41.06 RCW; creating new sections; recodifying RCW 28B.16.240; decodifying RCW 41.06.230, 41.06.240, 41.06.310, and 41.64.900; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.043, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.300, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, and 41.06.430; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sommers moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2054 and pass the bill as amended by the Senate.

Representatives Sommers and Silver spoke in favor of the motion and Representative Wineberry spoke against it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2054 as amended by the Senate.

Representatives Sommers, Appelwick, Campbell, J. Kohl, Dunshee, Conway, Wolfe and Locke spoke in favor of passage of the bill and Representative Wineberry spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2054, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlín, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representatives Schoesler, Sheahan and Wineberry - 3.

Excused: Representative Anderson - 1.

Engrossed Substitute House Bill No. 2054, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1260 and insists on its position regarding the Senate amendments and once again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Secretary

MOTION

Representative Rust moved that the House do concur in the Senate amendments to Substitute House Bill No. 1260 and pass the bill as amended by the Senate.

Representatives Rust and Horn spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1260 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1260, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer,

Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

Substitute House Bill No. 1260, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1275 and once again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Secretary

MOTION

Representative Rust moved that the House insist on its position and again ask the Senate to recede therefrom. The motion was carried.

With the consent of the House, the House resumed to consideration of Substitute House Bill No. 1021.

SPEAKER'S RULING

We last considered the measure on April 21, 1993 when Representative Rust raised a point of order to the scope and object of the Senate amendment.

The House previously considered the Senate amendment on April 19, 1993 at which time the House debated and approved a motion to not concur in the Senate amendment.

Reed's Rule 112 specifies that a point of order must be raised before debate ensues on the question or the point of order is deemed waived.

The Speaker finds that debate on the Senate amendment had ensued before Representative Rust raised the point of order and therefore, that the point of order was not timely.

Representative H. Myers moved that the House insist on its position and again ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Bray, Springer and Edmondson as conferees on Substitute House Bill No. 1021.

SPEAKER'S PRIVILEGE

The Speaker introduced the visitors from Spain. They briefly addressed the House of Representatives.

Representatives Leonard and Brough briefly addressed the visitors.

MESSAGE FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5972 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Vognild, Nelson and Loveland, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

Representative R. Fisher moved that the House grant the Senate request for a conference on Engrossed Substitute Senate Bill No. 5972. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives R. Fisher, Zellinsky and Schmidt as conferees to Engrossed Substitute Senate Bill No. 5972.

The Speaker declared the House to be at ease.

The Speaker (Representative Wang presiding) called the House to order.

MESSAGES FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1855. The President has appointed the following members as Conferees Senators: Moore, Newhouse and Fraser, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541. The President has appointed the following members as Conferees Senators: Talmadge, Erwin and Wojahn, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067. The President has appointed the following members as Conferees Senators: Prentice, Prince and Sheldon, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on SENATE BILL NO. 5375. The President has appointed the following members as Conferees: Senators Haugen, L. Smith and Bauer, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236. The President has appointed the following members as Conferees: Senators Fraser, Barr and Sutherland, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 1862. The President has appointed the following members as Conferees: Senators Loveland, Deccio and Jesernig, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1069. The President has appointed the following members as Conferees Senators: A. Smith, Nelson and Quigley, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5157 and passed the bill as amended by the House, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5736 and passed the bill as amended by the House, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5702,

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1379, and passed the bill without said amendments, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505 and passed the bill without the Senate amendments, and the same is herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529. The President has appointed the following members as Conferees Senators: Spanel, Amondson and Hargrove, and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5352,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5736,

and the same are herewith transmitted.

Marty Brown, Secretary

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

MOTION

On motion of Representative Patterson, the House adjourned until 9:00 a. m., Friday April 23, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

ONE HUNDRED-SECOND DAY, APRIL 22, 1993

JOURNAL OF THE HOUSE

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

ONE HUNDRED-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 23, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative King presiding). The Clerk called the roll and a quorum was present.

Representative Ogden assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Cull and Emery Young. Prayer was offered by Reverend Nell Carlson, Minister of the Disciples of Christ Church.

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

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1374. The President has appointed the following members as Conferees: Senators: Pelz, Hochstatter and McAuliffe and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a conference on SENATE BILL NO. 5675. The President has appointed the following members as Conferees: Senators: Haugen, Winsley and Loveland and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5405. The President has appointed the following members as Conferees: Senators: Pelz, Bluechel and McAuliffe and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026. The President has appointed the following members as Conferees: Senators: Wojahn, Erwin and Pelz and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5868 and passed the bill as amended by the House. and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5828,
ENGROSSED SENATE BILL NO. 5879,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,

and the same is herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1025,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1067,
HOUSE BILL NO. 1068,
ENGROSSED HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1082,
ENGROSSED HOUSE BILL NO. 1110,
ENGROSSED HOUSE BILL NO. 1115,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157,
HOUSE BILL NO. 1165,
SUBSTITUTE HOUSE BILL NO. 1219,
ENGROSSED HOUSE BILL NO. 1271,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
SUBSTITUTE HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1504,
HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HJM 4023 by Representatives Jacobsen, R. Fisher, Ogden, Brown, Jones, Pruitt, Anderson and J. Kohl

Petitioning Congress to place Tibetan human rights conditions on China's most favored nation trade status.

Referred to Committee on State Government.

SB 5977 by Senator Rinehart; by request of Office of Financial Management

Verifying initiative and referendum petitions.

Heldover from first reading on April 22, 1993.

On motion of Representative Sheldon, House Joint Memorial No. 4023 on today's introduction sheet under the fourth order of business was referred to the committee so designated.

The Speaker (Representative Ogden presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

RESOLUTION

HOUSE RESOLUTION NO. 93-4647, by Representatives Schmidt, R. Fisher, Wood, Zellinsky, Brumsickle, Roland, Foreman, Heavey, Brough, Karahalios, Padden, Hansen, Chandler, J. Kohl, Casada, Orr, Talcott, G. Fisher, Reams, Appelwick, Sheahan, Rayburn, Horn, H. Myers, Thomas, Pruitt, Forner, Scott, Silver, Grant, Morton, Jones, Fuhrman, Romero, Edmondson, Vance, Miller, Cothorn, Ballard, Tate, Ballasiotes, Sehlin, Lisk, Van Luven, R. Meyers, Kremen and Cooke

WHEREAS, Duane Berentson has proudly, effectively, competently, and faithfully served the people of the state of Washington for the past thirty years; and

WHEREAS, Duane Berentson proved his dedication and competence in various capacities as a businessman and public servant; and

WHEREAS, Duane Berentson has served as secretary of transportation for the state of Washington for the past 12 years, from 1981 to 1993; and

WHEREAS, Duane Berentson has successfully led the Department of Transportation which is responsible for the state's 7,000 miles of highway, the nation's largest ferry system, and the state's Aeronautics Division; and

WHEREAS, Duane Berentson served 18 years as a member of the House of Representatives from the 40th Legislative District from 1963 to 1980; and

WHEREAS, Duane Berentson successfully operated as broker/dealer of securities as the principal of Duane Berentson Investments; and

WHEREAS, Duane Berentson served as a dedicated and committed teacher and an athletic coach in the Burlington/Edison and Mt. Baker school districts for seven years; and

WHEREAS, Duane Berentson served on the regional board of the National Board of the National Association of Securities Dealers; and

WHEREAS, Duane Berentson served as past president of the Burlington Chamber of Commerce; and

WHEREAS, Duane Berentson served as former trustee of Luther Child Care; and

WHEREAS, Duane Berentson served as a past member of the Pacific Lutheran University Alumni Board;

and

WHEREAS, Duane Berentson served on the University of Washington Visiting Committee; and

WHEREAS, Duane Berentson served as chairman of the Standing Committee on Public Transportation of the American Association of State Highway and Transportation Officials; and

WHEREAS, Duane Berentson served as past chairman of the Standing Committee on Administration of the American Association of State Highways and Transportation Officials; and

WHEREAS, Duane Berentson is a member of the American Association of State Highway and Transportation Officials Executive Committee and 2020 Task Force; and

WHEREAS, Duane Berentson served as a past member of the Transportation Research Board Executive Committee and the Strategic Transportation Research Study Steering Committee; and

WHEREAS, Duane Berentson served as chairman of the Washington State Transportation Research Center Advisory Board; and

WHEREAS, Duane Berentson served as president of the Western Association of State Highway and Transportation Officials from 1984 to 1985; and

WHEREAS, Duane Berentson served as chairman of the standing committee on Administration of the Western Association of State Highway and Transportation Officials from 1982 to 1983; and

WHEREAS, Duane Berentson served on the Management Institute Selection Task Force; and

WHEREAS, Duane Berentson served on the original Strategic Highway Research Program Task Force; and

WHEREAS, Duane Berentson, with an extensive business and political background, was the first nonengineer to head the Department of Transportation; and

WHEREAS, As Secretary of Transportation he has managed a \$2.5 billion, two-year budget and has created a supportive work atmosphere for the department's 6,000 employees; and

WHEREAS, He provided the needed leadership and vision to revive and complete the I-90 project, in spite of 20 years of community discontent and environmental litigation; and

WHEREAS, He has helped lead the fight against traffic congestion in our urban areas by developing programs to get people out of their single-occupant vehicles and into buses, vanpools, or ride-sharing programs; and

WHEREAS, As a member of the House of Representatives he served as cospeaker, minority leader, Transportation Committee chairman, Legislative Transportation Committee secretary, Rules Committee chairman, and Washington state representative to the Western Conference of State Governments; and

WHEREAS, Through his leadership, the Department of Transportation is well positioned to meet the challenges of the 21st Century; and

WHEREAS, Duane Berentson will retire upon the conclusion of the 1993 legislative session;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and express its appreciation to Duane Berentson for his honorable service to the people of the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington recognize, praise, and honor Duane Berentson, Secretary of Transportation, for his far reaching contributions in helping to meet the present transportation challenges of the state of Washington; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this resolution to Duane Berentson.

Representative Schmidt moved adoption of the resolution.

Representatives Schmidt, Reams, Sommers, Wood, King, Ballard and Valle spoke in favor of the resolution.

House Resolution No. 4647 was adopted.

Duane Berentson briefly addressed the House of Representatives.

HOUSE RESOLUTION NO. 93-4661, by Representatives Veloria, Leonard, Conway, Rust, R. Meyers and Patterson

WHEREAS, The Washington State Legislature honors citizens whose acts of generosity and general kindness toward others is truly self-sacrificing, and further whose largess touches not just a few, but is spread to a great number both directly and indirectly; and

WHEREAS, Alice Coleman, a resident of the 11th district, exemplifies each of the above qualities through her tireless devotion to the well-being of this body, both members and staff, by providing exquisite baked goods to numerous representatives, aides, and others, on not less than five occasions; and

WHEREAS, The benefit of these delights directly affects those who enjoy them and their influence is shared with others through the goodwill and improved disposition of the individuals recognizing the tenderness and caring placed within each treat; and

WHEREAS, The physical fulfillment gained is pleasant and it is the emotional and psychological implications that should be recognized for their lasting and far-reaching result; and

WHEREAS, Ms. Coleman could simply do as she does for her son alone, Representative Calvin Anderson, yet she chooses to share herself with those she does not even know; Truly she is a wonderful woman and deserving of recognition;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Alice Coleman for her generosity, kindness, and support for those housed herein; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this resolution to Alice Coleman and Representative Calvin Anderson.

Representative Veloria moved adoption of the resolution.

Representatives Veloria, Anderson and Leonard spoke in favor of the resolution.

House Resolution No. 4661 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1993

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2028 with the following amendments:

On page 1, at the beginning of line 7, insert "(1)"

On page 1, after line 14, insert the following:

"(2) Neither this section nor any other provision in this chapter or chapter 41.26, 41.32, 41.40, 41.54, or 43.43 RCW authorize the extension of statutory restore deadlines for members who do not receive notice of their eligibility to restore withdrawn contributions. This subsection applies retroactively to restoration periods which expired prior to the effective date of this act."

On page 1, after line 14, insert the following:

"Sec. 2. RCW 41.40.058 and 1987 c 417 s 1 are each amended to read as follows:

(1) Any person who was a member of the state-wide city employees' retirement system governed by chapter 41.44 RCW and who also became a member of the public employees' retirement system on or before July 26, 1987, may, in a writing filed with the director, elect to:

(a) Transfer to the public employees' retirement system all service currently credited under chapter 41.44 RCW;

(b) Reestablish and transfer to the public employees' retirement system all service which was previously credited under chapter 41.44 RCW but which was canceled by discontinuance of service and withdrawal of accumulated contributions as provided in RCW 41.44.190. The service may be reestablished and transferred only upon payment by the member to the employees' savings fund of the public employees' retirement system of the amount withdrawn plus interest thereon from the date of withdrawal until the date of payment at a rate determined by the director. No additional payments are required for service credit described in this subsection if already established under this chapter; and

(c) Establish service credit for the initial period of employment not to exceed six months, prior to establishing membership under chapter 41.44 RCW, upon payment in full by the member of the total employer's contribution to the benefit account fund of the public employees' retirement system that would have been made under this chapter when the initial service was rendered. The payment shall be based on the first month's compensation earnable as a member of the state-wide city employees' retirement system and as defined in RCW 41.44.030(13). However, a person who has established service credit under RCW 41.40.010(~~((44))~~)(13) (c) or (d) shall not establish additional credit under this subsection nor may anyone who establishes credit under this subsection establish any additional credit under RCW 41.40.010(~~((44))~~)(13) (c) or (d). No additional payments are required for service credit described in this subsection if already established under this chapter.

(2)(a) In the case of a member of the public employees' retirement system who is employed by an employer on July 26, 1987, the written election required by subsection (1) of this section must be filed and the payments required by subsection (1)(b) and (c) of this section must be completed (~~(in full within one year after July 26, 1987)~~) by December 31, 1993.

(b) In the case of a former member of the public employees' retirement system who is not employed by an employer on July 26, 1987, the written election must be filed and the payments must be completed in full within one year after reemployment by an employer.

(c) In the case of a retiree receiving a retirement allowance from the public employees' retirement system on July 26, 1987, or any person having vested rights as described in RCW 41.40.150 (~~((3) or (5))~~) (4), the written election may be filed and the payments may be completed at any time.

(3) Upon receipt of the written election and payments required by subsection (1) of this section from any retiree described in subsection (2)(c) of this section, the department shall recompute the retiree's allowance in accordance with this section and shall pay any additional benefit resulting from such recomputation retroactively to the date of retirement from the system governed by this chapter."

On page 1, line 2 of the title, after "contributions;" insert "amending RCW 41.40.058;"

On page 1, after line 14, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.40 +9-RCW, under the subchapter heading "plan I," to read as follows:

Any active member or separated member who was not eligible to restore contributions under section 3, chapter 317, Laws of 1986, solely because he or she was an elected official, other than an elected official under Articles II or III of the Constitution of the state of Washington, shall be permitted to restore withdrawn contributions for periods of nonelected service no later than June 30, 1994, with interest as determined by the director."

On page 1, line 3 of the title, after "41.50 RCW;" insert "adding a new section to chapter 41.40 RCW;" and the same are herewith transmitted.

Marty Brown, Secretary

POINT OF ORDER

Representative Locke: Thank you Mr. Speaker. I would request a ruling on the scope and object of the Senate amendment to House Bill No. 2028.

With the consent of the House, further consideration of House Bill No. 2028 was deferred.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393 and once again asks the House to concur therein. and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Heavey moved that the House recede from its position and concur in the Senate amendments to Engrossed Substitute House Bill No. 1393 and pass the bill as amended by the Senate.

Representative G. Cole spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1393 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1393, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Long, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Cooke, Dyer, Foreman, Forner, Fuhrman, Grant, Horn, Kremen, Lisk, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 33.

Engrossed Substitute House Bill No. 1393, as amended by the Senate,, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

Please change my vote to "NAY" regarding Engrossed Substitute House Bill No. 1393. The button was pushed but recorded "YEA" in error.

BETTY EDMONDSON, 14th District

Please change my vote from a "YEA" to a "NAY" on Engrossed Substitute House Bill No. 1393.

BARRY SEHLIN, 10th District

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1993

Mr. Speaker:

The Senate has passed HOUSE JOINT RESOLUTION NO. 4200 with the following amendments:

Strike everything after page 1, line 7, and insert the following:

"Article I, section 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional, and mental institutions, or by a state's, county's, or public hospital district's hospital, health care facility, or hospice, as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House refuse to concur in the Senate amendments to House Joint Resolution No. 4200 and ask the Senate to recede therefrom.

MOTION

Representative Dunshee moved that the House do concur in the Senate amendments to House Joint Memorial No. 4200.

The Speaker stated the question before the House to be Representative Dunshee's motion to concur.

Representatives Dunshee and Riley spoke in favor of the motion to concur and Representatives H. Myers and Edmondson spoke against it.

A division was called. The Speaker called upon the House to divide. The results of the division were: 25-YEAS; 73-NAYS. The amendment was not adopted.

The House voted to not concur in the Senate amendments to House Joint Resolution No. 4200 and ask the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1214 with the following amendments:

On page 4, line 17, after "authorizations" insert "given pursuant to an agreement with a treatment or monitoring program or disciplinary authority under chapters 18.72 or 18.130 RCW or"

On page 6, beginning on line 22, strike all material through "admitted" on line 25 and insert "(k) In the case of a hospital or health care provider to provide, in cases reported by fire, police, sheriff, or other public authority, name, residence, sex, age, occupation, condition, diagnosis, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted" and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Appelwick moved that the House do concur in the Senate amendments to Substitute House Bill No. 1214 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1214 as amended by the Senate.

Representative Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1214, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Voting nay: Representative Flemming - 1.

Substitute House Bill No. 1214, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5844 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Haugen, Winsley and McAuliffe and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Leonard moved the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 5844. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative R. Meyers presiding) appointed Representatives Leonard, Brown and Cooke as conferees to Engrossed Substitute Senate Bill No. 5844.

RESOLUTION

HOUSE RESOLUTION NO. 93-4662, by Representatives Sehlin and Karahalios

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in endeavors; and

WHEREAS, The 1993 Stanwood Middle School's Science Team exhibited the highest level of excellence in winning 1st place over 22 other state middle school teams in the Washington Science Olympiad State Final Competition at Washington State University in Pullman, Washington on April 3, 1993, and in also winning 1st place over 15 other state middle school teams in the Washington Science Olympiad Northwest Regional Competition at Everett Community College in Everett, Washington, host school for all 8 years of state regional competitions, on January 30, 1993; and

WHEREAS, The 1993 Stanwood Middle School's Science Team will represent Washington State in the Middle School Division and Kamiaken High School from Kennewick, Washington will represent Washington State in the High School Division against 47 other state middle school teams and 47 other state high school teams representing over 10,000 teams nation-wide and 1.5 million students in the National Science Olympiad Final Competition which will be held at the University of Southern Colorado in Pueblo, Colorado on May 21 and 22, 1993; and

WHEREAS, The 1993 Stanwood Middle School's Science Team, which consists of 15 students, grades 7 through 9, is promoted and supported by student fundraisers, voluntary contributions, grants, and numerous corporate, government and educational sponsors, and will need to raise approximately nine thousand dollars to attend the National Science Olympiad Final Competition in Pueblo, Colorado; and

WHEREAS, The Science Olympiad originated in Delaware 18 years ago, went national 8 years ago, and includes 32 events representing 3 broad goal areas of science education, science concepts and knowledge, science processes and thinking skills, and science application and technology; and

WHEREAS, The 1993 Washington Science Olympiad involved 99 teams consisting of over 1,380 students from around Washington State, and the Washington Science Olympiad Committee has been administered by Dick and Shirley Prouty of Everett Community College who have volunteered their services since 1986, and is co-directed by Bob Campbell and Dick Prouty; and

WHEREAS, The 1993 Stanwood Middle School's Science Team events challenge students to think creatively and solve complex challenges from a scientific point of view, and are balanced between the various science disciplines of biology, art, science, chemistry, physics, and computers, and technology, with a balance between facts, concepts, process skills, and team effort, including co-operative individual and group planning; and

WHEREAS, The 1993 Stanwood Middle School's Science Team participation in the Washington Science Olympiad, an academic interscholastic competition designed to increase student interest in science and improve the quality of science education, included many events, ranging from written test questions to design and hands-on manufacturing, such as, designing and constructing an aerodynamic device out of paper that will stay aloft for a long period of time, a vehicle that uses a standard mousetrap to move it twenty meters before coming to a dead stop, a device capable of launching a tennis ball into a target area of sand, the lightest bridge capable of holding the most weight, and a container that will safely protect an egg from breaking when dropped from a height, and analyzing and identifying unknown powders, liquids, metals, fibers, and inks, using chemical techniques, testing their knowledge of astronomy, building and using an instrument to measure angular altitude, and conducting complex measurements; and

WHEREAS, The 1993 Stanwood Middle School's Science Team, in addition to their 1st place team finish in the Washington Science Olympiad State Final Competition, earned 17 gold medals, 5 silver medals and 1 bronze medal by individual student scientists, including 1st place awards by Kristina Ringland (3), Colben Sime (2), Casey Haakenson (2), Amber Robinson (2), Christie Walker, Michael Hamalainen, Dan Compton, Robin Compton, Craig Oseroff, Carrie Vincent, Heather Saimons, and Candyce Kintner; 2nd place awards by Michael Hamalainen, Chad Lee, Heather Saimons, and Crystal Kintner; and a 3rd place award by Dan Compton; and

WHEREAS, The 1993 Stanwood Middle School's Science Team, in addition to their 1st place team finish in the Washington Science Olympiad Northwest Regional Competition, earned 10 gold medals, 15 silver medals and 13 bronze medals by individual student scientists, including 1st place awards by Dan Compton (2), Colben Sime, Christie Walker, Chad Lee, Michael Hamalainen, Tug Buse, Ben Lukehart, and Carrier Vincent; 2nd place awards by Craig Oseroff (2), Megan Thomas, Kristina Ringland, Amber Robinson, Colben Sime, Casey Haakenson, Michael Hamalainen, Heather Saimons, Crystal Kintner, Robin Compton, Carissa Vargas, and Carrie Vincent; and 3rd place awards by Casey Haakenson, Cristina Ringland, Amber Robinson, Stephen Glunt, Fred Leach, Heather Saimons, Crystal Kintner, Josh Harrington, J. R. Cooley, Candyce Kintner, Robin Compton, Rae Cowdry, and Ben Schnase; and

WHEREAS, The 1993 Stanwood Middle School's Science Team student scientists apply their efforts to excel in their fields of interest, under the guidance and encouragement of the teachers of Stanwood Middle School as coordinated by teacher coach Robin Ringland who spends countless hours of her own time without compensation; and

WHEREAS, The 1993 Stanwood Middle School's Science Team coach, Robin Ringland, and team members, Shannon Bergdahl, Brandon Bowman, Wendy Brown, Tug Buse, Dan Compton, Robin Compton, J. R. Cooley, Rae Cowdry, Amy Fifield, Brian Flener, Stephen Glunt, Garrett Greer, Casey Haakenson, Michael Hamalainen, Josh Harrington, Crysty Kimmer, Candy Kintner, Fred Leach, Chad Lee, Ben Lukehart, Craig Oseroff, Kristina Ringland, Adam Roberts, Amber Robinson, Heather Saimons, Dan Schei, Ben Schnase, Colben Sime, Meghan Slater, Megan Thomas, Carissa Vargas, Carrie Vincent, and Christie Walker, all share in the 1993 Stanwood Middle School's Science Team's success by combining outstanding coaching with outstanding scientific knowledge and expertise; and

WHEREAS, These accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, contributors, and sponsors who backed them all the way, and the individual and team achievements of the 1993 Stanwood Middle School's Science Team will always be remembered when commemorating their winning year, and are a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1993 Stanwood Middle School's Science Team, encourage everyone to help support them in their efforts to raise the resources necessary to attend the National Science Olympiad Final Competition in Pueblo, Colorado on May 21-22, 1993 and wish them all success in their endeavors; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 1993 Stanwood Middle School's Science Team Coach, Robin Ringland, Stanwood Middle School Principal, Ron Hendricks, Washington Science Olympiad Committee Executive, Shirley Prouty, and Co-Directors, Bob Campbell and Dick Prouty.

Representative Sehlin moved adoption of the resolution .

Representatives Sehlin and Karahalios spoke in favor of the resolution.

House Resolution No. 4662 was adopted.

MOTION

Representative Sheldon moved the rules be suspended, and Senate Bill No. 5977 be advanced to second reading and read the second time in full. The motion was carried.

RESOLUTION

HOUSE RESOLUTION NO. 93-4660, by Representatives Horn and Ballasiotes

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Mercer Island High School Girls' Swim and Diving Team exhibited the highest level of excellence in winning the Washington State High School Girls' Swim and Diving State Championship on Saturday, November 14, 1992; and

WHEREAS, The Mercer Island High School Girls' Swim and Diving Team had an incredible 1992 season team record of 13 wins and 0 losses; and

WHEREAS, These extraordinary accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, community members, and all the fans who backed them all the way; and

WHEREAS, The Mercer Island High School Girls' Swim and Diving head coach Frank Ceteznik, assistant coach Bob Harshbarger, managers Justin Reichman and Clay Robinson, support people John Steding, scorekeeper, Nick LeClercq, starter, and Christine Robertson, head timer, and all the swim and diving team members including Amy Anderson, Anett Ari, Lisa Bondi, Shannon Carter, Lindsay Clothier, Tara Cook, Becky Frost, Colleen Gaffney, Tanya Gutschmidt, Kim Helsel, Christine Jahncke, Amy Johnstone, Kristin King, Lindsay Kircher, Erika Kubisch, Katie LeClercq, Tatum Lipman, Christine Lukas, Becky Masuda, Karyn Meyer, Stacey Nakagawa, Maurisa Pollock, Marla Robertson, Kristin Schembs, Amy Sproul, Tricia Stearns, Jenny Strasburger, Diana Vadocz, and Michele White, share in the Mercer Island High School Girls' Swim and Diving Team's success by combining outstanding coaching with outstanding performance; and

WHEREAS, The inspiring individual and team achievements of the 1992 Mercer Island High School Girls' Swim and Diving Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Mercer Island High School Girls' Swim and Diving Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1992 Mercer Island High School Girls' Swim and Diving Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Head Coach Frank Ceteznik, the entire 1992 Mercer Island High School Girls' Swim and Diving Team, and the Principal of Mercer Island High School, Gary Bridgman.

Representative Horn moved adoption of the resolution.

Representatives Horn and Ballasiotes spoke in favor of the resolution.

House Resolution No. 4660 was adopted.

MOTION

On motion of Representative Sheldon, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Representative Kessler presiding) called the House to order at 1:30 p.m.

The Clerk called the roll and a quorum was present.

Representative Wang assumed the chair.

The Speaker (Representative Wang presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1014,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1100,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5176,

SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5241,
SENATE BILL NO. 5245,
ENGROSSED SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5270,
ENGROSSED SENATE BILL NO. 5280,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5316,
SENATE BILL NO. 5330,
ENGROSSED SENATE BILL NO. 5342,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SENATE BILL NO. 5508,
SECOND SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5528,
ENGROSSED SENATE BILL NO. 5534,
ENGROSSED SENATE BILL NO. 5545,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5584,
SENATE BILL NO. 5635,
SUBSTITUTE SENATE BILL NO. 5686,
SUBSTITUTE SENATE BILL NO. 5688,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5702,
SUBSTITUTE SENATE BILL NO. 5736,
SENATE BILL NO. 5828,
SENATE BILL NO. 5838,
ENGROSSED SENATE BILL NO. 5879,

MESSAGE FROM THE SENATE

April 23, 1993

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1024,
SUBSTITUTE HOUSE BILL NO. 1026,
SUBSTITUTE HOUSE BILL NO. 1051,
HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1077,
HOUSE BILL NO. 1078,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1103,
SUBSTITUTE HOUSE BILL NO. 1128,
SUBSTITUTE HOUSE BILL NO. 1183,
HOUSE BILL NO. 1188,
ENGROSSED HOUSE BILL NO. 1228,
SUBSTITUTE HOUSE BILL NO. 1316,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
HOUSE BILL NO. 1344,
SUBSTITUTE HOUSE BILL NO. 1560,
HOUSE JOINT MEMORIAL NO. 4005,
HOUSE BILL NO. 1713,
HOUSE BILL NO. 1751,
HOUSE BILL NO. 1769,
HOUSE BILL NO. 1800,

SUBSTITUTE HOUSE BILL NO. 1817,
HOUSE BILL NO. 1991,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2130,
HOUSE CONCURRENT RESOLUTION NO. 4420,

and the same are herewith transmitted.

Marty Brown, Secretary

MESSAGES FROM THE SENATE

April 23, 1993

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 5577 and passed the bill as amended by the House and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1993

Mr. Speaker:

The Senate has receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1357, and passed the bill without said amendments and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304 and passed the bill as recommended by the Conference Committee and the same are herewith transmitted.

Marty Brown, Secretary

MESSAGE FROM THE SENATE

April 23, 1993

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 5076,

Brad Hendrickson, Deputy Secretary

With the consent of the House, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING (SUPPLEMENTAL)

ESB 5076 by Senators Talmadge, Gaspard, Snyder and Pelz; by request of Governor Gardner
Enacting comprehensive health care reform.

MOTION

On motion of Representative Sheldon, the rules were suspended and Engrossed Senate Bill No. 5076 was advanced to the second reading calendar.

With the consent of the House, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5076, by Senators Talmadge, Gaspard, Snyder and Pelz; by request of Governor Gardner

Enacting comprehensive health care reform.

The bill was read the second time.

Representative Dyer moved the adoption of the following amendment by Representative Dyer:

On page 4, line 5, after "year:" strike "and" insert "or"

Representatives Dyer, Ballard, Fuhrman and Schoesler spoke in favor of adoption of the amendment and Representatives Dellwo, R. Meyers and Heavey spoke against it.

Representative Ballard again spoke in favor of the amendment and Representative Heavey again spoke against it.

Representative Carlson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 4, line 5, to Engrossed Senate Bill No. 5076 and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Representative Dyer moved the adoption of the following amendment by Representative Dyer:

On page 15, line 34, strike "endeavor to"

Representative Dyer spoke in favor of adoption of the amendment and Representative Dellwo spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 15, line 34, to Engrossed Senate Bill No. 5076 and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Rust, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley,

Roland, Romero, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Representative Dyer moved the adoption of the following amendment by Representative Dyer:

On page 13, line 26, after "employer" insert "except employers of ten or fewer employees"

Representatives Dyer and Long spoke in favor of adoption of the amendment, Representatives Dellwo and R. Meyers spoke against it.

Representative Thomas demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 13, line 26, to Engrossed Senate Bill No. 5076 and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlins, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 44.

Voting nay: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 54.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5076.

POINT OF INQUIRY

Representative Dellwo yielded to a question by Representative L. Johnson.

Representative L. Johnson: Is it the intent of the Legislature that employers of seasonal workers be mandated to participate in the cost of coverage for their non-seasonal employees as provided in section 464 of Engrossed Second Substitute Senate Bill No. 5304?

Representative Dellwo: Yes. The requirement for affirmative action by the legislature in section 3 of Engrossed Senate Bill No. 5076 relates only to employer participation on behalf of their seasonal employees, not their non-seasonal employees.

Representatives Dellwo, R. Johnson and L. Johnson spoke in favor of passage of the bill and Representatives Dyer, Ballard, Morton, Edmondson and Foreman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5076, and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlins, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 39.

Engrossed Senate Bill No. 5076, having received the constitutional majority, was declared passed.

With the consent of the House, the House reverted to consideration of House Bill No. 2028.

SPEAKER'S RULING

Representative Locke has raised a point of order to the scope and object of Senate amendment S-2750.1 to House Bill No. 2028.

In ruling on the point of order, the Speaker finds that House Bill 2028 is a measure which requires notification to returning employees of their ability to restore withdrawn retirement contributions.

Senate amendment S-2750.1 creates an open window for transferring service credit from the statewide cities retirement system to the public employees retirement system.

The Speaker therefore finds that Senate amendment S-2750.1 does change the scope and object of the bill and the point of order is well taken.

MOTION

Representative Locke moved that the House do concur in Senate amendments S-2711.1 and S-2751.1 and refuse to concur in the Senate amendment S-2750.1 and ask the Senate to recede therefrom. The motion was carried.

The Speaker declared the House to be at ease.

The Speaker (Representative Appelwick presiding) called the House to order.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5451, by Senator Hargrove

Revising sentencing and corrections for felons.

The bill was read the second time.

Representative Long moved adoption of the following amendment:

On page 2, after line 27, strike the remainder of the bill and insert the following:

"Sec. 2. RCW 9.94A.030 and 1992 c 145 s 6 and 1992 c 75 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120(7) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and

probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Day fine" means a fine imposed by the sentencing judge which equals the difference between the offender's net daily income and the reasonable obligations which the offender has for the support of the offender and any dependents.

(14) "Day reporting" means reporting at least once per day to a specific location designated by the department of corrections or the sentencing judge together with the requirement that the offender's location throughout each day be reported to the department of corrections.

(15) "Department" means the department of corrections.

~~((14))~~ (16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((15))~~ (17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((16))~~ (18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((17))~~ (19) "Drug or alcohol monitoring" means the obligation to remain free of any nonprescribed controlled substance or of any alcoholic beverage and to submit to periodic testing in a program to monitor that status as directed by the department of corrections, such as drug monitoring under a treatment alternatives to street crime (TASC) or comparable program.

(20) "Education or training" means participation in a formal program of education or training which has state certification.

(21) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((18))~~ (22) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((19))~~ (23) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((20))~~ (24)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit ~~((of))~~ of any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

~~((24))~~ (25) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance or other state of the art electronic monitoring technology. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of a violation of chapter 69.50 or 69.52 RCW, that relates to the possession, manufacture, or delivery of a controlled substance or imitation controlled substance, if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, or having successfully completed a sentence in a work ethic camp, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

(26) "Inpatient treatment" means participation in a treatment program certified by the state which requires the offender to be present at least twelve hours per day.

(27) "Nonviolent offense" means an offense which is not a violent offense.

~~((22))~~ (28) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((23))~~ (29) "Outpatient treatment" means participation in a treatment program certified by the state or recommended by the department of corrections which does not require the offender to be present for more than twelve hours per day.

(30) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

~~((24))~~ (31) "Persistent offender" is any person who:

(a) Is convicted in this state of any felony with a seriousness level of X or above, as provided in RCW 9.94A.320, except for the crime of aggravated murder in the first degree; and

(b) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would have a seriousness level of X or above. Of these two or more previous convictions, at least one conviction must have occurred before the commission of any of the other offenses with a seriousness level of X or above for which the offender was previously convicted.

(32) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((25))~~ (33) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((26))~~ (34) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((27))~~ (35) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((28))~~ (36) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((29))~~ (37) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((30))~~ (38) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((31))~~ (39) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((32))~~ (40) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(41) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((33))~~ (42) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((34))~~ (43) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. ~~((The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property.))~~

The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state

are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection ~~((29))~~ (37) of this section are not eligible for the work crew program.

~~((35))~~ (44) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the costs of corrections by requiring offenders to complete a comprehensive array of job and vocational experiences, character-building work ethics training, life management skills development, drug rehabilitation, counseling, literacy training, and basic adult education.

(45) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((36))~~ "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency referred program.

~~(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.~~

~~(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.)~~

Sec. 3. RCW 9.94A.120 and 1992 c 145 s 7, 1992 c 75 s 2, and 1992 c 45 s 5 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), ~~((and))~~ (6), (7), and (9) of this section and section 16 of this act, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for the statutory maximum for the offense, but if the statutory maximum for the offense is life imprisonment, then to a term of ninety-nine years. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender with a sentence range of more than ninety days the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to ~~((two))~~ one year~~((s))~~ of community

supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to ~~((two))~~ one year~~((s))~~, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) When sentencing an offender who is not a violent offender or a sex offender and whose presumptive sentence is twelve months or less, the court shall first determine if it is appropriate that such sentence be served primarily or exclusively under one or more of the sentencing options set forth in (c) of this subsection. If the court determines that a period of total confinement is appropriate in order to adequately punish the offender and to serve the best interest of society, the court shall order total confinement for the minimum time necessary to carry out the goals of this chapter.

(b) To impose a sentence consisting of sentencing options, the court shall determine the standard range for the offender and then convert that amount of total confinement as is necessary into the sentencing options the court finds appropriate for the offender. Sentencing options that are imposed under this section may be used in any combination and may also be combined with total confinement. Conversions of total confinement to sentencing options shall be clearly indicated on the judgment and sentence.

(c) Sentencing options available to a court include:

(i) Approved adult education;

(ii) Approved vocational-technical training;

(iii) Community service;

(iv) Day fines;

(v) Day reporting;

(vi) Drug or alcohol monitoring;

(vii) Home detention;

(viii) Inpatient treatment;

(ix) Outpatient treatment;

(x) Partial confinement;

(xi) Work crews;

(xii) Work release; and

(xiii) Any other nonincarcerative option that is consistent with the purposes of this chapter.

(d) An offender may also be placed on a term of community supervision not to exceed one year. At any time after the successful completion of sentencing options and other conditions imposed, the offender or the department may petition the court to terminate community supervision.

(7)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug and the violation does not involve a sentence enhancement under RCW 9.94A.310(3);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States;

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, the offender must be involved in substance abuse treatment provided by the department. No more than three months of the sentence may be served in a work release status. The court shall also impose one year of community custody that must include crime-related prohibitions, a condition to not use illegal controlled substances, and to submit to urinalysis or other testing to monitor that status. The department may require the offender to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Participate in outpatient substance abuse treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iv) Report as directed to a community corrections officer;

- (v) Pay all court-ordered legal financial obligations;
- (vi) Perform community service work;
- (vii) Pay a day fine;
- (viii) Stay out of areas designated by the sentencing judge;
- (ix) Undergo day supervision.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department of corrections, or as a result of a violation found by the court.

(d) If a sentencing judge has sentenced an offender pursuant to the special drug offender sentencing alternative, the offender is not eligible for placement in a work ethic camp as provided in section 21 of this act. The department shall establish one work ethic camp as provided in section 20 of this act.

(8) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. All or any part of the confinement may be converted to community service, work crew, work release, home detention, day reporting, day fine, or education or training, at the rates provided in RCW 9.94A.380. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

~~((7))~~ (9)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.
- (iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.
- (iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.
- (v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.
- (vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (~~((7))~~) (9) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (~~((7))~~) (9) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the

motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

~~((9))~~ (10)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) or (7) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement ~~((beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2)).~~ When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence).

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer.

(c) When a court sentences a person to a term of total confinement to the custody of the department of corrections for vehicular homicide or vehicular assault committed after June 30, 1993, and the person has been found pursuant to RCW 46.61.524 to have an alcohol or drug problem, the court shall in addition to other terms of the sentence, sentence the offender to community placement for one year or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. In ordering community placement under this subsection (10)(c), the court shall waive all conditions of community placement except the following:

(i) The offender shall abstain from alcohol and nonprescribed controlled substances;
(ii) The offender shall complete any treatment program and comply with any other requirement under RCW 46.61.524;

(iii) The offender shall comply with any legal financial obligations imposed by the court;
(iv) The offender shall pay supervision fees as determined by the department of corrections; and
(v) The offender shall report to and be available for contact with the assigned community corrections officer as directed.

(d) The community placement under this subsection (10) shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection (10) to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances;

(v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

~~((e))~~ (e) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol; or

(v) The offender shall comply with any crime-related prohibitions.

~~((f))~~ (f) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

~~((9))~~ (11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

~~((10))~~ (12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

~~((11))~~ (13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

~~((12))~~ (14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

~~((13))~~ (15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((14))~~ (16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((15))~~ (17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

~~((16))~~ (18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((17))~~ (19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((18))~~ (20) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((19))~~ (21) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 4. RCW 9.94A.040 and 1986 c 257 s 18 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) ~~((In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines.))~~ The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) ~~((This))~~ The commission shall biennially conduct a study to determine the capacity of correctional facilities and programs which are or will be available. ((While the commission need not consider such capacity in arriving at its recommendations.)) The commission shall project whether the implementation of ((its recommendations)) the standard sentence ranges would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentence((s)) ranges which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. ~~((If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.))~~

(8) The sentencing reform act has been in effect since July 1, 1984, and several modifications to sentences have occurred. The sentencing guidelines commission shall reevaluate the proportionality and fairness of sentences contained in RCW 9.94A.120, as well as practical workability of sentences and ranges. The commission shall develop recommendations on alternative punishments to total confinement for nonviolent offenders. The commission shall evaluate the impact of revisions to RCW 9.94A.120 (6) and (7). The commission shall submit preliminary findings to the legislature by December 1, 1994, and shall submit the final report to the legislature by December 1, 1995. The report shall describe the changes in sentencing practices related to the use of alternatives to total confinement for nonviolent offenders and include the impact of sentencing alternatives on state prisons and county jail population, the savings in state and local resources, and the impact on recidivism rates. The commission shall establish a baseline for evaluating recidivism of all felony offenders whether under the jurisdiction of the department or counties.

(9) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

~~((9))~~ (10) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW, as now existing or hereafter amended.

Sec. 5. RCW 9.94A.190 and 1991 c 181 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) or (4) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

(4) For sentences imposed pursuant to RCW 9.94A.120(7) which have a sentence range of over one year, notwithstanding any other provision of this section, all such sentences regardless of length shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 6. RCW 9.94A.200 and 1989 c 252 s 7 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation~~(, and)~~. The court may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, ~~((or))~~ (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community service, or (iv) convert to other sentencing alternatives as authorized in RCW 9.94A.380. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 7. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by Abuse (RCW 9A.32.055)

XIII Murder 2 (RCW 9A.32.050)

XII Assault 1 (RCW 9A.36.011)

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

XI Rape 1 (RCW 9A.44.040)

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

X Kidnapping 1 (RCW 9A.40.020)

Rape 2 (RCW 9A.44.050)

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

Child Molestation 1 (RCW 9A.44.083)

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

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

- Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Robbery 1 (RCW 9A.56.200)
 - Manslaughter 1 (RCW 9A.32.060)
 - Explosive devices prohibited (RCW 70.74.180)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Sexual Exploitation (RCW 9.68A.040)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Vehicle Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Vehicle Homicide, by disregard for the safety of others (RCW 46.61.520)
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
- VI Bribery (RCW 9A.68.010)
 - Manslaughter 2 (RCW 9A.32.070)
 - Rape of a Child 3 (RCW 9A.44.079)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 - Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 - Incest 1 (RCW 9A.64.020(1))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 - Intimidating a Judge (RCW 9A.72.160)
 - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Money Laundering, with attempt to conceal or avoid reporting (RCW 9A.83.020(1)(b) and (c))
- V Criminal Mistreatment 1 (RCW 9A.42.020)
 - Rape 3 (RCW 9A.44.060)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Child Molestation 3 (RCW 9A.44.089)
 - Kidnapping 2 (RCW 9A.40.030)
 - Extortion 1 (RCW 9A.56.120)
 - Incest 2 (RCW 9A.64.020(2))
 - Perjury 1 (RCW 9A.72.020)

- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- IV Residential Burglary (RCW 9A.52.025)
 - Theft of Livestock 1 (RCW 9A.56.080)
 - Robbery 2 (RCW 9A.56.210)
 - Assault 2 (RCW 9A.36.021)
 - Escape 1 (RCW 9A.76.110)
 - Arson 2 (RCW 9A.48.030)
 - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 - Malicious Harassment (RCW 9A.36.080)
 - Threats to Bomb (RCW 9.61.160)
 - Willful Failure to Return from Furlough (RCW 72.66.060)
 - Hit and Run — Injury Accident (RCW 46.52.020(4))
 - Vehicular Assault (RCW 46.61.522)
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1) (ii) through (iv))
 - Influencing Outcome of Sporting Event (RCW 9A.82.070)
 - Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 - Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 - Money Laundering, Spending (RCW 9A.83.020(1)(a))
- III Criminal Mistlereatment 2 (RCW 9A.42.030)
 - Extortion 2 (RCW 9A.56.130)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Assault 3 (RCW 9A.36.031)
 - Assault of a Child 3 (RCW 9A.36.140)
 - Custodial Assault (RCW 9A.36.100)
 - Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
 - Harassment (RCW 9A.46.020)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Willful Failure to Return from Work Release (RCW 72.65.070)
 - Burglary 2 (RCW 9A.52.030)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 - Escape 2 (RCW 9A.76.120)
 - Perjury 2 (RCW 9A.72.030)
 - Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Tampering with a Witness (RCW 9A.72.120)
 - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
 - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 - Theft of Livestock 2 (RCW 9A.56.080)
 - Securities Act violation (RCW 21.20.400)
- II Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of Stolen Property 1 (RCW 9A.56.150)

- Theft 1 (RCW 9A.56.030)
- Motor Vehicle Theft (section 10 of this act)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.045)
- Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Forgery (RCW 9A.60.020)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Possess controlled substance that is a narcotic from Schedule III, IV, or V or non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 8. RCW 9.94A.360 and 1992 c 145 s 10 and 1992 c 75 s 4 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Always include juvenile convictions for sex offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (8) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

(19) If the present conviction is for motor vehicle theft, count two points for each prior adult conviction for motor vehicle theft, and one point for each juvenile prior conviction for motor vehicle theft.

Sec. 9. RCW 9.94A.380 and 1988 c 157 s 4 and 1988 c 155 s 3 are each reenacted and amended to read as follows:

(1) Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: ~~((4))~~ (a) One day of partial confinement may be substituted for one day of total confinement; ~~((2))~~ (b) in addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

Offenders sentenced under RCW 9.94A.120(6)(a) to a term of one year or less may be sentenced to authorized sentencing options as provided in RCW 9.94A.120(6)(a).

(2) "Authorized sentencing options" means:

(a) Partial confinement as defined in RCW 9.94A.030 at the rate of one day of partial confinement for one day of total confinement;

(b) Community service as defined in RCW 9.94A.030 at the rate of eight hours of community service for one day of total confinement;

(c) Work crew as defined in RCW 9.94A.030 at the rate of seven hours of work crew for one day of total confinement;

(d) Work release as defined in RCW 9.94A.030 at the rate of one day of work release for one day of total confinement;

(e) Home detention as defined in RCW 9.94A.030 at the rate of one day of home detention for one day of total confinement;

(f) Day reporting as defined in RCW 9.94A.030 at the rate of two days of day reporting for one day of total confinement;

(g) Drug or alcohol monitoring as defined in RCW 9.94A.030 at the rate of five days of drug or alcohol monitoring for one day of total confinement;

(h) Inpatient treatment as defined in RCW 9.94A.030 at the rate of one day of inpatient treatment for one day of total confinement;

(i) Day fine as defined in RCW 9.94A.030 at the rate of one day of day fine for one day of total confinement;

(j) Education or training as defined in RCW 9.94A.030 at the rate of five hours of education or training for one day of total confinement; or

(k) Outpatient treatment as defined in RCW 9.94A.030 at the rate of two days of outpatient treatment for one day of total confinement.

(3) Sentencing alternatives must be completed within the time period specified by the court, pursuant to a schedule determined by the department.

(4) Options under subsection (2) of this section may also be imposed by the court as sanctions resulting from violations of sentence requirements.

(5) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the sentencing guidelines commission.

NEW SECTION. Sec. 10. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of motor vehicle theft if the person commits theft of a motor vehicle, regardless of its value.

(2) Motor vehicle theft is a class B felony.

Sec. 11. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

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

(c) An access device; or

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

~~(e)))~~ A firearm, of a value less than one thousand five hundred dollars.

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

NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department in conjunction with the office of financial management shall establish a pool of funding for grants to counties for offender placements in alternative sentences to incarceration as enumerated in RCW 9.94A.380.

(2) The department in conjunction with the office of financial management shall develop guidelines and criteria for counties to develop plans for alternative sentence placements. The guidelines and criteria shall be reviewed by the partnership advisory committee appointed by the secretary pursuant to RCW 72.09.300(7). Guidelines, criteria, and rules necessary for counties to follow during the grant application process shall be in effect by October 1, 1993. Counties may make application immediately thereafter. The plans shall be: (a) Reviewed as part of the local criminal justice planning process under RCW 72.09.300, and (b) approved by the county legislative

authority or county executive, prior to submittal to the office of financial management. Plans may represent a single county or a combination of counties. Plans developed by counties shall contain estimates of funding for planning, implementation, or enhancement of alternative placements to incarceration. In addition, plans shall include the target offender population, the strategies to be employed through sentencing alternatives to reduce jail populations, and procedures to evaluate the impact of sentencing alternatives on jail populations. Units of local government may develop and operate sentencing alternatives, or contract with profit or nonprofit organizations, or contract with the department to provide sentencing alternatives.

(3) Proposed plans for alternative sentences to incarceration shall be reviewed and approved by the office of financial management in conjunction with the department. Alternatives provided cooperatively by multiple jurisdictions shall receive funding priority. State funding for approved plans shall be provided from funds appropriated to the department for the purpose of implementing alternative sentences and shall be expended solely for the support of alternative sentences to incarceration. State funding provided in section 28, chapter ..., Laws of 1993 (section 28 of this act), shall not supplant existing funds currently expended by counties for alternative sentences to incarceration.

(4) The office of financial management and the department after review and approval of alternative sentencing plans submitted by counties and no later than October 1, 1994, shall report to the partnership advisory committee established in RCW 72.09.300(7) on the quality of the plans, implementation issues, policy issues with state-wide implications, and any other information necessary to strengthen the alternative sentencing efforts of local governments in the state of Washington. The office of financial management or the department shall make available copies of the alternative sentencing plans to the partnership advisory committee upon request of the committee. The partnership advisory committee is encouraged to advise the office of financial management and the department on matters concerning alternative sentences and other criminal justice issues. The secretary shall convene the partnership advisory committee as required to provide reasonable discussion between the state and local governments concerning the implementation and operations of alternative sentences at the local level.

(5) A single county or combination of counties may elect to have the department, the Washington association of sheriffs and police chiefs, or other units of government provide technical assistance to organize, develop, and/or implement alternative sentencing placements to incarceration on their behalf. The department shall submit the plan to the office of financial management for review. Counties with an unincorporated population over twenty thousand that request technical assistance from the department shall reimburse the department for costs incurred in the development of alternative sentencing plans.

(6) Counties shall be eligible for grants of up to seventy-five percent of the costs identified in the approved plan. Counties shall be responsible for funding twenty-five percent of the costs identified in the approved plan. Counties are encouraged to pursue fines, fees, and recoveries from offenders who participate in these sentencing alternatives as an off-set to their twenty-five percent share.

NEW SECTION. Sec. 13. (1) The Washington council on justice policy is hereby established. The council shall consist of twenty-four members appointed by the governor. Membership shall include:

- (a) One representative of city governments;
- (b) One representative of county governments;
- (c) One representative of sheriffs and police;
- (d) One representative of jail managers;
- (e) One representative of criminal defense attorneys;
- (f) One representative of prosecuting attorneys;
- (g) One representative of the judiciary;
- (h) One representative of juvenile court administrators;
- (i) One representative of community providers for juvenile offenders;
- (j) Two representatives of business;
- (k) Two representatives of labor;
- (l) One representative of higher education;
- (m) One representative of common schools;
- (n) One representative from crime victims' organizations;
- (o) Six legislators, two from each of the majority caucuses in the house of representatives and senate, and one from each of the minority caucuses in the house of representatives and senate; and
- (p) Two citizen representatives, one from eastern Washington and one from western Washington.

(2) Nonlegislative members may receive reimbursement for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.

(3) Administrative and staff support of the council shall be determined by the office of the governor.

(4) The council shall review and evaluate the state's long-range strategy regarding criminal justice policies. The scope of deliberations shall include, but not be limited to, crime prevention, juvenile and adult criminal justice, substance abuse and treatment, and criminal justice information reporting. The council shall consult with state and local entities involved in the criminal justice system such as the sentencing guidelines commission, the juvenile disposition standards board, the office of financial management, the administrator for the courts, the Washington

state association of counties, the Washington state association of county officials, the association of Washington cities, the public defenders association, and the Washington association of sheriffs and police chiefs, and may consult with other organizations involved with or that have an interest in criminal justice programs or services, as required.

(5) The council shall report to the governor and the legislature by January 15, 1995. The council shall expire July 1, 1995.

NEW SECTION. Sec. 14. A new section is added to chapter 72.02 RCW to read as follows:

The secretary shall review the classification structure for establishing the custody levels of inmates in state correctional facilities. The review shall take place every three years beginning in 1993. As part of the review, the secretary shall seek technical assistance from the national institute of corrections. The national institute of corrections is encouraged to evaluate and provide written comments regarding the classification structure for the appropriate placement of inmates in state correctional facilities. The secretary shall report on the inmate classification system to the house of representatives committee on corrections and the senate committee on law and justice, every third legislative session beginning with the 1997 legislature.

Sec. 15. RCW 9.94A.160 and 1984 c 246 s 1 are each amended to read as follows:

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may ~~((do any one or more of the following:~~

~~(1)) call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards, and adopting sentencing adjustments that will reduce the inmate population to reasonable maximum capacity. Sentencing adjustments shall be restricted to offenders who are not violent offenders or sex offenders, shall not exceed four months, and shall be effective at the end of the term of confinement. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The sentencing adjustments and any revision or amendment to the standard ranges or other standards shall be adopted in conformity with chapter 34.05 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's sentencing adjustments, revision, or amendment at the next legislative session after the sentencing adjustments, revision, or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the sentencing adjustments, revision, or amendment;~~

~~(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners under its jurisdiction. The board shall adopt guidelines for the reduction of inmate population to be used in the event the governor calls the board into an emergency meeting under this section. The board shall not, under this subsection, reduce the prison term of an inmate serving a mandatory minimum term under RCW 9.95.040, an inmate confined for treason, an inmate confined for any violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW. In establishing these guidelines, the board shall give priority to sentence reductions for inmates confined for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement. The board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources. Guidelines adopted under this subsection shall be submitted to the senate institutions and house of representatives social and health services committees for their review. This subsection does not require the board to reduce inmate population to or below any certain number. The board may also take any other action authorized by law to modify the terms of prisoners under its jurisdiction;~~

~~(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency).~~

NEW SECTION. Sec. 16. A new section is added to chapter 9.94A RCW to read as follows:

(1) A person convicted of a sexually violent offense shall be sentenced to a term of total confinement of life imprisonment without the possibility of release, community custody, or parole if the court finds beyond a reasonable doubt, at a special sentencing proceeding following conviction, that the person is a sexually violent predator. The court shall not impose a sentence less than life imprisonment without the possibility of release, community custody, or parole unless the court finds that mitigating circumstances exist which warrant a lesser sentence pursuant to RCW 9.94A.390, in which case the court shall impose a determinate sentence which in no case shall be less than a determinate term within the standard range for the offense.

(2) If a person is charged with a sexually violent offense the prosecutor shall file written notice if the prosecutor intends to ask the court to find that the defendant is a sexually violent predator and to sentence the defendant to life imprisonment without the possibility of release, community custody, or parole. The prosecutor shall serve the defendant and the defendant's attorney with the notice within thirty days after the defendant's arraignment on the charge. Except with the consent of the prosecutor, during the period in which the prosecutor may file the notice of the special sentencing proceeding, the defendant may not tender a plea of guilty to the sexually violent

offense nor may the court accept a plea of guilty to the charge. If the notice of the special sentencing proceeding is not filed and served as provided in this subsection, the prosecutor may not seek and the court may not make a finding that the defendant is a sexually violent predator. A defendant who is convicted of a sexually violent offense but is not found to be a sexually violent predator shall be sentenced according to the remaining provisions of this chapter.

(3) The following definitions apply throughout this section:

(a) "Sexually violent predator" means any person who has been convicted of a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

(b) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(c) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

(d) "Sexually violent offense" means an act committed on or after the effective date of this section, that is: (i) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; or (ii) an act of murder in the first or second degree, assault in the first or second degree, residential burglary, or unlawful imprisonment, which has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (iii) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (d) (i) or (ii) of this subsection.

Sec. 17. RCW 9A.20.021 and 1982 c 192 s 10 are each amended to read as follows:

(1) Felony. No person convicted of a classified felony shall be punished by confinement or fine exceeding the following:

(a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;

(b) For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty thousand dollars, or by both such confinement and fine;

(c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine;

(d) For a class A, B, or C felony that is classified as a sexually violent offense as defined in section 16 of this act, by confinement in a state correctional facility for a term of life imprisonment without release, community custody, or parole. The court may also impose a fine in an amount fixed by the court of fifty thousand dollars. This subsection applies only to those sexually violent offenses committed on or after the effective date of this section.

(2) Gross misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(4) This section applies to only those crimes committed on or after July 1, 1984.

Sec. 18. RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

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

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

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

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

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

(6) The governor may pardon any offender;

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

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

NEW SECTION. Sec. 19. The legislature finds that high crime rates and a heightened sense of vulnerability have led to increased public pressure on criminal justice officials to increase offender punishment and remove the most dangerous criminals from the streets. As a result, there is unprecedented growth in the corrections populations and overcrowding of prisons and local jails. Skyrocketing costs and high rates of recidivism have become issues of major public concern. Attention must be directed towards implementing a long-range corrections strategy that focuses on inmate responsibility through intensive work ethic training.

The legislature finds that many offenders lack basic life skills and have been largely unaffected by traditional correctional philosophies and programs. In addition, many first-time offenders who enter the prison system learn more about how to be criminals than the important qualities, values, and skills needed to successfully adapt to a life without crime.

The legislature finds that opportunities for offenders to improve themselves are extremely limited and there has not been adequate emphasis on alternatives to total confinement for nonviolent offenders.

The legislature finds that the explosion of drug crimes since the inception of the sentencing reform act and the response of the criminal justice system have resulted in a much higher proportion of substance abuse-affected offenders in the state's prisons and jails. The needs of this population differ from those of other offenders and present a great challenge to the system. The problems are exacerbated by the shortage of drug treatment and counseling programs both in and outside of prisons.

The legislature finds that the concept of a work ethic camp that requires the offender to complete an appropriate and balanced combination of highly structured and goal-oriented work programs such as correctional industries based work camps and/or class I and class II work projects, drug rehabilitation, and intensive life management work ethic training, can successfully reduce offender recidivism and lower the overall cost of incarceration.

It is the purpose and intent of sections 19 through 23 of this act to implement a regimented work ethic camp that is designed to directly address the high rate of recidivism, reduce upwardly spiraling prison costs, preserve scarce and high cost prison space for the most dangerous offenders, and provide judges with a tough and sound alternative to traditional incarceration without compromising public safety.

NEW SECTION. Sec. 20. The department of corrections shall establish one work ethic camp. The secretary shall locate the work ethic camp within an already existing department compound or facility, or in a facility that is scheduled to come on line within the initial implementation date outlined in this section. The facility selected for the camp shall appropriately accommodate the logistical and cost-effective objectives contained in sections 19 through 23 of this section. The department shall be ready to assign inmates to the camp one hundred twenty days after the effective date of this section. The department shall establish the work ethic camp program cycle to last from one hundred twenty to one hundred eighty days. The department shall develop all aspects of the work ethic camp program including, but not limited to, program standards, conduct standards, educational components including general education development test achievement, offender incentives, drug rehabilitation program parameters, individual and team work goals, techniques for improving the offender's self-esteem, citizenship skills for successful living in the community, measures to hold the offender accountable for his or her behavior, and the successful completion of the work ethic camp program granted to the offender based on successful attendance, participation, and performance as defined by the secretary. The work ethic camp shall be designed and implemented so that offenders are continually engaged in meaningful activities and unstructured time is kept to a minimum. In addition, the department is encouraged to explore the integration and overlay of a military style approach to the work ethic camp.

NEW SECTION. Sec. 21. A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible to be sentenced to a work ethic camp if the offender:

(a) Is sentenced to a term of total confinement of not less than twenty-two months or more than thirty-six months;

(b) Is between the ages of eighteen and twenty-eight years; and

(c) Has no current or prior convictions for any sex offenses or violent offenses.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless the department determines that the offender has physical or mental impairments that would prevent participation and completion of the program, or the offender refuses to agree to the terms and conditions of the program.

(4) An inmate who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

(5) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(6) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

NEW SECTION. Sec. 22. The work ethic camp shall employ one hundred percent of all inmates. The employment options available for inmates shall include meaningful work opportunities that provide the offender with real-world skills that help the offender find employment when he or she successfully completes the work ethic camp program. The department shall include in the work ethic camp program, without limitation, class I, class II, and class IV correctional programs. No more than thirty-five percent of the total inmate population in the facility shall be employed in class III correctional industries programs in the first year and thereafter ten percent less per year until a maximum of ten percent of the inmates are working in this employment class. In addition, work options shall also include department-supervised work crews as defined by the department. These work crews shall have the ability to work on public roads conducting litter control, minor emergency repair or other minor tasks that do not negatively impact employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385, or have a negative impact on the local labor market or local business community as assessed by the department correctional industries advisory board of directors. The department shall establish, to the extent possible, programs that will positively impact our natural environment such as, but not limited to, recycling programs and minor environmental cleanup programs. If the department is directed by the legislature to increase the percentage of inmates employed in correctional industries programs, inmates employed through work ethic camps shall not be counted towards this total percentage.

NEW SECTION. Sec. 23. The work ethic camp program established in sections 19 through 23 of this act shall be considered a pilot alternative incarceration program and remain in effect until July 1, 1998. The department and the office of financial management shall monitor and analyze the effectiveness of the incarceration program and complete a final outcome evaluation study by January 15, 1998. The study shall include: The recidivism rates of successful program graduates, analysis of the overall program costs, the ability to maintain public safety, and any other pertinent data established by the department. The department may encourage interested universities to participate in studies that will enhance the effectiveness of the program.

The department of corrections shall seek the availability of federal funds for the planning, implementation, evaluation, and training of staff for work ethic camp programs, substance abuse programs, and offender education programs.

NEW SECTION. Sec. 24. Sections 19 through 23 of this act are each added to chapter 72.09 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Sections 16 and 17 of this act shall not take effect unless the Washington state supreme court in a final decision holds that civil commitment of sexually violent predators under chapter 71.09 RCW

is unconstitutional. If the Washington state supreme court holds in a final decision that civil commitment of sexually violent predators under chapter 71.09 RCW is unconstitutional, sections 16 and 17 of this act shall take effect on the date that the Washington state supreme court issues its final decision. Sections 16 and 17 of this act shall apply to all sexually violent crimes committed on or after the effective date of sections 16 and 17 of this act.

NEW SECTION. Sec. 27. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for sections 16 and 17 of this act, which shall take effect pursuant to section 26 of this act.

NEW SECTION. Sec. 28. The sum of two million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending July 1, 1995, from the state general fund to the department of corrections for the purposes of section 12 of this act. Expenditure of each three dollars from this appropriation shall be matched by at least one dollar from other funding sources available to counties."

Representative Vance moved the adoption of the following amendment to the amendment:

On page 1, beginning on line 24 of the amendment, after "time" strike "or imposed pursuant to RCW 9.94A.120(7)"

On page 11, beginning on line 1 of the amendment, after "(5)," strike all material through "(9)" on line 2, and insert "(6), and ~~((7))~~ (8)"

On page 13, beginning on line 11 of the amendment, after "(7)" strike all material through "(8)" on page 14, line 29

On page 20, line 17 of the amendment, after "(6)" strike "or (7)"

On page 26, line 8 of the amendment, after "(6)" strike "and (7)"

On page 26, beginning on line 23 of the amendment, strike all of section 5

Representatives Vance and Padden spoke in favor of adoption of the amendment and Representatives Morris, Riley and Long spoke against it.

A division was called. The Speaker called upon the House to divide. The result of the division was 33-YEAS; 65-NAYS. The amendment was not adopted.

Representative Ballasiotes moved the adoption of the following amendment to the amendment:

On page 6, line 39, after "degree" insert ", or of assault of a child in the second degree, robbery in the first degree, indecent liberties, sexual exploitation, arson in the first degree, or burglary in the first degree"

On page 7, line 4, after "above" insert "or would be assault of a child in the second degree, robbery in the first degree, indecent liberties, sexual exploitation, arson in the first degree, or burglary in the first degree."

On page 7, line 23, after "above" insert "or of assault of a child in the second degree, robbery in the first degree, indecent liberties, sexual exploitation, arson in the first degree, or burglary in the first degree."

Representatives Ballasiotes, Padden and Campbell spoke in favor of adoption of the amendment and Representatives R. Meyers, Riley and Morris spoke against it.

Representative Ballasiotes again spoke in favor of adoption of the amendment and Representative R. Meyers again spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 6, beginning on line 39, of the amendment to Engrossed Second Substitute Senate Bill No. 5451 and the amendment was adopted by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Horn, Jacobsen, Johanson, Johnson, R., Jones,

Karahalios, Kessler, King, Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morton, Myers, H., Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Roland, Romero, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wood and Zellinsky - 75.

Voting nay: Representatives Anderson, Appelwick, Cole, G., Cothorn, Fisher, G., Holm, Johnson, L., Kohl, J., Leonard, Morris, Ogden, Peery, Riley, Rust, Scott, Sommers, Thibaudeau, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 22.

Excused: Representative Dellwo - 1.

Representative Tate moved the adoption of the following amendment to the amendment:

On page 7, line 30, after "degree," insert "robbery in the first degree when the personal property taken by the person is a motor vehicle."

On page 8, line 33, after "degree" insert "whether or not the personal property taken by the person is a motor vehicle"

On page 28, after line 27, insert the following:

"Robbery 1 when the personal property taken by the person is a motor vehicle (RCW 9A.56.200)"

On page 29, line 4, after "Robbery 1" insert "except when the personal property taken by the person is a motor vehicle"

On page 31, after line 5, insert the following:

"Robbery 2 when the personal property taken by the person is a motor vehicle (RCW 9A.56.210)"

On page 31, line 26, after "Robbery 2" insert "except when the personal property taken by the person is a motor vehicle"

Representative Tate spoke in favor of adoption of the amendment and Representatives Morris, Riley and Dunshee spoke against it.

On motion of Representative J. Kohl, Representative Dellwo was excused.

Representative Tate again spoke in favor of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 7, line 30, of the amendment to Engrossed Second Substitute Senate Bill No. 5451 and the amendment was adopted by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Flemming, Foreman, Forner, Fuhman, Grant, Hansen, Horn, Johanson, Kessler, Kremen, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 55.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Cole, G., Cothorn, Dorn, Dunshee, Fisher, G., Fisher, R., Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Riley, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 42.

Excused: Representative Dellwo - 1.

Representative Tate moved the adoption of the following amendment to the amendment:

On page 9, line 21, after "program" insert "patterned after the training received in a United States military boot camp or other state's criminal offender military-style boot camp program that is shown to be successful, and"

On page 50, line 11, strike "is encouraged to explore" and insert "shall ensure"

Representatives Tate, Carlson, Padden, Dyer and Van Luven spoke in favor of adoption of the amendment and Representatives Morris, Heavey, Lemmon, G. Cole, Pruitt and Long spoke against it.

Representative Zellinsky demanded the previous question and the demand was sustained.

Representative Reams demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 9, line 21, of the amendment to Engrossed Second Substitute Senate Bill No. 5451 and the amendment was adopted by the following vote: Yeas - 39, Nays - 58, Absent - 0, Excused - 1.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Flemming, Foreman, Forner, Fuhrman, Horn, Kremen, Lisk, Mastin, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 39.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Long, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 58.

Excused: Representative Dellwo - 1.

Representative Vance moved the adoption of the following amendment to the amendment:

On page 9, after line 30, insert the following:

"(46) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary activities the commission of a criminal act or acts."

On page 39, after line 12, insert the following section:

"Sec. 10. RCW 9.94A.390 and 1990 c 3 s 603 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(iii) The current offense involved the manufacture of controlled substances for use by other parties; or

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional)(~~(-or)~~).

(e) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127(~~(-)~~).

(f) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time(~~(-or)~~).

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The offense was committed for the benefit of, at the direction of, or in association with any criminal street gang as defined in RCW 9.94A.030, with the specific intent to promote, further, or assist in any criminal conduct by gang members."

Representatives Vance, Morris, Lisk and Ludwig spoke in favor of adoption of the amendment and Representatives Wineberry, Dunshee, Brown, Riley and Heavey spoke against it.

Representative Vance again spoke in favor of the amendment.

POINT OF INQUIRY

Representative Vance yielded to a question by Representative Brown.

Representative Brown: Thank you, this question is something that just occurred to me. I had decided how I was going to vote on this amendment and then I had a question in my mind as I reread the definition of criminal street gang and I'm wondering if you could tell me if an organization, for example an organization like Operation Rescue which has as one of its primary activities blocking health clinics, which is a crime, is that a criminal street gang under this definition?

Representative Vance: Representative Brown, I'll answer by saying that perhaps under the wildest, broadest interpretation of the definition something like that may be possible, but underlying our entire criminal justice system as I understand it is something called prosecutorial discretion where prosecutors choose how and when to apply the law. I think that would cover us under those improbable circumstances.

Representative Kremen demanded the previous question. The demand was sustained.

Representative Sheahan demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 9, after line 30, of the amendment to Engrossed Second Substitute Senate Bill No. 5451 and the amendment was adopted by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Horn, Johanson, Johnson, L., Johnson, R., King, Kremen, Lemmon, Lisk, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Veloria, Wood, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Anderson, Basich, Brown, Cole, G., Conway, Cothorn, Dunshee, Fisher, R., Grant, Hansen, Heavey, Holm, Jacobsen, Jones, Karahalios, Kessler, Kohl, J., Leonard, Linville, Locke, Ogden, Peery, Riley, Roland, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Wang, Wineberry and Wolfe - 34.
Excused: Representative Dellwo - 1.

Representative Morris moved the adoption of the following amendment to the amendment:

On page 25, line 17 of the amendment, after "(5)" strike all material down to and including "capacity)" on line 38 and insert the following:

"In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs that are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity."

Representatives Morris and Long spoke in favor of adoption of the amendment and it was adopted.

Representative Vance moved the adoption of the following amendment to the amendment:

On page 28, after line 11, insert the following:

"**Sec. 7.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE OFFENDER SCORE

9 or

0 1 2 3 4 5 6 7 8 more

XV Life Sentence without Parole/Death Penalty

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

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

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

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

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

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

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

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

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

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

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m
3- 6- 12+- 13- 15- 22- 33- 43- 53- 63-
9 12 14 17 20 29 43 57 70 84

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

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

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

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

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

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

(a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020), but if the offense was committed with a firearm, the 24-month time period may be increased up to 36 months;

(b) 18 months for Burglary 1 (RCW 9A.52.020), but if the offense was committed with a firearm, the 18-month time period may be increased up to 30 months;

(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense, but if the offense was committed with a firearm, the 12-month time period may be increased up to 18 months.

(4) If the offender committed an offense listed in subsection (3)(a) through (c) of this section while the offender or an accomplice was armed with a firearm, and the offender had a prior conviction for an offense committed

with a firearm, then the following times may be added to the presumptive range determined under subsection (2) of this section:

(a) For a second conviction for an offense committed while armed with a firearm, up to 60 months;

(b) For a third or subsequent conviction for an offense committed while armed with a firearm, up to 84 months.

(5) If an offender or an accomplice was armed with a firearm and fired upon a law enforcement officer while resisting arrest under RCW 9A.76.040, up to 60 months may be added to the presumptive sentence.

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

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

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

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

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

~~((5))~~ (7) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

Sec. 8. RCW 9.94A.370 and 1989 c 124 s 2 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings or for ~~((these offenses))~~ other circumstances enumerated in RCW 9.94A.310~~((4))~~ that were committed in a state correctional facility or county jail) (3) through (7) shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c), (d), and (e)."

Representatives Vance, Van Luven, Chappell and Long spoke in favor of adoption of the amendment and Representatives Dunshee and Ogden spoke against it.

On motion of Representative J. Kohl, Representative Leonard was excused.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 28, after line 11, of the amendment to Engrossed Second Substitute Senate Bill No. 5451 and the amendment was adopted by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Morton, Myers, H., Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thomas, Valle, Vance, Van Luven, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 88.

Voting nay: Representatives Cole, G., Fisher, R., Grant, Meyers, R., Ogden, Romero, Thibaudeau and Veloria - 8.

Excused: Representatives Dellwo and Leonard - 2.

With the consent of the House, Representative Padden withdrew amendment number 712.

Representative Morris moved adoption of the following amendment to the amendment:

On page 37, line 35 of the amendment, after "less." insert "Alternatives to total confinement are also available to offenders with sentences of more than one year when the alternatives are imposed pursuant to subsection (4) of this section."

Representative Morris spoke in favor of adoption of the amendment and it was adopted.

Representative Van Luven moved adoption of the following amendment to the amendment:

On page 43, line 13, strike section 15.

Representatives Van Luven, Morris, Vance and Padden spoke in favor of adoption of the amendment and Representative Morris spoke against it.

Representative Van Luven again spoke in favor of the amendment.

On motion of Representative J. Kohl, Representative Flemming was excused.

Representative R. Meyers demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 43, after line 13 of the amendment to Engrossed Second Substitute Senate Bill No. 5451 and the amendment was not adopted by the following vote: Yeas - 15, Nays - 80, Absent - 0, Excused - 3.

Voting yea: Representatives Ballasiotes, Casada, Dyer, Fuhrman, Lisk, Mielke, Padden, Reams, Schoesler, Sheahan, Stevens, Tate, Vance, Van Luven and Wood - 15.

Voting nay: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 80.

Excused: Representatives Dellwo, Flemming and Leonard - 3.

Representative Mielke moved adoption of the following amendment to the amendment:

On page 48, after line 21, insert the following:

"Sec. 19. RCW 9.95.070 and 1955 c 133 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, every prisoner who has a favorable record of conduct at the penitentiary or the reformatory, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the superintendent of the penitentiary or reformatory, and in whose behalf the superintendent of the penitentiary or reformatory files a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the indeterminate sentence review board ((of prison terms and paroles)), be allowed time credit reductions from the term of imprisonment fixed by the indeterminate sentence review board ((of prison terms and paroles)).

(2)(a) Every person sentenced to a correctional institution under the jurisdiction of the department of corrections shall be making satisfactory progress towards completing a high school education, achieve an equivalent score on the general educational development test, or be actively enrolled in a similar educational program or adult basic education program approved by the department of corrections before any earned time credits may be used to reduce the person's term of total confinement. This applies only if educational programs are available for inmate enrollment.

(b) This subsection does not apply to any person who already has a high school diploma or achieved an equivalent score on the general educational development test, is serving life in prison without parole, or is determined by the director of education programs within the department of corrections to be incapable of completing the educational program. A person may be determined to be incapable due to one of the following reasons only:

- (i) The person has a chronic mental deficiency;
- (ii) The person is considered mentally retarded;
- (iii) A physical or mental disability makes participation in the educational program impossible.
- (c) Failure to complete the requirements of this subsection (2) may not be used as the basis for extending a person's original term of confinement.
- (d) This subsection (2) may not be used to control inmate population levels.

Sec. 20. RCW 72.09.130 and 1981 c 136 s 17 are each amended to read as follows:

(1) The department shall adopt a system providing incentives for good conduct and disincentives for poor conduct. The system may include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance. Earned early release days shall be recommended by the department as a form of tangible reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.

Within one year after July 1, 1981, the department shall adopt, and provide a written description of, the system. The department shall provide a copy of this description to each offender in its custody.

(2)(a) The system adopted pursuant to this section shall provide that every person sentenced to a correctional institution under the jurisdiction of the department of corrections shall be making satisfactory progress towards completing a high school education, achieve an equivalent score on the general educational development test, or be actively enrolled in a similar educational program or adult basic education program approved by the department of corrections before any earned early release time may be used to reduce the person's term of total confinement. This applies only for those inmates who do not already have a high school diploma or have not achieved an equivalent score on the general educational development test, and only if educational programs are available for inmate enrollment.

(b) This subsection does not apply to any person serving a life sentence without parole or who is determined by the director of education programs within the department of corrections to be incapable of participating in the educational program. A person may be determined to be incapable due to one of the following reasons only:

- (i) The person has a chronic mental deficiency;
- (ii) The person is considered mentally retarded;
- (iii) A physical or mental disability makes participation in the educational program impossible.
- (c) Failure to complete the requirements of this subsection (2) may not be used as the basis for extending a person's original term of confinement.
- (d) This subsection (2) may not be used to control inmate population levels.

Sec. 21. RCW 72.09.100 and 1992 c 123 s 1 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. The department shall not allow inmates to participate in class I, II, or IV work programs unless they have completed a high school education, have achieved an equivalent score on the general educational development test, or are currently enrolled and making satisfactory progress in a similar educational program approved by the department, and if such educational programs are available. In the event that an inmate's educational program schedule is in conflict with the inmate's class I, II, or IV work program schedule, the inmate may be allowed to continue his or her work program schedule and shall be responsible for identifying and scheduling another time when the educational program schedule can be accommodated without being in conflict with his or her work program schedule. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an offender, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 22. Sections 19, 20 and 21 of this act apply prospectively only and shall not affect time credits, early release time, or other "good time" earned before the effective date of this act. Sections 19, 20 and 21 of this act shall not apply to offenders who have already received a high school diploma or achieved an equivalent score on the general educational development test or offenders sentenced to life imprisonment without parole."

Representatives Mielke and R. Meyers spoke in favor of adoption of the amendment and Representative Riley spoke against it.

Representative Mielke again spoke in favor of the amendment.

POINT OF INQUIRY

Representative Mielke yielded to a question by Representative R. Meyers.

Representative R. Meyers: Representative Mielke, I didn't get the bill number that you asked about, so let me ask is this the same bill that Representative Romero sponsored this year?

Representative Mielke: The gentleman from the 26th district, I'm not sure about that, I have not read that legislation, all I know is that this is House Bill No. 1962 that I introduced in the past two legislative sessions in which you were a co-sponsor.

POINT OF INQUIRY

Representative Romero yielded to a question by Representative R. Meyers.

Representative R. Meyers: Representative Romero, is this your piece of legislation from earlier this year or something remarkably similar.

Representative Romero: It is, with the exceptions of some computer training language in there.

The amendment was adopted.

The amendment as amended was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative Appelwick presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5451.

Representatives Morris, Chappell, Long, Vance, R. Meyers and Foreman spoke in favor of final passage of the bill as amended by the House.

Representative Morris again spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5451, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Voting nay: Representative Dyer - 1.

Excused: Representatives Dellwo, Flemming and Leonard - 3.

Engrossed Second Substitute Senate Bill No. 5451, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Sheldon, the House adjourned until 10:00 a.m., Saturday April 24, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

ONE HUNDRED-THIRD DAY, APRIL 23, 1993

JOURNAL OF THE HOUSE

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

ONE HUNDRED-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 24, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Dellwo presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Pamela Jannison and Jayme Jensen. Inspirational Message was offered by Representative Padden.

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

MESSAGE FROM THE GOVERNOR

April 24, 1993

To the Honorable, the Senate
and House of Representatives
of the State of Washington

Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the State of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the convening of the 1993 Regular Session of the Fifty-Third Legislature, copy of which is attached.

Respectfully submitted,

Ed Fleisher
Legal Counsel to the Governor

Attachments

ORDER OF REPRIEVE

FOR

WILLIAM CHARLES BRAND

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

On February 6, 1986, William Charles Brand was found guilty of murder in the second degree by the Superior Court of the State of Washington for King County and was sentenced on August 1 of that year to 164 months of total confinement. Mr. Brand shot his wife on February 20, 1985. The possibility of a link between the combination of medications taken by Mr. Brand and his mental state at the time of the shooting led the original trial judge to grant a motion for new trial and to release Mr. Brand on bail on October 11, 1991. Mr. Brand served a total of almost 6 years and 8 months in confinement. While incarcerated, Mr. Brand worked as a clerk in the law library until medically unable to continue. He incurred no infractions.

Since his release, Mr. Brand's health has deteriorated. He suffers from emphysema, requires an oxygen supplement and is confined to a wheelchair. He has spent the 1 year and 5 months since his release in the care of his daughters Denise and Lisa in Seattle. Mr. Brand's physician estimates a life expectancy of no more than 1 to 2 years due to his severe chronic lung disease.

The Court of Appeals remanded the case back to the trial court for further proceedings by the Washington State Supreme Court Reversed. Mr. Brand is now required to report to the Department of Corrections on March 17th, 1993, to continue serving his sentence.

In November of 1992, Mr. Brand petitioned the Clemency and Pardons Board for relief. In its meeting of March 12, 1993, the Board voted to defer a decision on the petition until their June 11 meeting so as to gather further medical information and input from the King County Prosecuting Attorney. When questioned by the Board as to why he should be pardoned, Mr. Brand stated that he believed he had little time left, he was not a threat to anyone and had become only a burden. He added that he preferred being a burden to his family rather than the state. The Board did not consider the issue of a reprieve during the March 12 meeting

NOW THEREFORE, I, Mike Lowry, Governor of the State of Washington, do hereby grant William Charles Brand a reprieve from the sentence of the Court until such time as the Clemency and Pardons Board recommends, and I render, a decision on his petition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 15th day of March, A.D. nineteen and ninety-three.

(Seal)

Mike Lowry
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

ORDER OF CLEMENCY

Lupe Ortega Figueroa

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Lupe Ortega Figueroa was charged in on February 22, 1990, with one count of possession of heroin with the intent to manufacture or deliver, in violation of the Uniform Control Substances Act. Ms. Figueroa was found guilty on July 27, 1990, by jury verdict in the Superior Court of the State of Washington for King County.

Ms. Figueroa was sentenced to a term of total confinement in the custody of the Department of Corrections for a term of 27 months.

Ms. Figueroa is in poor health. According to Dr. Marcus Rempel, she has a past history of seizure disorder, hypothyroidism, and myocardial infarction. She has had to angioplastys for coronary ischemia and is currently suffering from arthritis.

On March 12, 1993, the Clemency and Pardons Board met to review the Clemency Petition presented on behalf of Ms. Figueroa. The Board voted unanimously to recommend that the Governor grant clemency to Ms. Figueroa due to her diminished health and other extraordinary circumstances discussed in executive session.

This is an extraordinary case and justifies granting clemency at this time.

NOW, THEREFOR, I, Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant a full pardon for Lupe Ortega Figueroa for the conviction noted herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 19th day of March, A.D., nineteen hundred and ninety-three.

(Seal)

Mike Lowry
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

CONDITIONAL COMMUTATION ORDER

Joel Stephen Rose

To All to Whom These Presents Shall Come, Greetings:

On August 13, 1989, while working as a contract attorney with the Department of Assigned Counsel in Tacoma, Joel Rose contacted a mentally ill patient at Western State Hospital and offered him payment for oral sex. At Mr. Rose's request this patient brought in another patient who was then fondled by Mr. Rose, also for payment. Both patients involved were committed as "gravely disabled." At the time of this incident, Mr. Rose was aware that he was HIV positive.

Mr. Rose was sentenced by the Superior Court of the State of Washington for Pierce County on May 1, 1990. Mr. Rose was given an exceptional sentence of 60 months and 20 months, concurrently, for Rape in the Second Degree and Indecent Liberties.

Mr. Rose is currently incarcerated at the Washington State Reformatory with an anticipated release date of September 1, 1993. While incarcerated, he attended college classes, but has been unable to work due to his debilitating medical condition. He has been a volunteer for the Community AIDS Coalition Program.

Information provided by the Department of Correction, the University of Washington Medical Center, Mr. Rose's attorney, and representatives from the International Coalition of Jewish Prisoner Services, and the ALEPH Institute verify that Mr. Rose is in the last stages of AIDS. His prognosis is very poor. He is dying from complication associated with the HIV virus, including thrush and skin cancer. He is AIDS active and his T cell count is below 25. Mr. Rose will probably perish in the very near future, with the most optimistic prognosis being that he will not survive beyond the next six to twelve months.

It must be noted that in the pre-sentence investigation into Mr. Rose's case, his behavior was described as being predatory. His victims were described as being extremely vulnerable due to their grave mental disabilities and susceptibility to victimization, particularly by an individual in the trusted position of attorney.

Mr. Rose made application to the Clemency and Pardons Board on January 29, 1993. The basis for his request is that he is near death, but for the fact that he was sentenced to exceptional sentence, he would, in all likelihood, be eligible for release at the present time. He asks that his family and friends be allowed to care for him in this last stage of his life.

The Clemency and Pardons Board, at its March 12, 1993 meeting, reviewed and discussed the petition of Mr. Rose. Testimony and associated documents were presented on his behalf by his attorney, Mr. John Cain; Mr. Gary Friedman of the International Coalition of Jewish Prisoner Services; and Rabbi James Brinell. After deliberation, the Board voted 4-0 to recommend to the Governor that conditional clemency be granted on the basis of Mr. Rose's grave medical condition.

This an extraordinary case which, because of Mr. Rose's medical condition, justifies granting conditional clemency at this time, for the remainder of Mr. Rose's sentence. By this order, I hereby commute the sentence imposed upon Joel Rose to a term of community placement not to exceed the term imposed by the sentencing court, with the following conditions:

1. Mr. Rose shall be released from the Washington State Reformatory and placed in a hospice or functionally equivalent institution with specific procedures for his release, transfer, and placement, to be determined by the Department of Corrections in consultation with the Department of Social and Health Service;
2. Upon his placement, Mr. Rose shall have his access limited only to the confines of that placement institution, unless specific authorization otherwise is secured from a community corrections officer;
3. In the event that Mr. Rose's condition improves to the point that, in the opinion of the Department of Corrections, he presents a viable threat to the community, the Department of Corrections shall return Mr. Rose to the Washington State Reformatory, or such other institution as the Secretary deems appropriate, until such time as that threat is alleviated and/or his full sentence is completed without benefit of sentence reduction credits; and
4. In the event that Mr. Rose violates the conditions of this order or conditions imposed by the Department of Correction, the Department of Corrections shall return Mr. Rose to the Washington State Reformatory, or such other institution as the Secretary deems appropriate. Should this occur, this Conditional Clemency shall be revoked and the sentence imposed by the Court reinstated without benefit of sentence reduction credits.

The Department of Corrections, in consultation with the Department of Social and Health Services, shall set such conditions as deemed necessary to meet the general conditions enumerated above.

NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the authority vested in me by the laws of the state of Washington, do hereby grant conditional clemency for Joel Stephen Rose, Department of Correction #965354, and commute his sentence subject and pursuant to the conditions set forth herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 19th day of March, A.D., nineteen hundred and ninety-three.

(Seal)

Mike Lowry
Governor of Washington

BY THE GOVERNOR.

Ralph Munro
Secretary of State

MESSAGES FROM THE SENATE

April 23, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5352,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1993

Mr. Speaker:

The Senate refused to grant the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1021, insists on its position and again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved the House insist on its position regarding Substitute House Bill No. 1021 and again ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1673, and once again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

With the consent of the House, further consideration of Substitute House Bill No. 1673 was deferred.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1910, and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

SHB 1910 April 21, 1993

Includes "NEW ITEM": YES

Creating an inventory system for state-owned or leased facilities.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1910, State facilities inventory, have had the same under consideration and we recommend that:

The Senate committee on Government Operations amendments adopted April 6, 1993, not be adopted, and that the following Conference Committee amendments (1910-S AMC CONF S-3425.1) be adopted;

On page 2, after line 7, insert the following:

"NEW SECTION. Sec. 2. It is the purpose of sections 3 and 4 of this act to give authority to the office of archaeology and historic preservation to identify and record all state-owned facilities to determine which of these facilities may be considered historically significant and to require the office to provide copies of the inventory to departments, agencies, and institutions that have jurisdiction over the buildings and sites listed.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout section 4 of this act.

(1) "Agency" means the state agency, department, or institution that has ownership of historic property.

(2) "Historic properties" means those buildings, sites, objects, structures, and districts that are listed in or eligible for listing in the National Register of Historic Places.

(3) "Office" means the office of archaeology and historic preservation within the department of community development.

NEW SECTION. Sec. 4. (1) By January 2, 1994, the office shall provide each agency with a list of the agency's properties currently listed on the National Register of Historic Places. By January 2, 1995, agencies that own property shall provide to the office a list of those properties that are either at least fifty years old or that may be eligible for listing in the National Register of Historic Places. If funding is available, the office may provide grants to state agencies to assist in the development of the agency's list. By June 30, 1995, the office shall compile and disseminate an inventory of state-owned historic properties.

(2) The office shall provide technical information to agency staff involved with the identification of historic properties, including the criteria for facilities to be placed on the National Register of Historic Places.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 27.34 RCW."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 43.82 RCW; adding new sections to chapter 27.34 RCW; and creating a new section." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Haugen, Winsley, Loveland; Representatives Wang, Ogden, Silver.

MOTION

Representative Wang moved that the House adopt the Report of the Conference Committee on Substitute House Bill No. 1910 and pass the bill as recommended by the Conference Committee.

Representatives Wang and Silver spoke in favor of the motion and the motion was carried.

On motion of Representative J. Kohl, Representative Anderson was excused.

On motion of Representative Wood, Representatives Thomas and Dyer were excused.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1910 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1910, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representative Basich - 1.

Excused: Representatives Dyer and Thomas - 2.

Substitute House Bill No. 1910, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

SSB 5704 Date: April 22, 1993

Includes "new item": Yes

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5704, penalizing unlawful factoring of credit card transactions, have had the same under consideration and we recommend that the House Judiciary Committee amendment not be adopted and the bill be amended as follows:

On page 2, line 15, after "person" strike all material through "RCW" on line 17, and insert ", with intent to commit fraud or theft against a cardholder, credit card issuer, or financial institution, causes any such party or parties to suffer actual monetary damages that in the aggregate exceed one thousand dollars" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators A. Smith, McCaslin, Quigley; Representatives Appelwick, Ludwig, Padden.

MOTION

Representative Ludwig moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5704 and pass the bill as recommended by the Conference Committee.

Representatives Ludwig and Padden spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5704 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5704, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2. Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dyer and Thomas - 2.

Substitute Senate Bill No. 5704, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

ESB 5745 Date: April 21, 1993

Includes "new item": Yes

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5745, creating the PNWER-Net working group, have had the same under consideration and we recommend that the House Appropriations Committee Amendment not be adopted and that Engrossed Senate Bill No. 5745 as passed the Senate be amended as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In chapter 251, Laws of 1991, the legislature enacted into law the Pacific Northwest economic region agreement and made the state of Washington a party along with member states Alaska, Idaho, Montana, and Oregon, and member Canadian provinces Alberta and British Columbia. The legislature recognized that the member states and provinces of the Pacific Northwest economic region are in a strategic position to act together, as a region, thus increasing the overall competitiveness of the members and providing substantial economic benefits for all of their citizens.

For those reasons, in chapter 251, Laws of 1991, the legislature also encouraged the establishment of cooperative activities between the seven legislative bodies of the Pacific Northwest economic region. The member states and provinces now desire to engage in such cooperation by electronically sharing twenty-two million volumes from certain of their respective universities. The member states and provinces have determined that such interlibrary sharing will provide substantial economic benefit for their citizens. The legislature agrees, specifically also finding that such interlibrary sharing furthers a major component of education strategy in the 1990's and twenty-first century, namely providing increased access to knowledge via technology.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, as used in sections 1 through 5 of this act "PNWER-Net" means the technology network to be created by the member states and provinces of the Pacific Northwest economic region that will be capable of electronically linking the following undergraduate university libraries of the member states and provinces:

- (1) Alaska:
 - (a) University of Alaska, Anchorage;
 - (b) University of Alaska, Juneau;
- (2) Alberta:
 - (a) University of Alberta, Calgary;
 - (b) University of Alberta, Edmonton;
- (3) British Columbia:
 - (a) University of British Columbia, Vancouver;
 - (b) University of Victoria, Victoria;
- (4) Idaho:
 - (a) Boise State University, Boise;
 - (b) University of Idaho, Moscow;
- (5) Montana:
 - (a) Montana State University, Bozeman;
 - (b) University of Montana, Missoula;
- (6) Oregon:
 - (a) Oregon State University, Corvallis;
 - (b) University of Oregon, Eugene;
- (7) Washington:
 - (a) University of Washington, Seattle; and
 - (b) Washington State University, Pullman.

NEW SECTION. Sec. 3. (1) The PNWER-Net working subgroup is hereby created for the member state of Washington. The working subgroup shall be composed of seven members as follows: Two members of the senate,

one from each of the major caucuses, appointed by the president of the senate; two members of the house of representatives, appointed by the speaker of the house of representatives; the state librarian; and the primary undergraduate academic librarian from each of the state's two research institutions of higher education.

(2) The staff support shall be provided by the senate committee services and, to the extent authorized by the chief clerk of the house of representatives, by the house of representatives office of program research as mutually agreed by the legislators on the working group.

(3) Legislative members shall be reimbursed for expenses in accordance with RCW 44.04.120. Non-legislative members shall be reimbursed for expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. The PNWER-Net working subgroup shall have the following duties:

(1) To work with working subgroups from other member states and provinces in an entity known as the PNWER-Net working group to develop PNWER-Net;

(2) To assist the PNWER-Net working group in developing criteria to ensure that designated member libraries use existing telecommunications infrastructure including the internet; and

(3) To report to the legislature by December 1, 1994, concerning the status of PNWER-Net.

NEW SECTION. Sec. 5. The PNWER-Net working group may accept gifts, grants, and donations from private individuals and entities made for the purposes of sections 1 through 4 of this act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 43.147 RCW." and that the bill do pass as recommended by the conference committee.

Signed by Senators Bauer, Bluechel, Sheldon; Representatives Sommers, Finkbeiner.

MOTION

Representative Finkbeiner moved that the House adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5745 and pass the bill as recommended by the Conference Committee.

Representative Finkbeiner spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5745 as recommended by the Conference Committee.

POINT OF INQUIRY

Representative Sommers yielded to a question by Representative Casada.

Representative Casada: Thank you, Representative Sommers, in section three of the Conference Report the working sub-group is created. Is it your understanding that in addition to each Caucus in the Senate being represented that each Caucus in the House will also be represented?

Representative Sommers: Yes, Representative Casada, it is my understanding, that the Speaker of the House is to appoint one member from each Caucus of the House to the working sub-group created by this act.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5745, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Vloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dyer and Thomas - 2.

Engrossed Senate Bill No. 5745, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

ESSB 5948 Date: April 22, 1993

Includes "new item": Yes

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5948, modifying process and procedures for disciplining of health care professionals, have had the same under consideration and we recommend that the House Health Care Committee amendment as amended (5948-S.E AME HC AMH-23 April, 17, 1993) be adopted with the following change:

On page 2, line 26, of the amendment strike all of subsection (3) and insert

"(3) Only upon the authorization of a disciplinary authority identified in RCW 18.130.040(2)(b), the secretary, or his or her designee, may serve as the presiding officer for any disciplinary proceedings of the disciplinary authority authorized under this chapter. The presiding officer shall not vote on any final decision. All functions performed by the presiding officer shall be subject to chapter 34.05 RCW. The secretary, in consultation with the disciplinary authorities, shall adopt procedures for implementing this subsection. This subsection shall not apply to the board of funeral directors and embalmers."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge, Deccio, Niemi; Representatives L. Johnson, Campbell, Dyer.

MOTION

Representative Dellwo moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5948 and pass the bill as recommended by the Conference Committee.

Representative Dellwo spoke in favor of the motion and it was carried.

On motion of Representative Sheldon, Representatives R. Fisher and Zellinsky were excused.

On motion of Representative Wood, Representative Schmidt was excused.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5948 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5948, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luvén, Voloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 93.

Excused: Representatives Dyer, Fisher, R., Schmidt, Thomas and Zellinsky - 5.

Engrossed Substitute Senate Bill No. 5948, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 1993

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1673, and once again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved that the House recede from its position and concur in the Senate amendments to Substitute House Bill No. 1673 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1673 as amended by the Senate.

Representatives Roland and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1673, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 93.

Excused: Representatives Dyer, Fisher, R., Schmidt, Thomas and Zellinsky - 5.

Substitute House Bill No. 1673, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5638 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Holm moved that the House recede from its position and pass Senate Bill No. 5638 without the House amendments. The motion was carried.

With the consent of the House, further consideration of Senate Bill No. 5638 was deferred.

On motion of Representative Sheldon, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Representative Miller presiding) called the House to order at 1:00 p.m.

The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

RESOLUTIONS

HOUSE RESOLUTION NO. 93-4653, by Representatives Morton and Fuhrman

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Davenport High School Girls' Basketball Team has exhibited the highest level of excellence in winning the 1993 Washington State "B" Basketball Championship; and

WHEREAS, The Davenport High School Girls' Basketball Team also won the 1992 Washington State "B" Basketball Championship, was the only 1993 team among all boys and girls divisions to successfully defend its previous year's championship, and was the first class "B" girls' basketball team in the history of Washington State to win two championships back to back; and

WHEREAS, The Davenport High School Girls' Basketball Team had a perfect 1993 season record of 30 wins and 0 losses, only the third class "B" basketball team in Washington State history to record a perfect winning season; and

WHEREAS, The Davenport High School Girls' Basketball Team currently has a 34-game winning streak, the longest winning streak currently in all divisions in the state, and has a phenomenal two-year winning record of 59 wins and only 1 loss for the 1992 and 1993 combined seasons; and

WHEREAS, The Davenport High School Girls' Basketball Team led the state in scoring with an average of 71.7 points per game over their 1993 thirty-game schedule; and

WHEREAS, Jennifer Stinson was the team's season leading scorer, tied the team record for most field goals scored in a game, and was an all-tourney team selection, and Stacia Marriott broke the tournament assist record and was also an all-tourney team selection; and

WHEREAS, The Davenport High School Girls' Basketball Team was the 1993 Washington State "B" Girls' Academic Champion with an astonishing team grade point average of 3.68, showing the dedication and commitment of team members, coaches, teachers, staff, and administrators to academic excellence; and

WHEREAS, These extraordinary accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, and community members, who backed them all the way; and

WHEREAS, The Davenport High School Girls' Basketball Team coaches Jim Stinson and Chuck Jungblom, and all the players including Cara Anderson, Lana Becker, Lacy Carson, Joy Emery, Pam Gigliotti, Alyson Iverson, Andee Marriott, Stacia Marriott, Kaarin Reinbold, Jennifer Stinson, Holli Stoner, and Sara Warwick share in the Davenport High School Girls' Basketball Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, The incredible individual and team achievements of the 1993 Davenport High School Girls' Basketball Team will always be remembered when commemorating their winning year, and the Davenport High School Girls' Basketball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1993 Davenport High School Girls' Basketball Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coaches Stinson and Jungblom, and to Principal Harold Patterson.

Representative Morton moved adoption of the resolution.

Representatives Morton and Fuhrman spoke in favor of adoption of the resolution.

House Resolution No. 4653 was adopted.

HOUSE RESOLUTION NO. 93-4663, by Representatives Cothorn, L. Johnson, J. Kohl, Miller and Anderson

WHEREAS, A diverse community enriches us all; and
WHEREAS, Discrimination in any form is deplorable and should be eliminated; and
WHEREAS, An appreciation of cultural and ethnic tolerance should be instilled at an early age; and
WHEREAS, A group of dedicated students at Bothell High School have banded together as Bothell Against Discrimination to serve as a watchdog group against discrimination in their school and their community; and
WHEREAS, These students have not only worked in their own school to increase student awareness of the need to be sensitive to diversity but also shared their knowledge and leadership with students in other schools; and
WHEREAS, These students have sponsored The Forum in September 1992, assisted in developing and presenting a Martin Luther King, Jr. Assembly, conducted the assemblies at the Senior Citizen's Center and elementary schools, and assisted Meadowdale High School in setting up their own program to deal with racial disharmony; and

WHEREAS, This group has been recognized by the Washington Education Association for its humanitarian efforts;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, that this body express its gratitude and appreciation to Bothell Against Discrimination for their efforts to make Washington state a better place for all residents and for demonstrating that students with vision and cooperation can truly accomplish great tasks; and

BE IT FURTHER RESOLVED, That copies of the resolution be immediately transmitted by the Chief Clerk of the House of Representatives to founders of Bothell Against Discrimination Yvette Reed, Arlene Rhyne, Molly McCardle, Anne Hawkins, Khoa Huynh, and Paul Delaney; advisor Dick Lewis; and the principal of Bothell High School.

Representative Cothorn moved adoption of the resolution.

Representatives Cothorn, Miller, L. Johnson and J. Kohl spoke in favor of adoption of the resolution.

House Resolution No. 4663 was adopted.

MESSAGES FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate receded from its amendments to HOUSE JOINT RESOLUTION NO. 4200 and passed the bill without said amendments, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The President has appointed Senator Skratek to take Senator Spanel's place on the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372. The President has appointed the following members as Conferees: Senators Skratek, Bluechel and Quigley, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5076,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
SENATE BILL NO. 5577,

and the same are herewith transmitted.

Marty Brown, Secretary

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1006,
ENGROSSED HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1013,
HOUSE BILL NO. 1015,
HOUSE BILL NO. 1058,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1100,
SUBSTITUTE HOUSE BILL NO. 1118,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1129,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,
HOUSE BILL NO. 1168,
SUBSTITUTE HOUSE BILL NO. 1169,
SUBSTITUTE HOUSE BILL NO. 1195,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
HOUSE BILL NO. 1246,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
ENGROSSED HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1520,
SUBSTITUTE HOUSE BILL NO. 1566,
ENGROSSED HOUSE BILL NO. 1617,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662,
HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1727,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1802,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818,
ENGROSSED HOUSE BILL NO. 1845,
HOUSE BILL NO. 1858,
SUBSTITUTE HOUSE BILL NO. 1907,
HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
SUBSTITUTE HOUSE BILL NO. 1948,
HOUSE BILL NO. 2008,
SUBSTITUTE HOUSE BILL NO. 2023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054,
HOUSE JOINT MEMORIAL NO. 4021,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403,

ENGROSSED SENATE BILL NO. 5076,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304,
SENATE BILL NO. 5577,
SENATE BILL NO. 5352,
SUBSTITUTE SENATE BILL NO. 5686,
SUBSTITUTE SENATE BILL NO. 5688,
SUBSTITUTE SENATE BILL NO. 5736,
SENATE BILL NO. 5838,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, the House advanced to the eighth order of business.

MOTION

On motion of Representative Sommers, the Rules Committee was relieved of House Bill No. 2135 and the bill was placed on the second reading calendar.

On motion of Representative Sommers, the Committee on Appropriations was relieved of Second Substitute Senate Bill No. 5239 and the bill was placed on the second reading calendar.

RESOLUTION

HOUSE RESOLUTION NO. 93-4664, by Representatives Wineberry, Locke, Kremen, J. Kohl, Veloria, Leonard, Long, Shin, Conway, Heavey, Roland, Casada, Hansen, Miller, Schoesler, Stevens, Thomas, Dyer, Brough, Horn, Forner, Rayburn, L. Johnson, Cothorn, Cooke, Springer, Valle, Rust, Morris, Karahalios, Linville, Grant, Appelwick, Wolfe, Anderson, Sheldon, Vance, R. Meyers, Zellinsky, King, Jones, Holm, Sommers, Brown, R. Fisher, Ogden, Ballard, Wood, Silver, Tate, Brumsickle, Mielke, Sheahan, Schmidt, Morton, Padden, Ballasiotes, Lisk, Van Luven, Campbell, Wang, Foreman, Eide, Johanson, Thibaudeau, Jacobsen and Romero

WHEREAS, Violence involving handguns is a growing problem in Washington state and throughout the nation; and

WHEREAS, Young people have increasingly become both the victims and the perpetrators of violent acts involving handguns in our schools and in our communities; and

WHEREAS, The idolization of guns by some young people has led to senseless acts of violence including playground murders and drive-by shootings; and

WHEREAS, Nine year old Loetta Coston, a third-grade student at Bryant Elementary School in Seattle, was robbed of a promising life by one such senseless act on the night of April 17, 1993; and

WHEREAS, Loetta, known as a quiet girl who enjoyed playing computer games and basketball, was killed by a bullet while riding home in her mother's car; and

WHEREAS, The young man charged with killing Loetta told police that he believed those in the Coston's car were rival gang members; and

WHEREAS, Loetta's mother, Cynthia Coston, is known in her community as a loving and protective parent, concerned for her children's safety; and

WHEREAS, Loetta's death will be mourned by all who knew her and thousands who did not as an innocent victim of a gangland mentality that has no place in a civilized society; and

WHEREAS, This tragedy is a wake-up call to those who believe that guns and violence are a way to settle our differences;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives offer its deepest sympathies to the Coston family and all who knew and loved her; and

BE IT FURTHER RESOLVED, That Loetta's tragic death sound a call to people young and old to increase the peace in our communities, heal the wounds, and work together to prevent further violence; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Chief Clerk of the House of Representatives to Cynthia Coston expressing this body's sorrow at the loss of young Loetta Coston.

Representative Wineberry moved adoption of the resolution.

Representatives Wineberry, J. Kohl, Veloria, Sheldon, Leonard, Conway and Flemming spoke in favor of adoption of the resolution.

Representative Wineberry again spoke in favor of the resolution.

House Resolution No. 4664 was adopted.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1069 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

SHB 1069 April 22, 1993

Includes "NEW ITEM": YES

Providing for seizure of property involved in a felony.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1069, Seizure of property, have had the same under consideration and we recommend that:

The Senate Committee on Law and Justice amendments adopted as amended on April 12, 1993, not be adopted; and

The Conference Committee striking amendments (1069-S AMC CONF H2669.1) be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter does not apply to property subject to forfeiture under chapter 66.32 RCW, RCW 69.50.505, 9.41.098, 9.46.230, 9A.82.100, 9A.83.030, 7.48.090, or 77.12.101.

NEW SECTION. Sec. 2. (1) The following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.

A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party neither had knowledge of nor consented to the commission of the felony.

(2) Personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;

(c) A law enforcement officer has probable cause to believe that the property is directly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in the commission of a felony.

(3) In the event of seizure pursuant to this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof

and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(6) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the criminal law;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(7) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(a) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(b) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(c) Retained property and net proceeds not required to be paid to the state treasurer, or otherwise required to be spent under this section, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

NEW SECTION. Sec. 3. The legislature finds compelling state interests in compensating the victims of crime and in preventing criminals from profiting from their crimes. Sections 4 through 7 of this act are intended to advance both of these interests.

NEW SECTION. Sec. 4. The following are subject to seizure and forfeiture and no property right exists in them:

(1) All tangible or intangible property, including any right or interest in such property, acquired by a person convicted of a crime for which there is a victim of the crime and to the extent the acquisition is the direct or indirect result of the convicted person having committed the crime. Such property includes but is not limited to the convicted person's remuneration for, or contract interest in, any reenactment or depiction or account of the crime in a movie,

book, magazine, newspaper or other publication, audio recording, radio or television presentation, live entertainment of any kind, or any expression of the convicted person's thoughts, feelings, opinions, or emotions regarding the crime.

(2) Any property acquired through the traceable proceeds of property described in subsection (1) of this section.

NEW SECTION. Sec. 5. (1) Any property subject to seizure and forfeiture under section 4 of this act may be seized by the prosecuting attorney of the county in which the convicted person was convicted upon process issued by any superior court having jurisdiction over the property.

(2) Proceedings for forfeiture are commenced by a seizure. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later, except that such real property seized may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest.

(3) The prosecuting attorney who seized the property shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing prosecuting attorney in writing of the person's claim of ownership or right to possession of the property within forty-five days for personal property or ninety days for real property, the property seized shall be deemed forfeited.

(5) If any person notifies the seizing prosecuting attorney in writing of the person's claim of ownership or right to possession of the property within forty-five days for personal property or ninety days for real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The prosecuting attorney shall file the case into a court of competent jurisdiction. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. In cases involving personal property, the burden of producing evidence shall be by a preponderance and upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be by a preponderance and upon the prosecuting attorney. The seizing prosecuting attorney shall promptly return the property to the claimant upon a determination by the prosecuting attorney or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(6) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the county auditor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules.

(7) A forfeiture action under this section may be brought at any time from the date of conviction until the expiration of the statutory maximum period of incarceration that could have been imposed for the crime involved.

(8) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party did not know that the property was subject to seizure and forfeiture.

NEW SECTION. Sec. 6. (1) The proceeds of any forfeiture action brought under section 5 of this act shall be distributed as follows:

(a) First, to the victim or to the plaintiff in a wrongful death action brought as a result of the victim's death, to satisfy any money judgment against the convicted person, or to satisfy any restitution ordered as part of the convicted person's sentence;

(b) Second, to the reasonable legal expenses of bringing the action;

(c) Third, to the crime victims' compensation fund under RCW 7.68.090.

(2) A court may establish such escrow accounts or other arrangements as it deems necessary and appropriate in order to distribute proceeds in accordance with this section.

NEW SECTION. Sec. 7. (1) Any action taken by or on behalf of a convicted person including but not limited to executing a power of attorney or creating a corporation for the purpose of defeating the provisions of sections 3 through 6 of this act is null and void as against the public policy of this state.

(2) Sections 3 through 6 of this act are supplemental and do not limit rights or remedies otherwise available to the victims of crimes and do not limit actions otherwise available against persons convicted of crimes.

NEW SECTION. Sec. 8. (1) Sections 1 and 2 of this act shall constitute a new chapter in Title 10 RCW.

(2) Sections 3 through 7 of this act are each added to chapter 7.68 RCW."

On page 1, line 1 of the title, after "victims;" strike the remainder of the title and insert "adding new sections to chapter 7.68 RCW; and adding a new chapter to Title 10 RCW."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators A. Smith, Nelson, Quigley; Representatives Appelwick, Padden, Ludwig.

MOTION

Representative Ludwig moved that the House adopt the Report of the Conference Committee on Substitute House Bill No. 1069 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1069 as recommended by the Conference Committee.

Representative Ludwig and Padden spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Schmidt was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1069, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Schmidt and Thomas - 2.

Substitute House Bill No. 1069, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236. On reconsideration, the Senate passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

REPORT OF CONFERENCE COMMITTEE

ESHB 1236 April 22, 1993

Includes "NEW ITEM": YES

Establishing fees for certain water rights.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, Water rights fees, have had the same under consideration and we recommend that:

The Senate Committee on Ways & Means amendment(s) (1236-S.E AAS 4/14/93) adopted as amended on April 14, 1993, be adopted with the (attached) (1236-S.E AMC CONF S3464.1) amendment(s) to page 3, line 31, page 5, after line 21, and page 9, line 15

On page 3, line 31 of the amendment (1236-S.E AAS 4/14/93), strike "fifty" and insert "one hundred"

On page 5, after line 21 of the amendment (1236-S.E AAS 4/14/93), strike everything through "affected." on page 9, line 10 of the amendment and insert the following:

"NEW SECTION. Sec. 4. The legislature finds that installation of trickle irrigation systems in climatically and economically suitable areas may result in significant water savings. The legislature further finds that encouraging the voluntary transfer of the water savings will provide an incentive for the installation of trickle irrigation systems.

Therefore, the legislature directs the committee on natural resources and parks in the house of representatives and the committee on energy and utilities in the senate to jointly: (1) Study the physical, legal, and economic feasibility of transferring water saved from installation of trickle irrigation systems; (2) explore the relationship between a possible water transfer program connected to water savings from trickle irrigation systems and the state's existing trust water rights program; and (3) make recommendations for legislation to implement a transfer program for savings from trickle irrigation systems, if the committees determine that such a program is in the public interest. The committees shall coordinate the study with the agriculture committees in the senate and the house of representatives. The committees shall report their findings and recommendations to the legislature by December 1, 1993."

On page 9, line 15 of the title amendment (1236-S.E AAS 4/14/93), after "90.03.470;" strike the remainder of the title amendment and insert "and creating new sections."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fraser, Sutherland; Representatives Pruitt, Rust.

MOTION

On motion of Representative J. Kohl, Representative Scott was excused.

MOTION

Representative Pruitt moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1236 and pass the bill as recommended by the Conference Committee.

Representative Pruitt spoke in favor of the motion and it was carried.

With the consent of the House, further consideration of Engrossed Substitute House Bill No. 1236 was deferred.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1541 April 22, 1993

Modifying emergency medical technician recertification.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541, EMT training, have had the same under consideration and we recommend that:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.73.081 and 1990 c 269 s 24 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

~~(b) Procedures for certification, recertification, decertification, or modification of certificates(~~(= PROVIDED, That there shall be no practical examination for recertification if the applicant received a passing grade on the state written examination and completed a program of ongoing training and evaluation, approved in rule by the county medical program director and the secretary));~~~~

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

~~(d)~~ Procedures for reciprocity with other states or national certifying agencies;

~~((d))~~ ~~(e)~~ Review and approval or disapproval of training programs; and

~~((e))~~ ~~(f)~~ Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 18.73.081"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge, Erwin, Wojahn; Representatives Dellwo, Dyer, Orr.

MOTION

Representative L. Johnson moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1541 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1541 as recommended by the Conference Committee.

Representatives Orr and Ballasiotes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1541 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Engrossed Substitute House Bill No. 1541, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993]

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1748, and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

EHB 1748 April 21, 1993

Includes "NEW ITEM": YES

Changing financial aid provisions.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1748, Higher ed financial aid, have had the same under consideration and we recommend that:

The Senate Committee on Higher Education amendments adopted April 13, 1993, not be adopted, and that the (attached) Conference Committee striking amendments (1748.E AMC CONF H-2649.2) be adopted

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.820 and 1985 c 390 s 35 are each amended to read as follows:

(1) Each institution of higher education, except technical colleges, shall deposit two and one-half percent of revenues collected from tuition and services and activities fees in an institutional ~~((long-term loan))~~ financial aid fund ~~((which))~~ that is hereby created and which shall be held locally. Moneys in ~~((such))~~ the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students ~~((except as provided for))~~ as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; or (c) to provide financial aid to needy students as provided in subsection (10) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through ~~((28B.15.045))~~ 28B.15.013, and who is a "needy student" as defined in RCW 28B.10.802.

(3) The amount of the guaranteed long-term loans made under ~~((subsection (1) of))~~ this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under ~~((subsection (4) of))~~ this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under ~~((subsection (4) of))~~ this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges ~~((education))~~ and shall be conducted under procedures adopted by ~~((such))~~ the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, ~~((which))~~ that are paid by or on behalf of borrowers of funds under subsections ~~((4))~~ (3) through (8) of this section, shall be deposited in each institution's ~~((general local))~~ financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under ~~((subsection (4) of))~~ this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan ~~((principle))~~ principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be ~~((used for the support of the institution's operating budget))~~ deposited in the institution's financial aid fund.

(7) The governing boards ~~((of regents))~~ of the state universities, ~~((the boards of trustees of))~~ the regional universities, and The Evergreen State College, and the state board for community and technical colleges ~~((education))~~, on behalf of the community colleges, shall each adopt necessary rules and regulations to implement this section.

(8) ~~((Lending activities))~~ First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term ~~((interim))~~ loans, not to exceed one ~~((hundred twenty days))~~ year, may be made from the institutional ~~((long-term loan))~~ financial aid fund to students ~~((eligible for guaranteed student loans and whose receipt of such loans is pending. Such short-term loans shall not be subject to the guarantee restrictions or the constraints of federal law imposed by subsection (3) of this section))~~ enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional ~~((long-term loan))~~ financial aid fund ~~((which))~~ that are not used in making ~~((long))~~ long-term or short-term loans ~~((or transferred to institutional operating budgets))~~ may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee ~~((waiver))~~ scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds ~~((which))~~ that would otherwise support these locally-administered financial aid programs. Priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study.

Sec. 2. RCW 28B.101.040 and 1990 c 288 s 6 are each amended to read as follows:

Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that is accredited by an accrediting association recognized by rule of the higher education coordinating board and that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study.

Sec. 3. RCW 28B.12.040 and 1985 c 370 s 58 are each amended to read as follows:

The higher education coordinating board shall develop and administer the college work-study program and shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

With the exception of off-campus community service placements, the share from ((funds)) moneys disbursed under the college work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers."

On page 1, line 1 of the title, after "aid;" strike the remainder of the title and insert "and amending RCW 28B.15.820, 28B.101.040, and 28B.12.040."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bauer, Prince, Drew; Representatives Jacobsen, Shin, Brumsickle.

MOTION

Representative Jacobsen moved that the House adopt the Report of the Conference Committee on Engrossed House Bill No. 1748 and pass the bill as recommended by the Conference Committee.

Representatives Jacobsen, Brumsickle and Shin spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1748 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1748 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Engrossed House Bill No. 1748, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1931 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

SHB 1931 April 22, 1993

Includes "NEW ITEM": YES

Regulating steamboat operators

Mr. President:
Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1931, Steamboat operators, have had the same under consideration and we recommend that:

The Senate Transportation Committee amendments adopted as amended on April 14, 1993, be not adopted; and The Conference Committee striking amendments (1931-S AMC CONF S3452.1) be adopted,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.120 and 1984 c 7 s 307 are each amended to read as follows:

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

~~((While any revenue bonds issued by the department under the provisions of this chapter are outstanding no additional bonds may be issued for the purposes of acquiring, constructing, operating, or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the department unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of the outstanding bonds. The provisions of this section are binding upon the state, and all of its departments, agencies, and instrumentalities, as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, towns, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.))~~

Sec. 2. RCW 81.84.010 and 1961 c 14 s 81.84.010 are each amended to read as follows:

(1) No ~~((steamboat company shall))~~ commercial ferry may hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued before or after the effective date of this act to a commercial ferry operator shall be exercised by the operator in a manner consistent with the conditions established in the certificate or tariffs: PROVIDED, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross annual earnings of such vessel: PROVIDED, That nothing herein shall be construed to affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate ~~((carrier))~~ holder without first acquiring the rights granted to the certificate holder under the certificate, nor shall this chapter be construed to affect, amend, or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this

state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or wharfs, to make, fix, alter, or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a ~~((steamboat company))~~ commercial ferry, notwithstanding the provisions of any act or parts of acts inconsistent herewith.

(2) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. However, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

(3) The commission shall review certificates in existence as of the effective date of this act, where service is not being provided on all or any portion of the route or routes certificated. Based on progress reports required under subsection (2) of this section, the commission may grant an extension beyond that provided in subsection (2) of this section. Such additional extension may not exceed a total of two years.

Sec. 3. RCW 81.84.020 and 1961 c 14 s 81.84.020 are each amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities and counties, and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder ~~((shall fail and refuse))~~ has failed or refused to furnish reasonable and adequate service or has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that ~~((such steamboat company))~~ the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more ~~((steamboat companies))~~ commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of ~~((said companies))~~ the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ~~((companies to whom such))~~ ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of the effective date of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 81.84 RCW to read as follows:

The commission, in granting a certificate to operate as a commercial ferry, shall require the operator to first obtain liability and property damage insurance from a company licensed to write liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each vessel or ferry to be used, in the amount of not less than one hundred thousand dollars for any recovery for personal injury by one person, and not less than one million dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury and property damage by reason of one act of negligence, and not less than fifty thousand dollars for damage to property of any person other than the insured; or combined bodily injury and property damage liability insurance of not less than one million dollars, and to maintain such liability and property damage insurance or surety bond in force on each vessel or ferry while so used. Each policy for liability or property damage insurance or surety bond required by this section must be filed with the commission and kept in full force and effect, and failure to do so is cause for revocation of the operator's certificate.

Sec. 5. RCW 81.84.030 and 1961 c 14 s 81.84.030 are each amended to read as follows:

No certificate or any right or privilege thereunder held, owned, or obtained under the provisions of this chapter shall be sold, assigned, leased, mortgaged, or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization by the commission first obtained. ~~((The commission may at any time by its order duly entered after hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter, if the holder thereof wilfully violates or fails to observe the provisions or conditions of the certificate, or the orders, rules or regulations of the commission, or the provisions of this title.))~~

Sec. 6. RCW 81.84.050 and 1961 c 14 s 81.84.050 are each amended to read as follows:

Every ~~((steamboat company))~~ commercial ferry and every officer, agent, or employee of any ~~((steamboat company))~~ commercial ferry who violates or who procures, aids, or abets in the violation of any provision of this title, or any order, rule, regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or, if application for remission or mitigation has not been made, within fifteen days after the violator has received notice of the disposition of such application, the attorney general shall bring an action to recover the penalty in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered by the state under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

NEW SECTION. **Sec. 7.** A new section is added to chapter 81.84 RCW to read as follows:

The commission, upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter on any of the following grounds:

- (1) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.010 (2) or (3);
- (2) Failure of the certificate holder to file an annual report;
- (3) The filing by a certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;
- (4) The violation of any provision of this chapter;
- (5) The violation of or failure to observe the provisions or conditions of the certificate or tariffs;
- (6) The violation of an order, decision, rule, regulation, or requirement established by the commission under this chapter;
- (7) Failure of a certificate holder to maintain the required insurance coverage in full force and effect; or
- (8) Failure or refusal to furnish reasonable and adequate service after initiating service.

The commission shall take appropriate action within thirty days upon a complaint by an interested party or of its own finding that a provision of this section has been violated.

NEW SECTION. **Sec. 8.** A new section is added to chapter 81.84 RCW to read as follows:

The commission may, with or without a hearing, issue temporary certificates to operate under this chapter, but only after it finds that the issuance of the temporary certificate is necessary due to an immediate and urgent need and is otherwise consistent with the public interest. The certificate may be issued for a period of up to one hundred eighty days. The commission may prescribe such special rules and impose special terms and conditions on the granting of the certificate as in its judgment are reasonable and necessary in carrying out this chapter. The commission shall collect a filing fee, not to exceed two hundred dollars, for each application for a temporary certificate. The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application by another commercial ferry operator is pending.

Sec. 9. RCW 81.04.010 and 1991 c 272 s 3 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association, or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm, or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating, or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, and terminal facilities of every kind used, operated, controlled, or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership, or person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise, or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, ~~((steamboat companies))~~ commercial ferries, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing, or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

~~"((Steamboat company))~~ Commercial ferry" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating, or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage, and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort, and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

Sec. 10. RCW 81.24.030 and 1981 c 13 s 5 are each amended to read as follows:

Every ~~((steamboat company))~~ commercial ferry shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the fee so paid shall in no case be less than five dollars. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year." In line 1 of the title, after "operators;" strike the remainder of the title and insert

"amending RCW 47.60.120, 81.84.010, 81.84.020, 81.84.030, 81.84.050, 81.04.010, and 81.24.030; adding new sections to chapter 81.84 RCW; and prescribing penalties."
and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Vognild, Drew; and Representatives R. Fisher, Schmidt, Zellinsky.

MOTION

Representative Brown moved that the House adopt the Report of the Conference Committee on Substitute House Bill No. 1931 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1931 as recommended by the Conference Committee.

Representative Mielke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1931, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Substitute House Bill No. 1931, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 2026 April 23, 1993

Includes "NEW ITEM": YES

Requiring notice about fetal alcohol syndrome.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, Fetal alcohol syndrome, have had the same under consideration and we recommend that: The Senate amendments to page 1, lines 13, 14 and 16, and the title amendment adopted April 18, 1993, not be adopted; and

The Conference Committee striking amendments (2026-S.E AMC CONF S3440.4) be adopted,

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The United States surgeon general warns that women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. The legislature finds that these defects include fetal alcohol syndrome, a birth defect that causes permanent antisocial behavior in the sufferer, disrupts the functions of his or her family, and, at an alarmingly increasing rate, extracts a safety and fiscal toll on society.

NEW SECTION. Sec. 2. A new section is added to chapter 66.08 RCW to read as follows:

The board shall cause to be posted in conspicuous places, in a number determined by the board, within each state liquor store, notices in print not less than one inch high warning persons that consumption of alcohol shortly before conception or during pregnancy may cause birth defects, including fetal alcohol syndrome and fetal alcohol effects.

NEW SECTION. Sec. 3. The legislature recognizes that the use of alcohol and other drugs during pregnancy can cause medical, psychological, and social problems for women and infants. The legislature further recognizes that communities are increasingly concerned about this problem and the associated costs to the mothers, infants, and society as a whole. The legislature recognizes that the department of health and other agencies are focusing on primary prevention activities to reduce the use of alcohol or drugs during pregnancy but few efforts have focused on secondary prevention efforts aimed at intervening in the lives of women already involved in the use of alcohol or other drugs during pregnancy. The legislature recognizes that the best way to prevent problems for chemically dependent pregnant women and their resulting children is to engage the women in alcohol or drug treatment. The legislature acknowledges that treatment professionals find pretreatment services to clients to be important in engaging women in alcohol or drug treatment. The legislature further recognizes that pretreatment services should be provided at locations where chemically dependent women are likely to be found, including public health clinics and domestic violence or homeless shelters. Therefore the legislature intends to prevent the detrimental effects of alcohol or other drug use to women and their resulting infants by promoting the establishment of local programs to help facilitate a woman's entry into alcohol or other drug treatment. These programs shall provide secondary prevention services and provision of opportunities for immediate treatment so that women who seek help are welcomed rather than ostracized.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of alcohol use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(2) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(3) "Assessment" means an interview with an individual to determine if he or she is chemically dependent and in need of referral to an approved treatment program.

(4) "Chemically dependent individual" means someone suffering from alcoholism or drug addiction, or dependence on alcohol or one or more other psychoactive chemicals.

(5) "Department" means the department of social and health services.

(6) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one family or household member against another.

(7) "Domestic violence program" means a shelter or other program which provides services to victims of domestic violence.

(8) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruptions of social or economic functioning.

(9) "Family or household members" means a family or household member as defined in RCW 10.99.020.

(10) "Pretreatment" means the period of time prior to an individual's enrollment in alcohol or drug treatment.

(11) "Pretreatment services" means activities taking place prior to treatment that include identification of individuals using alcohol or drugs, education, assessment of their use, evaluation of need for treatment, referral to an approved treatment program, and advocacy on a client's behalf with social service agencies or others to ensure and coordinate a client's entry into treatment.

(12) "Primary prevention" means providing information about the effects of alcohol or drug use to individuals so they will avoid using these substances.

(13) "Secondary prevention" means identifying and obtaining an assessment on individuals using alcohol or other drugs for referral to treatment when indicated.

(14) "Secretary" means the secretary of the department of social and health services.

(15) "Treatment" means the broad range of emergency detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, that may be extended to chemically dependent individuals and their families.

(16) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of chemically dependent individuals.

NEW SECTION. Sec. 5. The secretary shall develop and promote state-wide secondary prevention strategies designed to increase the use of alcohol and drug treatment services by women of child-bearing age, before, during, and immediately after pregnancy. These efforts are conducted through the division of alcohol and substance abuse. The secretary shall:

(1) Promote development of three pilot demonstration projects in the state to be called pretreatment projects for women of child bearing age.

(2) Ensure that two of the projects are located in public health department clinics that provide maternity services and one is located with a domestic violence program.

(3) Hire three certified chemical dependency counselors to work as substance abuse educators in each of the three demonstration projects. The counselors may rotate between more than one clinic or domestic violence program. The chemical dependency counselor for the domestic violence program shall also be trained in domestic violence issues.

(4) Ensure that the duties and activities of the certified chemical dependency counselors include, at a minimum, the following:

(a) Identifying substance-using pregnant women in the health clinics and domestic violence programs;

(b) Educating the women and agency staff on the effects of alcohol or drugs on health, pregnancy, and unborn children;

(c) Determining the extent of the women's substance use;

(d) Evaluating the women's need for treatment;

(e) Making referrals for chemical dependency treatment if indicated;

(f) Facilitating the women's entry into treatment; and

(g) Advocating on the client's behalf with other social service agencies or others to ensure and coordinate clients into treatment.

(5) Ensure that administrative costs of the department are limited to ten percent of the funds appropriated for the project.

NEW SECTION. Sec. 6. If specific funding for the purposes of sections 3, 4, and 5 of this act, referencing these sections by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, sections 3, 4, and 5 of this act shall be null and void.

NEW SECTION. Sec. 7. Sections 4 and 5 of this act are each added to Title 70 RCW."

On page 1, line 1 of the title, after "syndrome;" strike the remainder of the title and insert "adding a new section to chapter 66.08 RCW; adding new sections to Title 70 RCW; and creating new sections." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Wojahn, Erwin, Pelz; Representatives Heavey, Wood, Karahalios.

MOTION

Representative Heavey moved that the House adopt the Report of Conference the Committee on Engrossed Substitute House Bill No. 2026 and pass the bill as recommended by the Conference Committee.

Representative Heavey spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2026 as recommended by the Conference Committee.

Representatives Karahalios and Wood spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2026, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representative Lisk - 1.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Engrossed Substitute House Bill No. 2026, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 2067 April 23, 1993

Includes "NEW ITEM": YES

Encouraging commute trip reduction programs.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067, Commute trip reduction progr, have had the same under consideration and we recommend that:

The Senate amendment by Senators Drew, Nelson and Vognild adopted on 4/13/93, not be adopted; and The Conference Committee amendments (2067-S.E AMC CONF S3438.1) be adopted

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that reducing the number of commute trips to work is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. The legislature intends that state agencies shall assume a leadership role in implementing programs to reduce vehicle miles traveled and single-occupant vehicle commuting, under RCW 70.94.521 through 70.94.551.

The legislature has established and directed an interagency task force to consider mechanisms for funding state agency commute trip reduction programs; and to consider and recommend policies for employee incentives for commuting by other than single-occupant vehicles, and policies for the use of state-owned vehicles.

It is the purpose of this act to provide state agencies with the authority to provide employee incentives, including subsidies for use of high occupancy vehicles to meet commute trip reduction goals, and to remove existing

statutory barriers for state agencies to use public funds, including parking revenue, to operate, maintain, lease, or construct parking facilities at state-owned and leased facilities, to reduce parking subsidies, and to support commute trip reduction programs.

NEW SECTION. Sec. 2. A new section is added to chapter 43.01 RCW to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Guaranteed ride home" means an assured ride home for commuters participating in a commute trip reduction program who are not able to use their normal commute mode because of personal emergencies.

(2) "Pledged" means parking revenue designated through any means, including moneys received from the natural resource building, which is used for the debt service payment of bonds issued for parking facilities.

Sec. 3. RCW 43.41.140 and 1979 c 151 s 119 are each amended to read as follows:

Pursuant to policies and regulations promulgated by the office of financial management (~~(after consultation with and approval by the automotive policy board)~~), an elected state officer or ~~((his))~~ delegate or a state agency director or ~~((his))~~ delegate may permit an employee ~~((commuting))~~ to commute in a state-owned or leased vehicle ~~((only))~~ if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state, or as part of a commute trip reduction program as required by RCW 70.94.551.

Sec. 4. RCW 46.08.172 and 1991 sp.s. c 31 s 12 and 1991 sp.s. c 13 s 41 are each reenacted and amended to read as follows:

~~((There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account".))~~ The director of the department of general administration shall establish equitable and consistent parking rental fees for state-owned or leased property, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the terms of the collective bargaining agreement shall prevail. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. ~~((All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".))~~ However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

~~((The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 43.01 RCW to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account." All parking rental income collected from rental of parking space at state-owned or leased property shall be deposited in the "state capitol vehicle parking account." Revenue deposited in the "state capitol vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state capitol vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities on state-owned or leased properties;

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities at agency-owned and leased facilities off the capitol campus; and

(3) Support commute trip reduction programs under RCW 70.94.521 through 70.94.551.

Distribution of funds from the "state capitol vehicle parking account" are subject to appropriation by the legislature and will be made by the office of financial management after considering recommendations from the director of general administration and the interagency task force for commute trip reduction, under RCW 70.94.551.

NEW SECTION. Sec. 6. A new section is added to chapter 43.01 RCW to read as follows:

State agencies may, subject to appropriation and under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

NEW SECTION. Sec. 7. A new section is added to chapter 43.01 RCW to read as follows:

All state higher education institutions are exempt from section 5 of this act."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.41.140; reenacting and amending RCW 46.08.172; adding new sections to chapter 43.01 RCW; creating a new section; and prescribing penalties."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Prentice, Sheldon; Representatives R. Fisher, Schmidt, Jones.

MOTION

Representative Jones moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2067 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2067 as recommended by the Conference Committee.

Representative Mielke and Jones spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2067, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 93.

Voting nay: Representative Edmondson - 1.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Engrossed Substitute House Bill No. 2067, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

ESSB 5815 Date: April 22, 1993

Includes "new item": Yes

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5815, concerning seizure and forfeiture, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (attached 5815-S.E AMC CONF H2654.1) be adopted;

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.505 and 1992 c 211 s 1 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.401(e);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW(~~(= PROVIDED, That)~~). A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission(~~(= PROVIDED FURTHER, That)~~). No personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property(~~(= PROVIDED, That)~~). However:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized

under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction (~~if the aggregate value of the article or articles involved is more than five hundred dollars~~). Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g)(1) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(2) Each seizing agency shall retain records of forfeited property for at least seven years.

(3) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(4) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(h)(1) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the drug enforcement and education account under RCW 69.50.520.

(2) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (n) of this section.

(3) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(i) Forfeited property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.

(j) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(k) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(l) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(m) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(n) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (f)(2) of this section, only if:

(l) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(2) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

(i) Only if the funds applied under (2) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

(3) For any claim filed under (2) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(o) The landlord's claim for damages under subsection (n) of this section may not include a claim for loss of business and is limited to:

(1) Damage to tangible property and clean-up costs;

(2) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(3) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (f)(2) of this section; and

(4) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (h)(2) of this section.

(p) Subsections (n) and (o) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (n) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) A vehicle driven by or under the actual physical control of the owner of the vehicle in violation of RCW 46.61.502 or 46.61.504 is, upon the conviction of the owner when that conviction is the second or subsequent conviction for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, subject to seizure and forfeiture and no property right exists in that vehicle.

A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the violation of RCW 46.61.502 or 46.61.504.

(2) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(3) A seizure under subsection (2) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9 RCW, or a certificate of title, shall be made by service upon the secured party to the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the vehicle.

(6) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title.

(7) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(8) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(9) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(10) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(11) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(12) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(13) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

NEW SECTION. Sec. 3. A new section is added to chapter 46.61 RCW to read as follows:

(1) Whenever a person is charged with a violation of RCW 46.61.502 or 46.61.504 and that person has been previously convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period, the court shall instruct the person charged of the provisions of section 5 of this act and shall immediately forward notice of the charge to the director.

(2) Upon the conviction or acquittal of the person charged or if a pending charge is otherwise terminated, the court shall immediately forward notice of the conviction, acquittal, or other termination of charge to the director.

NEW SECTION. Sec. 4. A new section is added to chapter 46.12 RCW to read as follows:

Upon receiving notice of a charge under section 3 of this act, the director shall withhold the issuance of a certificate of ownership on a vehicle subject to section 5 of this act unless the applicant is included in the exceptions listed in that section or until receiving notice of acquittal or other termination of the charge under section 3 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 46.12 RCW to read as follows:

It is unlawful to convey, sell, or transfer the ownership of a motor vehicle that was driven by or was under the actual physical control of the owner of the vehicle who has previously been convicted for a violation of RCW 46.61.502 or 46.61.504 within a five-year period and is currently charged with a violation of RCW 46.61.502 or 46.61.504, except that:

(1) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party; and

(2) A leased vehicle may be transferred to the lessor or to a person designated by the lessor.

Sec. 6. RCW 46.12.270 and 1969 ex.s. c 125 s 3 are each amended to read as follows:

Any person violating ~~((the provisions of))~~ RCW 46.12.250 ~~((or))~~, 46.12.260 ~~((shall be))~~, or section 5 of this act is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days."

On page 1, line 1 of the title, after "forfeiture;" strike the remainder of the title and insert "amending RCW 69.50.505 and 46.12.270; adding new sections to chapter 46.61 RCW; adding new sections to chapter 46.12 RCW; and prescribing penalties."

and that the bill do pass as recommended by the Conference Committee.

Signed By Senators A. Smith, West, Quigley, Representatives Appelwick, Riley, Padden.

MOTION

Representative Ludwig moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5815 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5815 as recommended by the Conference Committee.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5815, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Engrossed Substitute Senate Bill No. 5815, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

2SSB 5836 Date: April 22, 1993

Includes "new item": Yes

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL 5836, redefining the relationship between the state and its postsecondary institutions, have had the same under consideration and we recommend that the House Higher Education Committee amendments not be adopted, and that the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds a need to redefine the relationship between the state and its postsecondary education institutions through a compact based on trust, evidence, and a new alignment of responsibilities. As the proportion of the state budget dedicated to postsecondary education programs has continued to decrease and the opportunity for this state's citizens to participate in such programs also has declined, the state institutions of higher education have increasingly less flexibility to respond to emerging challenges through innovative management and programming. The legislature finds that this state has not provided its institutions of higher education with the ability to effectively achieve state-wide goals and objectives to increase access to, improve the quality of, and enhance the accountability for its postsecondary education system.

Therefore, the legislature declares that the policy of the state of Washington is to create an environment in which the state institutions of higher education have the authority and flexibility to enhance attainment of state-wide goals and objectives for the state's postsecondary education system through decisions and actions at the local level. The policy shall have the following attributes:

(1) The accomplishment of equitable and adequate enrollment by significantly raising enrollment lids, adequately funding those increases, and providing sufficient financial aid for the neediest students;

(2) The development and use of a new definition of quality measured by effective operations and clear results; the efficient use of funds to achieve well-educated students;

(3) The attainment of a new resource management relationship that removes the state from micromanagement, allows institutions greater management autonomy to focus resources on essential functions, and encourages innovation; and

(4) The development of a system of coordinated planning and sufficient feedback to assure policymakers and citizens that students are succeeding and resources are being prudently deployed.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

(1) At the local level, the higher education institutional responsibilities include but are not limited to:

(a) Development and provision of strategic plans under the guidelines established by the higher education coordinating board. In developing their strategic plans, the research universities shall consider the feasibility of significantly increasing the number of evening graduate classes;

(b) For the four-year institutions of higher education, timely provision of information required by the higher education coordinating board to report to the governor, the legislature, and the citizens;

(c) Provision of local student financial aid delivery systems to achieve both state-wide goals and institutional objectives in concert with state-wide policy; and

(d) Operating as efficiently as feasible within institutional missions and goals.

(2) At the state level, the higher education coordinating board shall be responsible for:

(a) Delineation and coordination of strategic plans to be prepared by the institutions;

(b) Preparation of reports to the governor, the legislature, and the citizens on program accomplishments and use of resources by the institutions;

(c) Administration and policy implementation for state-wide student financial aid programs; and

(d) Assistance to institutions in improving operational efficiency through measures that include periodic review of program efficiencies.

(3) At the state level, on behalf of community colleges and technical colleges, the state board for community and technical colleges shall coordinate and report on the system's strategic plans and shall provide any information required of its colleges by the higher education coordinating board.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.80 RCW to read as follows:

In cooperation with institutions of higher education, the state board for community and technical colleges, and appropriate state and local agencies, the higher education coordinating board may identify methods to reduce administrative barriers to efficient institutional operations. These methods may include waivers of statutory requirements and administrative rules. The higher education coordinating board shall report to the governor and appropriate legislative committees its recommendations for any statutory changes necessary to enhance institutional efficiencies. In cooperation with affected institutions, the board shall work with appropriate agencies to reduce administrative barriers that do not require statutory changes.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the four-year institutions of higher education, shall conduct a study of higher education system operations to identify efficiencies to increase access to, improve the quality of, and reduce the cost of higher education. This study shall include but not be limited to:

(1) Examining potential unnecessary duplicative and low-productivity programs for possible consolidation or termination;

(2) Developing criteria for and conducting an evaluation of faculty productivity;

(3) Reviewing and developing recommendations on appropriate institutional roles for providing remedial instruction;

(4) Exploring the potential for greater use of the public higher education system physical plant and other resources through such means as expanded operations during summer terms, evenings, and weekends;

(5) Examining the effectiveness of proposals on variable tuition rates and faculty salary incentives; and

(6) Identifying ways for institutions to share resources, faculty, and curricula through collaboration with other public and private postsecondary institutions and common school districts in their service areas to increase student opportunities and reduce costs. Analyses shall include clear articulation of functions among institutions, means to reduce duplication, and policies to facilitate student movement among institutions.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board, in conjunction with the state board for community and technical colleges and the institutions of higher education, shall report regularly to the legislature and the citizens the accomplishments of, expenditures for, and requirements of the postsecondary educational system in the state of Washington. The state board for community and technical colleges and the state institutions of higher education shall report uniformly to the higher education coordinating board, on an annual basis, the information necessary to prepare the report. Independent colleges and universities are encouraged to cooperate with this effort and to provide to the board information in a uniform format developed by the board, in cooperation with the institutions. Examples of performance measures that could be included are:

(1) Retention and graduation rates;

(2) Average time to a degree;

(3) Credit hours per degree awarded;

(4) Degrees awarded by discipline and by level;

(5) Multiple degrees;

(6) Measures taken to reduce duplicative courses, programs, and requirements;

(7) Student-faculty contact hours;

(8) Placement rates;

- (9) Success in recruiting and graduating underrepresented groups;
- (10) Various fiscal and management measures; and
- (11) Demographic information on enrolled students, including but not limited to socioeconomic and ethnic backgrounds.

Sec. 6. RCW 28B.80.330 and 1985 c 370 s 4 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions, the community and technical college system, and when appropriate the ~~((commission for vocational education))~~ work force training and education coordinating board, the superintendent of public instruction ~~((for the vocational technical institutes))~~, and the independent higher educational institutions:

- (1) Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;
- (2) Identify the state's higher education goals, objectives, and priorities;
- (3) Prepare a comprehensive master plan which includes but is not limited to:
 - (a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled workforce; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;
 - (b) Recommendations on enrollment and other policies and actions to meet those needs;
 - (c) Guidelines for continuing education, adult education, public service, and other higher education programs.

The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.

The plan shall be updated ~~((biennially))~~ every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the ~~((biennial))~~ updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;

- (4) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on the elements outlined in subsections (1), (2), and (3) of this section, and on guidelines which outline the board's fiscal priorities. These guidelines shall be distributed to the institutions and the community college board by December of each odd-numbered year. The institutions and the community college board shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1 of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before October 15 of each even-numbered year, and to the legislature by January 1 of each odd-numbered year;
- (5) Recommend legislation affecting higher education;
- (6) Recommend tuition and fees policies and levels based on comparisons with peer institutions;
- (7) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;
- (8) Prepare recommendations on merging or closing institutions; and
- (9) Develop criteria for identifying the need for new baccalaureate institutions.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bauer, Prince; Representatives Jacobsen, Brumsickle, Quall.

MOTION

Representative Jacobsen moved that the House adopt the Report of the Conference Committee on Second Substitute Senate Bill No. 5836 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5836 as recommended by the Conference Committee.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5836, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Second Substitute Senate Bill No. 5836, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Public assistance is intended to be a temporary financial relief program, recognizing that families can be confronted with a financial crisis at any time in life. Successful public assistance programs depend on the availability of adequate resources to assist individuals deemed eligible for the benefits of such a program. In this way, eligible families are given sufficient assistance to reenter productive employment in a minimal time period.

(2) The current public assistance system requires a reduction in grant standards when income is received. In most cases, family income is limited to levels substantially below the standard of need. This is a strong disincentive to work. To remove this disincentive, the legislature intends to allow families to retain a greater percentage of income before it results in the reduction or termination of benefits;

(3) Employment, training, and education services provided to employable recipients of public assistance are effective tools in achieving economic self-sufficiency. Support services that are targeted to the specific needs of the individual offer the best hope of achieving economic self-sufficiency in a cost-effective manner;

(4) State welfare-to-work programs, which move individuals from dependence to economic independence, must be operated cooperatively and collaboratively between state agencies and programs. They also must include public assistance recipients as active partners in self-sufficiency planning activities. Participants in economic independence programs and services will benefit from the concepts of personal empowerment, self-motivation, and self-esteem;

(5) Many barriers to economic independence are found in federal statutes and rules, and provide states with limited options for restructuring existing programs in order to create incentives for employment over continued dependence;

(6) The legislature finds that the personal and societal costs of teenage childbearing are substantial. Teen parents are less likely to finish high school and more likely to depend upon public assistance than women who delay childbearing until adulthood; and

(7) The legislature intends that an effort be made to ensure that each teenage parent who is a public assistance recipient live in a setting that increases the likelihood that the teen parent will complete high school and achieve economic independence.

NEW SECTION. Sec. 2. For purposes of determining the amount of grant payments to recipients of aid to families with dependent children, all countable nonexempt earned income shall be subtracted from an amount equal to fifty-five percent of the need standard. The department shall adopt rules necessary to implement the intent of this section.

NEW SECTION. Sec. 3. The department shall amend the state plan to eliminate the one hundred hour work rule for recipients of aid to families with dependent children-employable. The department shall seek federal approval for the amendment to the state plan and report on federal action to the appropriate standing committees of the legislature by December 1, 1993.

NEW SECTION. Sec. 4. The department shall initiate a pilot project using electronic benefit transfer technology for the food stamp, aid to families with dependent children, and women, infant, and children programs. The department shall report to the appropriate standing committees of the legislature on the project implementation status by December 1, 1994.

Sec. 5. RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are each reenacted and amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of social and health services.

(3) "County or local office"—The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; ((~~or~~))

(B) Under twenty years of age and ineligible for aid to families with dependent children solely due to federal age requirements, and are full-time students reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the person reaches age twenty. Reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training means maintaining a grade point average equal to or greater than a 2.5. For purposes of determining payment amount, the student is considered a member of the aid to families with dependent children household of which the student would be a member but for the federal age requirement. In determining eligibility, earnings of a full-time student shall be disregarded, in accordance with department standards, notwithstanding the earnings limitation imposed by RCW 74.04.266;

(C) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department(~~(-)~~); or

((~~C~~)) (D) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)((~~B~~))(C) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) ~~((To the extent authorized by the legislature in the biennial appropriations act, to))~~ Recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received. Payment shall be made within fifteen days of the request.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(h) Students with earnings shall not be eligible for the essential persons program unless the earnings are disregarded.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance shall have their eligibility based on resource limitations consistent with the aid to families with dependent children program rules adopted by the department.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 6. A new section is added to chapter 74.04 RCW to read as follows:

The department shall amend the state plan to include an aid to families with dependent children essential persons program that would, to the extent permitted under federal law, allow eighteen to twenty year old students to be eligible for federal aid to families with dependent children matching grants.

Sec. 7. RCW 74.25.020 and 1992 c 165 s 3 are each amended to read as follows:

(1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. The department

of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services.

(2) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall give first priority of service to individuals volunteering for program participation(~~(= PROVIDED, That the department shall require nonexempt parents under age twenty-four to actively participate in orientation, assessment, and either education, vocational training, or employment programs. At least one nonexempt parent in the aid to families with dependent children employable program shall actively participate in orientation, assessment, and either job search, education, training, or employment. Social services shall be offered to participants in accordance with federal law. The department shall adopt appropriate sanctions to ensure compliance with the requirements and policies of this chapter).~~)).

(3) The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age six years, and the employment would require the individual to work more than twenty hours per week; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

(4) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

NEW SECTION. Sec. 8. The department may provide grants to community action agencies or other local nonprofit organizations to provide job opportunities and basic skills training program participants with transitional support services, one-to-one assistance, and job retention services.

NEW SECTION. Sec. 9. The department of social and health services shall design a program for implementation involving recipients of aid to families with dependent children. A goal of this program is to develop a system that segments the aid to families with dependent children recipient population and identifies subgroups, matches services to the needs of the subgroup, and prioritizes available services. The department shall specify the services to be offered in each population segment. The general focus of the services offered shall be on job training, work force preparedness, and job retention.

The program shall be designed for state-wide implementation on July 1, 1994. A proposal for implementation may include phasing certain components over time or geographic area. The department shall submit this program to the appropriate committees of the senate and house of representatives by December 1, 1993.

NEW SECTION. Sec. 10. A new section is added to chapter 74.12 RCW to read as follows:

(1) As part of the orientation and assessment conducted pursuant to RCW 74.25.020, the department shall assist the family of the recipient in determining, in the following order of priority, the most appropriate living situation that will best ensure the safety and well-being for each recipient of aid to families with dependent children who is receiving those benefits as a head of household and is under age eighteen. Appropriate living situations may include, but are not limited to:

- (a) The parent's home;
- (b) The home of a relative;
- (c) A group living situation with adult supervision and guidance;
- (d) Living independently; and
- (e) Payment of the recipient's grant to another as provided in RCW 74.12.250.

(2) In conducting the assessment, the department shall consider all relevant factors, including but not limited to:

- (a) Whether the recipient is enrolled in and attending school;
- (b) Whether the recipient is employed;
- (c) The situation in the home of the recipient's parents, including but not limited to, whether there is substance abuse or domestic violence in the home and the adequacy of the dwelling; and
- (d) Whether there is a history of physical, emotional, or sexual abuse of the recipient by a person living in or frequenting the recipient's parents' home.

(3) If, as a result of the assessment, the department becomes aware of a recipient's need for other services that will help the recipient complete high school or achieve economic independence, and be an effective parent, the department shall make every effort to link the recipient with the services, including parenting classes.

NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

In determining food stamp eligibility, the department shall exclude as income the child support exempted by 42 U.S.C. Sec. 602(a)(8)(vi) or 657 (b).

NEW SECTION. Sec. 12. By October 1, 1993, the department shall request the governor to seek congressional and federal agency action on any federal legislation or federal regulation that may be necessary to implement chapter 74.-- RCW (sections 2 through 4, 8, and 12 of this act), and any other section of chapter . . . , Laws of 1993 (this act) that may require a federal waiver.

NEW SECTION. Sec. 13. Sections 2 through 4, 8, and 12 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 14. Section 2 of this act shall take effect July 1, 1994, if specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is provided by July 1, 1994, in the omnibus appropriations act. If specific funding is not so provided, section 2 of this act shall be null and void.

NEW SECTION. Sec. 15. Section 3 of this act shall take effect July 1, 1993, if specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill and section number, is provided by July 1, 1993, in the omnibus appropriations act. If specific funding is not so provided, section 3 of this act shall be null and void.

NEW SECTION. Sec. 16. Section 4 of this act shall take effect July 1, 1993, if specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is provided by July 1, 1993, in the omnibus appropriations act. If specific funding is not so provided, section 4 of this act shall be null and void.

NEW SECTION. Sec. 17. Section 5 of this act shall take effect July 1, 1993, if specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill and section number, is provided by July 1, 1993, in the omnibus appropriations act. If specific funding is not so provided, section 5 of this act shall be null and void.

NEW SECTION. Sec. 18. Section 11 of this act shall take effect July 1, 1994, if specific funding for the purposes of section 11 of this act, referencing section 11 of this act by bill and section number, is provided by July 1, 1994, in the omnibus appropriations act. If specific funding is not so provided, section 11 of this act shall be null and void.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions."

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 74.25.020; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.04 RCW; adding a new section to chapter 74.12 RCW; adding a new chapter to Title 74 RCW; creating new sections; providing effective dates; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Leonard moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1197 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1197 as amended by the Senate.

Representatives Leonard, Cooke and Karahalios spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1197, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

Engrossed Substitute House Bill No. 1197, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.12 RCW to read as follows:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in RCW 29.15.190 and 29.21.410, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29.01.135 and shall service both the remainder of the unexpired term and the succeeding term.

Sec. 2. RCW 42.12.010 and 1981 c 180 s 4 are each amended to read as follows:

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) His or her ceasing to be a legally ~~((qualified elector))~~ registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

Sec. 3. RCW 43.06.010 and 1992 c 172 s 1 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) The governor shall supervise the conduct of all executive and ministerial offices;
- (2) The governor shall see that all offices are filled, including as provided in section 1 of this act and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) The governor shall make the appointments and supply the vacancies mentioned in this title;
- (4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of ~~((his))~~ the prosecutor's duties;
- (8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;
- (9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) The governor shall issue and transmit election proclamations as prescribed by law;
- (11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;
- (12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;
- (13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;
- (14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;
- (15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

Sec. 4. RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to read as follows:

The board of airport district commissioners shall consist of three members (~~(, who shall each be a registered voter and actually a resident of the district)~~). The first commissioners shall be appointed by the county legislative authority. At the next general district election, held as provided in RCW 29.13.020, three airport district commissioners shall be elected. The terms of office of airport district commissioners shall be two years, or until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170. Members of the board of airport district commissioners shall be elected at each regular district general election on a nonpartisan basis in accordance with the general election law. (~~(They shall be nominated by petition of ten registered voters of the district.)~~) Vacancies on the board of airport district commissioners shall occur and shall be filled (~~(by appointment by the remaining commissioners)~~) as provided in chapter 42.12 RCW. Members of the board of airport district commissioners shall receive no compensation for their services, but shall be reimbursed for actual necessary traveling and sustenance expenses incurred while engaged on official business.

Sec. 5. RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read as follows:

A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall be sufficient cause for the remaining members of the board to declare by resolution that such board member position is vacated. In addition, vacancies shall occur as provided in RCW 42.12.010.

NEW SECTION. Sec. 6. A new section is added to chapter 29.15 RCW to read as follows:

If, after the close of the period established by RCW 29.15.020 for filing declarations of candidacy for the office of superintendent of public instruction or the nonpartisan elective office of a county, city, town, or special purpose district, no candidate or only one candidate has filed such a declaration for the nonpartisan office, the closure of the filing period for the office shall be extended. The extended filing period shall close at the end of business on the first Friday following the normal closing of that period under RCW 29.15.020.

Declarations and affidavits of candidacy filed during this extended filing period for the office shall be filed in the same manner, with the same fees or petitions, and with the same officer as prescribed for filings made under RCW 29.15.020. The names of candidates who validly file within this extension of the filing period shall appear on the ballot as if the filings had been made during the normal filing period under RCW 29.15.020.

The requirements of this section apply to a nonpartisan office of a county unless the provisions of the county's home rule charter provide otherwise. This section does not apply to a judicial office.

Sec. 7. RCW 29.15.050 and 1990 c 59 s 85 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of (~~ten~~) twenty dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis, nor for the filing of any declaration of candidacy by a write-in candidate.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for(~~:~~

~~(1))~~ (1)) a legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

~~((2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.)~~

Sec. 8. RCW 29.15.120 and 1990 c 59 s 86 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29.15.020 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during extended or special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the general election ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

NEW SECTION. Sec. 9. A new section is added to chapter 29.15 RCW to read as follows:

Each person who files a declaration of candidacy for an elected office of a city, town, or special district shall be given written notice of the date by which a candidate may withdraw his or her candidacy under RCW 29.15.120.

Sec. 10. RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no September primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw or after the end of an extended filing period provided by section 6 of this act, either of the following circumstances exist:

(1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or

(2) No more than two candidates have filed a declaration of candidacy for a single nonpartisan office to be filled.

In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the September primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot.

Sec. 11. RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each amended to read as follows:

A void in candidacy for a nonpartisan office occurs when an election for such office, except for the short term, has been scheduled and ~~((no valid declaration of candidacy has been filed for the position or))~~ all persons filing ~~((such))~~ valid declarations of candidacy for the office have died or been disqualified.

Sec. 12. RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each amended to read as follows:

Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the fourth Tuesday prior to a primary:

(1) A valid declaration of candidacy has not been filed for a judicial office during the normal filing period for the office;

(2) All of the candidates who have filed for a nonpartisan office have withdrawn their candidacies;

(3) A void in candidacy occurs;

~~((2))~~ (4) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or

~~((3))~~ (5) A nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within ~~((said))~~ the three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 13. RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each amended to read as follows:

If, after ~~((both))~~ the normal filing period ~~((and))~~ for which an extension of the filing period is not required by section 6 of this act, after such an extended filing period, or after a special three day filing period as provided by RCW 29.15.170 and 29.15.180~~((, as now or hereafter amended, have passed and still))~~, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until ~~((his))~~ a successor is elected at the next election when such positions are voted upon ~~((as provided by RCW 29.21.410, as now or hereafter amended))~~.

Sec. 14. RCW 29.21.015 and 1990 c 59 s 90 are each amended to read as follows:

No primary may be held for any single position in any city, town, or district, as required by RCW 29.21.010, if, after the last day allowed for candidates to withdraw or after the end of an extended or special filing period, there are no more than two candidates filed for the position. The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot. Names of candidates so notified shall be printed upon the general election ballot in the manner specified by RCW 29.30.025.

NEW SECTION. Sec. 15. A new section is added to chapter 35.02 RCW to read as follows:

An election shall be held to elect city or town elected officials at the next municipal general election occurring more than twelve months after the date of the first election of councilmembers or commissioners. Candidates shall run for specific council or commission positions. The staggering of terms of members of the city or town council shall be established at this election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as

councilmembers shall be elected to two-year terms of office. Newly elected councilmembers or newly elected commissioners shall serve until their successors are elected and qualified. The terms of office of newly elected commissioners shall not be staggered, as provided in chapter 35.17 RCW. All councilmembers and commissioners who are elected subsequently shall be elected to four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 16. RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended to read as follows:

All regular elections in cities organized under the statutory commission form of government shall be held quadrennially in the odd-numbered years on the dates provided in RCW 29.13.020. The commissioners shall be nominated and elected at large. Their terms shall be for four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. ~~((If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.))~~ Vacancies on a commission shall occur and shall be filled as provided in chapter 42.12 RCW, except that in every instance a person shall be elected to fill the remainder of the unexpired term at the next general municipal election that occurs twenty-eight or more days after the occurrence of the vacancy.

Sec. 17. RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended to read as follows:

The first election of commissioners shall be held ~~((within))~~ at the next special election that occurs at least sixty days after the ((adoption of)) election results are certified where the proposition to organize under the commission form was approved by city voters, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. The date of the second election for commissioners shall be in accordance with RCW 29.13.020 such that the term of the first commissioners will be as near as possible to, but not in excess of, four years calculated from the first day in January in the year after the year in which the first commissioners were elected.

Sec. 18. RCW 35.18.020 and 1981 c 260 s 7 are each amended to read as follows:

(1) The number of ~~((councilmen))~~ councilmembers in a city or town operating with a council-manager plan of government shall be ((in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last)) based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five ~~((councilmen))~~ councilmembers; and

(b) A city or town having more than two thousand, seven ~~((councilmen))~~ councilmembers.

(2) ~~((All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER, That at the first general municipal election held in the city in accordance with RCW 29.13.020, after the election approving the council-manager plan, the following shall apply:~~

~~((a) One councilman shall be nominated and elected from each ward or such other existing district of said city as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.~~

~~((b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.~~

~~((c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term commencing immediately when qualified in accordance with RCW 29.01.135 and continuing until their successors are elected and qualified and have assumed office in accordance with RCW 29.04.170.~~

~~((d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered))~~ Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Councilmembers may be elected on a city-wide or town-wide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29.70 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the

voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.

(3) When a ~~((municipality))~~ city or town has qualified for an increase in the number of ~~((councilmen))~~ councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management ~~((after the majority of the voters thereof have approved operation under the council-manager plan)),~~ two additional council positions shall be filled at the ~~((first))~~ next municipal general election ~~((when two additional councilmen are to be elected, one of the two additional councilmen receiving))~~ with the person elected to one of the new council positions receiving the ~~((highest))~~ greatest number of votes ~~((shall be))~~ being elected for a four-year term of office and the person elected to the other additional ~~((councilman shall be))~~ council position being elected for a two-year term of office. The ~~((terms of the))~~ two additional ~~((councilmen))~~ councilmembers shall ~~((commence))~~ assume office immediately when qualified in accordance with RCW 29.01.135, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office.

~~((4) In the event such population determination as provided in subsection (3) of this section requires an increase in the number of councilmen))~~ Prior to the election of the two new councilmembers, the city or town council shall fill the additional ~~((councilman))~~ positions by appointment not later than ~~((thirty))~~ forty-five days following the release of ~~((said))~~ the population determination, and ~~((the))~~ each appointee shall hold office only until ~~((the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term. In the event such population determination results in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election: PROVIDED, That))~~ the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

~~((5) ((If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term))~~ Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 19. RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended to read as follows:

If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town ~~((at its next regular election))~~ shall elect the council required under the council-manager plan in number according to ~~((the))~~ its population ~~((of the municipality: PROVIDED, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately when they are qualified in accordance with RCW 29.01.135 following the canvass of votes as certified and shall remain in office until their successors are elected at the next general municipal election: PROVIDED, That such successor shall hold office for staggered terms as provided in RCW 35.18.020 as now or hereafter amended. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the county auditor as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names))~~ at the next municipal general election. However, special elections shall be held to nominate and elect the new city councilmembers at the next primary and general election held in an even-numbered year if the next municipal general election is more than one year after the date of the election at which the voters approved the council-manager plan. The staggering of terms of office shall occur at the election when the new councilmembers are elected, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office if the election is held in an odd-numbered year, or one-year terms of office if the election is held in an even-numbered year. The initial councilmembers shall take office immediately when they are elected and qualified, but the lengths of their terms of office shall be calculated from the first day in January in the year following the election.

Sec. 20. RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended to read as follows:

All municipal elections held under the provisions of this chapter shall be conducted according to the general election laws of this state~~((, as far as practicable: PROVIDED, That any qualified voter of such city, duly registered for the general county or state election next preceding any municipal election, general or special, shall be qualified to~~

~~vote at such municipal election. No person shall be qualified to vote at such election unless he is a qualified elector of the county and has resided in such city for at least thirty days next preceding such election).~~

Sec. 21. RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended to read as follows:

The city council may declare an office vacant: (1) If anyone either elected or appointed to that office fails for ten days to qualify as required by law or fails to enter upon ((his)) the duties of that office at the time fixed by law or the orders of the city council, ((his)) the office shall become vacant; or (2) if such an officer ((absents himself)) who serves for compensation is absent from the city without the consent of the city council for three consecutive weeks or openly neglects or refuses to discharge ((his)) the duties(, the council may declare his office vacant: PROVIDED, That this penalty for absence from the city shall not apply to such officers as serve without compensation.

~~If a vacancy occurs by reason of death, resignation, or otherwise in the office of mayor or councilman, the city council shall fill the vacancy until the next general municipal election)) of that office. In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.~~

If a vacancy occurs ((by reason of death, resignation, or otherwise)) in any other office it shall be filled by appointment of the mayor and confirmed by the council in the same manner as other appointments are made.

Sec. 22. RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended to read as follows:

At any time not within three months previous to an annual election the city council of a second class city may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any ((councilman, but he)) councilmember, and councilmembers shall serve out ((his)) their terms in the wards of ((his)) their residences at the time of ((his election: PROVIDED, That if this results)) their elections. However, if these boundary changes result in one ward being represented by more ((councilmen)) councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

~~((No person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election and removal of his residence from the ward for which he was elected renders his office vacant.))~~

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 23. RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended to read as follows:

General municipal elections in third class cities not operating under the commission form of government shall be held biennially in the odd-numbered years ((as provided in RCW 29.13.020)) and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

~~((A councilman at large shall be elected biennially for a two-year term and until his or her successor is elected and qualified and assumes office in accordance with RCW 29.04.170. Of the other six councilmen, three shall be elected in each biennial general municipal election for terms of four years and until their successors are elected and qualified and assume)) Council positions shall be numbered in each third class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.~~

In its discretion the council of a third class city may divide the city by ordinance into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29.70.100. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more

councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 24. RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended to read as follows:

All elections shall be held in accordance with the general election laws of the state (~~(insofar as the same are applicable and no person shall be entitled to vote at any election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election)~~).

Sec. 25. RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended to read as follows:

~~((In cities of))~~ The council of a third class city may declare a council position vacant if ~~((a member of the city council absents himself))~~ that councilmember is absent for three consecutive regular meetings ~~((thereof, unless by))~~ without the permission of the council ~~((, his office may be declared vacant by the council.~~

~~Vacancies in the city council or in the office of mayor shall be filled by majority vote of the council).~~ In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

Vacancies in offices other than that of mayor or city ~~((councilman))~~ councilmember shall be filled by appointment of the mayor.

~~((If a vacancy occurs in an elective office the appointee shall hold office only until the next regular election at which a person shall be elected to serve for the remainder of the unexpired term.))~~

If there is a temporary vacancy in an appointive office due to illness, absence from the city or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

Sec. 26. RCW 35.24.290 and 1986 c 278 s 5 are each amended to read as follows:

The city council of each third class city shall have power:

- (1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;
- (2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;
- (3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;
- (4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;
- (5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;
- (6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;
- (7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within

one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

~~(11) (In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;~~

~~(12))~~ To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty;

~~((13))~~ (12) To establish fire limits, with proper regulations;

~~((14))~~ (13) To establish and maintain a free public library;

~~((15))~~ (14) To establish and regulate public markets and market places;

~~((16))~~ (15) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

~~((17))~~ (16) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

~~((18))~~ (17) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 27. RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended to read as follows:

All elections in towns shall be held in accordance with the general election laws of the state ~~((, so far as the same may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of the county, and has resided in the town for at least thirty days next preceding the election))~~.

Sec. 28. RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended to read as follows:

~~((If a member of))~~ The council of a town may declare a council position vacant if that councilmember is absent from the town for three consecutive council meetings ((unless by)) without the permission of the council ((his office shall be declared vacant by the council. A vacancy in the office of mayor and vacancies in the council shall be filled by a majority vote of the council)). In addition, a vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW.

A vacancy in any other office shall be filled by appointment by the mayor. ~~((An appointee filling the vacancy in an elective office shall hold office only until the next general election at which time a person shall be elected to serve for the remainder of the unexpired term except that the person appointed to fill a vacancy in the office of mayor shall serve for the unexpired term.))~~

Sec. 29. RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended to read as follows:

At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected ~~((to hold office respectively for the following terms: Where the election is held in an odd-numbered year, one commissioner shall be elected to hold office for two years, two shall be elected to hold office for four years, and two shall be elected to hold office for six years. Where the election is held in an even-numbered year, one commissioner shall hold office for three years, two shall hold office for five years, and two shall hold office for seven years)).~~ The election of park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. No primary shall be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a commissioner. The staggering of the terms of office shall occur as follows: (1) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (2) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January ~~((ef))~~ in the year after they are elected. ~~((The term of each nominee for park commissioner shall be expressed on the ballot.))~~ Thereafter, all commissioners shall ~~((serve))~~ be elected to six-year terms of office ((and)). All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled ((by majority action of the remaining commissioners appointing a voter to fill the remainder of the term of the vacant commissioner position)) as provided in chapter 42.12 RCW.

Sec. 30. RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended to read as follows:

Where used in this title with reference to procedures established by this title in regard to a change of plan or classification of government, unless a different meaning is plainly required by the context:

- (1) "Classify" means a change from a city of the first, second, or third class, or a town, to a code city.
- (2) "Classification" means either that portion of the general law under which a city or a town operates under Title 35 RCW as a first, second, or third class city, unclassified city, or town, or otherwise as a code city.
- (3) "Organize" means to provide for officers after becoming a code city, under the same general plan of government under which the city operated prior to becoming a code city, pursuant to RCW 35A.02.055.
- (4) "Organization" means the general plan of government under which a city operates.
- (5) "Plan of government" means ~~((either the))~~ a mayor-council form of government under chapter 35A.12 RCW, council-manager form of government under chapter 35A.13 RCW, or a mayor-council, council-manager, or commission form of government in general that is retained by a noncharter code city as provided in RCW 35A.02.130, without regard to variations in the number of elective offices or whether officers are elective or appointive.
- (6) "Reclassify" means changing from a code city to the classification, if any, held by such a city immediately prior to becoming a code city.
- (7) "Reclassification" means changing from city or town operating under Title 35 RCW to a city operating under Title 35A RCW, or vice versa; a change in classification.
- (8) "Reorganize" means changing the plan of government under which a city or town operates to a different general plan of government, for which an election of new officers under RCW 35A.02.050 is required. A city or town shall not be deemed to have reorganized simply by increasing or decreasing the number of members of its legislative body.
- (9) "Reorganization" means a change in general plan of government where an election of all new officers is required in order to accomplish this change, but an increase or decrease in the number of members of its legislative body shall not be deemed to constitute a reorganization.

Sec. 31. RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended to read as follows:

The first election of officers where required for reorganization under a different general plan of government newly adopted in a manner provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as now or hereafter amended, shall be at the next general municipal election if one is to be held more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or resolution, or otherwise at a special election to be held for that purpose in accordance with RCW 29.13.020. In the event that the first election of officers ~~((as herein provided))~~ is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.21.010 and 29.13.070. In the event that the first election of all officers ~~((as herein provided))~~ is to be held at a special election rather than at a general election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election to be held on a date authorized by RCW 29.13.010, and the persons nominated at that primary election shall be voted upon at the next succeeding special election that is authorized by RCW 29.13.010: PROVIDED, That in the event the

ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A.02.040 in an even-numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in (~~chapter 35A.29 RCW~~) general election law.

Upon reorganization, candidates for all offices shall file or be nominated for and successful candidates shall be elected to specific council positions(~~, and an~~). The initial terms (or) of office for those elected at a first election of all officers (to positions one and two for a five member council, or positions one through three for a seven member council, shall if the election occurs at a general municipal election be only until the second Monday in January first following the next general municipal election two years hence and if the election occurs at a special election, the duration of these initial terms shall be until the second Monday in January in the first even-numbered year that follows the next general municipal election. The duration of the initial term attaching to the remaining councilmanic positions shall be until the second Monday in January two years next thereafter, so that staggered regular four year terms will ultimately result. Any declarations of candidacy for any primary or other election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as now or hereafter amended)) shall be as follows: (1) A simple majority of the persons who are elected as councilmembers receiving the greatest numbers of votes and the mayor in a city with a mayor-council plan of government shall be elected to four-year terms of office, if the election is held in an odd-numbered year, or three-year terms of office, if the election is held in an even-numbered year; and (2) the other persons who are elected as councilmembers shall be elected to two-year terms of office, if the election is held in an odd-numbered year, or one-year terms of office, if the election is held in an even-numbered year. The newly elected officials shall take office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day of January in the year following the election. Thereafter, each person elected as a councilmember or mayor in a city with a mayor-council plan of government shall be elected to a four-year term of office. Each councilmember and mayor in a city with a mayor-council plan of government shall serve until a successor is elected and qualified and assumes office as provided in RCW 29.04.170.

The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. (~~Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.~~)

Sec. 32. RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each amended to read as follows:

Any incorporated city or town governed under a plan of government authorized prior to the time this title takes effect may become a noncharter code city without changing such plan of government by the use of the petition-for-election or resolution-for-election procedures provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a proposal that such municipality adopt the classification of noncharter code city while retaining its existing plan of government, and upon a favorable vote on the proposal, such municipality shall be classified as a noncharter code city and retain its old plan of government, such reclassification to be effective upon the filing of the record of such election with the office of the secretary of state. Insofar as the provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an election on such a reclassification proposal they shall apply to such election.

Sec. 33. RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each amended to read as follows:

The classifications of municipalities which existed prior to the time this title goes into effect--first class city, second class city, third class (and fourth class) city, town, and unclassified city--and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city changes its plan of government to the provisions of either chapter 35A.12 or 35A.13 RCW.

Sec. 34. RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended to read as follows:

By use of the resolution for election or petition for election methods described in RCW 35A.06.040, any noncharter code city which has operated for more than six consecutive years under one of the optional plans of government authorized by this title, or for more than a combined total of six consecutive years under a particular plan of government both as a code city and under the same general plan under Title 35 RCW immediately prior to becoming a code city, may abandon such organization and may reorganize and adopt another plan of government authorized for noncharter code cities, but only after having been a noncharter code city for more than one year or a city after operating for more than six consecutive years under a particular plan of government as a noncharter code city (~~(or may reclassify and adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any))~~): PROVIDED, That these limitations shall not apply to a city seeking to adopt a charter.

In reorganization under a different general plan of government as a noncharter code city, officers shall all be elected as provided in RCW 35A.02.050. When a noncharter code city adopts a plan of government other than those

authorized under Title 35A RCW, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law.

Sec. 35. RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended to read as follows:

The proposal for abandonment of a plan of government as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general municipal election if one is to be held within one hundred and eighty days or otherwise at a special election called for that purpose in accordance with RCW 29.13.020. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 29.27.060 and 35A.29.120(~~(, as now or hereafter amended. If the plan proposed in the petition is not a plan authorized for noncharter code cities by this title, the ballot statement shall clearly set forth that adoption of such plan by the voters would require abandonment of the classification of noncharter code city and that government would be under the general law relating to cities of the class specified in the resolution or petition. If the plan proposed in the petition is a plan authorized for noncharter code cities the ballot statement shall clearly set forth that adoption of such plan by the voters would not affect the eligibility of the noncharter code city to be governed under this optional municipal code)~~)).

Sec. 36. RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of ~~((councilmen))~~ councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old mayor-council plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 37. RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended to read as follows:

Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29 RCW. The mayor and the ~~((councilmen))~~ councilmembers shall be elected for four-year terms of office and until their successors are elected and qualified(~~(; except that at any first election three councilmen in cities having seven councilmen, and two councilmen in cities having five councilmen, shall be elected for two year terms and the remaining councilmen shall be elected for four year terms))~~ and assume office in accordance with RCW 29.04.170. At any first election upon reorganization, councilmembers shall be elected as provided in RCW 35A.02.050. Thereafter the requisite number of ~~((councilmen))~~ councilmembers shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes(~~(, as provided in RCW 35A.29.105. In any city which holds its first election under this title in the calendar year 1970, candidates elected for two year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1973 and candidates elected for four year terms shall hold office until their successors are elected and qualified at the general municipal election to be held in November, 1975))~~). Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. (~~(The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law.)~~) The mayor and

~~((councilman))~~ councilmembers shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 38. RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each amended to read as follows:

The office of a mayor or ~~((councilman))~~ councilmember shall become vacant if ~~((he))~~ the person who is elected or appointed to that position fails to qualify as provided by law ~~((or)),~~ fails to enter upon ~~((his))~~ the duties of that office at the time fixed by law without a justifiable reason, ~~((upon his death, resignation, removal from office by recall as provided by law, or when his office is forfeited))~~ or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office of mayor or in the council shall be filled ~~((for the remainder of the unexpired term, if any, at the next regular municipal election but the council, or the remaining members thereof, by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If at any time the membership of the council is reduced below the number required for a quorum, the remaining members, nevertheless, by majority action may appoint additional members to fill the vacancies until persons are elected to serve the remainder of the unexpired terms. If, after thirty days have passed since the occurrence of a vacancy, the council are unable to agree upon a person to be appointed to fill a vacancy in the council, the mayor may make the appointment from among the persons nominated by members of the council))~~ as provided in chapter 42.12 RCW.

Sec. 39. RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each amended to read as follows:

~~((A mayor or councilman shall forfeit his office, creating a vacancy, if he ceases to have the qualifications prescribed for such office by law, charter, or ordinance, or if he is convicted of a crime involving moral turpitude or an offense involving a violation of his oath of office. A councilman also shall forfeit his office if he))~~ In addition a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.

Sec. 40. RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each amended to read as follows:

(1) At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any ~~((councilman, but he))~~ councilmember, and councilmembers shall serve out ~~((his))~~ their terms in the wards of ~~((his))~~ their residences at the time of ~~((his))~~ their elections: PROVIDED, That if this results in one ward being represented by more ~~((councilmen))~~ councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable. ~~((When the city has been divided into wards no person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election, and removal of his residence from the ward for which he was elected renders his office vacant.))~~

Wards shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used as follows: (a) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (b) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1993, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

(2) If on the effective date of this section or thereafter, a ward represented by more than one councilmember does not have at least one councilmember elected to office at each municipal election, then the council may change the terms of or renumber councilmember positions to be filled at the next general election if necessary, so that at least one councilmember within the ward is elected to office at each municipal general election, and the city complies with RCW 35A.12.040. The council shall determine by lot which councilmember positions shall be renumbered or terms changed prior to the date for filing declarations of candidacy for election to councilmember positions.

Sec. 41. RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read as follows:

The ~~((councilmen))~~ councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a council-manager code city its population

increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a council-manager code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of ~~((councilmen))~~ councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

Sec. 42. RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each amended to read as follows:

In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan ~~((: PROVIDED, That))~~, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one ~~((on or after September 8, 1975;))~~ shall be the council chairman and shall carry out the duties prescribed by RCW 35A.13.030 ~~((, as now or hereafter amended))~~.

Sec. 43. RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each amended to read as follows:

An annexation election shall be held in accordance with ~~((chapter 35A.29 RCW of this title))~~ general election law and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

Sec. 44. RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as stated in the resolution, and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against Annexation and Adoption of Proposed Zoning Regulation", or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of all or a portion of indebtedness is proposed, shall contain an appropriate, separate proposition for or against the portion of indebtedness that the city requires to be assumed. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by ~~((RCW 35A.29.140))~~ general election law.

Sec. 45. RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each amended to read as follows:

~~((The election shall be conducted and the returns canvassed as provided in chapter 35A.29 RCW.))~~ Ballot titles shall be prepared by the city as provided in RCW 35A.29.120 and shall contain the words "For Dissolution" and "Against Dissolution", and shall contain on separate lines, alphabetically, the names of candidates for receiver. If a majority of the votes cast on the proposition are for dissolution, the municipal corporation shall be dissolved upon certification of the election results to the office of the secretary of state.

Sec. 46. RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each amended to read as follows:

~~((The election returns shall be canvassed as provided in RCW 35A.29.070 and))~~ If three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the ~~((legislative body, by an order entered on its~~

~~minutes, shall direct the clerk to)~~ county auditor shall make and transmit to the office of the secretary of state a certified abstract of the vote.

NEW SECTION. Sec. 47. A new section is added to chapter 35A.29 RCW to read as follows:
Elections for code cities shall comply with general election law.

Sec. 48. RCW 36.69.020 and 1969 c 26 s 2 are each amended to read as follows:

The formation of a park and recreation district shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters residing within the area so described. ~~((No person signing the petition may withdraw his name therefrom after filing.))~~ The name of a person who has signed the petition may not be withdrawn from the petition after the petition has been filed.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof ~~((; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate)).~~

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with ~~((his))~~ a certificate of sufficiency attached thereto, to the county ~~((commissioners who))~~ legislative authority, which shall by resolution entered upon ~~((their))~~ its minutes ~~((;))~~ receive it and fix a day and hour when ~~((they))~~ the legislative authority will publicly hear the petition, as provided in RCW 36.69.040.

Sec. 49. RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended to read as follows:

~~((All elections pursuant to this chapter shall be conducted in accordance with the provisions of chapter 29.13 RCW for district elections.))~~ A ballot proposition authorizing the formation of the proposed park and recreation district shall be submitted to the voters of the proposed district for their approval or rejection at the next general state election occurring sixty or more days after the county legislative authority fixes the boundaries of the proposed district. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district ~~((; define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district,))~~ and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. ~~((The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.))~~

The initial park and recreation commissioners shall be elected at the same election, but this election shall be null and void if the district is not authorized to be formed. No primary shall be held to nominate candidates for the initial commissioner positions. Candidates shall run for specific commission positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person who receives the greatest number of votes for each commission position shall be elected to that position. The three persons who are elected receiving the greatest number of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year. The other two persons who are elected shall be elected to two-year terms of office if the election is held in an odd-numbered year or one-year terms of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately upon being elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election.

Sec. 50. RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended to read as follows:

If a majority of all votes cast upon the proposition favors the formation of the district, ~~((the))~~ the county legislative authority shall ~~((;))~~ by resolution, declare the territory organized as a park and recreation district under the designated name ~~((; theretofore designated, and shall declare the candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district. These initial park and recreation commissioners shall take office immediately upon their election and qualification and hold office until their successors are elected and qualified and assume office as provided in RCW 36.69.090 as now or hereafter amended)).~~

Sec. 51. RCW 36.69.090 and 1987 c 53 s 1 are each amended to read as follows:

A park and recreation district shall be governed by a board of five commissioners. Except for the initial commissioners, all commissioners shall be elected to staggered four-year terms of office and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Candidates shall run for specific commissioner positions.

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election in each odd-numbered year. ~~((Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election.))~~ Elections shall be held in accordance with the provisions of Title 29 RCW dealing with general elections. ~~((All commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. At the first election following the formation of the district, the two candidates receiving the highest number of votes shall serve for terms of four years, and the three candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for four year terms: PROVIDED, That if there would otherwise be two commissioners elected at the November 1987 general election, the candidate receiving the highest number of votes shall serve a four year term, and the commissioner receiving the second highest number of votes shall serve a two year term.))~~

Sec. 52. RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended to read as follows:

Vacancies on the board of park and recreation commissioners shall occur and shall be filled ~~((by a majority vote of the remaining commissioners))~~ as provided in chapter 42.12 RCW.

Sec. 53. RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to read as follows:

(1) If the petition filed under RCW 36.69.430 is found to contain a sufficient number of signatures, the legislative authority of each county shall set a time for a hearing on the petition for the formation of a park and recreation district as prescribed in RCW 36.69.040.

(2) At the public hearing the legislative authority ~~((for each authority))~~ for each county shall fix the boundaries for that portion of the proposed park and recreation district that lies within the county as provided in RCW 36.69.050. Each county shall notify the other county or counties of the determination of the boundaries within ten days.

(3) If the territories created by the county legislative authorities are not contiguous, a joint park and recreation district shall not be formed. If the territories are contiguous, the county containing the portion of the proposed joint district having the larger population shall determine the name of the proposed joint district.

~~(4) ((If the proposed district encompasses portions of two counties, the county containing the portion of the district having the larger population shall divide the territory into three subdivisions and shall name three resident electors as prescribed by RCW 36.69.060. The county containing the territory having the smaller population shall divide that territory into two subdivisions and name two resident electors.~~

~~(5) If the proposed district encompasses portions of more than two counties, the district shall be divided into five subdivisions and resident electors shall be named as follows:~~

~~The number of subdivisions and resident electors to be established by each county shall reflect the proportion of population within each county portion of the proposed district in relation to the total population of the proposed district, provided that each county shall designate one subdivision and one resident elector.~~

~~(6))~~ The proposition for the formation of the proposed joint park and recreation district shall be submitted to the voters of the district at the next general election, which election shall be conducted as required by RCW 36.69.070 and 36.69.080.

Sec. 54. RCW 36.105.010 and 1991 c 363 s 99 are each amended to read as follows:

Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter.

It is the purpose of this chapter to provide voters of unincorporated areas in counties with a population of over thirty thousand that are made up entirely of islands and in counties with a population of over one million with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt proposed community comprehensive plans and proposed community zoning ordinances that are consistent with an overall guide and framework adopted by the county legislative authority. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

Sec. 55. RCW 36.105.020 and 1991 c 363 s 100 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area for which a community council has been established and which is located in a county with a population of over thirty thousand that is made up entirely of islands and in counties with a population of over one million.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

Sec. 56. RCW 36.105.030 and 1991 c 363 s 101 are each amended to read as follows:

A community for which a community council is created may include only unincorporated territory located in a single county with a population of over thirty thousand that is made up entirely of islands and in counties with a population of over one million and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation.

Sec. 57. RCW 52.14.010 and 1985 c 330 s 2 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three ~~((resident electors of))~~ registered voters residing in the district except as provided in RCW 52.14.015 and 52.14.020. Each member shall each receive fifty dollars per day or portion thereof, not to exceed four thousand eight hundred dollars per year, for attendance at board meetings and for performance of other services in behalf of the district.

In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all ~~((firemen))~~ fire fighters of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which ~~((said))~~ the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer ~~((firemen))~~ fire fighters without compensation. A commissioner actually serving as a volunteer ~~((fireman))~~ fire fighter may enjoy the rights and benefits of a volunteer ~~((fireman))~~ fire fighter. ~~((The first commissioners shall take office immediately when qualified in accordance with RCW 29.01.135 and shall serve until after the next general election for the selection of commissioners and until their successors have been elected and have qualified and have assumed office in accordance with RCW 29.04.170.))~~

Sec. 58. RCW 52.14.015 and 1990 c 259 s 14 are each amended to read as follows:

In the event a three member board of commissioners of any fire protection district determines by resolution ~~((and approves by unanimous vote of the board))~~ that it would be in the best interest of the district to increase the number of commissioners from three to five, or in the event the board is presented with a petition signed by ten percent of the registered voters resident within the district who voted in the last general municipal election calling for such an increase in the number of commissioners of the district, the board shall submit a resolution to the county legislative authority or authorities of the county or counties in which the district is located requesting that an election be held. Upon receipt of the resolution, the legislative authority or authorities of the county or counties shall call a special election to be held within the fire protection district at which election the following proposition shall be submitted to the voters substantially as follows:

Shall the board of commissioners of county fire protection district no. . . . be increased from three members to five members?

Yes
No

If the fire protection district is located in more than a single county, this proposition shall indicate the name of the district.

If the proposition receives a majority approval at the election, the board of commissioners of the fire protection district shall be increased to five members. The two additional members shall be appointed in the same manner as provided in RCW 52.14.020.

Sec. 59. RCW 52.14.030 and 1984 c 230 s 31 are each amended to read as follows:

~~((The polling places for district elections shall be those of the county voting precincts which include any of the territory within the fire protection districts. District elections))~~ The polling places for a fire protection district

election may be located inside or outside the boundaries of the district ((and)), as determined by the auditor of the county in which the fire protection district is located, and the elections of the fire protection district shall not be held to be irregular or void on that account.

Sec. 60. RCW 52.14.050 and 1989 c 63 s 21 are each amended to read as follows:

~~((In the event of a vacancy occurring in the office of fire commissioner, the vacancy shall, within sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners. If the board of commissioners fails to fill the vacancy within the sixty day period, the county legislative authority of the county in which all, or the largest portion, of the district is located shall make the appointment. If the number of vacancies is such that there is not a majority of the full number of commissioners in office as fixed by law, the county legislative authority of the county in which all, or the largest portion, of the district is located shall appoint someone to fill each vacancy, within thirty days of each vacancy, that is sufficient to create a majority as prescribed by law.~~

~~An appointee shall serve ad interim until a successor has been elected and qualified at the next general election as provided in chapter 29.21 RCW. A person who is so elected shall take office immediately after he or she is qualified and shall serve for the remainder of the unexpired term.))~~

Vacancies on a board of fire commissioners shall occur as provided in chapter 42.12 RCW. In addition, if a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board, the office shall be declared vacant by the board of commissioners ((and the vacancy shall be filled as provided for in this section)). However, such an action shall not be taken unless the commissioner is notified by mail after two consecutive unexcused absences that the position will be declared vacant if the commissioner is absent without being excused from the next regularly scheduled meeting. Vacancies ((additionally shall occur)) on a board of fire commissioners shall be filled as provided in chapter 42.12 RCW.

Sec. 61. RCW 52.14.060 and 1989 c 63 s 22 are each amended to read as follows:

The initial three members of the board of fire commissioners shall be elected at the same election as when the ballot proposition is submitted to the voters authorizing the creation of the fire protection district. If the district is not authorized to be created, the election of the initial fire commissioners shall be null and void. If the district is authorized to be created, the initial fire commissioners shall take office immediately when qualified. Candidates shall file for each of the three separate fire commissioner positions. Elections shall be held as provided in chapter 29.21 RCW, with the county auditor opening up a special filing period as provided in RCW ~~((29.21.360 and 29.21.370))~~ 29.15.170 and 29.15.180, as if there were a vacancy. The ~~((candidate for each position))~~ person who receives the greatest number of votes for each position shall be elected to that position. ~~((If the election is held in an odd-numbered year, the winning candidate receiving the highest number of votes shall hold office for a term of six years, the winning candidate receiving the next highest number of votes shall hold office for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. If the election were held in an even-numbered year, the winning candidate receiving the greatest number of votes shall hold office for a term of five years, the winning candidate receiving the next highest number of votes shall hold office for a term of three years, and the winning candidate receiving the next highest number of votes shall hold office for a term of one year.))~~ The terms of office of the initial fire commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when elected and qualified and their terms of office ((of the initially elected fire commissioners)) shall be calculated from the first day of January in the year following their election.

The term of office of each subsequent commissioner shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

Sec. 62. RCW 53.12.140 and 1959 c 17 s 9 are each amended to read as follows:

A vacancy in the office of port commissioner shall occur ~~((by death, resignation, removal, conviction of a felony,))~~ as provided in chapter 42.12 RCW or by nonattendance at meetings of the port commission for a period of sixty days unless excused by the port commission ~~((, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty)).~~ A vacancy on a port commission shall be filled as provided in chapter 42.12 RCW.

Sec. 63. RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended to read as follows:

Whenever a proposition for the formation of a public utility district is to be submitted to voters in any county, the county legislative authority may by resolution call a special election, and at the request of petitioners for the formation of such district contained in the petition shall do so and shall provide for holding the same at the earliest

practicable time. If the boundaries of the proposed district embrace an area less than the entire county, such election shall be confined to the area so included. The notice of such election shall state the boundaries of the proposed district and the object of such election; in other respects, such election shall be held and called in the same manner as provided by law for the holding and calling of general elections: PROVIDED, That notice thereof shall be given for not less than ten days nor more than thirty days prior to such special election. In submitting the ((said)) proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in substantially the following terms:

Public Utility District No. __. YES
Public Utility District No. __. NO

At the same special election on the proposition to form a public utility district, there shall also be an election for three public utility district commissioners(~~(: PROVIDED, That)~~). However, the election of such commissioners shall be null and void if the proposition to form the public utility district does not receive approval by a majority of the voters voting on the proposition. ((Nomination for and election of public utility district commissioners shall conform with the provisions of RCW 54.12.010 as now or hereafter amended, except for the day of such election and the term of office of the original commissioners.)) No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the commissioner of that district. Commissioner districts shall be established as provided in RCW 54.12.010. The terms of the initial commissioners shall be staggered as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an even-numbered year or a five-year term if the election is held in an odd-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an even-numbered year or a three-year term of office if the election is held in an odd-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an even-numbered year or a one-year term of office if the election is held in an odd-numbered year. The commissioners first to be elected at such special election shall ~~((hold office from the first day of the month following the commissioners' election for the terms as specified in this section which terms shall be computed from the first day in January next following the election. If such special election was held in an even-numbered year, the commissioners residing in commissioner district number one shall hold office for the term of six years, the commissioner residing in commissioner district number two shall hold office for the term of four years, and the commissioner residing in commissioner district number three shall hold office for the term of two years. If such special election was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner residing in commissioner district number two shall hold office for the term of three years, and the commissioner residing in commissioner district number three shall hold office for the term of one year))~~ assume office immediately when they are elected and qualified, but the length of their terms of office shall be calculated from the first day in January in the year following their elections.

The term "general election" as used herein means biennial general elections at which state and county officers in a noncharter county are elected.

Sec. 64. RCW 54.12.010 and 1990 c 59 s 109 are each amended to read as follows:

~~((Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become))~~ A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

When the public utility district is ~~((coextensive with the limits of such county))~~ county-wide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county ~~((commissioner))~~ legislative authority districts ((of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter)). When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is ~~((located in a county operating under a "Home Rule" charter))~~ county-wide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, ~~((having))~~ each with approximately equal population and ~~((boundaries,))~~ following ~~((ward and))~~ precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when ~~((they))~~ it changes the boundaries of the proposed public utility district, and one commissioner shall be elected ~~((from each of said))~~ as a commissioner of each of the public utility district commissioner districts. ((In all five

~~commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.)~~ Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((Except as otherwise provided,))~~ The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. ((One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

~~When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.)~~

~~All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. ((A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of Title 29 RCW. At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of Title 29 RCW, as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be void.))~~

~~A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by ~~((death, resignation, removal, conviction of a felony,))~~ nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission ~~((by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.~~~~

~~A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law)). Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.~~

~~The boundaries of the public utility district ~~((commissioners'))~~ commissioner districts may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29.70 RCW, but ~~((said))~~ the boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility ~~((commissioners'))~~ commissioner districts shall be changed to include such additional territory. The proposed change of the boundaries of the public utility district ~~((commissioners'))~~ commissioner district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of ~~((said))~~ the petition shall be governed by the provisions of chapter 54.08 RCW.~~

Sec. 65. RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to read as follows:

Within thirty days after the public utility district commission shall divide the district into two at large districts, the county legislative authority shall call a special election, to be held at the next scheduled special election called pursuant to RCW 29.13.010, or not more than ninety days after such call, at which time the initial commissioners to such at large districts shall be elected~~(,;)~~. No primary shall be held and a special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected.

The person who is elected receiving the ((largest)) greatest number of votes ((to serve for four years)) shall be elected to a four-year term of office, and the other person ((receiving the next largest number of votes to serve an initial term of two years)) who is elected shall be elected to a two-year term of office, if the election is held in an even-numbered year, or the person who is elected receiving the greatest number of votes shall be elected to a three-year term of office, and the other person who is elected shall be elected to a one-year term of office, if the election is held in an odd-numbered year. The length of these terms of office shall be calculated from the first day in January in the year following their elections.

The newly elected commissioners shall assume office immediately after being elected and qualified and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. Each successor shall be elected to a four-year term of office.

Sec. 66. RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended to read as follows:

At the election held to form or reorganize a sewer district, ~~((there shall be elected three commissioners who shall assume office immediately when qualified in accordance with RCW 29.04.135 to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.~~

~~The term of each nominee shall be expressed on the ballot and shall be computed from the first day of January next following if the initial election of the sewer district commissioners was in a general district election as provided in RCW 29.13.020, or from the first day of January following the first general election for sewer districts after its creation if the initial election was on a date other than a general district election. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his or her successor is elected and qualified, at the general election held in the odd numbered years, as provided in RCW 29.13.020, and conducted by the county auditor and the returns shall be canvassed by the county canvassing board of election returns: PROVIDED, That each such commissioner shall assume office in accordance with RCW 29.04.170))~~ three sewer district commissioners shall be elected. The election of sewer district commissioners shall be null and void if the ballot proposition to form or reorganize the sewer district is not approved. Candidates shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.

The newly elected sewer district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new sewer district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January in the year following the election.

Thereafter commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 67. RCW 56.12.030 and 1990 c 259 s 24 are each amended to read as follows:

~~((1) Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty registered voters or ten percent of the registered voters of the district who voted in the last general municipal election, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least forty-five days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general elections laws. A vacancy or vacancies shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority. Any person residing in the district who is at the time of election a registered voter may vote at any election held in the sewer district.~~

~~(2) Subsection (1) of this section notwithstanding,))~~ The board of commissioners of any sewer district may ~~((provide by majority vote that subsequent commissioners be elected from commissioner districts))~~ adopt a resolution providing that each subsequent commissioner be elected as a commissioner of a commissioner district within the district. If the board exercises this option, it shall divide the district into ~~((three))~~ a number of commissioner districts ~~((of))~~ equal in number to the number of commissioners on the board, each with approximately equal population following current precinct and district boundaries as far as practicable. ~~((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the registered voters of the commissioner district.~~

~~(3) All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.))~~ Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire sewer district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

NEW SECTION. Sec. 68. A new section is added to chapter 56.12 RCW to read as follows:

Sewer district elections shall conform with general election laws.

Vacancies on a board of sewer commissioners shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 69. RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each amended to read as follows:

Whenever the boundaries or proposed boundaries of a water district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a sewer district) territory in more than one county, all duties delegated by Title 57 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to ~~((RCW 57.02.060, as now existing or hereafter amended))~~ general election law, actions subject to review and approval under RCW 57.02.040 and 56.02.070 shall be reviewed and approved only by the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signators reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 57.16.010 shall be limited to that part of such plans within the respective counties.

Sec. 70. RCW 57.12.020 and 1990 c 259 s 30 are each amended to read as follows:

~~((Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least ten percent of the registered voters of the district who voted in the last general municipal election, filed in the auditor's office of the county in which the district is located, at least forty five days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws.))~~

A vacancy ~~((or vacancies))~~ on the board shall occur and shall be filled ~~((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the county legislative authority.~~

Any person residing in the district who is a registered voter under the laws of the state may vote at any district election)) as provided in chapter 42.12 RCW.

Sec. 71. RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each amended to read as follows:

~~((The general laws of the state of Washington governing the registration of voters for a general or a special city election shall govern the registration of voters for elections held under this chapter. The manner of holding any general or special election for said))~~ Water district elections shall be held in accordance with the general election laws of this state. ~~((All elections in a water district shall be conducted under RCW 57.02.060. All expenses of elections for a water district shall be paid for out of the funds of the water district: PROVIDED, That if the voters fail to approve the formation of a water district, the expenses of the formation election shall be paid by each county in which the proposed district is located, in proportion to the number of registered voters in the proposed district residing in each county.))~~

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of January following the election, and ~~((one commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor is))~~ commissioners shall serve until their successors are elected and qualified and assume((s)) office in accordance with RCW 29.04.170. ~~((All candidates shall be voted upon by the entire water district.))~~

Three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. ~~((The commissioner elected in commissioner position number one shall hold office for the term of six years; the commissioner elected in commissioner position number two shall hold office for the term of four years; and the commissioner elected in commissioner position number three shall hold office for the term of two years: PROVIDED, That the members of the first commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected shall also include the time intervening between the date that the results of their election are declared in the canvass of returns thereof and the first day of January following the next general district election as provided in RCW 29.13.020.))~~ The election of water district commissioners shall be null and void if the ballot proposition to form the water district is approved. Each candidate shall run for one of three separate commissioner positions. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for each position shall be elected to that position.

The newly elected water district commissioners shall assume office immediately when they are elected and qualified. Staggering of the terms of office for the new water district commissioners shall be accomplished as follows: (1) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 72. RCW 57.12.039 and 1986 c 41 s 2 are each amended to read as follows:

Notwithstanding RCW 57.12.020 and 57.12.030, the board of commissioners may provide by majority vote that subsequent commissioners be elected from commissioner districts within the district. If the board exercises this option, it shall divide the district into three commissioner districts of approximately equal population following current precinct and district boundaries. ~~((Thereafter, candidates shall be nominated and one candidate shall be elected from each commissioner district by the electors of the commissioner district.))~~

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire water district may vote at a general election to elect a person as a commissioner of the commissioner district. Commissioner districts shall be redrawn as provided in chapter 29.70 RCW.

Sec. 73. RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each amended to read as follows:

The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county election officer of each county in which the districts are located. A special election shall be called by the county election officer ~~((under RCW 57.02.060))~~ for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 74. RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts vote in favor of the consolidation, the county canvassing board shall so declare in its canvass ~~((under RCW 57.02.060))~~ and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No.", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

NEW SECTION. Sec. 75. A new section is added to chapter 68.52 RCW to read as follows:

Cemetery district elections shall conform with general election laws.

A vacancy on a board of cemetery district commissioners shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 76. RCW 68.52.100 and 1947 c 6 s 2 are each amended to read as follows:

For the purpose of forming a cemetery district, a petition designating the boundaries of the proposed district by metes and bounds or describing the lands to be included in the proposed district by government townships, ranges and legal subdivisions, signed by not less than fifteen percent of the ~~((qualified)) registered ((electors, who are property owners or are purchasing property under contract and who are resident))~~ voters who reside within the boundaries of the proposed district, setting forth the object of the formation of such district and stating that the establishment thereof will be conducive to the public welfare and convenience, shall be filed with the county auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners agreeing to pay the cost of publishing the notice hereinafter provided for. The county auditor shall, within thirty days from the date of filing of such petition, examine the signatures and certify to the sufficiency or insufficiency thereof ~~((and for such purpose shall have access to registration books and records in possession of the registration officers of the election precincts included in whole or in part within the boundaries of the proposed district and to the tax rolls and other records in the offices of the county assessor and county treasurer. No person having))~~. The name of any person who signed a petition shall not be ~~((allowed to withdraw his name therefrom))~~ withdrawn from the petition after it has been filed with the county auditor. If the petition is found to contain a sufficient number of valid signatures ~~((of qualified persons))~~, the county auditor shall transmit it, with ~~((his))~~ a certificate of sufficiency attached, to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, which shall thereupon, by resolution entered upon its minutes, receive the same and fix a day and hour when it will publicly hear ~~((said))~~ the petition.

Sec. 77. RCW 68.52.140 and 1982 c 60 s 2 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall have full authority to hear and determine the petition, and if it finds that the formation of the district will be conducive to the public welfare and convenience, it shall by resolution so declare, otherwise it shall deny the petition. If the ~~((board))~~ county legislative authority finds in favor of the formation of the district, it shall designate the name and number of the district, fix the boundaries thereof, and cause an election to be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this chapter, and for the purpose of electing its first cemetery district commissioners. ~~((The board shall, prior to calling the said election, name three registered resident electors who are property owners or are purchasing property under contract within the boundaries of the district as candidates for election as cemetery district commissioners. These electors are exempt from the requirements of chapter 42.17 RCW.))~~ At the same election three cemetery district commissioners shall be elected, but the election of the commissioners shall be null and void if the district is not created. No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall run for specific commissioner positions. The person receiving the greatest number of votes for each commissioner position shall be elected to that commissioner position. The terms of office of the initial commissioners shall be as provided in RCW 68.52.220.

Sec. 78. RCW 68.52.160 and 1947 c 6 s 8 are each amended to read as follows:

The ballot for ~~((said))~~ the election shall be in such form as may be convenient but shall present the propositions substantially as follows:

".....(insert county name)..... cemetery district No.(insert number).....
.....Yes.....
.....(insert county name)..... cemetery district No.(insert number).....
.....No....."

~~((and shall specify the names of the candidates nominated for election as the first cemetery district commissioners with appropriate space to vote for the same.))~~

Sec. 79. RCW 68.52.220 and 1990 c 259 s 33 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three ~~((qualified registered voters of the district))~~ members. Members of the board shall receive no compensation for their services, but shall receive expenses necessarily incurred in attending meetings of the board or when otherwise engaged in district business. The board shall fix the compensation to be paid the secretary and other employees of the district. ~~((The first three cemetery district commissioners shall serve only until the first day in January following the next general election, provided such election occurs thirty or more days after the formation of the district, and until their successors have been elected and qualified and have assumed office in accordance with RCW 29.04.170. At the next general district election, as provided in RCW 29.13.020, provided it occurs thirty or more days after the~~

~~formation of the district, three members of the board of cemetery commissioners shall be chosen. They and all subsequently elected cemetery commissioners shall have the same qualifications as required of the first three cemetery commissioners and)) Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17 RCW. ((The candidate receiving the highest number of votes shall serve for a term of six years beginning on the first day in January following; the candidate receiving the next higher number of votes shall serve for a term of four years from the date; and the candidate receiving the next higher number of votes shall serve for a term of two years from the date. Upon the expiration of their respective terms, all cemetery commissioners shall be elected for terms of six years to begin on the first day in January next succeeding the day of election and shall serve until their successors have been elected and qualified and assume office in accordance with RCW 29.04.170. Elections shall be called, noticed, conducted and canvassed and in the same manner and by the same officials as provided for general county elections.))~~

The initial cemetery district commissioners shall assume office immediately upon their election and qualification. Staggering of terms of office shall be accomplished as follows: (1) The person elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall assume office immediately after they are elected and qualified but their terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office as provided in RCW 29.04.170.

The polling places for a cemetery district election ((shall be those of the county voting precincts which include any of the territory within the cemetery district, and)) may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account.

Sec. 80. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

(1) The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except ((that: (1))) as provided in this chapter.

A public hospital district shall be created when the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters of the proposed district voting on the proposition and the total vote cast upon the proposition ((to form a hospital district shall)) exceeds forty percent of the total number of votes cast in the ((precincts comprising the)) proposed district at the preceding state general ((and county)) election((; and (2) hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election)).

At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected ((to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to

~~the residential requirements for district commissioners hereinbefore set forth in this section)). The election of the initial commissioners shall be null and void if the district is not authorized to be created.~~

~~No primary shall be held. A special filing period shall be opened as provided in RCW 29.15.170 and 29.15.180. The person receiving the greatest number of votes for the commissioner of each commissioner district shall be elected as the commissioner of that district. The terms of office of the initial public hospital district commissioners shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, but the length of such terms shall be computed from the first day of January in the year following this election. The term of office of each successor shall be six years. Each commissioner shall serve until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.~~

~~(2) Commissioner districts shall be used as follows: (a) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (b) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public hospital district may vote at a general election to elect a person as a commissioner of the commissioner district.~~

~~If the proposed public hospital district is county-wide, and the county has three county legislative authority districts, the county legislative authority districts shall be used as public hospital district commissioner districts. In all other instances the county auditor of the county in which all or the largest portion of the proposed public hospital district is located shall draw the initial three public hospital district commissioner districts, each of which shall constitute as nearly as possible one-third of the total population of the proposed public hospital district and number the districts one, two, and three. Each of the three commissioner positions shall be numbered one through three and associated with the district of the same number.~~

~~The public hospital district commissioners may redraw commissioner districts, if the public hospital district has boundaries that are not coterminous with the boundaries of a county with three county legislative authority districts, so that each district comprises as nearly as possible one-third of the total population of the public hospital district. The commissioners of a public hospital district that is not coterminous with the boundaries of a county that has three county legislative authority districts shall redraw hospital district commissioner boundaries as provided in chapter 29.70 RCW.~~

Sec. 81. RCW 70.44.045 and 1982 c 84 s 13 are each amended to read as follows:

~~A vacancy in the office of commissioner shall occur as provided in chapter 42.12 RCW or by ((death, resignation, removal, conviction of felony,)) nonattendance at meetings of the commission for sixty days, unless excused by the commission((, by any statutory disqualification, by any permanent disability preventing the proper discharge of his duty, or by creation of positions pursuant to RCW 70.44.051, et seq)). A vacancy ((or vacancies on the board)) shall be filled ((by appointment by the remaining commissioner or commissioners until the next regular election for commissioners as provided by RCW 70.44.040: PROVIDED, That if there is only one remaining commissioner, one vacancy shall be filled by appointment by the remaining commissioner and the remaining vacancy or vacancies shall be filled by appointment by the then two commissioners and the appointed commissioners shall serve until the next regular election for commissioners: PROVIDED FURTHER, That if there is a vacancy of the entire board, a new board may be appointed by the board of county commissioners or county council)) as provided in chapter 42.12 RCW.~~

Sec. 82. RCW 70.44.053 and 1967 c 77 s 2 are each amended to read as follows:

~~At any general or special election which may be called for that purpose the board of public hospital district commissioners may, or on petition of ten percent of the ((electors)) voters based on the total vote cast in the last district general election in the public hospital district shall, by resolution, submit to the voters of the district the proposition increasing the number of commissioners to ((any number authorized in RCW 70.44.051)) either five or seven members. The petition or resolution shall specify whether it is proposed to increase the number of commissioners to either five or seven members.~~

~~If the voters of the district approve the ballot proposition authorizing the increase in the number of commissioners to either five or seven members, the board of commissioners shall redistrict the public hospital district into the appropriate number of commissioner districts. The additional commissioners shall be elected from commissioner districts in which no existing commissioner resides at the next state general election occurring one hundred twenty days or more after the date of the election at which the voters of the district approved the ballot proposition authorizing the increase in the number of commissioners. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for~~

the vacant office. Otherwise, a primary shall not be held and the candidate receiving the greatest number of votes for each position shall be elected. Except for the initial terms of office, persons elected to each of these additional commissioner positions shall be elected to a six-year term.

Where the number of commissioners is increased from three to five, the initial terms of the two new commissioners shall be staggered so that the person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term if the election is held in an even-numbered year, and the other person elected shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term if the election is held in an even-numbered year. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

Where the number of commissioners is increased from three or five to seven, the county auditor of the county in which all or the largest portion of the hospital district is located shall cause the initial terms of office of the additional commissioners to be staggered over the next three district general elections so that two commissioners would normally be elected at the first district general election following the election where the additional commissioners are elected, two commissioners are normally elected at the second district general election after the election of the additional commissioners, and three commissioners are normally elected at the third district general election following the election of the additional commissioners. The newly elected commissioners shall assume office as provided in RCW 29.04.170.

Sec. 83. RCW 70.77.177 and 1984 c 249 s 6 are each amended to read as follows:

"Local fire official" means the chief of a local fire department or ~~((fire protection district,))~~ a chief fire protection officer or such other person as may be designated by the governing body of a city~~((,))~~ or county~~((, or district))~~ to act as a local fire official under this chapter.

NEW SECTION. Sec. 84. A new section is added to chapter 70.77 RCW to read as follows:

"City" means any city or town.

Sec. 85. RCW 70.77.265 and 1984 c 249 s 12 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(1) shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city~~((,))~~ or county~~((, or fire protection district))~~.

Sec. 86. RCW 70.77.270 and 1984 c 249 s 13 are each amended to read as follows:

The governing body of a city~~((,))~~ or county~~((, or fire protection district))~~ may grant or deny an application for a permit under RCW 70.77.260(1). The governing body may place reasonable conditions on any permit it issues.

Sec. 87. RCW 70.77.280 and 1984 c 249 s 14 are each amended to read as follows:

The local fire official receiving an application for a permit under RCW 70.77.260(2) for a public display of fireworks shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the official shall submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city~~((,))~~ or county~~((, or fire protection district))~~. The governing body may grant or deny the application and may place reasonable conditions on any permit it issues.

Sec. 88. RCW 70.77.355 and 1986 c 266 s 105 are each amended to read as follows:

(1) Any adult person may secure a general license from the director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city~~((,))~~ or county~~((, or fire protection district))~~, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260.

Sec. 89. RCW 70.77.450 and 1986 c 266 s 113 are each amended to read as follows:

The director of community development, through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the director of community development, through the director of fire protection, his or her deputies ~~((his or her))~~ or salaried assistants ~~((and the chief of any city or county fire department or fire protection district))~~, the local fire official, and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Sec. 90. RCW 70.95A.030 and 1973 c 132 s 4 are each amended to read as follows:

In addition to any other powers which it may now have, each municipality shall have the following powers:

(1) To acquire, whether by construction, purchase, devise, gift or lease, or any one or more of such methods, one or more facilities which shall be located within, or partially within the municipality. Each facility must have a separate value to the municipality beyond its potential use to an entity that has leased the facility from the municipality;

(2) To lease, lease with option to purchase, sell or sell by installment sale, any or all of the facilities upon such terms and conditions as the governing body may deem advisable but which shall ~~((at least))~~ more than fully reimburse the municipality for all debt service on any bonds issued to finance the facilities and for all costs incurred by the municipality in financing and operating the facilities and as shall not conflict with the provisions of this chapter. The term of each lease must be less than the term of the municipality's ownership in the leased facility by at least one month;

(3) To issue revenue bonds for the purpose of defraying the cost of acquiring or improving any facility or facilities or refunding any bonds issued for such purpose and to secure the payment of such bonds as provided in this chapter. Revenue bonds may be issued in one or more series or issues where deemed advisable, and each such series or issue may have the same or different maturity dates, interest rates, priorities on revenues available for payment of such bonds and priorities on security available for assuring payment thereof, and such other differing terms and conditions as are deemed necessary and are not in conflict with the provisions of this chapter.

Sec. 91. RCW 70.95A.060 and 1973 c 132 s 7 are each amended to read as follows:

Prior to the issuance of the bonds authorized by this chapter, the municipality may lease the facilities to a lessee or lessees under an agreement providing for payment to the municipality of such rentals as will be more than sufficient (a) to pay the principal of and interest on the bonds issued to finance the facilities, (b) to pay the taxes on the facilities, (c) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (d) unless the agreement of lease obligates the lessees to pay for the maintenance and insurance of the facilities, to pay the costs of maintaining the facilities in good repair and keeping the same properly insured. Subject to the limitations of this chapter, the lease or extensions or modifications thereof may contain such other terms and conditions as may be mutually acceptable to the parties ~~((and))~~. The term of the lease must be less than the term of the municipality's ownership in the leased facility by at least one month. Notwithstanding any other provisions of law relating to the sale of property owned by municipalities, such lease may contain an option for the lessees to purchase the facilities on such terms and conditions with or without consideration as may be mutually acceptable to the parties.

Sec. 92. RCW 84.09.030 and 1989 c 378 s 8 and 1989 c 217 s 1 are each reenacted and amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district shall be established on the first day of October if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

(4) The boundaries of a newly incorporated water district formed as a result of a special election held in March shall be established as of the first day of June next following the election.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

NEW SECTION. Sec. 93. A new section is added to chapter 84.52 RCW to read as follows:

(1) Annually, at the time required by law for the levying of taxes for county purposes, the proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies as follows:

(a) A levy upon all of the taxable property within the county for the amount of all taxes levied by the county for county or state purposes that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(b) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes levied by the county for the purposes of such taxing district that were:

- (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the preceding twelve months; or
- (ii) Not collected because of changes made after final certification of the assessment roll.

(2) For purposes of this section, "changes" means increases or decreases in assessed value of property resulting from an error or final adjustments made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction, including changes reflecting settlements of proceedings in such board or court. "Changes" does not include changes in assessed value of property resulting from actions brought to recover taxes under RCW 84.68.020.

Sec. 94. RCW 84.36.381 and 1992 c 187 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied (~~or if~~);

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be

calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-six thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

NEW SECTION. Sec. 95. Section 93 of this act is effective for taxes levied for collection in 1993 and thereafter.

Sec. 96. RCW 54.16.030 and 1955 c 390 s 4 are each amended to read as follows:

A district may construct, purchase, condemn and purchase, acquire, add to, maintain, conduct, and operate water works and irrigation plants and systems, within or without its limits, for the purpose of furnishing the district, and the inhabitants thereof, and any other persons including public and private corporations within or without its limits, with an ample supply of water for all purposes, public and private, including water power, domestic use, and irrigation, with full and exclusive authority to sell and regulate and control the use, distribution, and price thereof. The district may exercise all powers granted to water districts pursuant to chapter 57.08 RCW that are not inconsistent with the express provisions of this title.

NEW SECTION. Sec. 97. A new section is added to chapter 35.21 RCW to read as follows:

The council of a city or town that has territory included in two counties may adopt an ordinance creating an urban emergency medical service district in all of the portion of the city or town that is located in one of the two counties if: (1) The county in which the urban emergency medical service district is located does not impose an emergency medical service levy authorized under RCW 84.52.069; and (2) the other county in which the city or town is located does impose an emergency medical service levy authorized under RCW 84.52.069. The ordinance creating the district may only be adopted after a public hearing has been held on the creation of the district and the council makes a finding that it is in the public interest to create the district. The members of the city or town council, acting in an ex officio capacity and independently, shall compose the governing body of the urban emergency medical service district. The voters of an urban emergency medical service district shall be all registered voters residing within the urban emergency medical service district.

An urban emergency medical service district shall be a quasi- municipal corporation and an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution. Urban emergency medical service districts shall also be "taxing authorities" within the meaning of Article VII, section 2 of the state Constitution.

An urban emergency medical service district shall have the authority to contract under chapter 39.34 RCW with a county, city, town, fire protection district, public hospital district, or emergency medical service district to have emergency medical services provided within its boundaries.

Territory located in the same county as an urban emergency medical service district that is annexed by the city or town shall automatically be annexed to the urban emergency medical service district.

Sec. 98. RCW 84.52.069 and 1991 c 175 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total (~~votes cast~~) number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty per centum of the total (~~votes cast~~) number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty per centum of the total (~~votes cast~~) number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment,

supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(7) No taxing district may levy under this section more than twenty-five cents per thousand dollars of assessed value of property if reductions under RCW 84.52.010(2) are made for the year within the boundaries of the taxing district.

Sec. 99. RCW 53.12.010 and 1992 c 146 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three or, when permitted by this title, five members. Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into ~~((three))~~ the same number of commissioner districts as there are commissioner positions, each having approximately equal population. Where a port district with three commissioner positions is coextensive with the boundaries of a county that has a population of less than five hundred thousand and the county has three county legislative authority districts, the port ~~((district))~~ commissioner districts shall be the county legislative authority districts. In other instances where a port district is divided into commissioner districts, the ~~((petition proposing the formation of such a))~~ port commission shall divide the port district ~~((shall describe three))~~ into commissioner districts ~~((each having approximately the same population and))~~ unless the commissioner districts have been described pursuant to section 101 of this act. The commissioner districts shall be altered as provided in chapter 53.16 RCW.

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only the voters of a commissioner district may vote at a primary ~~((election))~~ to nominate candidates for a commissioner of the commissioner district. Voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

~~((In port districts having additional commissioners as authorized by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.))~~

NEW SECTION. Sec. 100. A new section is added to chapter 53.12 RCW to read as follows:

Any less than county-wide port district that uses commissioner districts may cease using commissioner districts as provided in this section.

The commissioners of a less than county-wide port district that is divided into commissioner districts may adopt a resolution eliminating the use of commissioner districts in the port district. A copy of the resolution shall be transmitted to the county auditor. Commissioner districts shall not be used in that port district commencing at the next district election occurring one hundred twenty or more days after the county auditor receives a copy of the resolution.

A ballot proposition authorizing the elimination of commissioner districts shall be submitted to the voters of a less than county-wide port district that is divided into commissioner districts if a petition is submitted to the port commission proposing that the port district cease using commissioner districts, that is signed by registered voters of the port district equal in number to at least ten percent of the number of voters who voted at the last district general election. The port commission shall transfer the petition immediately to the county auditor who shall review the signatures and certify its sufficiency. A ballot proposition authorizing the elimination of commissioner districts shall be submitted at the next district general election occurring sixty or more days after a petition with sufficient signatures was submitted. If the ballot proposition authorizing the port district to cease using commissioner districts is approved

by a simple majority vote, the port district shall cease using commissioner districts at all subsequent elections. The port commission may adopt a resolution eliminating the use of commissioner districts in lieu of having the ballot proposition submitted to district voters.

NEW SECTION. Sec. 101. A new section is added to chapter 53.04 RCW to read as follows:

Three commissioner districts, each with approximately the same population, shall be described in the petition proposing the creation of a port district under RCW 53.04.020, if the process to create the port district was initiated by voter petition, or shall be described by the county legislative authority, if the process to initiate the creation of the port district was by action of the county legislative authority. However, commissioner districts shall not be described if the commissioner districts of the proposed port district shall be the same as the county legislative authority districts.

The initial port commissioners shall be elected as provided in RCW 53.12.172.

Sec. 102. RCW 53.04.023 and 1992 c 147 s 2 are each amended to read as follows:

A less than county-wide port district with an assessed valuation of at least seventy-five million dollars may be created in a county (~~(bordering on saltwater)~~) that already has a less than county-wide port district located within its boundaries. Except as provided in this section, such a port district shall be created in accordance with the procedure to create a county-wide port district.

The effort to create such a port district is initiated by the filing of a petition with the county auditor calling for the creation of such a port district, describing the boundaries of the proposed port district, designating either three or five commissioner positions, describing commissioner districts if the petitioners propose that the commissioners represent districts, and providing a name for the proposed port district. The petition must be signed by voters residing within the proposed port district equal in number to at least ten percent of such voters who voted at the last county general election.

A public hearing on creation of the proposed port district shall be held by the county legislative authority if the county auditor certifies that the petition contained sufficient valid signatures. Notice of the public hearing must be published in the county's official newspaper at least ten days prior to the date of the public hearing. After taking testimony, the county legislative authority may make changes in the boundaries of the proposed port district if it finds that such changes are in the public interest and shall determine if the creation of the port district is in the public interest. No area may be added to the boundaries unless a subsequent public hearing is held on the proposed port district.

The county legislative authority shall submit a ballot proposition authorizing the creation of the proposed port district to the voters of the proposed port district, at any special election date provided in RCW 29.13.020, if it finds the creation of the port district to be in the public interest.

The port district shall be created if a majority of the voters voting on the ballot proposition favor the creation of the port district. The initial port commissioners shall be elected at the same election, from districts or at large, as provided in the petition initiating the creation of the port district. The election shall be otherwise conducted as provided in RCW ((53.12.050)) 53.12.172, but the election of commissioners shall be null and void if the port district is not created. (~~Commissioner districts shall not be used in the initial election of the port commissioners.~~)

This section shall expire July 1, 1997.

Sec. 103. RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and amended to read as follows:

(1) In every port district the term of office of each port commissioner shall be four years in each port district that is county-wide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in RCW 53.12.175, and until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(2) The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

(3) The terms of office of the initial port commissioners shall be staggered as follows in a port district that is county-wide with a population of one hundred thousand or more: ~~((4))~~ (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29.04.170; and ~~((2))~~ (b) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(4) The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-

numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

(5) The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections.

Sec. 104. RCW 53.12.115 and 1992 c 146 s 7 are each amended to read as follows:

A ballot proposition shall be submitted to the voters of any port district authorizing an increase in the number of port commissioners to five whenever the port commission adopts a resolution proposing the increase in number of port commissioners or a petition ((requesting)) proposing such an increase has been submitted to the county auditor of the county in which the port district is located that has been signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election. The ballot proposition shall be submitted at the next general or special election occurring sixty or more days after the petition was submitted or resolution was adopted.

At the next general or special election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 105. RCW 53.12.120 and 1992 c 146 s 8 are each amended to read as follows:

When the population of a port district that has three commissioners reaches five hundred thousand, in accordance with the latest United States regular or special census or with the official state population estimate, there shall be submitted to the voters of the district, at the next district general election or at a special port election called for that purpose, the proposition of increasing the number of commissioners to five. ~~((At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is approved by the voters, the commission in that port district shall consist of five commissioners.))~~

At the next district general election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 106. RCW 53.12.130 and 1992 c 146 s 9 are each amended to read as follows:

Two additional port commissioners shall be elected at the next district general election following the election at which voters authorized the increase in port commissioners to five members. ~~((The two additional positions shall be numbered positions four and five.))~~

The port commissioners shall divide the port district into five commissioner districts prior to the first day of June in the year in which the two additional commissioners shall be elected. The new commissioner districts shall be numbered one through five and the three incumbent commissioners shall represent commissioner districts one through three. If, as a result of redrawing the district boundaries two or three of the incumbent commissioners reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the first three numbered commissioner districts they shall represent for the remainder of their respective terms. A primary shall be held to nominate candidates from districts four and five where necessary and commissioners shall be elected from commissioner districts four and five at the general election. The persons ((receiving the highest number of votes for each position shall be elected to that position and)) elected as commissioners from commissioner districts four and five shall take office immediately after qualification as defined under RCW 29.01.135.

In a port district where commissioners are elected to four-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a four-year term of office and the other additional commissioner thus elected shall be elected to a term of office of two years, if the election ~~((were))~~ is held in an odd-numbered year, or the additional commissioner thus elected receiving the highest number of votes shall be elected to a term of office of three years and the other shall be elected to a term of office of one year, if the election ~~((were))~~ is held in an even-numbered year. In a port district where the commissioners are elected to six-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a six-year term of office and the other additional commissioner shall be elected to a four-year term of office, if the election is held in an odd-numbered year, or the additional commissioner receiving the highest number of votes shall be elected to a term of office of five-years and the other shall be elected to a three-year term of office, if the election is held in an even-numbered year. The length of terms of office shall be computed from the first day of January in the year following this election.

~~((A successor to a commissioner holding position four or five whose term is about to expire, shall be elected at the general election next preceding such expiration, for a)) Successor commissioners from districts four and five shall be elected to terms of either six or four years, depending on the length of terms of office to which commissioners of that port district are elected. ((Positions four and five shall not be associated with a commissioner district and the elections to both nominate candidates for those positions and elect commissioners for these positions shall be held on a port district wide basis.))~~

Sec. 107. RCW 53.12.175 and 1992 c 146 s 3 are each amended to read as follows:

A ballot proposition to reduce the terms of office of port commissioners from six years to four years shall be submitted to the voters of any port district that otherwise would have commissioners with six-year terms of office upon either resolution of the port commissioners or petition of voters of the port district proposing the reduction in terms of office, which petition has been signed by voters of the port district equal in number to at least ten percent of the number of voters in the port district voting at the last ~~((district))~~ general election. The petition shall be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition shall be submitted at the next ~~((district))~~ general or special election that occurs sixty or more days after the adoption of the resolution or submission of the petition.

If the ballot proposition reducing the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner or commissioners who are elected at that election shall be elected to four-year terms of office. The terms of office of the other commissioners shall not be reduced, but each successor shall be elected to a four-year term of office.

Sec. 108. RCW 53.16.015 and 1992 c 146 s 10 are each amended to read as follows:

~~((In a port district that is not coterminous with a county that has three county legislative authority districts and that has port commissioner districts,)) The port commission of a port district that uses commissioner districts may redraw the commissioner district boundaries as provided in chapter 29.70 RCW at any time and submit the redrawn boundaries to the county auditor if the port district is not coterminous with a county that has the same number of county legislative authority districts as the port has port commissioners. The new commissioner districts shall be used at the next election at which a port commissioner is regularly elected that occurs at least one hundred eighty days after the redrawn boundaries have been submitted. Each commissioner district shall encompass as nearly as possible ((one-third of the population of the port district)) the same population.~~

NEW SECTION. Sec. 109. The following acts or parts of acts are each repealed:

- (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- (7) RCW 35A.02.001 and 1989 c 84 s 35;
- (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s 35A.02.110;
- (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
- (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
- (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
- (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
- (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
- (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
- (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
- (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s 35A.29.105;
- (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
- (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
- (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s 35A.29.150;
- (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s 36.54.080;
- (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;
- (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;

- (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;
- (31) RCW 44.70.010 and 1987 c 298 s 7;
- (32) RCW 53.12.047 and 1992 c 146 s 6;
- (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1, 1959 c 175 s 8, & 1959 c 17 s 8;
- (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
- (35) RCW 68.52.240 and 1947 c 6 s 16;
- (36) RCW 70.44.051 and 1967 c 77 s 1;
- (37) RCW 70.44.055 and 1967 c 77 s 3; and
- (38) RCW 70.44.057 and 1967 c 77 s 4.

NEW SECTION. Sec. 110. Sections 40 and 92 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.150, 29.15.160, 29.15.170, 29.15.200, 29.21.015, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240, 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100, 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060, 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100, 36.69.440, 36.105.010, 36.105.020, 36.105.030, 52.14.010, 52.14.015, 52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020, 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045, 70.44.053, 70.77.177, 70.77.265, 70.77.270, 70.77.280, 70.77.355, 70.77.450, 70.95A.030, 70.95A.060, 84.36.381, 54.16.030, 84.52.069, 53.12.010, 53.04.023, 53.12.115, 53.12.120, 53.12.130, 53.12.175, and 53.16.015; reenacting and amending RCW 84.09.030 and 53.12.172; adding a new section to chapter 42.12 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35A.29 RCW; adding a new section to chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.77 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 53.12 RCW; adding a new section to chapter 53.04 RCW; creating a new section; repealing RCW 35.23.070, 35.24.070, 35.27.110, 35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1464 and ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has receded from its amendments to page 1, line 14 and the amendment to page 1, line 2 of the title (S-2750.1) to HOUSE BILL NO. 2028 and passed the bill with the remaining amendments to page 1, line 7 and 14 (S-2711.1) and page 1, after line 14 and page 1, line 3 of the title (S-2751.1), and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Valle moved that the House do concur in the Senate amendments to House Bill No. 2028 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2028 as amended by the Senate.

Representatives Valle and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2028, as amended by the Senate,, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer, Schmidt, Scott and Thomas - 4.

House Bill No. 2028, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5251 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Holm moved that the House recede from its position and pass Senate Bill No. 5251 without the House amendments. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5251 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5251 without the House amendments, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Dyer, Schmidt and Thomas - 3.

Senate Bill No. 5251, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5638 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Rust moved the House recede from its position and now pass Senate Bill No. 5638 without the House amendments.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

Representative Rust spoke in favor of the motion and Representatives Padden, Vance and Forner spoke against it.

ROLL CALL

The Clerk called the roll on the motion to recede from the House position on Senate Bill No. 5638 and the motion was adopted by the following vote: Yeas - 51, Nays - 44, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dorn, Edmondson, Eide, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Johanson, Karahalios, Kremen, Lemmon, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Rayburn, Reams, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Springer, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 44.

Excused: Representatives Dyer, Schmidt and Thomas - 3.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5638 without the House amendments.

Representatives Rust and Forner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5638 without the House amendments, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Dyer, Schmidt and Thomas - 3.

Senate Bill No. 5638, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SENATE BILL NO. 5851, insists on its position and again asks the House to recede therefrom, and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Anderson moved that the House recede from its position and pass Senate Bill No. 5851 without the House amendments. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5851 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5851 without the House amendments, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Excused: Representatives Dyer, Schmidt and Thomas - 3.

Senate Bill No. 5851, without the House amendments, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SSB 5407 Date: April 23, 1993

Includes "new item": Yes

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5407, regarding county administration of agricultural burning permits, have had the same under consideration and we recommend that the House Environmental Affairs Committee Striking Amendment be adopted with the following change:

On page 3, line 18 of the committee striking amendment, strike section 2 and insert:

"**Sec. 2.** RCW 70.94.654 and 1991 c 199 s 409 are each amended to read as follows:

Whenever an air pollution control authority, or the department of ecology for areas outside the jurisdictional boundaries of an activated air pollution control authority, shall find that any fire protection agency, county, or conservation district (~~(which is outside the jurisdictional boundaries of an activated air pollution control authority)~~) is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 and desirous of doing so, the authority or the department of ecology, as appropriate, may delegate powers necessary for the issuance or enforcement, or both, of permits for any or all of the kinds of burning to the fire protection agency, county, or conservation district. Such delegation may be withdrawn by the authority or the department of ecology upon ((#s)) finding that the fire protection agency, county, or conservation district is not effectively administering the permit program."

and that the bill do pass as recommended by the Conference Committee.

Signed By Senators Fraser, Barr, Loveland; Representatives Rust, L. Johnson, Horn.

MOTION

Representative Rust moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5407 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5407 as recommended by the Conference Committee.

Representatives Rust and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5407, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dyer and Thomas - 2.

Substitute Senate Bill No. 5407, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate refuses to grant the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, insists on its position regarding its amendments and again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5407 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Wineberry moved the House insist on its position on Engrossed Substitute House Bill No. 1493 and again ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate concurred in the House amendments on page 3, line 32; page 6, line 15 and page 18, line 8 to SENATE BILL NO. 5474. The President has ruled the amendment to page 5, line 34 out of the scope and object of the bill and asks the House to recede therefrom, and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Appelwick moved the House recede from its position and pass Senate Bill No. 5474 without the House amendments to page 5, line 34.

Representative Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5474 without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5474, without the House amendment, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Absent: Representative Mastin - 1.

Excused: Representatives Dyer and Thomas - 2.

Senate Bill No. 5474, without the House amendment, having received the constitutional majority, was declared passed.

The House resumed consideration of the second reading calendar.

SECOND READING

MOTION

Representative Sheldon moved that the House immediately consider the following bills in the following order: Substitute Senate Bill No. 5971, Engrossed Senate Bill No. 5978 and Engrossed Substitute Senate Bill No. 5981. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5971, by Senate Committee on Ways & Means (originally sponsored by Senators Pelz, Talmadge and Bauer; by request of Governor Lowry)

Expanding school breakfast and lunch programs.

The bill was read the second time.

Representative Dorn moved adoption of the following amendment by Representative Dorn:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.235.140 and 1989 c 239 s 2 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Free or reduced-price lunches" means lunches served by a school district that qualify for federal reimbursement as free or reduced-price lunches under the national school lunch program.

(b) "School breakfast program" means a program meeting federal requirements defined in 42 U.S.C. Sec. 1773.

(c) "Severe-need school" means a school that qualifies for a severe-need school reimbursement rate from federal funds for school breakfasts served to children from low-income families.

(2) School districts shall be required to develop and implement plans for a school breakfast program in severe-need schools, pursuant to the schedule in this section. For the second year prior to the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify as severe-need schools. In developing its plan, each school district shall consult with an advisory committee including school staff and community members appointed by the board of directors of the district.

(3) Using district-wide data on school lunch participation during the 1988-89 school year, the superintendent of public instruction shall adopt a schedule for implementation of school breakfast programs in severe-need schools as follows:

(a) School districts where at least forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1990. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1990-91 school year and in each school year thereafter.

(b) School districts where at least twenty-five but less than forty percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1991. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. ~~Requirements that school districts have school breakfast programs ((established)) under this section ((shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and)) shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.~~

NEW SECTION. Sec. 2. A new section is added to chapter 28A.235 RCW to read as follows:

State funds received by school districts under this chapter for school breakfast and lunch programs shall be used to support the operating costs of the program, including labor, unless specific appropriations for nonoperating costs are provided.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

(1) To the extent funds are appropriated, the superintendent of public instruction may award grants to school districts to increase participation in school breakfast and lunch programs, to improve program quality, and to improve the equipment and facilities used in the programs. School districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated, the superintendent of public instruction shall increase the state support for school breakfasts and lunches.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The superintendent of public instruction shall administer funds for the federal summer food service program.

(2) The superintendent of public instruction may award grants, to the extent funds are appropriated, to eligible organizations to help start new summer food service programs for children or to help expand summer food services for children.

Sec. 5. RCW 28A.235.100 and 1990 c 33 s 245 are each amended to read as follows:

The superintendent of public instruction shall have power to (~~promulgate~~) adopt rules (~~and regulations~~) as may be necessary to effectuate the purposes of (~~RCW 28A.235.040 through 28A.235.110~~) this chapter.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act is null and void."

Representative Fuhrman moved adoption of the following amendment to the amendment:

On page 3, line 17, strike all of Sec. 4.

Representative Fuhrman spoke in favor of adoption of the amendment to the amendment and Representatives G. Cole, Chappell, Leonard and Dorn spoke against it.

Representative Fuhrman again spoke in favor of the amendment.

Representative Kremen demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 3, line 17, of the amendment to Substitute Senate Bill No. 5971 and the amendment was not adopted by the following vote: Yeas - 2, Nays - 94, Absent - 0, Excused - 2.

Voting yea: Representatives Fuhrman and Padden - 2.

Voting nay: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Loven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Dyer and Thomas - 2.

The amendment to the amendment was not adopted.

The striking amendment by Representative Dorn was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5971, as amended by the House.

Representatives Dorn and Brough spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Dorn yielded to a question by Representative Wineberry.

Representative Wineberry: Thank you, Mr. Speaker. Mr. Chairman, does the bill before us allow for school districts to supplant money for meals for kids programs for capital budget projects?

Representative Dorn: No, it does not.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5971, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Dyer and Thomas - 2.

Substitute Senate Bill No. 5971, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5978, by Senator Rinehart; by request of Office of Financial Management

Modifying disposition of motor vehicle excise tax revenue.

The bill was read the second time.

Representative R. Fisher moved adoption of the following amendment by Representative R. Fisher:

On page 2, line 12, after "July 1." strike "1997" and insert "1995"

On page 2, line 14, after ~~((1993))~~ strike "1997" and insert "1995"

Representatives R. Fisher and Schmidt spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5978 as amended by the House.

Representative R. Fisher spoke in favor of passage of the bill and Representative Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5978, as amended by the House, and the bill passed the House by the following vote: Yeas - 59, Nays - 37, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Springer, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 37.

Excused: Representatives Dyer and Thomas - 2.

Engrossed Senate Bill No. 5978, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5981, by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Spanel and Rinehart; by request of Office of Financial Management)

Regulating forest lands to maintain a viable forest products industry.

The bill was read the second time.

Representative Pruitt moved adoption of the following amendment by Representative Pruitt:

On page 11, line 9, after "applications" insert "or notifications"

On page 11, line 11, after "dollars for" strike all material through "WAC 222-16-050." on line 12 and insert "class IV forest practices applications on lands being converted to other uses or on lands which are not to be reforested because of the likelihood of future conversion to urban development."

Representative Pruitt spoke in favor of adoption of the amendment and Representative Morton spoke against it. The amendment was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5981 as amended by the House.

Representatives Pruitt and Dunshee spoke in favor of passage of the bill and Representatives Morton and Sheldon spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5981, as amended by the House, and the bill failed to pass the House by the following vote: Yeas - 49, Nays - 48, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Leonard, Linville, Locke, Ludwig, Meyers, R., Miller, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe and Mr. Speaker - 49.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Edmondson, Foreman, Forner, Fuhrman, Grant, Hansen, Horn, Johanson, Kessler, Kremen, Lemmon, Lisk, Long, Mastin, Mielke, Morris, Morton, Padden, Rayburn, Reams, Riley, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 48.

Excused: Representative Dyer - 1.

Engrossed Substitute Senate Bill No. 5981, as amended by the House, not having received the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Representative Riley, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 5981 failed to pass the House. The motion was carried.

RECONSIDERATION

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5981 on reconsideration as amended by the House.

Representative Pruitt spoke in favor of passage of the bill.

Representative Vance demanded an oral roll call vote on the reconsideration of Engrossed Substitute Senate Bill No. 5981 and the demand was sustained.

MOTION

Representative Sheldon moved further consideration of Engrossed Substitute Senate Bill No. 5981 be deferred and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker assumed the chair.

With the consent of the House, the House resumed consideration of Engrossed Substitute Senate Bill No. 5981 on reconsideration.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5981 as amended by the House on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5981, as amended by the House on reconsideration and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Meyers, R., Miller, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Lisk, Long, Mastin, Mielke, Morris, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 42.

Excused: Representative Dyer - 1.

Engrossed Substitute Senate Bill No. 5981, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Representative Sheldon moved that the House immediately consider Second Substitute Senate Bill No. 5239. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5239, by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Prentice, Moyer, Deccio, Talmadge, Hargrove, Winsley, West and Erwin)

Centralizing poison information services.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5239.

Representative Sommers spoke in favor of passage of the bill.

With the consent of the House, Second Substitute Senate Bill No. 5239 was deferred.

MOTION

Representative Sommers moved that the House immediately consider House Bill No. 2135. The motion was carried.

HOUSE BILL NO. 2135, by Representative G. Fisher

Relating to revenue.

The bill was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any county with a population greater than seventy-five thousand in which is located all or part of a national monument is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over the tax to the county as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county. The taxes shall only be used for the acquisition, construction, repair, and improvement of a rest area for tourists which includes restrooms, picnic areas, trails and viewpoints, emergency facilities, transient parking facilities, concession and gift sales, and marketing of facilities for tourists visiting the county or the national monument, or to pay or secure the payment of all or any portion of general obligation bonds issued for such purposes. As used in this section, "transient parking facilities" does not include parking spaces to be used for overnight stays.

(5) The tax authorized in subsection (1) of this section may only be imposed if the county and at least one of the two largest cities in the county provide moneys for the project described in subsection (4) of this section from revenue received under RCW 67.28.180 or if the county provides moneys for the project from revenue received under RCW 82.14.030. Moneys provided under this section shall be deposited in the special fund created under subsection (4) of this section and may be used only as provided in subsection (4) of this section.

(6) The department of revenue shall perform the collection of taxes under this section on behalf of the county at no cost to the county.

Sec. 2. RCW 67.28.240 and 1991 c 363 s 140 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of (~~two~~) three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

Sec. 3. RCW 36.100.010 and 1989 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county that has a population of one million or more or in any county with three hundred thousand or more population that is located more than one hundred miles from any

county in which the state has constructed and owns a convention center, or in any county with a population of less than seventy-five thousand but greater than twenty thousand in which is located part of a national monument.

(2) A public facilities district that is located in any county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center or that is located in a county with a population of less than seventy-five thousand but greater than twenty thousand in which is located part of a national monument shall be coextensive with the boundaries of the county((-

(2) A public facilities district)) and shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located and the city council of the largest city within such county.

(3) A public facilities district that is located in any county with a population of one million or more shall be created if the councils of at least seven participating cities or towns each adopt a resolution that lists the same cities or towns and provides for the creation of the district. In lieu of a council resolution, the voters of a city or town may approve participation in the district by a petition of ten percent of the registered voters of the city or town, listing the seven cities or towns. The district shall only include the territory in the county located in the participating cities and towns, as they exist when the district is created or as their boundaries may change in the future. At the time of creating the public facilities district, none of the participating cities or towns may have a population in excess of eighty thousand.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

((4)) (5) No taxes authorized under subsection (1) or (2) of this ((chapter)) section may be assessed or levied unless a majority of the voters of the public facilities district has validated the creation of the public facilities district at a general or special election.

((5)) (6) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

Sec. 4. RCW 36.100.020 and 1989 1st ex.s. c 8 s 2 are each amended to read as follows:

(1) A public facilities district in a county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center or that is located in a county with a population of less than seventy-five thousand but greater than twenty thousand in which is located part of a national monument shall be governed by a board of directors consisting of five members as follows: ((4)) (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; ((2)) (b) two members appointed by the city council to serve for four-year staggered terms; and ((3)) (c) one person to serve for a four-year term who is selected by the other directors. At least one member shall be representative of the lodging industry in the public facilities district.

One of the initial members appointed by the county legislative authority shall have a term of office of two years and the other initial member appointed by the county legislative authority shall have a term of four years. One of the initial members appointed by the city council shall have a term of two years and the other initial member appointed by the city council shall have a term of four years. Successors shall be appointed to four-year terms of office in the same manner as the original appointees.

(2) A public facilities district in a county with a population of one million or more shall be governed by a board of directors consisting of seven members who are appointed by the county executive, if the county has a home rule charter providing for a county executive, or by the county legislative authority if a county executive does not exist, from a list of nominees submitted by the participating cities and towns. The council of each participating city and town shall nominate three of its elected officials, from among its councilmembers and the mayor.

The appointing authority of the county shall designate terms of office for the appointees, with four appointees being given terms of four years and three of the appointees being given terms of two years. Successors shall be appointed to four-year terms of office in the same manner as the original appointees.

Sec. 5. RCW 36.100.030 and 1989 1st ex.s. c 8 s 3 are each amended to read as follows:

(1) A public facilities district that is located in a county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center is authorized to acquire, construct, own, maintain, and operate a sports and entertainment ((facilities)) facility with contiguous parking facilities and, upon the approval of the voters of the public facilities district, a regional science education facility may be located in any city or county within a public facilities district which has a population of more than one hundred fifty thousand. A public facility district that is located in a county with a population of less than seventy-five thousand but greater than twenty thousand in which is located part of a national monument is authorized to acquire, construct, own, maintain, and operate a sports and entertainment facility with contiguous parking facilities. A public facilities district that is located in a county with a population of one million or more is authorized to acquire,

construct, own, maintain, and operate facilities for youth and senior citizen programs and activities, including recreational facilities, meeting facilities, and contiguous parking facilities. The facilities must be located within the boundaries of a participating city.

(2) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations. The taxes that are provided for in this chapter may only be imposed (~~for such purposes~~) to finance the facilities that the particular public facilities district is authorized to provide.

Sec. 6. RCW 36.100.040 and 1989 1st ex.s. c 8 s 4 are each amended to read as follows:

A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than forty lodging units. The rate of the tax in a public facilities district located in a county with a population of less than one million shall not exceed two percent and the proceeds of the tax shall only be used for the acquisition, design, maintenance, and construction of (~~sports and entertainment facilities~~) the public facilities authorized for the particular district under RCW 36.100.030. The rate of tax in a public facilities district located in a county with a population of one million or more shall not exceed one percent and the proceeds of the tax shall only be used for the acquisition, design, construction, and maintenance of facilities for youth and senior citizen programs and activities. This excise tax shall not be imposed until the district has approved the proposal to acquire, design, and construct any of the public facilities authorized under RCW 36.100.030. In the case of a public facility district in a county with a population of one million or more, this excise tax shall not be imposed unless the tax under section 9 of this act is also imposed.

Sec. 7. RCW 36.100.050 and 1988 ex.s. c 1 s 15 are each amended to read as follows:

(1) A public facilities district in any county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center or in a county with a population of less than seventy-five thousand but greater than twenty thousand in which is located part of a national monument may levy an ad valorem property tax, in excess of the one percent limitation, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A public facilities district in any county with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has constructed and owns a convention center or in a county with a population of less than seventy-five thousand but greater than twenty thousand in which is located part of a national monument may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 8. RCW 36.100.060 and 1989 1st ex.s. c 8 s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to (~~three-eighths~~) three-fourths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A public facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for (~~the sports and entertainment facility~~) all public facilities authorized under RCW 36.100.030.

NEW SECTION. Sec. 9. A new section is added to chapter 36.100 RCW to read as follows:

(1) A public facilities district that is located in a county with a population of one million or more may fix and impose an excise tax on all persons engaged in a commercial parking business within its respective jurisdiction, including both public and private entities, or an excise tax on the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business, including both public and private entities. The excise tax shall not exceed a rate of ten percent of the charges imposed on the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The public facilities district may provide that:

- (a) The tax is paid by the operator or owner of the motor vehicle;
 - (b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;
 - (c) The tax is collected by the operator of the facility and remitted to the public facilities district;
 - (d) The tax is a fee per vehicle or is measured by the parking charge;
 - (e) The tax rate varies with the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and
 - (f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.
- (2) "Commercial parking business," as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.
- (3) The rates charged must be uniform for the same class or type of commercial parking business.
- (4) The public facilities district levying the tax provided for in subsection (1) of this section may provide for its payment on a monthly, quarterly, or annual basis, and may develop by resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement."

Representatives G. Fisher and Edmondson spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

The Speaker called upon Representative R. Meyers to preside.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2135.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2135, and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Edmondson, Fisher, G., Flemming, Foreman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Schmidt, Scott, Sehlín, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thibaudeau, Thomas, Valle, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 74.

Voting nay: Representatives Casada, Chandler, Cooke, Dunshee, Eide, Finkbeiner, Fisher, R., Forner, Fuhrman, Heavey, King, Meyers, R., Morton, Padden, Reams, Romero, Rust, Schoesler, Sheahan, Tate, Vance, Van Luven and Wang - 23.

Excused: Representative Dyer - 1.

Engrossed House Bill No. 2135, having received the constitutional majority, was declared passed.

MOTION

Representative Sommers moved that the House immediately consider Senate Bill No. 5977 on the second reading calendar. The motion was carried.

SENATE BILL NO. 5977, by Senator Rinehart; by request of Office of Financial Management

Verifying initiative and referendum petitions.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5977.

Representative Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5977, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Heavey - 1.

Excused: Representative Dyer - 1.

Senate Bill No. 5977, having received the constitutional majority, was declared passed.

With the consent of the House, the House recessed until 7:00 p.m.

The Speaker called the House to order at 7:00 p.m.

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

MOTION

On motion of Representative Sommers, the House adjourned until 1:00 p.m., Sunday April 25, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

ONE HUNDRED-FOURTH DAY, APRIL 24, 1993

JOURNAL OF THE HOUSE

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

ONE HUNDRED-FIFTH DAY

—————
AFTERNOON SESSION
—————

House Chamber, Olympia, Sunday, April 25, 1993

The House was called to order at 1:00 p.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hillary Zych and Michael Norris. Prayer was offered by Reverend Richard Hart, Minister Emeritus.

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

With the consent of the House, the House advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5239, by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Prentice, Moyer, Deccio, Talmadge, Hargrove, Winsley, West and Erwin)

Centralizing poison information services.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5239.

On motion of Representative King, Representative Wineberry was excused.

On motion of Representative Wood, Representatives Casada, Schmidt and Van Luven were excused.

Representatives G. Cole, Silver, Dyer and Morton spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5239, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 2, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Absent: Representatives Finkbeiner and Heavey - 2.
Excused: Representatives Casada, Schmidt, Van Luven and Wineberry - 4.

Second Substitute Senate Bill No. 5239, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1855 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.
Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

SHB 1855 April 23, 1993

Includes "NEW ITEM": YES

Enabling accreditation of the insurance commissioner.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred SUBSTITUTE HOUSE BILL NO. 1855, Insurance commissioner accred, have had the same under consideration and we recommend that:

The Senate amendments by Senators Moore and Rinehart to page 17, line 25, and page 114, after line 2, adopted on April 16, 1993, be not adopted; and

The Conference Committee amendments (1855-S AMC CONF S3465.1) to page 17, line 25; page 55, after line 3; and page 112, after line 37; and the title amendment on page 1, line 8, be adopted,

On page 17, line 25, after "to" strike "shareholder" and insert "shareholders or"

On page 55, after line 3, insert the following:

"NEW SECTION. Sec. 51. A new section is added to chapter 48.01 RCW to read as follows:

(1) An insurer, health care service contractor, or health maintenance organization that offers coverage for dental services and is in full compliance with all applicable laws under chapter 48.05, 48.44, or 48.46 RCW governing the financial supervision and solvency of such organizations, including but not limited to laws concerning capital and surplus requirements, reserves, deposits, bonds, and indemnities, may provide coverage for dental services, to individuals and to employers for the benefit of employees or for the benefit of employees and their dependents, by separate policy, contract, or rider. If an individual or an employer purchases coverage for dental services from such a company and the coverage is part of the uniform benefits package designed by the Washington health services commission, the certified health plan covering the individual, employees, or employees and dependents need not provide dental services under the uniform benefits package. A certified health plan may subcontract with such a company to provide any dental services required under the uniform benefits package.

(2) An insurer, health care service contractor, or health maintenance organization described in subsection (1) of this section is deemed certified and registered as a certified health plan under sections 427 and 432 of chapter . . . , Laws of 1993 (Engrossed Second Substitute Senate Bill No. 5304) for the delivery of coverage for dental services. The Washington health services commission and the commissioner shall adopt standards and procedures to permit, upon request, the prompt certification and registration of such a company. Such a company may offer coverage for dental services supplemental to the uniform benefits package, but the supplemental benefits are not subject to sections 428, 452, and 453 of chapter . . . , Laws of 1993 (Engrossed Second Substitute Senate Bill No. 5304)."

On page 112, after line 37, insert the following:

"NEW SECTION. Sec. 103. A new section is added to chapter 48.01 RCW to read as follows:

The activities and operations of mental health regional support networks, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title."

In line 8 of the title, after "48.03 RCW;" insert "adding new sections to chapter 48.01 RCW;" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Moore, Newhouse, Fraser; Representative Zellinsky, Mielke, Kessler.

MOTION

Representative Zellinsky moved that the House adopt the Report of the Conference Committee on Substitute House Bill No. 1855 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1855 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1855, as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 1855, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Marty Brown, Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1209 April 23, 1993

Includes "NEW ITEM": YES

Reforming education.

Mr. President:
Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209, Education reform, have had the same under consideration and we recommend that:

The Senate Committee on Education striking amendments adopted as amended on April 13, 1993, be not adopted; and

The Conference Committee striking amendments (1209-S.E AMC CONF S3409.5) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that student achievement in Washington must be improved to keep pace with societal changes, changes in the workplace, and an increasingly competitive international economy.

To increase student achievement, the legislature finds that the state of Washington needs to develop a public school system that focuses more on the educational performance of students, that includes high expectations for all students, and that provides more flexibility for school boards and educators in how instruction is provided.

The legislature further finds that improving student achievement will require:

- (1) Establishing what is expected of students, with standards set at internationally competitive levels;
- (2) Parents to be primary partners in the education of their children, and to play a significantly greater role in local school decision making;
- (3) Students taking more responsibility for their education;
- (4) Time and resources for educators to collaboratively develop and implement strategies for improved student learning;
- (5) Making instructional programs more relevant to students' future plans;
- (6) All parties responsible for education to focus more on what is best for students; and
- (7) An educational environment that fosters mutually respectful interactions in an atmosphere of collaboration and cooperation.

It is the intent of the legislature to provide students the opportunity to achieve at significantly higher levels, and to provide alternative or additional instructional opportunities to help students who are having difficulty meeting the essential academic learning requirements in RCW 28A.630.885.

It is also the intent of the legislature that students who have met or exceeded the essential academic learning requirements be provided with alternative or additional instructional opportunities to help advance their educational experience.

The provisions of chapter . . . , Laws of 1993 (this act) shall not be construed to change current state requirements for students who receive home-based instruction under chapter 28A.200 RCW, or for students who attend state-approved private schools under chapter 28A.195 RCW.

PART I STUDENT LEARNING GOALS

Sec. 101. RCW 28A.150.210 and 1977 ex.s. c 359 s 2 are each amended to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this ~~((1977 amendatory act))~~ chapter shall be to provide students with the opportunity to ~~((achieve those skills which are generally recognized as requisite to learning. Those skills shall include the ability:~~

~~(1) To distinguish, interpret and make use of words, numbers and other symbols, including sound, colors, shapes and textures;~~

~~(2) To organize words and other symbols into acceptable verbal and nonverbal forms of expression, and numbers into their appropriate functions;~~

~~(3) To perform intellectual functions such as problem solving, decision making, goal setting, selecting, planning, predicting, experimenting, ordering and evaluating; and~~

~~(4) To use various muscles necessary for coordinating physical and mental functions))~~ become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:

(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities.

NEW SECTION. Sec. 102. Section 101 of this act shall take effect September 1, 1994.

PART II
COMMISSION ON STUDENT LEARNING

NEW SECTION. Sec. 201. A new section is added to chapter 28A.630 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.630.885 and 28A.300.130.

(1) "Commission" means the commission on student learning created in RCW 28A.630.885.

(2) "Student learning goals" mean the goals established in RCW 28A.150.210.

(3) "Essential academic learning requirements" means more specific academic and technical skills and knowledge, based on the student learning goals, as determined under RCW 28A.630.885(3)(a). Essential academic learning requirements shall not limit the instructional strategies used by schools or school districts or require the use of specific curriculum.

(4) "Performance standards" or "standards" means the criteria used to determine if a student has successfully learned the specific knowledge or skill being assessed as determined under RCW 28A.630.885(3)(b). The standards should be set at internationally competitive levels.

(5) "Assessment system" or "student assessment system" means a series of assessments used to determine if students have successfully learned the essential academic learning requirements. The assessment system shall be developed under RCW 28A.630.885(3)(b).

(6) "Performance-based education system" means an education system in which a significantly greater emphasis is placed on how well students are learning, and significantly less emphasis is placed on state-level laws and rules that dictate how instruction is to be provided. The performance-based education system does not require that schools use an outcome-based instructional model. Decisions regarding how instruction is provided are to be made, to the greatest extent possible, by schools and school districts, not by the state.

Sec. 202. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify ~~((what))~~ the knowledge and skills all public school students need to know and be able to do based on the student learning goals ~~((of the governor's council on education reform and funding))~~ in RCW 28A.150.210, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed no later than ~~((February))~~ June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the ~~((cultural))~~ racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3))~~ The commission shall begin its substantive work subject to subsection (1) of this section.

~~((4))~~ (2) The commission shall establish ~~((technical))~~ advisory committees. Membership of the ~~((technical))~~ advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (3) The commission, with the assistance of the ~~((technical))~~ advisory committees, shall:

(a) ~~((Identify what all elementary and secondary students need to know and be able to do. At a minimum, these))~~ Develop essential academic learning requirements ~~((shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate))~~ based on the student learning goals ~~((identified by the council on education reform and funding))~~ in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic

learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b) ~~((By December 1, 1995,))~~ (i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary ~~((grades)), middle, and high school years~~ designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of ~~((methodologies))~~ assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who ~~((do))~~ have not ~~((master))~~ mastered the essential academic learning requirements at the appropriate periods in the student's educational development. ~~((Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.))~~

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) ~~((By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and))~~ After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. ~~((The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements.))~~ The commission shall ~~((recommend))~~ make recommendations to the state board of education ~~((whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years))~~ regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

~~(e) ((Develop strategies that will assist educators in helping students master the essential academic learning requirements;~~

~~(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six year plan to be updated every two years; and be able to accept resources and funding from private and public sources;~~

~~(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;~~

~~(h)) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;~~

~~(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the ((elementary and secondary)) academic assessment system((e during the 1995-97 biennium and beyond));~~

~~((f)) (g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that ((would assist schools in adopting strategies designed to help students achieve the essential learning requirements)) are consistent with the essential academic learning requirements and the certificate of mastery;~~

~~((f)) (h) By December 1, ((1996)) 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction;~~

~~(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. ((The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section)) The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;~~

~~(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;~~

~~(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and~~

~~(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.~~

~~It is the intent of the legislature to begin implementation of programs in this subsection (3)(h) on September 1, 2000;~~

~~((k)) (i) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and~~

~~((l) Complete other tasks, as appropriate) (j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.~~

~~((6)) (4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.~~

~~((7)) (5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.~~

~~((8)) (6) The commission shall select an entity to provide staff support and the office of ((financial management)) the superintendent of public instruction shall ((contract with that entity)) provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of ((financial management)) the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.~~

~~((9)) (7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

STUDENT LEARNING IMPROVEMENT GRANTS

NEW SECTION. Sec. 301. A new section is added to chapter 28A.300 RCW to read as follows:

(1) To the extent funds are appropriated, the office of the superintendent of public instruction shall provide student learning improvement grants for the 1994-95 through 1996-97 school years. The purpose of the grants is to provide funds for additional time and resources for staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210.

(2) To be eligible for student learning improvement grants, school district boards of directors shall:

(a) Adopt a policy regarding the sharing of instructional decisions with school staff, parents, and community members;

(b) Submit school-based applications that have been developed by school building personnel, parents, and community members. Each application shall:

(i) Enumerate specific activities to be carried out as part of the grant;

(ii) Identify the technical resources desired and availability of those resources;

(iii) Include a proposed budget; and

(iv) Indicate that the application was approved by the school principal and representatives of teachers, parents, and the community.

(3) The school board shall conduct at least one public hearing on schools' plans for using the grants before the board approves the plans. Boards may hear and approve more than one school's plan at a hearing. The board shall only submit applications for grants to the superintendent of public instruction if the board has approved the plans.

(4) If the requirements of subsections (2) and (3) of this section are met, the superintendent of public instruction shall approve the grant application.

(5) To the extent funds are appropriated, and for allocation purposes only, the amount of grants for the 1994-95 school year shall be based on time equivalent to no fewer than three days and not more than five days depending upon the number of grant applications received and on the number of full-time equivalent certificated staff, classified instructional aides, and classified secretaries who work in the school at the time of application. For the 1995-96 and 1996-97 school years, the equivalent of five days annually shall be provided. The allocation per full-time equivalent staff shall be determined in the biennial operating appropriations act. School districts shall use all funds received under this section solely for grants to schools and shall not use any portion of the funds for indirect costs.

(6) The state schools for the deaf and blind may apply for grants under this section.

(7) The superintendent of public instruction shall adopt timeliness and rules as necessary under chapter 34.05 RCW to administer the program. The superintendent may modify application requirements for schools that have schools for the twenty-first century projects under RCW 28A.630.100. A copy of the proposed rules shall be submitted to the joint select committee on education restructuring established in section 1001 of this act at least forty-five days prior to adoption of the rules.

(8) Funding under this section shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.305 RCW to read as follows:

School districts may use the application process in section 301 of this act to apply for waivers under RCW 28A.305.140.

PART IV EDUCATOR TRAINING AND ASSISTANCE PROGRAMS

Sec. 401. RCW 28A.415.250 and 1991 c 116 s 19 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a teacher assistance program. For the purposes of this section, the terms "mentor teachers," "beginning teachers," and "experienced teachers" may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW 28A.410.010. The program shall provide for:

(1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers who are having difficulties, or both, both in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW 28A.405.100 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers and beginning and experienced teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW ((28A.58.095)) 28A.400.200: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title;

(3) Workshops for the training of mentor and beginning teachers;

(4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom;

(5) Mentor teachers who are superior teachers based on their evaluations, pursuant to RCW 28A.405.010 through 28A.405.240, and who hold valid continuing certificates;

(6) Mentor teachers shall be selected by the district and may serve as mentors up to and including full time. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process; and

(7) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public and private institutions of higher education, for the purposes of improving communication and cooperation and program review.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.415 RCW to read as follows:

(1) To the extent specific funds are appropriated for the pilot program in this section, the superintendent of public instruction shall establish a pilot program to support the pairing of full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers under RCW 28A.415.250.

(2) The superintendent of public instruction shall submit a report to the legislature by December 31, 1995, with findings about the pilot program. The report shall include an analysis of the effectiveness of the pilot program in the remediation of teachers having difficulties, recommendations regarding continuing the program, and recommendations on new procedures under chapter 28A.405 RCW regarding teachers who have not shown sufficient progress in the area or areas of teaching skills needing improvement.

(3) The superintendent of public instruction shall appoint an oversight committee, which shall include teachers and administrators from the pilot districts, that shall be involved in the evaluation of the pilot program under this section.

(4) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the pilot program established under subsection (1) of this section.

Sec. 403. RCW 28A.405.140 and 1990 c 33 s 387 are each amended to read as follows:

After an evaluation conducted pursuant to RCW 28A.405.100, the ~~((school district))~~ principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such improvement.

NEW SECTION. Sec. 404. A new section is added to chapter 28A.405 RCW to read as follows:

(1) To the extent funds are appropriated, the Washington state principal internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to hire substitutes for district employees who are in a principal preparation program to complete an internship with a mentor principal.

(2) Participants in the principal internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school principal preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the principal internship support program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor principal for each principal intern applicant, and shall agree to provide the internship applicant at least forty-five student days of release time for the internship; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) The maximum amount of state funding for each internship shall be the estimated state-wide average cost of providing a substitute teacher for forty-five school days.

(b) Funds appropriated for the principal internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. Participants should be selected to reflect the percentage of minorities of the student population in the educational service district region, and to the extent practicable, represent an equal number of women and men. If it is not possible to find qualified candidates reflecting the percentage of minorities of the student population of the educational service district, the educational service district shall select those qualified candidates who meet these criteria and leave the remaining positions unfilled, and any unspent funds shall revert to the state general fund.

(c) Once principal internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the principal internship.

(d) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

NEW SECTION. Sec. 405. A new section is added to chapter 28A.405 RCW to read as follows:

(1) To the extent funds are appropriated, the Washington state superintendent and program administrator internship support program is created beginning in the 1994-95 school year. The purpose of the program is to provide funds to school districts to hire substitutes for district employees who are in a superintendent or program administrator preparation program to complete an internship with a mentor administrator.

(2) Participants in the superintendent and program administrator internship support program shall be selected as follows:

(a) The candidate shall be enrolled in a state board-approved school district superintendent or program administrator preparation program;

(b) The candidate shall apply in writing to his or her local school district;

(c) Each school district shall determine which applicants meet its criteria for participation in the internship support program and shall notify its educational service district of the school district's selected applicants. When submitting the names of applicants, the school district shall identify a mentor administrator for each intern applicant and shall agree to provide the internship applicant at least forty-five student days of release time for the internship; and

(d) Educational service districts, with the assistance of an advisory board, shall select internship participants.

(3)(a) The maximum amount of state funding for each internship shall be the estimated state-wide average cost of providing a substitute teacher for forty-five school days as calculated by the superintendent of public instruction.

(b) Funds appropriated for the internship support program shall be allocated by the superintendent of public instruction to the educational service districts based on the percentage of full-time equivalent public school students enrolled in school districts in each educational service district. To the extent practicable, participants should be selected to reflect the racial and ethnic diversity of the student population in the educational service district region, and represent an equal number of women and men.

(c) Once internship participants have been selected, the educational service districts shall allocate the funds to the appropriate school districts. The funds shall be used to pay for replacement substitute staff while the school district employee is completing the internship.

(d) Educational service districts may be reimbursed for costs associated with implementing the program. Reimbursement rates shall be determined by the superintendent of public instruction.

NEW SECTION. Sec. 406. (1) The state board of education shall appoint an administrator internship advisory task force to develop and recommend to the board standards for the principal and superintendent and program administrator internship support programs created in sections 404 and 405 of this act. Interns shall be required to complete the state board standards in order to successfully complete the internship program. These standards shall be adopted by the state board of education before the allocation of funds by the superintendent of public instruction pursuant to sections 404(3)(c) and 405(3)(c) of this act. Colleges, universities, and school districts may establish additional standards.

(2) Task force membership shall include, but not be limited to, representatives of the office of the superintendent of public instruction, principals, superintendents, program administrators, teachers, school directors, parents, higher education administrative preparation programs, and educational service districts. The task force membership shall, to the extent possible, be racially and ethnically diverse.

NEW SECTION. Sec. 407. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to administer the principal and superintendent and program administrator internship support programs.

NEW SECTION. Sec. 408. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The paraprofessional training program is created. The primary purpose of the program is to provide training for classroom assistants to assist them in helping students achieve the student learning goals under RCW 28A.150.210. Another purpose of the program is to provide training to certificated personnel who work with classroom assistants.

(2) The superintendent of public instruction may allocate funds, to the extent funds are appropriated for this program, to educational service districts, school districts, and other organizations for providing the training in subsection (1) of this section.

PART V CENTER FOR THE IMPROVEMENT OF STUDENT LEARNING

Sec. 501. RCW 28A.300.130 and 1986 c 180 s 1 are each amended to read as follows:

(1) ~~((Recent and))~~ Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that

such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on ~~((education))~~ educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall ~~((act as the state clearinghouse for educational information.~~

~~(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, screen, organize, and disseminate information pertaining to the state's educational system from preschool through grade twelve, including but not limited to in-state research and development efforts; descriptions of exemplary, model, and innovative programs; and related information that can be used in developing more effective programs.~~

~~(3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system, and other applicable materials. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost.~~

~~(4) The superintendent of public instruction shall coordinate the dissemination of information with the educational service districts and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state))~~ establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the commission on student learning, educational service districts, and institutions of higher education.

(2) The center shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on student learning;

(b) Serve as a clearinghouse for information regarding successful educational restructuring and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational restructuring initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: School improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; and other programs that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on student learning, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Take other actions to increase public awareness of the importance of parental and community involvement in education;

(g) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available under RCW 28A.305.140 and the broadened school board powers under RCW 28A.320.015;

(h) Provide training and consultation services;

(i) Address methods for improving the success rates of certain ethnic and racial student groups; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on student learning, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The superintendent shall report annually to the commission on student learning on the activities of the center.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The center for the improvement of student learning account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from gifts, grants, or endowments for the center for the improvement of student learning. Moneys in the account may be spent only for activities of the center. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the center for the improvement of student learning and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

PART VI SCHOOL-TO-WORK TRANSITIONS

NEW SECTION. Sec. 601. (1) The legislature finds that preparing students to make successful transitions from school to work helps promote educational, career, and personal success for all students.

(2) A successful school experience should prepare students to make informed career direction decisions at critical points in their educational progress. Schools that demonstrate the relevancy and practical application of course work will expose students to a broad range of interrelated career and educational opportunities and will expand students' posthigh school options.

(3) The school-to-work transitions program, under chapter . . . , Laws of 1993 (Engrossed Substitute House Bill No. 1820), is intended to help secondary schools develop model programs for school-to-work transitions. The purposes of the model programs are to provide incentives for selected schools to:

- (a) Integrate vocational and academic instruction into a single curriculum;
- (b) Provide each student with a choice of multiple, flexible educational pathways based on the student's career interest areas;
- (c) Emphasize increased vocational and academic guidance and counseling for students;
- (d) Foster partnerships with local employers and employees to incorporate work sites as part of work-based learning experiences;
- (e) Encourage collaboration among middle or junior high schools and secondary schools in developing successful transition programs and to encourage articulation agreements between secondary schools and community and technical colleges.

(4) The legislature further finds that successful implementation of the school-to-work transitions program is an important part of achieving the purposes of chapter . . . , Laws of 1993 (this act).

NEW SECTION. Sec. 602. A new section is added to chapter 28A.630 RCW to read as follows:

The superintendent of public instruction, in selecting projects for grant awards under the school-to-work transitions program, shall give additional consideration to schools or school districts whose proposals are consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board.

Sec. 603. RCW 28A.630.878 and 1992 c 137 s 11 are each amended to read as follows:

The superintendent of public instruction, through the ((~~state clearinghouse for education information~~)) center for the improvement of student learning, shall collect and disseminate to all school districts and other interested parties information about the ((~~academic and vocational integration development pilot~~)) school-to-work transitions projects.

NEW SECTION. Sec. 604. Section 603 of this act shall expire June 30, 1999.

PART VII TECHNOLOGY

NEW SECTION. Sec. 701. The legislature recognizes that up-to-date tools will help students learn. Workplace technology requirements will continue to change and students should be knowledgeable in the use of technologies.

Furthermore, the legislature finds that the Washington systemic initiative is a broad-based effort to promote widespread public literacy in mathematics, science, and technology. An important component of the systemic initiative is the universal electronic access to information by students. It is the intent of the legislature that components of sections 702 through 706 of this act will support the state-wide systemic reform effort in mathematics, science, and technology as envisioned by the Washington systemic initiative.

NEW SECTION. Sec. 702. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and section 705 of this act.

(1) "Education technology" or "technology" means the effective use of electronic and optical tools, including telephones, and electronic and optical pathways in helping students learn.

(2) "Network" means integrated linking of education technology systems in schools for transmission of voice, data, video, or imaging, or a combination of these.

NEW SECTION. Sec. 703. (1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan, which shall be completed by December 15, 1993, and updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

NEW SECTION. Sec. 704. In conjunction with the plan required in section 703 of this act, the superintendent of public instruction shall prepare recommendations to the legislature regarding the development of a grant program for school districts for the purchase and installation of computers, computer software, telephones, and other types of education technology. The recommendations shall address methods to ensure equitable access to technology by students throughout the state, and methods to ensure that school districts have prepared technology implementation plans before applying for grant funds. The recommendations, with proposed legislation, shall be submitted to the appropriate committees of the legislature by December 15, 1993.

NEW SECTION. Sec. 705. A new section is added to chapter 28A.310 RCW to read as follows:

Educational service districts shall establish, subject to available funding, regional educational technology support centers for the purpose of providing ongoing educator training, school district cost-benefit analysis, long-range planning, network planning, distance learning access support, and other technical and programmatic support. Each educational service district shall establish a representative advisory council to advise the educational service district in the expenditure of funds provided to the technology support centers.

NEW SECTION. Sec. 706. The superintendent of public instruction, to the extent funds are appropriated, shall distribute funds to educational service districts on a grant basis for the regional educational technology support centers established in section 705 of this act.

NEW SECTION. Sec. 707. The superintendent of public instruction, to the extent funds are appropriated, shall distribute funds to the Washington school information processing cooperative and to school districts on a grant basis, from moneys appropriated for the purposes of this section, for equipment, networking, and software to expand the current K-12 education state-wide network.

NEW SECTION. Sec. 708. (1) The superintendent of public instruction may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of educational technology and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(2) The education technology account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from gifts, grants, or endowments for education technology. Moneys in the account may be spent only for education technology. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 709. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW governing the operation and scope of this chapter.

NEW SECTION. Sec. 710. Sections 701 through 704 and 706 through 709 of this act shall constitute a new chapter in Title 28A RCW.

PART VIII EDUCATOR PERFORMANCE ASSESSMENT

Sec. 801. RCW 28A.410.030 and 1991 c 116 s 21 are each amended to read as follows:

(1) Effective May 1, 1996, the state board of education shall require ((a uniform state admission to practice examination for)) teacher certification candidates((-- Commencing August 31, 1993, teacher certification candidates completing a teacher preparation program shall be required)) applying for initial certification to pass an ((admission to practice examination)) individual assessment before being granted an initial certificate. The assessment shall include but not be limited to essay questions. The requirement shall be waived for out-of-state applicants with more than three years of teaching experience. The ((examination)) assessment shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, ((and)) student behavior and development((--The examination shall consist primarily of essay questions)), oral and written language skills, student performance-based assessment skills, and other knowledge, skills, and attributes needed to be successful in assisting all students, including students with diverse and unique needs, in achieving mastery of the essential academic learning requirements established pursuant to RCW 28A.630.885. In administering the assessment, the state board shall address the needs of certification candidates who have specific learning disabilities or physical conditions that may require special consideration in taking the assessment.

(2) The state board of education shall adopt such rules as may be necessary to implement this section, including, but not limited to, rules establishing the fees assessed persons who apply to take the assessment and the circumstances, if any, under which such fees may be refunded in whole or part. Fees shall be set at a level not higher than the costs for administering the tests. Fees shall not include costs of developing the test. Fee revenues received under this section shall be deposited in the teacher assessment revolving fund hereby established in the custody of the state treasurer. The fund is subject to the allotment procedures provided under chapter 43.88 RCW, but no appropriation is required for disbursement. The superintendent of public instruction shall be responsible for administering the assessment program consistent with state board of education rules. The superintendent of public instruction shall expend moneys from the teacher assessment revolving fund exclusively for the direct and indirect costs of establishing, equipping, maintaining, and operating the assessment program.

(3) The state board of education shall only require the assessment in subsection (1) of this section when the legislature appropriates funds to develop the assessment under this section.

PART IX READINESS TO LEARN

NEW SECTION. Sec. 901. A new section is added to chapter 70.190 RCW to read as follows:

(1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the family policy council shall award grants to community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn.

PART X DEREGULATION, ACCOUNTABILITY, FUNDING, AND LEGISLATIVE OVERSIGHT

NEW SECTION. Sec. 1001. (1) There is hereby created a joint select committee on education restructuring composed of twelve members as follows:

(a) Six members of the senate, three from each of the major caucuses, to be appointed by the president of the senate; and

(b) Six members of the house of representatives, three from each of the major caucuses, to be appointed by the speaker of the house of representatives.

(2) Staff support shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochaIRS of the joint select committee. The cochaIRS shall be designated by the speaker of the house of representatives and the president of the senate.

(3) The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW.

(4) The committee shall seek advice from educators, business and labor leaders, parents, and others during its deliberations.

NEW SECTION. Sec. 1002. The joint select committee on education restructuring shall monitor, review, and annually report to the full legislature upon the enactment and implementation of education restructuring in Washington both at the state and local level, including the following:

(1) The progress of the commission on student learning in the completion of its tasks as designated in RCW 28A.630.885 and in any subsequent legislation relating to education restructuring;

(2) The success of the center for improvement of student learning established under RCW 28A.300.130;

(3) The number of school districts seeking waivers from basic education act requirements under RCW 28A.305.140 or other legislation, and the success of alternative programs pursued by those school districts;

(4) The progress and success of the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges in carrying out RCW 28A.630.885(3)(g), and any subsequent legislation relating to education restructuring; and

(5) Such other areas as the committee may deem appropriate.

NEW SECTION. Sec. 1003. (1) In addition to the duties in section 1002 of this act, the joint select committee on education restructuring shall review all laws pertaining to K-12 public education and to educator preparation and certification, except those that protect the health, safety, and civil rights of students and staff, with the intent of identifying laws that inhibit the achievement of the new system of performance-based education. The select committee shall report to the legislature by November 15, 1994. The laws pertaining to home schooling and private schools shall not be reviewed in this study.

(2) The joint select committee on education restructuring shall review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The joint select committee shall report to the legislature by January 1995 on:

(a) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(b) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under RCW 28A.630.885(3)(h).

NEW SECTION. Sec. 1004. By September 1, 1994, and each September 1st thereafter, the commission on student learning, the superintendent of public instruction, the state board of education, the higher education coordinating board, and the state board for community and technical colleges shall each report to the joint select committee on education restructuring regarding their progress in completing tasks as designated in chapter . . . , Laws of 1993 (this act), and tasks in any subsequent legislation relating to education restructuring.

NEW SECTION. Sec. 1005. The joint select committee on education restructuring shall submit its final report to the legislature by December 31, 2001.

NEW SECTION. Sec. 1006. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall project goals in performance categories.

(2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of the restructuring plan for the school; and an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section.

NEW SECTION. Sec. 1007. (1) A legislative fiscal study committee is hereby created. The committee shall be comprised of three members from each caucus of the senate, appointed by the president of the senate, and three members from each caucus of the house of representatives, appointed by the speaker of the house of representatives. In consultation with the office of the superintendent of public instruction, the committee shall study the common school funding system.

(2) By January 16, 1995, the committee shall report to the full legislature on its findings and any recommendations for a new funding model for the common school system.

(3) This section shall expire January 16, 1995.

Sec. 1008. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) ~~Beginning with the 1993-94 school year, school districts may ((establish annual)) not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. ((Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.))~~ Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 1009. Sections 1001 through 1005 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 1010. Sections 1001 through 1005 of this act shall expire December 1, 2001.

PART XI PRIVATE SCHOOL AND HOME SCHOOL STUDENT EXEMPTIONS

Sec. 1101. RCW 28A.195.010 and 1990 c 33 s 176 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

NEW SECTION. Sec. 1102. 1992 c 141 s 505 is repealed.

Sec. 1103. RCW 28A.200.010 and 1990 c 33 s 178 are each amended to read as follows:

Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides;

(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of mastery pursuant to RCW 28A.630.885. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent

records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

PART XII MISCELLANEOUS

NEW SECTION. Sec. 1201. RCW 28A.630.884 and 1992 c 141 s 201 are each repealed.

Sec. 1202. 1992 c 141 s 509 (uncodified) is amended to read as follows:

Sections ~~((504))~~ 502 through 504, 506, and 507 of this act shall take effect September 1, ~~((1998))~~ 2000. However, these sections shall not take effect if, by September 1, ~~((1998))~~ 2000, a law is enacted stating that a school accountability and academic assessment system is not in place.

NEW SECTION. Sec. 1203. 1992 c 141 s 501 is repealed.

NEW SECTION. Sec. 1204. Part headings as used in this act constitute no part of the law."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.210, 28A.630.885, 28A.415.250, 28A.405.140, 28A.300.130, 28A.630.878, 28A.410.030, 28A.225.220, 28A.195.010, and 28A.200.010; amending 1992 c 141 s 509 (uncodified); adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.405 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 70.190 RCW; adding a new chapter to Title 28A RCW; creating new sections; repealing RCW 28A.630.884; repealing 1992 c 141 s 505; repealing 1992 c 141 s 501; providing an effective date; and providing expiration dates."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, McAuliffe; Representatives Dorn, Brough, Cothorn.

MOTION

Representative Dorn moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1209 and pass the bill as recommended by the Conference Committee. The motion was carried.

Representatives Dorn, Brough, Pruitt, Carlson, Cothorn, Karahalios, Brumsickle, G. Cole, Leonard, Vance, Basich, Conway, Shin, Zellinsky, Eide, J. Kohl, Quall and Flemming spoke in favor of the motion and Representative Stevens spoke against it. The motion was carried.

POINT OF INQUIRY

Representative Dorn yielded to a question by Representative Pruitt.

Representative Pruitt: Representative Dorn, in the Conference report, goal number five was removed and civics was added to goal number two. As you recall, goal number five would have required that school districts provide opportunities so students could function as responsible individuals and contributing members of family workgroups and communities. In the first school funding case, a court ruled that the state's constitutional duty goes beyond reading, writing and arithmetic and also includes broad educational opportunities needed to equip our children for their role as citizens. Does the removal of goal five mean that schools will not be required to provide educational opportunities regarding citizenship or that the commission on student learning does not need to include citizenship in the student assessment and school accountability systems?

Representative Dorn: No, the removal of goal five should not imply that citizenship should no longer be a goal of our educational system. Citizenship was considered by the Conference Committee as a component of civics and therefore schools will need to continue to provide instruction in citizenship and the commission on student learning will need to include citizenship in the student assessment and school accountability system.

FINAL PASSAGE OF HOUSE BILL

AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Miller, Brough, Wineberry, Thomas, Cooke and Dorn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1209 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1209, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 81, Nays - 17, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballasiotes, Basich, Brough, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Mastin, Meyers, R., Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Thibaudeau, Thomas, Valle, Vance, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 81.

Voting nay: Representatives Ballard, Bray, Casada, Chandler, Edmondson, Foreman, Fuhrman, Lisk, Ludwig, Mielke, Morton, Padden, Schoesler, Sheahan, Stevens, Tate and Van Luven - 17.

Engrossed Substitute House Bill No. 1209, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5966 and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sommers moved the rules be suspended and Substitute Senate Bill No. 5966 be returned to second reading for the purpose of amendments. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5966, by Senators Rinehart, Haugen and M. Rasmussen; by request of Department of Veterans Affairs

Concerning the state veterans' homes.

Representative R. Meyers moved adoption of the following amendment by Representative R. Meyers:

On page 7, line 30 of the amendment, after "72.36.080" insert "; and RCW 72.36.130 and 1977 ex.s. c 186 s 8"

Representative R. Meyers spoke in favor of the amendment and it was adopted.

On motion of Representative Sommers, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5966, as recommended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5966 as reamended by the House,, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute Senate Bill No. 5966, as reamended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1808, insists on its position and again asks the House to concur therein, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

Representative Wineberry moved the House insist on its position and again ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1175 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

EHB 1175 April 23, 1993

Includes "NEW ITEM": YES

Regarding the study of American Indian languages and cultures in the common schools.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1175, American Indian lang/culture, have had the same under consideration and we recommend that:

The Senate Committee on Education amendments adopted as amended on April 16, 1993, not be adopted; and

The Conference Committee striking amendments (1175.E AMC CONF S3455.2) be adopted,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.150.220 and 1990 c 33 s 105 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.250 and 28A.150.260:

(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(b) "Instruction in work skills" shall include instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(2) Satisfaction of the basic education goal identified in RCW 28A.150.210 shall be considered to be implemented by the following program requirements:

(a) Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours. The program shall include reading, arithmetic, language skills and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students in grades one through three, at least a total program hour offering of two thousand seven hundred hours. A minimum of ninety-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include ~~((foreign))~~ languages other than English, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include ~~((foreign))~~ languages other than English, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include ~~((foreign))~~ languages other than English, including American Indian languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, ~~((foreign))~~ languages other than English, which may be American Indian languages, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills: PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met.

(4) Nothing contained in subsection (2) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but

not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(6) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish: PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.

(7) Handicapped education programs, vocational-technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

(8) Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

Sec. 2. RCW 28A.150.220 and 1992 c 141 s 503 are each amended to read as follows:

(1) Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 3. RCW 28A.230.090 and 1992 c 141 s 402 and 1992 c 60 s 1 are each reenacted and amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students. Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any (~~foreign language~~) requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district (~~foreign language~~) graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.

Sec. 4. RCW 28A.600.060 and 1991 c 116 s 22 are each amended to read as follows:

The recipients of the Washington state honors awards shall be selected based on student achievement in both verbal and quantitative areas, as measured by a test or tests of general achievement selected by the superintendent of public instruction, and shall include student performance in the academic core areas of English, mathematics, science, social studies, and (~~foreign~~) languages other than English, which may be American Indian languages. The performance level in such academic core subjects shall be determined by grade point averages, numbers of credits earned, and courses enrolled in during the beginning of the senior year.

NEW SECTION. Sec. 5. Section 2 of this act shall take effect September 1, 2000. However, section 2 of this act shall not take effect if, by September 1, 2000, a law is enacted stating that a school accountability and academic assessment system is not in place."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.220, 28A.150.220, and 28A.600.060; reenacting and amending RCW 28A.230.090; and providing a contingent effective date."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Roach, McAuliffe; Representatives Dorn, Brough, Jacobsen.

MOTION

Representative Jacobsen moved that the House adopt the Report of the Conference Committee on Engrossed House Bill No. 1175 and pass the bill as recommended by the Conference Committee.

Representative Jacobsen spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1175 as recommended by the Conference Committee.

Representative Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1175, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothern, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris,

Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Bill No. 1175, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SB 5375 Date: April 22, 1993

Includes "new item": Yes

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5375, regulating personal service contracts, have had the same under consideration and we recommend that the House Floor Amendment H-2481.1 be adopted with the following changes:

On page 1, line 22 of the amendment, after "newspapers" strike all material through "management" on line 24; and

On page 1, line 31 of the amendment, after "year." strike "The office of financial management" and insert "Agencies"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Haugen, Bauer; Representatives Ogden, Valle, Reams.

MOTION

Representative Anderson moved that the House adopt the Report of the Conference Committee on Senate Bill No. 5375 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Senate Bill No. 5375 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5375, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5375, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, allowing volunteers to assist agencies to serve at-risk children's needs, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted, and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.150 RCW to read as follows:

A volunteer organization or individual volunteer may assist a public agency, with the agency's approval, in a collaborative program designed to serve the needs of at-risk children. The center, with the advice and counsel of the attorney general, shall develop guidelines defining at-risk children and establish reasonable safety standards to protect the safety of program participants and volunteers, including but not limited to background checks as appropriate as provided in RCW 43.43.830 through 43.43.834. In carrying out the volunteer organization shall not be considered to be an employee or agent of any public agency involved in the collaborative program. The public agency shall have no liability for any acts of the individual volunteer or volunteer organization. Prior to participation, a volunteer and the public agency administering the collaborative program shall sign a written master agreement, approved in form by the attorney general, that includes provisions defining the scope of the volunteer activities and waiving any claims against each other. A volunteer organization or individual volunteer shall not be liable for civil damages resulting from any act or omission arising from volunteer activities which comply with safety standards issued by the center for volunteerism and citizen service, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

Signed by Senators Haugen, Winsley, McAuliffe; Representatives Leonard, Brown, Cooke.

MOTION

Representative Leonard moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5844 and pass the bill as recommended by the Conference Committee.

Representative Leonard spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5844 as recommended by the Conference Committee.

Representatives Cooke, Long and L. Johnson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5844, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5844, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 24, 1993

Mr. Speaker:

The Senate suspended the rules, returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493 to second reading. Reconsidered the Senate amendment (1493-S.E AAS 4/16/93), adopted amendment 1493-S.E AMS WILL S3496.2 to page 16, line 13 of the previously adopted amendment and passed the bill as further amended.

On page 16, beginning on line 13, strike section 30 and insert the following:

"NEW SECTION. Sec. 30. A new section is added to chapter 43.86A RCW to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those that:

(a) Are loans that have terms that do not exceed ten years;

(b) Are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(c) Are made to minority or women's business enterprises that are considered a small business as defined in RCW 43.31.025;

(d) Are made where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term; and

(e) Are made where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository." and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Wineberry moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1493 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1493 as amended by the Senate.

Representatives Wineberry, Forner and Ogden spoke in favor of passage of the bill and Representative Silver spoke against it.

Representative Wineberry again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1493, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H.,

Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, Lisk, Morton, Padden, Silver and Stevens - 6.

Engrossed Substitute House Bill No. 1493, as amended by the Senate, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1069,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1214,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393,
SUBSTITUTE HOUSE BILL NO. 1428,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1870,
SUBSTITUTE HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1910,

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1175,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,
ENGROSSED HOUSE BILL NO. 1708,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
SUBSTITUTE HOUSE BILL NO. 1855,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862,
SUBSTITUTE HOUSE BILL NO. 2070,
SUBSTITUTE HOUSE BILL NO. 2098,

MESSAGE FROM THE SENATE

April 25, 1993

MR. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 1175,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,
ENGROSSED HOUSE BILL NO. 1708,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785,
SUBSTITUTE HOUSE BILL NO. 1855,

and the same is herewith transmitted.

Marty Brown, Secretary

SENATE AMENDMENTS TO HOUSE BILL

April 24, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2098 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the aging of the population and advanced medical technology have resulted in a growing number of persons who require assistance. The primary resource for long-term care continues to be family and friends. However, these traditional caregivers are increasingly employed outside the home. There is a growing demand for improvement and expansion of home and community-based long-term care services to support and complement the services provided by these informal caregivers.

The legislature further finds that the public interest would best be served by a broad array of long-term care services that support persons who need such services at home or in the community whenever practicable and that promote individual autonomy, dignity, and choice.

The legislature finds that as other long-term care options become more available, the relative need for nursing home beds is likely to decline. The legislature recognizes, however, that nursing home care will continue to be a critical part of the state's long-term care options, and that such services should promote individual dignity, autonomy, and a homelike environment.

NEW SECTION. Sec. 2. PURPOSE AND INTENT. It is the legislature's intent that:

(1) Long-term care services administered by the department of social and health services include a balanced array of health, social, and supportive services that promote individual choice, dignity, and the highest practicable level of independence;

(2) Home and community-based services be developed, expanded, or maintained in order to meet the needs of consumers and to maximize effective use of limited resources;

(3) Long-term care services be responsive and appropriate to individual need and also cost-effective for the state;

(4) Nursing home care is provided in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident and timely discharge to a less restrictive care setting when appropriate; and

(5) State health planning for nursing home bed supply take into account increased availability of other home and community-based service options.

NEW SECTION. Sec. 3. ASSISTED LIVING. To the extent of available funding, the department of social and health services may contract with licensed boarding homes for assisted living services. The department shall develop rules that ensure that the contracted services:

(1) Recognize individual needs, privacy, and autonomy;

(2) Include, but not be limited to, personal care, nursing services, medication administration, and supportive services that promote independence and self-sufficiency;

(3) Are of sufficient scope to assure that each resident who chooses to remain in assisted living may do so, unless nursing care needs exceed the level of care defined by the department;

(4) Are directed first to those persons most likely, in the absence of assisted living services, to need hospital, nursing facility, or other out-of-home placement; and

(5) Are provided in compliance with applicable department of health facility and professional licensing laws and rules.

Sec. 4. RCW 74.42.010 and 1979 ex.s. c 211 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services and the department's employees.

(2) "Facility" refers to a nursing home as defined in RCW 18.51.010.

(3) "Licensed practical nurse" means a person licensed to practice practical nursing under chapter 18.78

RCW.

(4) "Medicaid" means Title XIX of the Social Security Act enacted by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79 Stat. 343), as amended.

(5) "Nursing care" means that care provided by a registered nurse, a licensed practical nurse, or a nursing assistant in the regular performance of their duties.

(6) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience specified by the department.

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

(c) A mental health professional as defined in chapter 71.05 RCW.

(d) A mental retardation professional who is a qualified therapist or a therapist approved by the department and has specialized training or one year experience in treating or working with the mentally retarded or developmentally disabled.

(e) An occupational therapist who is a graduate of a program in occupational therapy or who has equivalent education or training.

(f) A physical therapist as defined in chapter 18.74 RCW.

(g) A social worker who is a graduate of a school of social work.

(h) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has equivalent education and clinical experience.

(7) "Registered nurse" means a person practicing nursing under chapter 18.88 RCW.

(8) "Resident" means an individual (~~recipient of medical benefits pursuant to chapter 74.09 RCW, except as to RCW 74.42.030 through 74.42.130 which shall apply to all patients~~) residing in a nursing home, as defined in RCW 18.51.010.

(9) "Physician's assistant" means a person practicing pursuant to chapters 18.57A and 18.71A RCW.

(10) "Nurse practitioner" means a person practicing such expanded acts of nursing as are authorized by the board of nursing pursuant to RCW 18.88.030.

Sec. 5. RCW 70.38.111 and 1992 c 27 s 2 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements only to the offering of inpatient tertiary health services and then only to the extent that such offering is not exempt under the provisions of this section.

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute

care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed boarding home care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without being subject to the provisions of this chapter except under RCW 70.38.105(4)(d), provided the facility has been in continuous operation and has not been purchased or leased.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given no later than two years prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given no later than one year prior to the effective date of license modification reflecting the restored beds.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2)(a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

Sec. 6. RCW 70.38.115 and 1989 1st ex.s. c 9 s 605 and 1989 c 175 s 126 are each reenacted and amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

~~(a) ((Until June 30, 1990, the relationship of the health services being reviewed to the applicable health plans;~~

~~(b))~~ The need that the population served or to be served by such services has for such services;

~~((c))~~ (b) The availability of less costly or more effective alternative methods of providing such services;

~~((d))~~ (c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

~~((e))~~ (d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

~~((f))~~ (e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

~~((g))~~ (f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

~~((h))~~ (g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

~~((i))~~ (h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

~~((j))~~ (i) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; ~~(and~~

~~(k))~~ (j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

(13) In the case of an application for a certificate of need to replace existing nursing home beds, all criteria must be met on the same basis as an application for a certificate of need for a new nursing home, except that the need criteria shall be deemed met if the applicant is an existing licensee who proposes to replace existing beds that

the licensee has operated for at least one year with the same or fewer number of beds in the same planning area. When an entire nursing home ceases operation, its beds shall be treated as existing nursing home beds for purposes of replacement for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure.

NEW SECTION. Sec. 7. A new section is added to chapter 74.14A RCW to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within thirty days of placement;

(4) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

(5) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;

(6) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

(7) Study and develop a statutory proposal for the emancipation of minors and report its findings and recommendations to the legislature by January 1, 1994.

NEW SECTION. Sec. 8. A new section is added to chapter 71A.20 RCW to read as follows:

The secretary shall develop a plan by July 1, 1994, that will establish the July 1, 2001, size of each residential habilitation center. The plan shall include:

(1) Specific criteria for admission to and continued residence in the residential habilitation centers consistent with the goal of delivering services to meet the needs of individuals with developmental disabilities in the least restrictive, most appropriate, and cost-effective setting;

(2) An estimate of the number of people meeting the public safety or specialized care criteria who are expected to require admission to or continued residence in state-operated care;

(3) A review of the service needs of each resident of the developmental disabilities state institutions and the level of services appropriate to maintain the person in the most normal and least restrictive setting that is consistent with the person's needs.

(4) A plan for assuring safe and quality community care for current residential habilitation center residents who do not meet residential habilitation center placement criteria;

(5) Proposed uses for excess institutional grounds and buildings by other governmental or private entities in ways that the proceeds will benefit individuals with developmental disabilities; and

(6) Strategies to retrain and/or provide new jobs in developmental disability community care or in other public service for any staff not needed in residential habilitation centers.

NEW SECTION. Sec. 9. Sections 1 through 3, 11, and 12 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 10. Section captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 74.42.010 and 70.38.111; reenacting and amending RCW 70.38.115; adding a new section to chapter 74.14A RCW; adding a new section to chapter 71A.20 RCW; adding a new chapter to Title 74 RCW; creating a new section; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dellwo moved that the House do concur in the Senate amendment to Substitute House Bill No. 2098 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2098 as amended by the Senate.

Representatives Dellwo, Dyer, Valle, Leonard and Campbell spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2098, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Substitute House Bill No. 2098, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236. On reconsideration, the Senate passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

Marty Brown, Secretary

REPORT OF CONFERENCE COMMITTEE

Establishing fees for certain water rights.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, Water rights fees, have had the same under consideration and we recommend that:

The Senate Committee on Ways & Means amendments (1236-S.E AAS 4/14/93) adopted as amended on April 14, 1993, be adopted with the (attached) (1236-S.E AMC CONF S3464.1) amendments to page 3, line 31, page 5, after line 21, and page 9, line 15

On page 3, line 31 of the amendment (1236-S.E AAS 4/14/93), strike "fifty" and insert "one hundred"

On page 5, after line 21 of the amendment (1236-S.E AAS 4/14/93), strike everything through "affected." on page 9, line 10 of the amendment and insert the following:

"NEW SECTION. Sec. 4. The legislature finds that installation of trickle irrigation systems in climatically and economically suitable areas may result in significant water savings. The legislature further finds that encouraging the voluntary transfer of the water savings will provide an incentive for the installation of trickle irrigation systems.

Therefore, the legislature directs the committee on natural resources and parks in the house of representatives and the committee on energy and utilities in the senate to jointly: (1) Study the physical, legal, and economic feasibility of transferring water saved from installation of trickle irrigation systems; (2) explore the relationship between a possible water transfer program connected to water savings from trickle irrigation systems and the state's existing trust water rights program; and (3) make recommendations for legislation to implement a transfer program for savings from trickle irrigation systems, if the committees determine that such a program is in the public interest. The committees shall coordinate the study with the agriculture committees in the senate and the house of representatives. The committees shall report their findings and recommendations to the legislature by December 1, 1993."

On page 9, line 15 of the title amendment (1236-S.E AAS 4/14/93), after "90.03.470;" strike the remainder of the title amendment and insert "and creating new sections."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fraser, Sutherland; Representatives Pruitt, Rust.

MOTION

Representative Pruitt moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1236 and pass the bill as recommended by the Conference Committee.

Representatives Pruitt and Rayburn spoke in favor of the motion and Representatives Chandler, Ballard and Morton spoke against it.

Representative Pruitt again spoke in favor of the motion and the motion was carried.

POINT OF INQUIRY

Representative Rayburn: Mr Speaker, may I make an inquiry?

Speaker Ebersole: Yes, Representative Rayburn, what is your inquiry?

Representative Rayburn: Mr. Speaker, the Conference Committee Report on Engrossed Substitute House Bill No. 1236 provides for a study of trickle irrigation to be conducted jointly by the House Committee on Natural Resources & Parks and the Senate Committee on Energy & Utilities, in coordination with the House and Senate Agriculture committees. What role will the House Committee on Agriculture and Rural Development play under these circumstances?

Speaker Ebersole: Representative Rayburn, the House Executive Rules Committee has responsibility for directing and approving the interim work plans of all House committees. As chair of Executive Rules, it is my intention to direct that the House Agriculture Committee have joint responsibility for the trickle irrigation study.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1236 as recommended by the Conference Committee.

Representative Rust spoke in favor of final passage of the bill and Representative Chandler spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Johanson, Lisk, Long, Meyers, R., Mielke, Miller, Morris, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 42.

Engrossed Substitute House Bill No. 1236, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker called upon Representative Ogden to preside.

MESSAGE FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1307 April 22, 1993

Includes "NEW ITEM": YES

Reauthorizing and modifying the Washington service corps.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307, Washington service groups, have had the same under consideration and we recommend that:

The Senate Committee on Trade, Technology & Economic Development striking amendments adopted as amended by Ways & Means on April 16, 1993, not be adopted; and

The Conference Committee striking amendments (1307-S.E AMC CONF S3458.1) be adopted

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.65.030 and 1987 c 167 s 3 are each amended to read as follows:

The Washington service corps is established within the employment security department. The commissioner shall:

- (1) Appoint a director (~~(for the exchange)~~) and other personnel as necessary to carry out the purposes of this chapter;
- (2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies or departments providing youth services to ensure that funds appropriated for the purposes of this chapter will not be expended to duplicate existing services, but will increase the services of youth to the state;
- (3) The employment security department is authorized to place subgrants with other federal, state, and local governmental agencies and private agencies to provide youth employment projects and to increase the numbers of youth employed;
- (4) Determine appropriate financial support levels by private business, community groups, foundations, public agencies, and individuals which will provide matching funds for enrollees in service projects under work agreements. The matching funds requirement may be waived for public agencies or reduced for private agencies;
- (5) Recruit enrollees who are residents of the state unemployed at the time of application and are at least eighteen years of age but have not reached their twenty-sixth birthday;
- (6) Recruit supervising agencies to host the enrollees in full-time service activities which shall not exceed ~~((six)) eleven~~ months' duration (~~(, which may be extended for an additional six months by mutual consent))~~;
- (7) Assist supervising agencies in the development of scholarships and matching funds from private and public agencies, individuals, and foundations in order to support a portion of the enrollee's stipend and benefits;
- (8) Develop general employment guidelines for placement of enrollees in supervising agencies to establish appropriate authority for hiring, firing, grievance procedures, and employment standards which are consistent with state and federal law;
- (9) Match enrollees with appropriate public agencies and available service projects;
- (10) Monitor enrollee activities for compliance with this chapter and compliance with work agreements;
- (11) Assist enrollees in transition to employment upon termination from the programs, including such activities as orientation to the labor market, on-the-job training, and placement in the private sector;
- (12) Establish a program for providing incentives to encourage successful completion of terms of enrollment in the service corps and the continuation of educational pursuits. Such incentives shall be in the form of educational assistance equivalent to two years of community or technical college tuition for eleven months of service. Educational assistance funding shall only be used for tuition, fees, and course-related books and supplies. Enrollees who receive educational assistance funding shall start using it within one year of their service completion and shall finish using it within four years of their service completion.
- (13) Enter into agreements with the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those participants who may benefit by participation in such classes. Participation is not mandatory but shall be strongly encouraged.

Sec. 2. RCW 50.65.040 and 1987 c 167 s 4 are each amended to read as follows:

The commissioner may select and enroll in the Washington service corps program any person who is at least eighteen years of age but has not reached their twenty-sixth birthday, is a resident of the state, and who is not for medical, legal, or psychological reasons incapable of service. ~~((In the selection of enrollees of the service corps, preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment above the state average.))~~ Efforts shall be made to enroll youths who are economically, socially, physically, or educationally disadvantaged. The commissioner may prescribe such additional standards and procedures in consultation with supervising agencies as may be necessary in conformance with this chapter. In addition, the commissioner may select and enroll youth fourteen to seventeen years of age on special projects during the summer and at other times during the school year that may complement and support their school curriculum or that link and support service with learning.

Sec. 3. RCW 50.65.060 and 1987 c 167 s 6 are each amended to read as follows:

Placements in the Washington service corps shall be made in supervising agencies under work agreements as provided under this chapter and shall include those assignments which provide for addressing community needs and conservation problems and will assist the community in economic development efforts. Each work agreement shall:

- (1) Demonstrate that the service project is appropriate for the enrollee's interests, skills, and abilities and that the project is designed to meet unmet community needs;
- (2) Include a requirement of regular performance evaluation. This shall include clear work performance standards set by the supervising agency and procedures for identifying strengths, recommended improvement areas and conditions for probation or dismissal of the enrollee; and
- (3) Include a commitment for partial financial support for the enrollee ~~((for a))~~ from private industry, public ~~((agency))~~ agencies, community groups, or foundations. The commissioner may establish additional standards for

the development of placements for enrollees with supervising agencies and assure that the work agreements comply with those standards. This section shall not apply to conservation corps programs established by chapter 43.220 RCW.

Agencies of the state may use the (~~youth employment exchange~~) Washington service corps for the purpose of employing youth qualifying under this chapter.

NEW SECTION. Sec. 4. For each enrollee, the work agreements, or combination of work agreements, developed under RCW 50.65.060 shall:

(1) Include a variety of experiences consisting of: Indoor activities; outdoor activities; and volunteer activities;

(2) Provide time for participation in a core training program common to all participants.

NEW SECTION. Sec. 5. The Washington service corps scholarship account is created in the custody of the state treasurer. The account shall consist of a portion of Washington service corps funding, deposited by the commissioner, in an amount sufficient to provide for the future awarding of educational assistance grants described in RCW 50.65.030. Expenditures from the account may be used only for educational assistance grants described in RCW 50.65.030. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. All earnings of investments of surplus balances in the account shall be deposited to the treasury income account created in RCW 43.84.092.

Sec. 6. RCW 50.65.080 and 1983 1st ex.s. c 50 s 8 are each amended to read as follows:

The commissioner shall seek and may accept, on behalf of the (~~youth employment exchange~~) Washington service corps, charitable donations of cash and other assistance including, but not limited to, equipment and materials if the donations are available for appropriate use for the purposes set forth in this chapter.

NEW SECTION. Sec. 7. RCW 50.65.900 and 1987 c 167 s 9 & 1983 1st ex.s. c 50 s 14 are each repealed.

NEW SECTION. Sec. 8. Sections 4 and 5 of this act are each added to chapter 50.65 RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 10. A new section is added to chapter 50.65 RCW to read as follows:

No individual may participate in the Washington serves program created by chapter . . . (Substitute House Bill No. 1969), Laws of 1993, if the person has previously participated for six months or longer in the Washington service corps within the last three years."

On page 1, line 1 of the title, after "corps," strike the remainder of the title and insert "amending RCW 50.65.030, 50.65.040, 50.65.060, and 50.65.080; adding new sections to chapter 50.65 RCW; repealing RCW 50.65.900; providing an effective date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Sheldon, Erwin, Williams; Representative Locke, Wood, Wineberry.

MOTION

Representative J. Kohl moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1307 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1307 as recommended by the Conference Committee.

Representatives J. Kohl and Wood spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1307, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1307, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SB 5675 Date: April 24, 1993

Includes "new item": No

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5675, concerning the financing of bonds for storm water facilities, have had the same under consideration and we recommend that the House Committee striking amendment (5675 AMH LG LUND 3) be adopted with the following deletion:

On page 2, beginning on line 21 of the amendment, strike all of section 3, and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Haugen, Winsley, Loveland; Representatives H. Myers, Bray, Reams.

MOTION

Representative H. Myers moved that the House adopt the Report of the Conference Committee on Senate Bill No. 5675 and pass the bill as recommended by the Conference Committee.

Representatives H. Myers and Reams spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5675, as recommended by the Conference Committee.

Representative H. Myers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5675, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate,

Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Senate Bill No. 5675, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1372 April 24, 1993

Includes "NEW ITEM": YES

Creating the government accountability task force.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, Emergency communic/privacy, have had the same under consideration and we recommend that:

The Senate Committee on Ways & Means striking amendments adopted on April 16, 1993, not be adopted; and

The Conference Committee striking amendments (1372-S.E AMC CONF S3494.1) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many of the systems currently in place for assuring accountability in state government programs are not operated comprehensively, do not take advantage of modern management techniques, and do not contribute adequately to the optimum use of scarce resources. Critical variables that are not always taken into account include whether stated goals and objectives are being achieved, and whether desired results are being accomplished.

Agency executives need more accurate information for setting policy, determining whether new or existing programs are effective, and improving internal controls for agency management. These needs must be met at all levels of operation, and must be clearly communicated to the legislature and all interested parties.

Ensuring accountability in government involves a long-term commitment to policy planning, quality management, and results-oriented evaluation. It is the intent of the legislature to facilitate program evaluations and performance audits of selected state agencies and programs through the coordinated resources of the executive and legislative branches of state government.

Sec. 2. RCW 43.88.020 and 1991 c 358 s 6 are each amended to read as follows:

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "Stabilization account" means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(19) "General state revenues" means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(22) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(24) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(25) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(26) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(27) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(28) "Performance audit" means an audit that determines the following: (a) Whether a government entity is acquiring, protecting, and using its resources economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; (c) whether the entity has complied with laws and rules applicable to the program; (d) the extent to which the desired results or benefits established by the legislature are being achieved; and (e) the effectiveness of organizations, programs, activities, or functions.

(29) "Program evaluation" means the use of a variety of policy and fiscal research methods to (a) determine the extent to which a program is achieving its legislative intent in terms of producing the effects expected, and (b) make an objective judgment of the implementation, outcomes, and net cost or benefit impact of programs in the context of their goals and objectives. It includes the application of systematic methods to measure the results, intended or unintended, of program activities.

Sec. 3. RCW 43.88.090 and 1989 c 273 s 26 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

~~((2) Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results.))~~

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

~~((3))~~ (2) It is the policy of the state that each state agency define its mission and establish measurable goals for achieving desirable results for those who receive its services. This section shall not be construed to require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. State agencies should involve affected groups and individuals in developing their missions and goals.

(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives shall be consistent with the missions and goals developed under this section. The objectives shall be expressed to the extent practicable in outcome-based, objective, and measurable form unless permitted by the office of financial management to adopt a different standard.

(4) In concert with legislative and executive agencies, the office of financial management shall develop a plan for using these outcome-based objectives in the evaluation of agency performance for improved accountability of state government. Any elements of the plan requiring legislation shall be submitted to the legislature no later than November 30, 1994.

(5) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 4. RCW 43.88.160 and 1992 c 118 s 8 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that

all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors:

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

~~((b))~~ (c) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

~~((c))~~ (d) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

~~((d))~~ (e) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

~~((e))~~ (f) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

~~((f) Promulgate regulations)~~ (g) Adopt rules to effectuate provisions contained in (a) through ~~((e))~~ (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and

certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include ~~((at least the following:))~~ determinations as to whether agencies, in making expenditures, complied with the laws of this state ~~((:—PROVIDED, That nothing in this section may be construed to grant))~~. The state auditor ((the right)) is authorized to perform or participate in performance audits only as expressly authorized by the legislature in the omnibus biennial appropriations acts. A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. ~~((The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085-))~~ The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW, may report to the legislative budget committee or other appropriate committees of the legislature, in a manner prescribed by the legislative budget committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as well as performance audits and program evaluations. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 5. A new section is added to chapter 44.28 RCW to read as follows:

(1) In conducting program evaluations as defined in RCW 43.88.020, the legislative budget committee may establish a biennial work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plan are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree.

(2) The project description for each program evaluation shall include start and completion dates, the proposed research approach, and cost estimates.

(3) The overall plan may include proposals to employ contract evaluators. As conditions warrant, the program evaluation work plan may be amended from time to time. All biennial work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

Sec. 6. RCW 44.28.085 and 1975 1st ex.s. c 293 s 15 are each amended to read as follows:

The legislative budget committee shall make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any public agency, officer, administrator, or employee has discharged the responsibility to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of state or local government programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination. ~~(= PROVIDED, That))~~. Nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by ~~((subsection (3) of))~~ RCW 43.88.160 ~~((as now or hereafter amended. The authority in this section conferred excludes a like authority in the state auditor))~~.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate.

NEW SECTION. Sec. 7. This act may be known and cited as the performance-based government act of 1993.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1993, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.88.020, 43.88.090, 43.88.160, and 44.28.085; adding a new section to chapter 44.28 RCW; and creating new sections."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Skratek, Bluechel, Quigley; Representative Sommers, Reams, Pruitt.

MOTION

Representative Anderson moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1372 and pass the bill as recommended by the Conference Committee.

Representative Reams spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1372 as recommended by the Conference Committee.

Representative Morton, Pruitt and Reams spoke in favor of passage of the bill.

POINT OF ORDER

Representative Pruitt: "The Speaker admonishes the gentleman to stick to the subject of the bill."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1372, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1372, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1708 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

EHB 1708 April 24, 1993

Includes "NEW ITEM": YES

Increasing the membership of the commission on student learning.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1708, Student learning commission, have had the same under consideration and we recommend that:

The Senate Committee on Education amendments adopted as amended on April 9, 1993, not be adopted; and

The Conference Committee striking amendments (1708.E AMC CONF S3456.1) be adopted,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.630.885 and 1992 c 141 s 202 are each amended to read as follows:

~~((2))~~ (1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the student learning goals of the governor's council on education reform and funding, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and ~~((three))~~ five members appointed no later than ~~((February))~~ June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies of gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of

education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

~~((3) The commission shall begin its substantive work subject to subsection (1) of this section.~~

~~(4))~~ (2) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

~~((5))~~ (3) The commission, with the assistance of the technical advisory committees, shall:

(a) Identify what all elementary and secondary students need to know and be able to do. At a minimum, these essential academic learning requirements shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary grades designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of methodologies, including performance-based measures. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the academic assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and shall lead to a certificate of mastery. The certificate of mastery shall be required for graduation. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Develop strategies that will assist educators in helping students master the essential academic learning requirements;

(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;

(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;

(h) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on

the expected cost of implementing the elementary and secondary academic assessment systems during the 1995-97 biennium and beyond;

(i) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements;

(j) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section;

(k) Report annually by December 1st to the legislature and the state board of education on the progress, findings, and recommendations of the commission; and

(l) Complete other tasks, as appropriate.

~~((6))~~ (4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

~~((7))~~ (5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

~~((8))~~ (6) The commission shall select an entity to provide staff support and the office of financial management shall contract with that entity. The commission may direct the office of financial management to enter into subcontracts with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

~~((9))~~ (7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28A.630.885; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Hochstatter, McAuliffe; Representative Dorn, Brough, Cothorn.

MOTION

Representative Cothorn moved that the House adopt the Report of the Conference Committee on Engrossed House Bill No. 1708 and pass the bill as recommended by the Conference Committee.

Representative Cothorn spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1708 as recommended by the Conference Committee.

Representative Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1708, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed House Bill No. 1708, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1785 April 24, 1993

Includes "NEW ITEM": YES

Creating jobs to restore and enhance Washington's estuaries, waterways, forests, and watersheds.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1785, Waterway/watershed restoratn, have had the same under consideration and we recommend that:

The Senate Committee on Trade, Technology & Economic Development striking amendments adopted as amended on April 12, 1993, not be adopted; and

The Conference Committee striking amendments (1785-S.E AMC CONF S3501.2) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) The legislature finds that the long-term health of the economy of Washington state depends on the sustainable management of its natural resources. Washington's forests, estuaries, waterways, and watersheds provide a livelihood for thousands of citizens of Washington state and millions of dollars of income and tax revenues every year from forests, fisheries, shellfisheries, recreation, tourism, and other water-dependent industries.

(2) The legislature further finds that the livelihoods and revenues produced by Washington's forests, estuaries, waterways, and watersheds would be enhanced by immediate investments in clean water infrastructure and habitat restoration.

(3) The legislature further finds that an insufficiency in financial resources, especially in timber-dependent communities, has resulted in investments in clean water and habitat restoration too low to ensure the long-term economic and environmental health of Washington's forests, estuaries, waterways, and watersheds.

(4) The legislature further finds that unemployed workers and Washington's economically distressed communities, especially timber-dependent areas, can benefit from opportunities for employment in environmental restoration projects.

(5) The legislature therefore declares that immediate investments in a variety of environmental restoration projects, based on sound principles of watershed management and environmental and forest restoration, are necessary to rehabilitate damaged watersheds and to assist dislocated workers and the unemployed gain job skills necessary for long-term employment.

NEW SECTION. Sec. 2. PURPOSE AND INTENT--DEFINITIONS. (1) It is the intent of this chapter to provide financial resources to make substantial progress toward: (a) Implementing the Puget Sound water quality management plan and other watershed-based management strategies and plans; (b) ameliorating degradation to watersheds; and (c) keeping and creating stable, environmentally sound, good wage employment in Washington state. The legislature intends that employment under this chapter is not to result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

(2) It is the purpose of this chapter to:

(a) Implement clean water, forest, and habitat restoration projects that will produce measurable improvements in water and habitat quality, that rate highly when existing environmental ranking systems are applied, and that provide economic stability.

(b) Facilitate the coordination and consistency of federal, state, tribal, local, and private water and habitat protection and enhancement programs in the state's watersheds.

(c) Fund necessary projects for which a public planning process has been completed.

(d) Provide immediate funding to create jobs and training for environmental restoration and enhancement jobs for unemployed workers and displaced workers in impact areas, especially timber-dependent communities.

(3) For purposes of this chapter "impact areas" means: (a) Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty areas in those counties not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (c) urban subcounty areas as defined in RCW 43.165.010(3)(c); and (d) areas that the task force determines are likely to experience dislocations in the near future from downturns in natural resource-based industries.

(4) For purposes of this chapter, "high-risk youth" means youth eligible for Washington conservation corps programs under chapter 43.220 RCW or Washington service corps programs under chapter 50.65 RCW.

(5) For purposes of this chapter, "dislocated forest products worker" has the meaning set forth in RCW 50.70.010.

(6) For purposes of this chapter, "task force" means the environmental enhancement and job creation task force created under section 5 of this act.

NEW SECTION. Sec. 3. ENVIRONMENTAL AND FOREST RESTORATION ACCOUNT. (1) The environmental and forest restoration account is established in the state treasury. Money in the account may be spent only after appropriation by the legislature and in a manner consistent with this chapter. Private nonprofit organizations and state, local, and tribal entities are eligible for funds under this chapter. Money in the account may be used to make grants, loans, or interagency contracts as needed to implement environmental and forest restoration projects.

(2) For fiscal years 1994 through 1998, at least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in rural communities impacted by the decline in timber harvest levels as defined in chapter 50.70 RCW and that employ displaced timber workers. These projects may include watershed restoration such as removing or upgrading roads to reduce erosion and sedimentation, and improvements in forest habitat such as thinning and pruning. Beginning July 1, 1998, at least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in counties with unemployment rates above the state average.

(3) The environmental and forest restoration account shall consist of funds appropriated by law, principal and interest from the repayment of loans granted under this chapter, and federal and other money received by the state for deposit in the account.

(4) At least ten percent of the funds distributed from the environmental and forest restoration account annually shall be allocated to the Washington conservation corps established under chapter 43.220 RCW to employ high-risk youth on projects consistent with this chapter and to fund administrative support services required by the senior environmental corps established under chapter 43.63A RCW.

(5) At least five percent of the funds distributed from the environmental and forest restoration account annually shall be used for contracts with nonprofit corporations to fund or finance projects, including those that increase private sector investments in pollution prevention activities and equipment and that are consistent with the provisions of this section and section 4 of this act.

(6) No more than five percent of the annual revenues to the environmental and forest restoration account may be expended for administrative purposes by any state agency or project administration; however, funds expended by the Washington conservation corps shall be subject solely to the limitations set forth in RCW 43.220.230.

(7) Except for essential administrative and supervisory purposes, funds in the environmental and forest restoration account may not be used for hiring permanent state employees.

NEW SECTION. Sec. 4. GRANTS OR LOANS FOR ENVIRONMENTAL AND FOREST RESTORATION PROJECTS--CRITERIA. (1) Subject to the limitations of section 3 of this act, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water

management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after the effective date of this act:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to Puget Sound water quality authority rules adopted for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

NEW SECTION. Sec. 5. ENVIRONMENTAL ENHANCEMENT AND JOB CREATION TASK FORCE. (1)

There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter . . . , Laws of 1993 (this act). The task force shall consist of the commissioner of public lands, the director of the department of wildlife, the director of the department of fisheries, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget sound water quality authority, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community development, the department of trade and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in section 4 of this act, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department;

(d) No later than December 31, 1993, providing recommendations to the appropriate standing committees of the legislature for improving the administration of grants for projects or training programs funded under this chapter that prevent habitat and environmental degradation or provide for its restoration;

(e) Submitting to the appropriate standing committees of the legislature a biennial report summarizing the jobs and the environmental benefits created by the projects funded under this chapter.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with section 4 of this act; and

(c) To determine funding allocations for projects to be funded from the account created in section 3 of this act and for projects or programs as designated in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 6. FIRST YEAR PROJECT FUNDING. The legislature recognizes the need for immediate job creation and environmental and forest restoration, especially in timber-dependent communities. For fiscal year 1994, funding to implement the purposes of this chapter shall be provided through individual agency appropriations as specified in the omnibus operating and capital appropriations acts.

NEW SECTION. Sec. 7. UNANTICIPATED FEDERAL FUNDS. When an agency submits an unanticipated federal receipt under RCW 43.79.270, the governor shall consider placing these funds into the environmental and forest restoration account or requiring that the funds be used in a manner consistent with the criteria established in section 4 of this act.

NEW SECTION. Sec. 8. RECRUITMENT AND EMPLOYMENT. (1) Eligibility for training or employment in projects funded through the environmental and forest restoration account shall, to the extent practicable, be for workers who are currently unemployed.

(2) To the greatest extent practicable, the following groups of individuals shall be given preference for training or employment in projects funded through the environmental and forest restoration account:

(a) Dislocated workers who are receiving unemployment benefits or have exhausted unemployment benefits; and

(b) High-risk youth.

(3) Projects funded for forest restoration shall be for workers whose employment was terminated in the Washington forest products industry within the previous four years.

(4) The task force shall submit a list to private industry councils and the employment security department of projects receiving funds under the provisions of this chapter. The list shall include the number, location, and types of jobs expected to be provided by each project. The employment security department shall recruit workers for these jobs by:

(a) Notifying dislocated forest workers who meet the definitions in chapter 50.70 RCW, who are receiving unemployment benefits or who have exhausted unemployment benefits, of their eligibility for the programs;

(b) Notifying other unemployed workers;

(c) Developing a pool of unemployed workers including high-risk youth eligible to enroll in the program; and

(d) Establishing procedures for workers to apply to the programs.

(5) The employment security department shall refer eligible workers to employers hiring under the environmental and forest restoration account programs. Recipients of funds shall consider the list of eligible workers developed by the employment security department before conducting interviews or making hiring decisions. Recipients of funds shall ensure that workers are aware of whatever opportunities for vocational training, job placement, and remedial education are available from the employment security department.

(6) An individual is eligible for applicable employment security benefits while participating in training related to this chapter. Eligibility shall be confirmed by the commissioner of employment security by submitting a commissioner-approved training waiver.

(7) Persons receiving funds from the environmental and forest restoration account shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave, vacation, and civil service but shall receive health benefits. Persons receiving funds from this account who are hired by a state agency, except for Washington conservation and service corps enrollees, shall receive medical and dental benefits as provided under chapter 41.05 RCW and industrial insurance coverage under Title 51 RCW, but are exempt from the provisions of chapter 41.06 RCW.

(8) Compensation for employees, except for Washington conservation and service corps enrollees, hired under the program established by this chapter shall be based on market rates in accordance with the required skill and complexity of the jobs created. Remuneration paid to employees under this chapter shall be considered covered employment for purposes of chapter 50.04 RCW.

(9) Employment under this program shall not result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

NEW SECTION. Sec. 9. An individual shall be considered to be in training with the approval of the commissioner as defined in RCW 50.20.043, and be eligible for applicable unemployment insurance benefits while participating in and making satisfactory progress in training related to this chapter.

NEW SECTION. Sec. 10. For the purpose of providing the protection of the unemployment compensation system to individuals at the conclusion of training or employment obtained as a result of this chapter, a special base year and benefit year are established.

(1) Only individuals who have entered training or employment provided by the environmental and forest restoration account, and whose employment or training under such account was not considered covered under chapter 50.04 RCW, shall be allowed the special benefit provisions of this chapter.

(2) An application for initial determination made under this chapter must be filed in writing with the employment security department within twenty-six weeks following the week in which the individual commenced employment or training obtained as a result of this chapter. Notice from the individual, from the employing entity, or notice of hire from employment security department administrative records shall satisfy this requirement.

(3) For the purpose of this chapter, a special base year is established for an individual consisting of the first four of the last five completed calendar quarters, or if a benefit year is not established using the first four of the last five completed calendar quarters as the base year, the last four completed calendar quarters immediately prior to the first day of the calendar week in which the individual began employment or training provided by the environmental and forest restoration account.

(4) A special individual benefit year is established consisting of the entire period of training or employment provided by the environmental and forest restoration account and a fifty-two consecutive week period commencing with the first day of the calendar week in which the individual last participated in such employment or training. No special benefit year shall have a duration in excess of three hundred twelve calendar weeks. Such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year may elect to establish a special benefit year under this chapter, notwithstanding the provisions in RCW 50.04.030 relating to establishment of a subsequent benefit year, and RCW 50.40.010 relating to waiver of rights. Such unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish a special benefit year under this chapter.

(5) The individual's weekly benefit amount and maximum amount payable during the special benefit year shall be governed by the provisions contained in RCW 50.20.120. The individual's basic and continuing right to benefits shall be governed by the general laws and rules relating to the payment of unemployment compensation benefits to the extent that they are not in conflict with the provisions of this chapter.

(6) The fact that wages, hours, or weeks worked during the special base year may have been used in computation of a prior valid claim for unemployment compensation shall not affect a claim for benefits made under the provisions of this chapter. However, wages, hours, and weeks worked used in computing entitlement on a claim filed under this chapter shall not be available or used for establishing entitlement or amount of benefits in any succeeding benefit year.

(7) Benefits paid to an individual filing under the provisions of this section shall not be charged to the experience rating account of any contribution paying employer.

NEW SECTION. **Sec. 11.** On or before June 30, 1998, the legislative budget committee shall prepare a report to the legislature evaluating the implementation of the environmental restoration jobs act of 1993, chapter . . . , Laws of 1993 (this act).

NEW SECTION. **Sec. 12.** RCW 43.220.900 and 1987 c 367 s 5 & 1983 1st ex.s. c 40 s 22 are each repealed.

NEW SECTION. **Sec. 13.** A new section is added to chapter 43.131 RCW to read as follows:
The Washington conservation corps and its powers and duties shall be terminated on June 30, 1999, as provided in section 14 of this act.

NEW SECTION. **Sec. 14.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 43.220.010 and 1983 1st ex.s. c 40 s 2;
- (2) RCW 43.220.020 and 1988 c 36 s 23 & 1983 1st ex.s. c 40 s 1;
- (3) RCW 43.220.030 and 1987 c 367 s 1 & 1983 1st ex.s. c 40 s 3;
- (4) RCW 43.220.040 and 1987 c 367 s 2 & 1983 1st ex.s. c 40 s 4;
- (5) RCW 43.220.050 and 1983 1st ex.s. c 40 s 5;
- (6) RCW 43.220.060 and 1987 c 505 s 44 & 1983 1st ex.s. c 40 s 6;
- (7) RCW 43.220.070 and 1990 c 71 s 2, 1988 c 78 s 1, & 1986 c 266 s 48;
- (8) RCW 43.220.080 and 1983 1st ex.s. c 40 s 8;
- (9) RCW 43.220.090 and 1983 1st ex.s. c 40 s 9;
- (10) RCW 43.220.120 and 1988 c 36 s 24 & 1983 1st ex.s. c 40 s 12;
- (11) RCW 43.220.130 and 1983 1st ex.s. c 40 s 13;
- (12) RCW 43.220.140 and 1983 1st ex.s. c 40 s 14;
- (13) RCW 43.220.150 and 1983 1st ex.s. c 40 s 15;
- (14) RCW 43.220.160 and 1983 1st ex.s. c 40 s 16;
- (15) RCW 43.220.170 and 1983 1st ex.s. c 40 s 17;
- (16) RCW 43.220.180 and 1983 1st ex.s. c 40 s 18;
- (17) RCW 43.220.190 and 1987 c 367 s 3 & 1983 1st ex.s. c 40 s 20;

- (18) RCW 43.220.210 and 1987 c 367 s 4 & 1985 c 230 s 1;
- (19) RCW 43.220.220 and 1985 c 230 s 2;
- (20) RCW 43.220.230 and 1990 c 71 s 3 & 1985 c 230 s 3;
- (21) RCW 43.220.240 and 1985 c 230 s 4; and
- (22) RCW 43.220.250 and 1985 c 230 s 5.

NEW SECTION. **Sec. 15.** SHORT TITLE. This act shall be known as the environmental restoration jobs act of 1993.

NEW SECTION. **Sec. 16.** CAPTIONS AND PART HEADINGS. Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. **Sec. 17.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 18.** Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 19.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 20.** EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

On page 1, line 2 of the title, after "watersheds;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.220.900; providing an effective date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fraser, Barr, Skratek; Representative Rust, Horn, J. Kohl.

MOTION

Representative Rust moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1785 and pass the bill as recommended by the Conference Committee.

Representatives Rust and Horn spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1785 as recommended by the Conference Committee.

Representatives Locke and J. Kohl spoke in favor of passage of the bill and Representative Sheahan spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1785, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 81, Nays - 17, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Former, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams,

Riley, Roland, Romero, Rust, Scott, Sehlin, Sheldon, Shin, Sommers, Springer, Talcott, Tate, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 81.

Voting nay: Representatives Ballasiotes, Carlson, Chandler, Dyer, Edmondson, Fuhrman, Lisk, Morton, Padden, Schmidt, Schoesler, Sheahan, Silver, Stevens, Thomas, Vance and Van Luven - 17.

Engrossed Substitute House Bill No. 1785, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1512 April 24, 1993

Includes "NEW ITEM": YES

Changing provisions relating to dependent children.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, Dependent children, have had the same under consideration and we recommend that:

The Senate striking amendments by Senators Talmadge, Hargrove, Fraser and Roach adopted on April 16, 1993, not be adopted; and

The Conference Committee striking amendments (1512-S.E AMC CONF S3505.2) be adopted,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.145 and 1989 1st ex.s. c 17 s 18 are each amended to read as follows:

(1) In all cases where a child has been placed in substitute care for at least fifteen months, the agency having custody of the child shall prepare a permanency (planning) plan and present it in a hearing ((shall be)) held before the court no later than eighteen months following commencement of the placement episode.

(2) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(((4)))(5). In addition the court shall: (a) Approve a ((permanent plan of care)) permanency plan which ((can)) shall include one of the following: Adoption, guardianship, ((or)) placement of the child in the home of the child's parent, relative placement with written permanency plan, or family foster care with written permanency agreement; (b) require filing of a petition for termination of parental rights; or (c) dismiss the dependency, unless the court finds, based on clear, cogent, and convincing evidence, that it is in the best interest of the child to continue the dependency beyond eighteen months, based on ((a permanent plan of care)) the permanency plan. Extensions may only be granted in increments of twelve months or less.

Sec. 2. RCW 13.34.180 and 1990 c 246 s 7 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(7), and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and

(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and

(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and

(4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(a) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(b) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home; or

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been offered or provided.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 3. RCW 13.34.190 and 1992 c 145 s 15 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), (5), and (6) are established beyond a reasonable doubt; or

(3) The allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider whether one or more of the (following:

~~(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;~~

~~(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;~~

~~(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;~~

~~(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;~~

~~(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;~~

~~(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim)) aggravated circumstances listed in RCW 13.34.130(2) exist; and~~

(4) Such an order is in the best interests of the child.

Sec. 4. RCW 13.34.232 and 1981 c 195 s 3 are each amended to read as follows:

If the court has made a finding under RCW 13.34.231, it shall enter an order establishing a guardianship for the child. The order shall:

(1) Appoint a person or agency to serve as guardian;

(2) Specify the guardian's rights and responsibilities concerning the care, custody, and control of the child. A guardian shall not have the authority to consent to the child's adoption;

(3) Specify an appropriate frequency of visitation between the parent and the child; and

(4) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

The order shall not affect the child's status as a dependent child, and the child shall remain dependent for the duration of the guardianship.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

(a) Type of treatment;

(b) Nature of treatment;

(c) Length of treatment;

(d) A treatment time schedule; and

(e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate plan of treatment. The plan of treatment must be signed by treatment provider and the affected person. The initial written report based on the treatment plan and response to treatment shall be sent to appropriate persons six weeks after initiation of treatment, and after three months, after six months, after twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

The report with the treatment plan shall be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding: (a) The person's cooperation with the treatment plan proposed; and (b) the person's progress in treatment.

(4) In addition, if the party fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) The court or the department, upon receiving a report under section 5(4) of this act, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 7. RCW 13.34.110 and 1991 c 340 s 3 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if ~~((all))~~ the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement~~((but))~~. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 8. RCW 13.34.120 and 1987 c 524 s 5 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file ~~((and))~~, social study, guardian ad litem report, the court-appointed special advocates report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 9. RCW 13.34.150 and 1990 c 246 s 6 are each amended to read as follows:

Any order made by the court in the case of a dependent child may be changed, modified, or set aside, only upon a showing of a change in circumstance or as provided in section 8 of this act.

Sec. 10. RCW 13.34.162 and 1988 c 275 s 15 are each amended to read as follows:

A determination of child support shall be based upon the child support schedule and standards (~~adopted~~) provided under chapter 26.19 RCW (~~26.19.040~~).

NEW SECTION. Sec. 11. A new section is added to chapter 26.44 RCW to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(4) A person reporting injury, abuse, or neglect to an adult dependent person shall not suffer negative consequences if the person reporting believes in good faith that the adult dependent person has been found legally incompetent or disabled.

Sec. 12. RCW 26.44.020 and 1988 c 142 s 1 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice (~~podiatry~~) podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "~~(Child)~~ Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, (~~or~~) negligent treatment, or maltreatment of a child, adult dependent, or developmentally disabled person by any person under circumstances which indicate that the child's or adult's health, welfare, and safety is harmed (~~thereby~~). An abused child is a child who has been subjected to child abuse or neglect as defined herein(~~:- PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety: AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap~~)).

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons (~~not able to provide for their own protection through the criminal justice system~~)" shall be defined as those persons over the age of eighteen years who have been found to be legally incompetent or disabled pursuant to chapter 11.88 RCW (~~or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW~~)).

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child ~~((for commercial purposes as these acts are defined by state law))~~ by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW ~~((71.20.016))~~ 71A.10.020.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

Sec. 13. RCW 26.44.030 and 1991 c 111 s 1 are each amended to read as follows:

(1)(a) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(c) The report shall be made at the first opportunity, but ; and in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department

within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department ~~((of social and health services))~~ shall ~~((, within funds appropriated for this purpose,))~~ use a risk assessment ~~((tool))~~ process when investigating child abuse and neglect referrals. ~~((The tool shall be used, on a pilot basis, in three local office service areas.))~~ The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the ~~((ways and means))~~ appropriate committees of the senate and house of representatives on the ~~((use))~~ effectiveness of the ~~((tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool))~~ risk assessment process.

(14) Upon receipt of ~~((such))~~ a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

Sec. 14. RCW 26.44.040 and 1987 c 206 s 4 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child or adult dependent or developmentally disabled person;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child or the residence of the adult dependent or developmentally disabled person;
- (3) The nature and extent of the injury or injuries;
- (4) The nature and extent of the neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and

(7) Any other information which may be helpful in establishing the cause of the child's or adult dependent or developmentally disabled person's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

Sec. 15. RCW 26.44.063 and 1988 c 190 s 3 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court; or

(c) Having any contact with the alleged victim, except as specifically authorized by the court.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

Sec. 16. RCW 26.44.067 and 1989 c 373 s 23 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order (~~when requested by any peace officer of the state~~) shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section shall bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 17. RCW 26.44.100 and 1985 c 183 s 1 are each amended to read as follows:

The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific

information as set forth in this ((act)) chapter, provided that nothing contained in this ((act)) chapter shall cause any delay in protective custody action.

NEW SECTION. Sec. 18. A new section is added to chapter 26.44 RCW to read as follows:

(1) If a person who has unsupervised visitation rights with a minor child pursuant to a court order is accused of sexually or physically abusing a child and the alleged abuse has been reported to the proper authorities for investigation, the law enforcement officer conducting the investigation may file an affidavit with the prosecuting attorney stating that the person is currently under investigation for sexual or physical abuse of a child and that there is a risk of harm to the child if a temporary restraining order is not entered. Upon receipt of the affidavit, the prosecuting attorney shall determine whether there is a risk of harm to the child if a temporary restraining order is not entered. If the prosecutor determines there is a risk of harm, the prosecutor shall immediately file a motion for an order to show cause seeking to restrict visitation with the child, and seek a temporary restraining order. The restraining order shall be issued for up to ninety days or until the investigation has been concluded in favor of the alleged abuser, whichever is shorter.

(2) Willful violation of a court order entered under this section is a misdemeanor. The court order shall state: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject the violator to arrest."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.145, 13.34.180, 13.34.190, 13.34.232, 13.34.110, 13.34.120, 13.34.150, 13.34.162, 26.44.020, 26.44.030, 26.44.040, 26.44.063, 26.44.067, and 26.44.100; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.44 RCW; and prescribing penalties."and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Talmadge, Roach, Hargrove; Representatives Appelwick, Brough, Leonard.

MOTION

Representative Leonard moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1512 and pass the bill as recommended by the Conference Committee.

Representative Leonard spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1512 as recommended by the Conference Committee.

Representative Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1512, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1529 April 24, 1993

Includes "NEW ITEM": YES

Reauthorizing certain timber programs.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, Timber programs reauthorized, have had the same under consideration and we recommend that:

The Senate Committee on Trade, Technology & Economic Development striking amendments adopted on April 8, 1993, not be adopted; and

The Conference Committee striking amendments (1529-S.E AMC CONF S3504.1) be adopted,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.31.611 and 1991 c 314 s 3 are each amended to read as follows:

(1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to timber impact areas.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serving as executive secretary of the economic recovery coordination board and directing staff associated with the board.

(b) Chairing the agency timber task force and directing staff associated with the task force.

(c) Coordinating and maximizing the impact of state and federal assistance to timber impact areas.

(d) Coordinating and expediting programs to assist timber impact areas.

(e) Providing the legislature with a status and impact report on the timber recovery program in January 1992.

(3) This section shall expire June 30, (~~1993~~) 1995.

Sec. 2. RCW 43.31.621 and 1991 c 314 s 4 are each amended to read as follows:

(1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community and technical colleges ((education)), state ((~~board for vocational education~~)) work force training and education coordinating board, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, (~~1993~~) 1995.

Sec. 3. RCW 43.31.631 and 1991 c 314 s 6 are each amended to read as follows:

(1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each county that is a timber impact area. The timber recovery coordinator shall also be a member of the board. Each associate development organization from counties that are timber impact areas, in consultation with the county legislative authority, shall submit to the governor the names of three nominees representing different interests in each county. Within sixty days after July 28, 1991, the governor shall select one nominee from each list submitted by associate development organizations. In making the appointments, the governor shall endeavor to ensure that the board represents a diversity of backgrounds. Vacancies shall be filled in the same manner as the original appointment.

(2) The board shall:

(a) Advise the timber recovery coordinator and the agency timber task force on issues relating to timber impact area economic and social development, and review and provide recommendations on proposals for the diversification of the timber impact areas presented to it by the timber recovery coordinator.

(b) Respond to the needs and concerns of citizens at the local level.

(c) Develop strategies for the economic recovery of timber impact areas.

(d) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that affect timber impact areas.

(e) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber impact areas.

(3) Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) This section shall expire June 30, (~~1993~~) 1995.

Sec. 4. RCW 43.160.200 and 1991 c 314 s 23 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

(12) Cities and counties otherwise eligible under and in compliance with this section are authorized to use the loans or grants for buildings and structures.

Sec. 5. 1991 c 314 s 26 (uncodified) is amended to read as follows:

(1) For the period beginning July 1, 1991, and ending June 30, (~~1993~~) 1995, in timber impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27 of this act:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

Sec. 6. 1991 c 314 s 32 (uncodified) is amended to read as follows:
RCW 43.160.076 and 1991 c 314 s 24 and 1985 c 446 s 6 are each repealed effective June 30, ~~((1993))~~ 1995.

Sec. 7. 1991 c 314 s 33 (uncodified) is amended to read as follows:
RCW 43.160.200 expires June 30, ~~((1993))~~ 1995.

Sec. 8. 1991 c 314 s 34 (uncodified) is amended to read as follows:
~~((Section 25 of this act))~~ RCW 43.160.210 shall take effect July 1, ~~((1993))~~ 1995.

Sec. 9. 1991 c 315 s 2 (uncodified) is amended to read as follows:
(1) Coordination of the programs in this act shall be through the economic recovery coordination board created in RCW 43.31.631, the timber recovery coordinator created in RCW 43.31.611, and the agency timber task force created in RCW 43.31.621.

(2) This section shall expire June 30, ~~((1993))~~ 1995.

Sec. 10. RCW 50.22.090 and 1992 c 47 s 2 are each amended to read as follows:
(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after July 1, 1991, and for the forest products industry beginning with the third week after the first Sunday after July 1, 1991. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July ~~((3))~~ 1, ~~((1993))~~ 1995, but for claims established on or before July ~~((3))~~ 1, ~~((1993))~~ 1995, weeks of unemployment occurring after July ~~((3))~~ 1, ~~((1993))~~ 1995, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be ~~((fifty-two))~~ one hundred four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than ~~((one))~~ two years beyond the end of the benefit year of the regular claim for an individual whose benefit year ends on or after July 27, 1991, and shall not be payable for weeks ending on or after ~~((one))~~ two years after March 26, 1992, for individuals who become eligible as a result of chapter 47, Laws of 1992~~((, and shall be payable for up to five weeks following the completion of the training required by this section))~~.

(c) Notwithstanding the provisions of (b) of this subsection, individuals will be entitled to up to five additional weeks of benefits following the completion or termination of training.

(d) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

~~((d))~~ (e) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(f) The amendments in chapter . . . , Laws of 1993 (this act) affecting subsection (3) (b) and (c) of this section shall apply in the case of all individuals determined to be monetarily eligible under this section without regard to the date eligibility was determined.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b)(i) Has received notice of termination or layoff; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i)(A) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after July 1, 1991, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(B) Is unemployed as the result of a plant closure that occurs after November 1, 1992, in a county identified under subsection (2) of this section, did not comply with the requirements of (c)(i)(A) of this subsection due to good cause as demonstrated to the department, such as ambiguity over possible sale of the plant, develops a training program that is submitted to the commissioner for approval not later than sixty days from a date determined by the department to accommodate the good cause, and enters the approved training program not later than ninety days after the revised date established by the department, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

(7) For the purpose of this section, an individual who has a benefit year beginning after January 1, 1989, and ending before July 27, 1991, shall be treated as if his or her benefit year ended on July 27, 1991.

NEW SECTION. Sec. 11. Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1993."

On page 1, line 2 of the title, after "1991;" strike the remainder of the title and insert "amending RCW 43.31.611, 43.31.621, 43.31.631, 43.160.200, and 50.22.090; amending 1991 c 314 s 26 (uncodified); amending 1991 c 314 s 32 (uncodified); amending 1991 c 314 s 33 (uncodified); amending 1991 c 314 s 34 (uncodified); amending 1991 c 315 s 2 (uncodified); providing an effective date; and declaring an emergency." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Skratek, Hargrove; Representatives Springer, Jones.

MOTION

Representative Wineberry moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1529 and pass the bill as recommended by the Conference Committee.

Representative Springer spoke in favor of the motion and Representative Forner spoke against it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1529 as recommended by the Conference Committee.

Representatives Springer, Basich, Sheldon, Jones and Wineberry spoke in favor of passage of the bill and Representatives Forner and Chandler spoke against it.

Representative Forner again spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1529, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 31.

Engrossed Substitute House Bill No. 1529, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker (Representative Ogden presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

REPORT OF CONFERENCE COMMITTEE

ESHB 1509 April 24, 1993

Includes "NEW ITEM": YES

Increasing flexibility of institutions of higher education.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, Higher ed administration, have had the same under consideration and we recommend that:

The Senate striking amendments by Senator Bauer adopted as amended on April 15, 1993, be adopted with the following changes:

The Conference Committee amendments (1509-S.E AMC CONF H2680.3) to page 26, after line 27 of the striking amendment (1509-S.E AAS 4/15/93), and the corresponding title amendments be adopted,

On page 26, after line 27 of 1509-S.E AAS 4/15/93, strike all of section 306 and insert the following:

"Sec. 306. RCW 41.06.070 and 1993 c ... (Engrossed Substitute House Bill No. 2054) s 21 are each amended to read as follows:

- (1) The provisions of this chapter do not apply to:
 - (a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
 - (b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
 - (c) Officers, academic personnel, and employees of technical colleges;
 - (d) The officers of the Washington state patrol;
 - (e) Elective officers of the state;
 - (f) The chief executive officer of each agency;
 - (g) In the departments of employment security, fisheries, social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;
 - (h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
 - (i) All members of such boards, commissions, or committees;
 - (ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;
 - (iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;
 - (iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;
 - (i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
 - (j) Assistant attorneys general;
 - (k) Commissioned and enlisted personnel in the military service of the state;
 - (l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;
 - (m) The public printer or to any employees of or positions in the state printing plant;
 - (n) Officers and employees of the Washington state fruit commission;
 - (o) Officers and employees of the Washington state apple advertising commission;
 - (p) Officers and employees of the Washington state dairy products commission;
 - (q) Officers and employees of the Washington tree fruit research commission;
 - (r) Officers and employees of the Washington state beef commission;
 - (s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted by the Washington personnel resources board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(x) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(y) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(z) All employees of the marine employees' commission;

(aa) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training(~~(, and principal assistants to executive heads of major administrative or academic divisions,)~~) as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington;

(3) In addition to the exemptions specifically provided by this chapter, the Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (1) (x) and (y) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1) (j) through (v) and (2) of this section, shall be determined by the Washington personnel resources board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 307. RCW 28B.16.200 and 1979 c 151 s 18 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, the budget for which shall be subject to review and approval and appropriation by the legislature. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges (education) and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

(2) If employees cease to be classified under this chapter pursuant to an agreement authorized by section 304 of this act, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel board service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel board service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board based on the salaries and wages of the remaining employees classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature. The director of financial management shall report the amount and impact of any across-the-board reductions made under this section to the appropriations committee of the house of representatives and the ways and means committee of the senate, or appropriate successor committees, within thirty days of making the reductions.

(3) Moneys from the higher education personnel board service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

NEW SECTION. Sec. 308. A new section is added to chapter 41.06 RCW to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "higher education personnel service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of institutions of higher education and related boards, the budget for which shall be subject to review and approval and appropriation by the legislature. Subject to the requirements of subsection (2) of this section, an amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community and technical colleges and credited to the higher education personnel service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

(2) If employees of institutions of higher education cease to be classified under this chapter pursuant to an agreement authorized by section 304 of this act, each institution of higher education and the state board for community and technical colleges shall continue, for six months after the effective date of the agreement, to make contributions to the higher education personnel service fund based on employee salaries and wages that includes the employees under the agreement. At the expiration of the six-month period, the director of financial management shall make across-the-board reductions in allotments of the higher education personnel service fund for the remainder of the biennium so that the charge to the institutions of higher education and state board for community and technical colleges based on the salaries and wages of the remaining employees of institutions of higher education and related boards classified under this chapter does not increase during the biennium, unless an increase is authorized by the legislature. The director of financial management shall report the amount and impact of any across-the-board reductions made under this section to the appropriations committee of the house of representatives and the ways and means committee of the senate, or appropriate successor committees, within thirty days of making the reductions.

(3) Moneys from the higher education personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Sec. 309. RCW 41.06.280 and 1993 c ... (Engrossed Substitute House Bill No. 2054) s 34 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "department of personnel service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.--- and 41.06.--- (sections 9 and 12, chapter ... (Engrossed Substitute House Bill No. 2054), Laws of 1993).

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and deposited by him in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board."

On page 28, after line 14 of 1509-S.E AAS 4/15/93, insert the following:

"NEW SECTION. Sec. 401. Section 305 of this act shall take effect if section 21 of Engrossed Substitute House Bill No. 2054 is not signed into law by June 30, 1993.

NEW SECTION. Sec. 402. Section 306 of this act shall take effect if section 21 of Engrossed Substitute House Bill No. 2054 is signed into law by June 30, 1993.

NEW SECTION. Sec. 403. Section 307 of this act shall take effect if section 68 of Engrossed Substitute House Bill No. 2054 is not signed into law by June 30, 1993.

NEW SECTION. Sec. 404. Section 308 of this act shall take effect if sections 34 and 68 of Engrossed Substitute House Bill No. 2054 are signed into law by June 30, 1993.

NEW SECTION. Sec. 405. Section 309 of this act shall take effect if section 34 of Engrossed Substitute House Bill No. 2054 is signed into law by June 30, 1993."

On page 29, line 3 of the title amendment, after "28B.16.040," strike "and 28B.16.200" and insert "41.06.070, 28B.16.200, and 41.06.280"

On page 29, line 6 of the title amendment, after "41.56 RCW;" insert "adding a new section to chapter 41.06 RCW;"

On page 29, line 7 of the title amendment, after "28B.16 RCW;" strike "creating a new section" and insert "creating new sections"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bauer, Rinehart; Representative Locke, Brumsickle, Sommers.

MOTION

Representative Jacobsen moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1509 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1509 as recommended by the Conference Committee.

Representative Jacobsen and Brumsickle spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Wineberry was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1509, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Wineberry - 1.

Engrossed Substitute House Bill No. 1509, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.
Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1562 April 23, 1993

Includes "NEW ITEM": YES

Authorizing local governments to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562, Property tax limitations, have had the same under consideration and we recommend that:

The Senate amendments by Senator West to page 2, lines 7 & 18, page 4, and page 1, line 4 of the title, adopted on April 17, 1993, be not adopted; and

The Conference Committee amendment (1562-S.E AMC CONF S-3491.1) to page 4, line 32, as follows be adopted:

On page 4, line 32, after "then" strike "these levies" and insert "the levies imposed under RCW 84.34.230 and section 2 of this act, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value,"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fraser, Prentice; Representatives Brown, H. Myers.

MOTION

Representative H. Myers moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1562 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1562 as recommended by the Conference Committee.

Representatives Brown, H. Myers and Orr spoke in favor of passage of the bill and Representatives Silver, Horn, Mielke, Padden and Long spoke against it.

Representative Brown again spoke in favor of the bill and Representative Silver again spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1562 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 50, Nays - 47, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Grant, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wolfe, Zellinsky and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Hansen, Heavey, Horn, Johanson, Karahalios, Kremen, Lisk, Long, Meyers, R., Mielke, Miller, Morton, Padden, Rayburn, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 47.

Excused: Representative Wineberry - 1.

Engrossed Substitute House Bill No. 1562, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1862 April 24, 1993

Includes "NEW ITEM": YES

Permitting a special excise tax on hotel, motel, roominghouse, and trailer camp charges for a trade recreation agricultural center in Pasco

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, Pasco hotel/motel tax, have had the same under consideration and we recommend that:

The Senate Committee on Ways & Means amendments and the amendments by Senators Deccio, Loveland and Jesernig to page 2, after line 19, and the corresponding title amendments to page 1, line 2, adopted on April 6, 1993, not be adopted; and

The Conference Committee striking amendments (1862-S.E AMC CONF S3503.1) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a city with a population of over ten thousand in a county that is the smallest county in a metropolitan statistical area as defined on the effective date of this act that has a population of between thirty-eight thousand and fifty thousand may levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, roominghouse, tourist court, motel, trailer camp, and the granting of a similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the property.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) A seller, as defined in RCW 82.08.010, who is required to collect a tax under this section, shall pay the tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) The tax levied and collected under this section must be credited to a special fund of the city. The taxes may be levied only for the purpose of paying any part of the cost of siting, acquisition, construction, operation, and maintenance of a trade recreation agricultural center, which facility includes an exhibition hall, a meeting and convention center, and an agricultural arena, in the city and may be used for and pledged to the payment of bonds, leases, or other obligations incurred for these purposes.

(5) The tax imposed under this section shall expire when all obligations for which the taxes have been pledged are satisfied.

Sec. 2. RCW 67.28.200 and 1991 c 331 s 2 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized ~~((by RCW 67.28.180, 67.28.182, and 67.28.230 through 67.28.250, and 67.28.260))~~ under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city."

On page 1, line 2 of the title, after "charges;" strike the remainder of the title and insert "amending RCW 67.28.200; and adding a new section to chapter 67.28 RCW."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Loveland, Deccio, Jesernig; Representative G. Fisher, Foreman, Mastin.

MOTION

Representative G. Fisher moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1862 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1862 as recommended by the Conference Committee.

Representatives Mastin and Foreman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1862 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon,

Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Schmidt, Scott, Sehlín, Sheldon, Silver, Sommers, Springer, Stevens, Thibaudeau, Thomas, Valle, Veloria, Wolfe, Wood, Zellinsky and Mr. Speaker - 81.

Voting nay: Representatives Casada, Eide, Fuhrman, Meyers, R., Morton, Padden, Reams, Rust, Schoesler, Sheahan, Shin, Talcott, Tate, Vance, Van Luven and Wang - 16.

Excused: Representative Wineberry - 1.

Engrossed Substitute House Bill No. 1862, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

The President ruled the Conference Committee Report on SUBSTITUTE HOUSE BILL NO. 2055, beyond the scope and object of the bill. On motion, the bill was returned to the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative King moved that the House to return Substitute House Bill No. 2055 to the Conference Committee. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 24, 1993

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2070 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 13.40.220 and 1977 ex.s. c 291 s 76 are each amended to read as follows:

(1) Whenever legal custody of a child is vested in someone other than his or her parents, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered.

(2) Whenever legal custody of a child is vested in the department of social and health services, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court shall order and decree that the parent or other legally obligated person shall pay for support, treatment, and confinement of the child after the decree is entered, following the department of social and health services reimbursement of cost schedule. The department of social and health services shall collect the debt in accordance with chapter 43.20B RCW. The department shall exempt from payment parents receiving adoption support under RCW 74.13.100 through 74.13.145, and parents eligible to receive adoption support under RCW 74.13.150.

(3) If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against such person for contempt."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 13.40.220."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sommers moved that the House do concur in the Senate amendment to Substitute House Bill No. 2070.

Representatives Sommers and Cooke spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2070 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2070, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Cole, G. and Fuhrman - 2.

Excused: Representative Wineberry - 1.

Substitute House Bill No. 2070, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 25, 1993

Mr. Speaker:

On reconsideration, the Senate has passed SENATE BILL NO. 5474 with amendments by the House to page 3, line 32; page 6, line 15; and page 18, line 8, but without the amendments to page 5, line 34, in which the House receded, and the same are herewith transmitted.

Marty Brown, Secretary

April 24, 1993

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1727,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1802,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1806,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1818,
ENGROSSED HOUSE BILL NO. 1845,
HOUSE BILL NO. 1858,
SUBSTITUTE HOUSE BILL NO. 1907,
HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
SUBSTITUTE HOUSE BILL NO. 1948,
HOUSE BILL NO. 2008,
SUBSTITUTE HOUSE BILL NO. 2023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2054,
HOUSE JOINT MEMORIAL NO. 4021,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

Marty Brown, Secretary

April 24, 1993

Mr. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509. The President has appointed the following members as Conferees: Senators: Bauer, West and Rinehart, and the same are herewith transmitted.

Marty Brown, Secretary

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5704 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1100,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,

and the same are herewith transmitted.

Marty Brown, Secretary

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5815 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5836 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5745 and passed the bill as recommended by the recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5407 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5948 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1006,
ENGROSSED HOUSE BILL NO. 1007,
SUBSTITUTE HOUSE BILL NO. 1013,
HOUSE BILL NO. 1015,
HOUSE BILL NO. 1058,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1118,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1129,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,
HOUSE BILL NO. 1168,
SUBSTITUTE HOUSE BILL NO. 1169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
HOUSE BILL NO. 1246,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
ENGROSSED HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1520,
SUBSTITUTE HOUSE BILL NO. 1566,
ENGROSSED HOUSE BILL NO. 1617,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1662,

and the same are herewith transmitted.

Marty Brown, Secretary

April 25, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5407,

SENATE BILL NO. 5638,
SUBSTITUTE SENATE BILL NO. 5704,
ENGROSSED SENATE BILL NO. 5745,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,
SECOND SUBSTITUTE SENATE BILL NO. 5836,
SENATE BILL NO. 5851,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5948,
SENATE BILL NO. 5977,

and the same are herewith transmitted.

Marty Brown, Secretary

April 25, 1993

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5971, and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SENATE BILL NO. 5720, and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5981, and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5375 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5844 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

With the consent of the House, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5983, by Senators M. Rasmussen and Loveland; by request of Department of Agriculture

Altering fees related to agriculture.

The bill was read the second time.

Representative Rayburn moved adoption of the following amendment by Representatives Rayburn and Kremen:

On page 3, after line 33, strike all of sections 3 through 7 and renumber the remaining sections consecutively and correct internal references accordingly.

On page 17, after line 25, strike all of sections 31 and 32 and correct internal references accordingly.

Representatives Rayburn and Chandler spoke in favor of adoption of the amendment and it was adopted.

Representative Rayburn moved adoption of the following amendment by Representative Rayburn and Kremen:

On page 6, after line 13, strike all of sections 9 through 21 and renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Rayburn and Chandler spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

On motion of Representative J. Kohl, Representative Leonard was excused.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5983 as amended by the House.

Representative Rayburn spoke in favor of passage of the bill and Representative Chandler spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5983 as amended by the House, and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Mastin, Meyers, R., Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Rayburn, Riley, Roland, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wolfe, Zellinsky and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Heavey, Horn, Johanson, Lisk, Long, Mielke, Miller, Morris, Morton, Padden, Quall, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 42.

Excused: Representatives Leonard and Wineberry - 2.

Engrossed Senate Bill No. 5983, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 25, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1069,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1214,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1393,
SUBSTITUTE HOUSE BILL NO. 1428,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1541,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1886,
SUBSTITUTE HOUSE BILL NO. 1870,
SUBSTITUTE HOUSE BILL NO. 1910,

and the same are herewith transmitted.

Marty Brown, Secretary

April 25, 1993

Mr. Speaker:

The Senate adopted the report of the Conference Committee on SENATE BILL NO. 5675 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5781 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Bauer, Prince and Jesernig, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Sommers, the rules were suspended and Second Substitute Senate Bill No. 5781 was returned to second reading for the purpose of amendment.

Representative Sommers moved adoption of the following amendment by Representative Sommers, Brumsickle and Jacobsen:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the proportion of the state budget dedicated to postsecondary educational programs has decreased for two decades. At the same time, major technological, economic, and demographic changes have exacerbated the need for improved training and education to maintain a high-quality, competitive work force, and a well-educated populace to meet the challenges of the twenty-first century. Therefore, the legislature finds that there is increasing need for postsecondary educational opportunities for citizens of the state of Washington.

The legislature declares that the policy of the state of Washington shall be to improve the access to, and the quality of, this state's postsecondary educational system. The budgetary policy of the state of Washington shall be to provide a level of protection and commitment to the state's postsecondary educational system commensurate with the responsibility of this state to the educational and professional improvement of its citizens and work force.

NEW SECTION. Sec. 2. It is the policy of the state of Washington that the essential requirements level budget calculation for institutions of higher education include enrollment levels necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The participation rate shall be based on the state's estimated population ages seventeen and above by appropriate age groups.

NEW SECTION. Sec. 3. It is the policy of the state of Washington that the essential requirements level budget calculation for state institutions of higher education include a funding level per full-time equivalent student that is, each biennium, at a minimum, equal to the rate assumed in the omnibus appropriations act for the last fiscal year of the previous biennium for the instructional, primary support, and library programs plus an inflation factor. The inflation factor should be equivalent to the inflation factor used to calculate basic education in the common school system budget request submitted by the governor.

NEW SECTION. Sec. 4. It is the policy of the state of Washington that budget documents display the number of students necessary and the amount of money needed to increase enrollments in regular increments in order to achieve, by the year 2010, the goals, by educational sector, adopted by the higher education coordinating board in its enrollment plan entitled "Design for the 21st Century: Expanding Higher Education Opportunities in Washington."

NEW SECTION. Sec. 5. The participation rate used to calculate enrollment levels under sections 2 and 4 of this act shall be based on fall enrollment reported in the higher education enrollment report as maintained by the office of financial management, fall enrollment as reported in the management information system of the state board for community and technical colleges, and the corresponding fall population forecast by the office of financial management. Formal estimates of the state participation rates and enrollment levels necessary to fulfill the requirements of sections 2 and 4 of this act shall be determined by the office of financial management as part of its responsibility to develop and maintain student enrollment forecasts for colleges and universities under RCW 43.62.050. Formal estimates of the state participation rates and enrollment levels required by this section shall be based on procedures and standards established by a technical work group consisting of staff from the higher education coordinating board, the state board for community and technical colleges, the fiscal and higher education committees of the house of representatives and the senate, and the office of financial management. Formal estimates of the state participation rates and enrollment levels required by this section shall be submitted to the fiscal committees of the house of representatives and senate on or before November 15th of each even-numbered year. The higher education coordinating board shall periodically review the enrollment goals set forth in sections 2 and 4 of this act and submit recommendations concerning modification of these goals to the governor and to the higher education committees of the house of representatives and the senate.

NEW SECTION. Sec. 6. It is the policy of the state of Washington that financial need not be a barrier to participation in higher education. It is also the policy of the state of Washington that the essential requirements level budget calculation include funding for state student financial aid programs. The calculation should, at a minimum, include a funding level equal to the amount provided in the second year of the previous biennium in the omnibus appropriations act, adjusted for the percentage of needy resident students, by educational sector, likely to be included in any enrollment increases necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The calculation should also be adjusted to reflect, by educational sector, any increases in cost of attendance. The cost of attendance figures should be calculated by the higher education coordinating board and provided to the office of financial management and appropriate legislative committees by June 30th of each even numbered year.

Sec. 7. RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2)~~((a))~~) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary ~~((by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act))~~. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

~~((b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.~~

~~(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.~~

~~(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.)~~

(3) The state board for community and technical colleges (~~(education)~~) shall ensure compliance with this section.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act are each added to chapter 28B.10 RCW.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993."

Representative Sommers and Brumsickle spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5781 as reamended by the House.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5781, as reamended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Excused: Representatives Leonard and Wineberry - 2.

Second Substitute Senate Bill No. 5781, as reamended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1993

Mr. Speaker:

The President ruled the House amendments to SENATE BILL NO. 5925 beyond the scope and object of the bill. The Senate refuses to concur in said amendments and asks the House to recede therefrom, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Sommers, the rules were suspended and Senate Bill No. 5925 was returned to second reading for the purpose of amendments.

With consent of the House, further consideration of Senate Bill No. 5925 was deferred.

RESOLUTION

HOUSE RESOLUTION NO. 93-4669, by Representatives Sommers, Ballard, G. Fisher, Horn, Sheahan, Casada, Stevens, Silver, Kremen, Talcott, Padden, Campbell, Fuhrman, Rayburn and Brumsickle

WHEREAS, The House of Representatives has a positive record of support for public art and arts programs;
and

WHEREAS, The murals depicting The Twelve Labors of Hercules have been on view in the House of Representatives chamber since 1989; and

WHEREAS, Many public institutions and art galleries provide the opportunity for the broad and varied exhibition of works of art with periodically changing displays; and

WHEREAS, Judicial review found in 1988 that the House of Representatives has the authority to determine the works of art that may be displayed in its chambers and facilities; and

WHEREAS, The court also determined that the plywood mural panels of The Twelve Labors of Hercules may be safely removed under the supervision of a qualified art conservator; and

WHEREAS, The House of Representatives recognizes its stewardship responsibility for The Twelve Labors of Hercules;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives that the Department of General Administration be requested to arrange for the safe removal of The Twelve Labors of Hercules murals by January 1, 1994, and to arrange for their protected storage pending the selection of a suitable site for future public display; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall institute a process for the selection or commission of works of art with the intent of providing for future sequential display within the chamber of the House of Representatives.

Representative Sommers moved adoption of the resolution.

Representative Sommers spoke in favor of adoption of the resolution.

House Resolution No. 4669 was adopted.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

With consent of the House, the House resumed consideration of Senate Bill No. 5925.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any county with a population greater than seventy-five thousand in which is located all or part of a national monument is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over the tax to the county as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county. The taxes shall only be used for the acquisition, construction, repair, improvement, and marketing of a rest area for tourists which includes restrooms, picnic areas, trails and viewpoints, emergency facilities, transient parking facilities, and concession and gift sales, or to pay or secure the payment of all or any portion of general obligation bonds issued for such purposes. As used in this section, "transient parking facilities" does not include parking spaces to be used for overnight stays.

(5) The tax authorized in subsection (1) of this section may only be imposed if the county and at least one of the two largest cities in the county provide moneys for the project described in subsection (4) of this section from revenue received under RCW 67.28.180 or if the county provides moneys for the project from revenue received under RCW 82.14.030. Moneys provided under this section shall be deposited in the special fund created under subsection (4) of this section and may be used only as provided in subsection (4) of this section.

Sec. 2. RCW 67.28.200 and 1991 c 331 s 2 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized ((by RCW

~~67.28.180, 67.28.182, and 67.28.230 through 67.28.250, and 67.28.260~~) under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city."

With the consent of the House, the House moved the following amendment to the striking amendment:

On page 1, line 28 of the amendment, after "repair," insert "and"

On page 1, line 29 of the amendment, after "improvement" strike ", and marketing"

On page 1, line 31 of the amendment, after "facilities," strike "and"

On page 1, line 31 of the amendment, after "sales" insert ", and marketing of facilities for tourists visiting the county or the national monument"

On page 2, after line 8 of the amendment, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:
The department of revenue shall perform the collection of taxes under section 1 of this act on behalf of the county at no cost to the county."

Representatives Sommers and Sheldon spoke in favor of the amendment to the amendment and it was adopted.

Representative Sommers spoke in favor of the amendment as amended and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5925 as reamended by the House.

Representative Foreman spoke in favor of passage of the bill.

On motion of Representative Wood, Representatives Forner and Miller were excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5925, as reamended by the House, and the bill passed the House by the following vote: Yeas - 80, Nays - 14, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dorn, Dunshee, Edmondson, Eide, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Holm, Horn, Jacobsen, Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Thibaudeau, Thomas, Valle, Van Luven, Voloria, Wolfe, Wood, Zellinsky and Mr. Speaker - 80.

Voting nay: Representatives Casada, Cothorn, Dyer, Finkbeiner, Fuhrman, Heavey, Johanson, Johnson, L., Morton, Padden, Rust, Tate, Vance and Wang - 14.

Excused: Representatives Forner, Leonard, Miller and Wineberry - 4.

Senate Bill No. 5925, as reamended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

On Senate Bill No. 5925, my vote was recorded as "YES"-my intention was to vote "NAY".

STEVE VAN LUVEN, 48th District.

SENATE AMENDMENTS TO HOUSE BILL

April 25, 1993

Mr. Speaker:

The Senate again refuses to grant the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1808. On suspension of rules, said bill was returned to second reading for reconsideration of the Senate amendments (1808-S AAS 4/16/93). The Senate adopted amendment #001021 by Senator Skratek to the previously adopted amendments, and passed the bill as further amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the expansion of international trade is vital to the economy of Washington state. International trade-related activities currently account for approximately twenty percent of employment in this state even though only a small percentage of businesses do extensive exporting. Washington's long-term economic prosperity depends on the creation and retention of jobs that international trade provides through providing an expanded marketplace for goods and services produced in this state. Increasing the number of businesses exporting and the foreign markets accessed helps diversify the state economy and make the state's businesses more competitive by providing experience in the international marketplace. There are many international markets that offer export potential for Washington businesses that are not currently being accessed, particularly several Pacific Rim countries. The legislature also finds that there presently exists several programs and initiatives by federal, state, and local governments that have to be coordinated effectively within and among economic development organizations, state agencies, academic institutions, and businesses so as to enhance the sale of goods and services in foreign markets.

The legislature further finds that a strategy to expand international trade must be integrated into a comprehensive long-term economic development plan, and that the expertise of the private sector can enhance the joint strategic planning efforts of the governor, executive agencies, and the legislature.

Therefore, the legislature declares that an important public purpose can be accomplished through an international trade council that, through coordination and advice, can facilitate increased exporting by Washington businesses.

NEW SECTION. Sec. 2. A new section is added to chapter 44.52 RCW to read as follows:

- (1) The council on international trade is established. The council shall consist of fifteen members as follows:
 - (a) Two members of trade organizations, appointed by the governor;
 - (b) Two representatives of ports, appointed by the governor;
 - (c) Two representatives of businesses active in exporting goods, appointed by the governor;
 - (d) Three representatives from the executive-legislative committee on economic development created in chapter . . . (Senate Bill No. 5300), Laws of 1993;
 - (e) Two members with experience in foreign marketing, appointed by the governor;
 - (f) Two experts in financing export transactions, appointed by the governor;
 - (g) The director of the department of trade and economic development or the director's designee; and
 - (h) The director of the department of agriculture or the director's designee.
- (2) Nonlegislative members may receive reimbursement from the governor's office for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.
- (3) The council shall:
 - (a) Advise the executive-legislative committee on economic development regarding policies, programs, and activities to enhance the exporting of Washington goods and services to international markets;
 - (b) Review current state export targeting efforts and advise the executive-legislative committee on economic development regarding markets with potential that currently are not being emphasized;
 - (c) Assist in the coordination of public export programs state-wide;
 - (d) Identify for the executive-legislative committee on economic development current and long-term international trade issues that need to be addressed by the state in its long-term economic development plan;
 - (e) Recommend methods to increase the awareness of international trade, especially its opportunities and its importance, throughout the state;
 - (f) Study the impact of the Uruguay round of the general agreement on tariffs and trade and the north american free trade agreement on the state's small manufacturing and export firms, focusing on the competitive threats and opportunities presented by the trade agreements to the state's six most significant traded sectors as measured by the number of employees in the sector and the aggregate dollar volume of goods and services traded in the sector. The council shall identify and utilize existing analyses, studies, and data from the federal government, national and state business and labor organizations, and educational and policy institutes.

NEW SECTION. Sec. 3. The council may accept gifts, grants, donations, devises, and bequests to facilitate the work of the council.

NEW SECTION. Sec. 4. The council shall make a preliminary report to the executive-legislative committee on economic development on its activities by June 1, 1994, and make a final report by December 1, 1994.

NEW SECTION. Sec. 5. This act shall expire on June 30, 1995.

On page 1, line 1 of the title, after "trade;" strike the remainder of the title and insert "adding a new section to chapter 44.52 RCW; creating new sections; and providing an expiration date." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Shin moved that the House do concur in the Senate amendments to Substitute House Bill No. 1808 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1808 as amended by the Senate.

Representatives Shin and Schoesler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1808, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Forner, Leonard, Miller and Wineberry - 4.

Substitute House Bill No. 1808, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 24, 1993

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5969,

Brad Hendrickson, Deputy Secretary

With the consent of the House, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 5969 by Senators Vognild and Nelson; by request of Transportation Improvement Board

Issuing bonds for the transportation improvement board.

MOTIONS

On motion of Representative Sheldon, the rules were suspended and Substitute Senate Bill No. 5969 was advanced to second reading and read the second time in full.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5969.

Representative R. Fisher and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5969, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 94.

Excused: Representatives Forner, Leonard, Miller and Wineberry - 4.

Substitute Senate Bill No. 5969, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1260,
SUBSTITUTE HOUSE BILL NO. 1325,
SUBSTITUTE HOUSE BILL NO. 1357,
HOUSE BILL NO. 1379,
SUBSTITUTE HOUSE BILL NO. 1469,
HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1766,
HOUSE BILL NO. 1809,
SUBSTITUTE HOUSE BILL NO. 1912,
SUBSTITUTE HOUSE BILL NO. 1931,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071,
SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5407,
SENATE BILL NO. 5638,

SUBSTITUTE SENATE BILL NO. 5704,
ENGROSSED SENATE BILL NO. 5745,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,
SECOND SUBSTITUTE SENATE BILL NO. 5836,
SENATE BILL NO. 5851,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5948,
SENATE BILL NO. 5977,

MESSAGES FROM THE SENATE

April 25, 1993

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5239,
ENGROSSED SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5971,
ENGROSSED SENATE BILL NO. 5978,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5981,

and the same are herewith transmitted.

Marty Brown, Secretary

April 25, 1993

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5969,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5375,
SENATE BILL NO. 5474,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5844,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1072,
ENGROSSED HOUSE BILL NO. 1107,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1350,
HOUSE BILL NO. 1384,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1444,
ENGROSSED HOUSE BILL NO. 1456,

HOUSE BILL NO. 1479,
HOUSE BILL NO. 1490,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500,
HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1545,
SUBSTITUTE HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 1602,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1635,
HOUSE BILL NO. 1644,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1648,
SUBSTITUTE HOUSE BILL NO. 1667,
SUBSTITUTE HOUSE BILL NO. 1673,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734,
SUBSTITUTE HOUSE BILL NO. 1741,
SUBSTITUTE HOUSE BILL NO. 1752,
ENGROSSED HOUSE BILL NO. 1748,
SUBSTITUTE HOUSE BILL NO. 1801,
HOUSE BILL NO. 2028,
HOUSE BILL NO. 2066,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4003,
HOUSE JOINT RESOLUTION NO. 4200,

April 25, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1072,
ENGROSSED HOUSE BILL NO. 1107,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1350,
HOUSE BILL NO. 1384,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1444,
ENGROSSED HOUSE BILL NO. 1456,
HOUSE BILL NO. 1479,
HOUSE BILL NO. 1490,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1500,
HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1545,
SUBSTITUTE HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 1602,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1635,
HOUSE BILL NO. 1644,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1648,
SUBSTITUTE HOUSE BILL NO. 1667,
SUBSTITUTE HOUSE BILL NO. 1673,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1733,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1734,
SUBSTITUTE HOUSE BILL NO. 1741,
SUBSTITUTE HOUSE BILL NO. 1752,
ENGROSSED HOUSE BILL NO. 1748,
SUBSTITUTE HOUSE BILL NO. 1801,
HOUSE BILL NO. 2028,
HOUSE BILL NO. 2066,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2067,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4003,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1260,
SUBSTITUTE HOUSE BILL NO. 1325,
SUBSTITUTE HOUSE BILL NO. 1357,
HOUSE BILL NO. 1379,
SUBSTITUTE HOUSE BILL NO. 1469,
HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1505,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1766,
SUBSTITUTE HOUSE BILL NO. 1808,
HOUSE BILL NO. 1809,
SUBSTITUTE HOUSE BILL NO. 1912,
SUBSTITUTE HOUSE BILL NO. 1931,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1988,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

HOUSE JOINT RESOLUTION NO. 4200,

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The Senate has adopted:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8412,

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

The Senate has adopted:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8413,

Brad Hendrickson, Deputy Secretary

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the State Constitution, the 1993 Regular Session of the Legislature adjourned April 25, 1993, the 105th day, without completing its work on the 1993-95 budget; and

WHEREAS, it is therefore necessary for me to convene a Special Session for purposes of addressing matters related to the 1993-95 Operation, Capital and Transportation Budgets;

NOW, THEREFORE, I Mike Lowry, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the State Constitution, do hereby convene the Legislature of the State of Washington on Monday, the 26th of April, 1993, at 9:00 a.m. in Special Session in the Capital in Olympia for the purposes stated herein.

IN WITNESS whereof, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 25th day of April, A.D., nineteen hundred and ninety-three.
(seal)

Mike Lowry, Governor of Washington

With the consent of the House, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SCR 8412 by Senators Gaspard and Sellar

Returning measures to their house of origin.

SCR 8413 by Senators Gaspard and Sellar

Adjourning Sine Die.

MOTIONS

On motion of Representative Peery, the rules were suspended and Senate Concurrent Resolution No. 8413 was advanced to second reading and read the second time in full.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Senate Concurrent Resolution No. 8413 was adopted.

MOTIONS

On motion of Representative Peery, the rules were suspended and Senate Concurrent Resolution No. 8412 was advanced to second reading and read the second time in full.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Senate Concurrent Resolution No. 8412 was adopted.

April 25, 1993

MR. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8412,
SENATE CONCURRENT RESOLUTION NO. 8413,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGE FROM THE SENATE

April 25, 1993

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8412, the Senate is returning the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1005,
HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1011,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
SUBSTITUTE HOUSE BILL NO. 1019,
HOUSE BILL NO. 1020,
HOUSE BILL NO. 1027,
HOUSE BILL NO. 1029,
ENGROSSED HOUSE BILL NO. 1043,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1045,
HOUSE BILL NO. 1053,
HOUSE BILL NO. 1066,
SUBSTITUTE HOUSE BILL NO. 1080,
ENGROSSED HOUSE BILL NO. 1083,
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1093,
HOUSE BILL NO. 1097,
SUBSTITUTE HOUSE BILL NO. 1108,
HOUSE BILL NO. 1112,
SUBSTITUTE HOUSE BILL NO. 1122,
HOUSE BILL NO. 1126,
HOUSE BILL NO. 1132,
HOUSE BILL NO. 1133,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
ENGROSSED HOUSE BILL NO. 1146,
HOUSE BILL NO. 1151,
HOUSE BILL NO. 1155,
SUBSTITUTE HOUSE BILL NO. 1159,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160,
ENGROSSED HOUSE BILL NO. 1177,
SUBSTITUTE HOUSE BILL NO. 1190,
HOUSE BILL NO. 1203,
HOUSE BILL NO. 1204,
HOUSE BILL NO. 1206,
SUBSTITUTE HOUSE BILL NO. 1210,

HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1221,
HOUSE BILL NO. 1224,
SUBSTITUTE HOUSE BILL NO. 1235,
HOUSE BILL NO. 1243,
SUBSTITUTE HOUSE BILL NO. 1254,
ENGROSSED HOUSE BILL NO. 1256,
ENGROSSED HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1267,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1268,
SUBSTITUTE HOUSE BILL NO. 1275,
SUBSTITUTE HOUSE BILL NO. 1276,
HOUSE BILL NO. 1277,
SUBSTITUTE HOUSE BILL NO. 1287,
HOUSE BILL NO. 1290,
HOUSE BILL NO. 1295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1299,
SUBSTITUTE HOUSE BILL NO. 1300,
SUBSTITUTE HOUSE BILL NO. 1308,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
HOUSE BILL NO. 1315,
ENGROSSED HOUSE BILL NO. 1330,
SUBSTITUTE HOUSE BILL NO. 1336,
HOUSE BILL NO. 1359,
HOUSE BILL NO. 1361,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1363,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369,
SUBSTITUTE HOUSE BILL NO. 1375,
HOUSE BILL NO. 1376,
HOUSE BILL NO. 1394,
SUBSTITUTE HOUSE BILL NO. 1396,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399,
ENGROSSED HOUSE BILL NO. 1402,
ENGROSSED HOUSE BILL NO. 1404,
HOUSE BILL NO. 1406,
HOUSE BILL NO. 1410,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412,
SUBSTITUTE HOUSE BILL NO. 1418,
HOUSE BILL NO. 1419,
HOUSE BILL NO. 1424,
SUBSTITUTE HOUSE BILL NO. 1429,
ENGROSSED HOUSE BILL NO. 1437,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1442,
SUBSTITUTE HOUSE BILL NO. 1443,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,
HOUSE BILL NO. 1447,
SUBSTITUTE HOUSE BILL NO. 1458,
HOUSE BILL NO. 1460,
HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,
ENGROSSED HOUSE BILL NO. 1510,
SUBSTITUTE HOUSE BILL NO. 1514,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1547,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
HOUSE BILL NO. 1557,
HOUSE BILL NO. 1561,

SUBSTITUTE HOUSE BILL NO. 1567,
HOUSE BILL NO. 1572,
SUBSTITUTE HOUSE BILL NO. 1583,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1585,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1603,
HOUSE BILL NO. 1606,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630,
HOUSE BILL NO. 1632,
SUBSTITUTE HOUSE BILL NO. 1640,
ENGROSSED HOUSE BILL NO. 1653,
HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 1681,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
SUBSTITUTE HOUSE BILL NO. 1690,
HOUSE BILL NO. 1694,
ENGROSSED HOUSE BILL NO. 1695,
SUBSTITUTE HOUSE BILL NO. 1703,
SUBSTITUTE HOUSE BILL NO. 1704,
HOUSE BILL NO. 1705,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,
SUBSTITUTE HOUSE BILL NO. 1728,
HOUSE BILL NO. 1731,
HOUSE BILL NO. 1735,
SUBSTITUTE HOUSE BILL NO. 1737,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1743,
ENGROSSED HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1759,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761,
HOUSE BILL NO. 1764,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1771,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1776,
HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1781,
SUBSTITUTE HOUSE BILL NO. 1795,
SUBSTITUTE HOUSE BILL NO. 1799,
HOUSE BILL NO. 1804,
SUBSTITUTE HOUSE BILL NO. 1814,
HOUSE BILL NO. 1833,
HOUSE BILL NO. 1842,
SUBSTITUTE HOUSE BILL NO. 1844,
HOUSE BILL NO. 1867,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1871,
SUBSTITUTE HOUSE BILL NO. 1877,
SUBSTITUTE HOUSE BILL NO. 1879,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1897,
SUBSTITUTE HOUSE BILL NO. 1914,
ENGROSSED HOUSE BILL NO. 1925,
SUBSTITUTE HOUSE BILL NO. 1928,
HOUSE BILL NO. 1929,
HOUSE BILL NO. 1930,
HOUSE BILL NO. 1940,
SUBSTITUTE HOUSE BILL NO. 1941,
HOUSE BILL NO. 1942,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949,
SUBSTITUTE HOUSE BILL NO. 1955,
SUBSTITUTE HOUSE BILL NO. 1959,
SUBSTITUTE HOUSE BILL NO. 1969,
HOUSE BILL NO. 1975,
SUBSTITUTE HOUSE BILL NO. 1976,
HOUSE BILL NO. 1984,

HOUSE BILL NO. 1985,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1999,
SUBSTITUTE HOUSE BILL NO. 2003,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2004,
SUBSTITUTE HOUSE BILL NO. 2007,
HOUSE BILL NO. 2029,
SUBSTITUTE HOUSE BILL NO. 2047,
HOUSE BILL NO. 2049,
SUBSTITUTE HOUSE BILL NO. 2055.
ENGROSSED HOUSE BILL NO. 2122,
ENGROSSED HOUSE BILL NO. 2123,
HOUSE JOINT MEMORIAL NO. 4009,
HOUSE JOINT MEMORIAL NO. 4016,
HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 25, 1993

Mr. Speaker:

Under the provisions of the Senate Concurrent Resolution No. 8412, the Senate is returning the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1122,
SUBSTITUTE HOUSE BILL NO. 1275,
SUBSTITUTE HOUSE BILL NO. 1458,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761,
HOUSE BILL NO. 1984,
SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED HOUSE BILL NO. 2123,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

Pursuant to Senate Concurrent Resolution No. 8412, the House returned the following Senate Bills to the Senate.

ENGROSSED SENATE BILL NO. 5018,
ENGROSSED SENATE BILL NO. 5020,
SENATE BILL NO. 5024,
SENATE BILL NO. 5028,
SUBSTITUTE SENATE BILL NO. 5034,
SUBSTITUTE SENATE BILL NO. 5044,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5050,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5061,
SENATE BILL NO. 5062,
SENATE BILL NO. 5094,
SENATE BILL NO. 5104,
ENGROSSED SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5130,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,
SUBSTITUTE SENATE BILL NO. 5135,
ENGROSSED SENATE BILL NO. 5138,
SENATE BILL NO. 5149,
ENGROSSED SENATE BILL NO. 5155,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5162,
SENATE BILL NO. 5164,

SENATE BILL NO. 5172,
SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5212,
SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5221,
SUBSTITUTE SENATE BILL NO. 5222,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,
SENATE BILL NO. 5228,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5230,
SENATE BILL NO. 5242,
SUBSTITUTE SENATE BILL NO. 5246,
SENATE BILL NO. 5247,
SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5256,
SECOND SUBSTITUTE SENATE BILL NO. 5264,
SUBSTITUTE SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5278,
SUBSTITUTE SENATE BILL NO. 5284,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,
SENATE BILL NO. 5287,
SENATE BILL NO. 5301,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5306,
SUBSTITUTE SENATE BILL NO. 5329,
SENATE BILL NO. 5334,
SENATE BILL NO. 5340,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5341,
ENGROSSED SENATE BILL NO. 5355,
SENATE BILL NO. 5363,
ENGROSSED SENATE BILL NO. 5367,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5390,
SUBSTITUTE SENATE BILL NO. 5391,
SUBSTITUTE SENATE BILL NO. 5392,
SUBSTITUTE SENATE BILL NO. 5395,
SUBSTITUTE SENATE BILL NO. 5397,
SUBSTITUTE SENATE BILL NO. 5405,
SUBSTITUTE SENATE BILL NO. 5418,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5425,
SUBSTITUTE SENATE BILL NO. 5430,
SUBSTITUTE SENATE BILL NO. 5445,
SENATE BILL NO. 5447,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5454,
SENATE BILL NO. 5470,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5477,
SUBSTITUTE SENATE BILL NO. 5481,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5491,
SENATE BILL NO. 5509,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5512,
SECOND SUBSTITUTE SENATE BILL NO. 5514,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SENATE BILL NO. 5522,
SENATE BILL NO. 5526,
SUBSTITUTE SENATE BILL NO. 5537,
ENGROSSED SENATE BILL NO. 5544,
SUBSTITUTE SENATE BILL NO. 5557,
SENATE BILL NO. 5563,
SENATE BILL NO. 5568,
SUBSTITUTE SENATE BILL NO. 5590,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,
SUBSTITUTE SENATE BILL NO. 5608,

ENGROSSED SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5620,
SENATE BILL NO. 5632,
SUBSTITUTE SENATE BILL NO. 5636,
SENATE BILL NO. 5645,
SUBSTITUTE SENATE BILL NO. 5652,
SUBSTITUTE SENATE BILL NO. 5657,
SENATE BILL NO. 5659,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5667,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5682,
SENATE BILL NO. 5689,
SUBSTITUTE SENATE BILL NO. 5698,
SECOND SUBSTITUTE SENATE BILL NO. 5715,
SENATE BILL NO. 5725,
SUBSTITUTE SENATE BILL NO. 5739,
SUBSTITUTE SENATE BILL NO. 5753,
SENATE BILL NO. 5757,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5773,
SENATE BILL NO. 5779,
ENGROSSED SENATE BILL NO. 5780,
SENATE BILL NO. 5787,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5794,
SUBSTITUTE SENATE BILL NO. 5800,
ENGROSSED SENATE BILL NO. 5843,
SECOND SUBSTITUTE SENATE BILL NO. 5850,
SENATE BILL NO. 5870,
SUBSTITUTE SENATE BILL NO. 5874,
SUBSTITUTE SENATE BILL NO. 5909,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5910,
SUBSTITUTE SENATE BILL NO. 5918,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5940,
SENATE BILL NO. 5943,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,
SENATE JOINT MEMORIAL NO. 8000,
SENATE JOINT MEMORIAL NO. 8001,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8005,
SENATE CONCURRENT RESOLUTION NO. 8406,
SENATE CONCURRENT RESOLUTION NO. 8409,

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE SENATE BILL NO. 5239,
SENATE BILL NO. 5251,
SENATE BILL NO. 5375,
SUBSTITUTE SENATE BILL NO. 5407,
SENATE BILL NO. 5474,
SENATE BILL NO. 5638,
SENATE BILL NO. 5675,
SUBSTITUTE SENATE BILL NO. 5704,
ENGROSSED SENATE BILL NO. 5720,
ENGROSSED SENATE BILL NO. 5745,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5815,
SECOND SUBSTITUTE SENATE BILL NO. 5836,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5844,
SENATE BILL NO. 5851,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5948,
SUBSTITUTE SENATE BILL NO. 5971,

SENATE BILL NO. 5977,
ENGROSSED SENATE BILL NO. 5978,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5981,

MOTION

On motion of Representative Peery, reading of the Journal of the One Hundred-Fifth Day of the 1993 Regular Session of the Fifty-Third Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Representative Peery, the 1993 Regular Session of the Fifty-Third Legislature was adjourned Sine Die.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

ONE HUNDRED-FIFTH DAY, APRIL 25, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 26, 1993

The House was called to order at 9:00 a.m. by the Speaker (Representative King presiding). The clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Davis and Caileen Monahan. Prayer was offered by Representative Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SCR 8414 by Senators Gaspard and Sellar

Reintroducing bills from the regular session.

SCR 8415 by Senators Gaspard and Snyder

Limiting the measures to be considered in the 1993 first special session of the Fifty-third Legislature.

MOTION

On motion of Representative Wang, the rules were suspended and Senate Concurrent Resolution No. 8414 was advanced to second reading and read the second time in full.

On motion of Representative Wang, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8414 was adopted.

On motion of Representative Wang, the rules were suspended and Senate Concurrent Resolution No. 8415 was advanced to second reading and read the second time in full.

On motion of Representative Wang, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8415 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 93-4671, by Representatives Chandler, Orr, Thibaudeau, Eide, Brough, Casada, Wang, Linville, Chappell, Valle, Dellwo, Conway, Patterson, Shin, J. Kohl, L. Johnson, Campbell, Kremen, Pruitt, Morton, Fuhrman, Long, Schoesler, Romero, Karahalios, Anderson, Finkbeiner, Dunshee, Heavey, Ludwig, Cooke, Dorn, Holm, Ogden, Jones, Locke, Horn, Carlson, Flemming, Stevens, Ballasiotes, Van Luven, R. Johnson, Dyer, Roland, Wolfe, King, Sommers, Vance, Lisk, Foreman, Tate, Brumsickle, Thomas, Wood, Sehlin, Sheahan, Padden, Quall, Springer, Morris, Rust, Cothorn, Lemmon, Bray, Kessler, Rayburn, Basich, Hansen and Leonard

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The House Members' Cafeteria has exhibited the highest level of excellence in providing outstanding cuisine to the members of the House of Representatives; and

WHEREAS, The House Members' Cafeteria has had an incredible 1993 session record of providing rare and diverse delicacies that are visual, aromatic, and scrumptious gourmet delights; and

WHEREAS, The House Members' Cafeteria has demonstrated a distinguished degree of professionalism, expertise, experience, and mastery worthy of some of the best restaurants in the world; and

WHEREAS, The House Members' Cafeteria has worked long, tiring hours boiling and broiling, steaming and stewing, creaming and sauteing, slicing and dicing, frying and fixing, toasting and roasting, and grilling and chilling; and

WHEREAS, The House Members' Cafeteria has graciously provided House Members with such elegant edibles, flawless foodstuffs, and scrupulous sustenance as impeccable prime rib with bake potato, Best of the West Halibut, supreme steamed clams, chic cioppino, Steve's Famous Milkshakes, splendid blackberry pie, and the mainstay of the Representative's well-being...mouth-watering cookies, especially such sublime and healthy varieties as oatmeal with raisin; and

WHEREAS, The House Members' Cafeteria has produced a wide range of exquisite and nourishing choices of fine foods to satisfy the personal preference of the most discriminating of connoisseur, including a nutrition bar offering only the highest quality of natural fare of vegetables, fruits, nuts, and grains; and

WHEREAS, The House Members' Cafeteria Head Chef Extraordinary, Debbie Hibbard, and her august staff, Gail Crow, Steve Breuer, Lisa Wick, Molly Breuer, Doug Mahar, and Judy Monson, share in the House Members' Cafeteria's success by combining exceptional nutritional and provisional planning with exceptional cooking and service; and

WHEREAS, The inspiring achievements of the House Members' Cafeteria will always be remembered when commemorating the 1993 legislative session; and

WHEREAS, The House Members' Cafeteria is a source of great pride to all the members of the Washington State House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the House Members' Cafeteria Head Chef, Debbie Hibbard, and all the House Members' Cafeteria staff for their extraordinary diligence, dedication, and service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of Program Research, Director of Administration Dennis Karras, Head Chef Debbie Hibbard, and the entire House Members' Cafeteria staff.

Representative Chandler moved adoption of the resolution.

Representatives Chandler, G. Cole, Ogden, Kessler, Jones, Carlson, Orr, Edmondson, Wineberry, Dunshee, Romero, L. Johnson, Heavey and Quall spoke in favor of the resolution.

Representative Zellinsky demanded the previous question. The demand was sustained.

House Resolution No. 4671 was adopted.

The Speaker declared the House to be in recess until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Representative Sheldon presiding) called the House to order at 1:30 p.m.

The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

Representative Peery moved that the Rules Committee be relieved of Engrossed Substitute House Bill No. 1464 and Engrossed Substitute House Bill No. 1761 and that the bills be placed on the third reading calendar.

Representative Peery moved that Engrossed Substitute House Bill No. 1464 be returned to second reading for the purpose of amendment. The motion was carried.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464, by House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer)

Making laws relating to local government office vacancies more uniform.

The bill was read the second time.

Representative H. Myers moved adoption of the following amendment by Representative H. Myers and Horn:

On page 66, after line 20, insert the following:

"**Sec. 82.** RCW 84.09.030 and 1989 c 378 s 8 and 1989 c 217 s 1 are each reenacted and amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district shall be established on the first day of October if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

(4) The boundaries of a newly incorporated water district formed as a result of a special election held in March shall be established as of the first day of June next following the election.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section."

Representatives H. Myers and Horn spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Peery, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

On motion of Representative J. Kohl, Representatives R. Meyers and Mastin were excused.

On motion of Representative Wood, Representatives Dyer and Padden were excused.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1464.

Representative H. Myers and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1464, and the bill passed the House by the following vote: Yeas - 89, Nays - 1, Absent - 4, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representative Heavey - 1.

Absent: Representatives Flemming, Johanson, Johnson, R. and Romero - 4.

Excused: Representatives Dyer, Mastin, Meyers, R. and Padden - 4.

Second Engrossed Substitute House Bill No. 1464, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761, by House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Forner)

Clarifying and extending dates established under the growth management act.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1761.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1761, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 3, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard,

Linville, Lisk, Locke, Long, Ludwig, Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Voting nay: Representative Dunshee - 1.

Absent: Representatives Johanson, Johnson, R. and Romero - 3.

Excused: Representatives Mastin and Meyers, R. - 2.

Engrossed Substitute House Bill No. 1761, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative J. Kohl presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Ogden, the House adjourned until 9:30 a.m., Tuesday April 27, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIRST DAY, April 26, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

SECOND DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 27, 1993

The House was called to order at 9:30 a.m. by the Speaker (Representative Cothorn presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nathan Hunt and Caileen Monahan. Prayer was offered by Representative Bray.

The Speaker assumed the chair.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS

HOUSE RESOLUTION NO. 93-4668, by Representatives Romero, Jacobsen, Holm and Wolfe

WHEREAS, Richard J. "Dick" Clifton devoted his life to preserving and interpreting the rich heritage of the State of Washington, including a human history stretching back over ten thousand years, and a wealth of natural wonders and beauty; and

WHEREAS, He was born in Shelton, Washington in 1935, and was a lifelong resident of the Evergreen State, graduating with a B.A. in art from Pacific Lutheran University in 1959; and

WHEREAS, Dick Clifton was an exhibit designer and then Chief of Interpretive Services for the Washington State Parks and Recreation Commission for thirty-one years; and

WHEREAS, His intense love of history and artistic ability enabled him to design and develop some of Washington's best interpretive centers, among them the Lewis and Clark Center at Cape Disappointment, Fort Columbia near Chinook, and many other centers from one end of the state to the other; and

WHEREAS, The forty heritage sites developed under Dick's guidance provide a wide range of enriching educational experiences for Washington families including tours of historic homes, a trip into one of our state's largest limestone caves, and fourteen interpretive centers offering guided walks, campfire talks, and audio-visual programs describing the fascinating history of our state; and

WHEREAS, Dick Clifton actively contributed to his community by serving on the Department of Transportation's Scenic Highways Task Force, the Washington Heritage Caucus, the Northwest Visual Art Center at Freighthouse Square in Tacoma, and as a member of the Board of Directors of the Capital City Marathon; and

WHEREAS, He served twenty-two years in the National Guard and Army Reserve and was transferred as a major to the retired Reserve in 1984; and

WHEREAS, Dick retired from the Washington State Parks and Recreation Commission in 1991 to pursue his art work which included hand-cut serigraphs and silk-screen prints; and

WHEREAS, On March 24, 1993, Richard J. "Dick" Clifton died at the age of fifty-seven; and

WHEREAS, His enthusiasm, laughter, easy-going nature, and infectious personality will be sorely missed by his family, friends, coworkers, and anyone who ever met Dick Clifton; and

WHEREAS, It now falls upon all of us to continue his mission of protecting and preserving unique and special sites of human and natural history in our state;

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the Washington State House of Representatives, along with the people of our state, pay tribute to the life and memory of Richard J. "Dick" Clifton.

Representative Romero moved adoption of the resolution.

Representatives Romero and Jacobsen spoke in favor of the resolution.

House Resolution No. 4668 was adopted.

HOUSE RESOLUTION NO. 93-4670, by Representatives Heavey, Wineberry, G. Cole, Brown, Conway, Locke, Romero, Karahalios, Ogden, Kremen, Leonard, Eide, Veloria, J. Kohl, Wang, Thibaudeau and Anderson

WHEREAS, Cesar Estrada Chavez devoted his life to goals we also serve: Decent wages and treatment for workers, education for children, compassion for the needy, and equal justice for all; and

WHEREAS, Cesar Chavez rose from poverty and oppression to become a symbol of dignity and humanity throughout the world; and

WHEREAS, Cesar Chavez made the United Farm Workers into a union more than one hundred thousand members strong, and did more than anyone else to dramatize the hardships and improve the lives of America's farm workers; and

WHEREAS, Cesar Chavez inspired more than seventeen million Americans to boycott the fruits of injustice until historic gains for farm workers were achieved; and

WHEREAS, Cesar Chavez, like Gandhi and Martin Luther King, rejected all violence and relied instead in the force of personal character, the strength of unity, and the power of truth to achieve his aims; and

WHEREAS, The life of Cesar Chavez showed that any farm worker's child may contain a spark of greatness that deserves a chance to shine; and

WHEREAS, The world lost a great-hearted soul and great champion of justice when Cesar Chavez died at the age of sixty-six on April 23rd, 1993;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the life and lament the death of Cesar Chavez; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Cesar Chavez and to the headquarters of the United Farm Workers of America.

Representative Heavey moved adoption of the resolution.

Representatives Heavey, G. Cole, Edmondson, Karahalios, Brown, Wineberry and Conway spoke in favor of the resolution.

The Speaker called on Representative Sommers to preside.

House Resolution No. 4670 was adopted.

HOUSE RESOLUTION NO. 93-4667, by Representative Finkbeiner

WHEREAS, The State of Washington encourages excellence in all endeavors; and

WHEREAS, The discipline and pride instilled in youth by playing team sports lasts a lifetime; and

WHEREAS, A good coach is a vital part of that experience; and

WHEREAS, Coach Doug Chapple has been coaching for twenty-eight years and in that capacity has served as a role model and inspiration for thousands of Lake Washington School District students; and

WHEREAS, Coach Chapple has emphasized both academics and athletics to his students; and

WHEREAS, He has coached Cross-Country, Track, Football, and Wrestling and collected an impressive win record which includes more than 205 winning wrestling dual meet matches at both the junior and senior high school levels; and

WHEREAS, He has been named Coach of the Year many times; and

WHEREAS, Coach Chapple was one of the original founders of the Pacific Northwest Wrestling Officials Association; and

WHEREAS, In his role as a teacher in the Business Department at Lake Washington High School, Doug Chapple has stressed the value of education to students and motivated many to strive for success rather than quit; and

WHEREAS, Coach Chapple is preparing to retire and explore new challenges, not limited to, but including marriage;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its gratitude and appreciation to Doug Chapple for his positive influence on our students and his contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to Coach Chapple and the principal of Lake Washington High School.

Representative Finkbeiner moved adoption of the resolution.

Representative Finkbeiner spoke in favor of the resolution.

House Resolution No. 4667 was adopted.

The Speaker (Representative Sommers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

The Speaker (Representative R. Meyers presiding) declared the House to be in recess until 2:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 2:00 p.m.

The Clerk called the roll and a quorum was present.

With the consent of the House, the House advanced to the eighth order of business.

MOTION

On motion of Representative Peery, the Rules Committee was relieved of Engrossed Substitute House Bill No. 1309 and Engrossed House Bill No. 2123 and the bills were placed on the third reading calendar.

With the consent of the House, the House reverted to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 2123, by Representatives Jacobsen, Quall and Brumsickle; by request of Office of Financial Management

Allowing insurance benefits for graduate service appointments.

The bill was read the third time.

Representatives Jacobsen, Brumsickle and Dyer spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Heavey, Dorn, Kessler and Zellinsky were excused.

On motion of Representative Wood, Representative Padden was excused.

POINT OF INQUIRY

Representative Jacobsen yielded to a question by Representative Dyer.

Representative Dyer: Thank you, Mr. Speaker. I noticed on the bill report that we received and the materials we received on Engrossed House Bill No. 2123 indicated a fiscal note requesting yet, we don't have that information, do you know if it is available at this time.

Representative Jacobsen: Thank you, Mr. Speaker. The fiscal note on this is five million, I believe, and it was included in the Governor's budget and included in the House budget.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2123.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2123, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 2, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luvan, Veloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 91.

Absent: Representatives Dellwo and Schoesler - 2.

Excused: Representatives Dorn, Heavey, Kessler, Padden and Zellinsky - 5.

Engrossed House Bill No. 2123, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Peery, the rules were suspended, and Engrossed Substitute House Bill No. 1309 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309, by House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Orr, Scott, G. Cole, Basich, Lemmon, Morris, Jones, Rust, Holm, R. Meyers, Johanson, J. Kohl, Jacobsen and Leonard)

Protecting and recovering wild salmonids.

The bill was read the second time.

Representative King moved adoption of the following amendment by Representatives King and Fuhrman:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many wild stocks of salmonids in the state of Washington are in a state of decline. Stocks of salmon on the Columbia and Snake rivers have been listed under the federal endangered species act, and the bull trout has been petitioned for listing. Some scientists believe that numerous other stocks of salmonids in the Pacific Northwest are in decline or possibly extinct. The legislature declares that to lose wild stocks is detrimental to the genetic diversity of the fisheries resource and the economy, and will represent the loss of a vital component of Washington's aquatic ecosystems. The legislature further finds that there is a continuing loss of habitat for fish and wildlife. The legislature declares that steps must be taken in the areas of wildlife and fish habitat management, water conservation, wild salmonid stock protection, and education to prevent further losses of Washington's fish and wildlife heritage from a number of causes including urban and rural subdivisions, shopping centers, industrial park, and other land use activities.

The legislature finds that the maintenance and restoration of Washington's rangelands and shrub-steppe vegetation is vital to the long-term benefit of the people of the state. The legislature finds that approximately one-fourth of the state is open range or open-canopied grazable woodland. The legislature finds that these lands provide forage for livestock, habitat for wildlife, and innumerable recreational opportunities including hunting, hiking, and fishing.

The legislature finds that the development of coordinated resource management plans, that take into consideration the needs of wildlife, fish, livestock, timber production, water quality protection, and rangeland conservation on all state-owned grazing lands will improve the stewardship of these lands and allow for the increased development and maintenance of fish and wildlife habitat and other multipurpose benefits the public derives from these lands.

The legislature finds that the state currently provides insufficient technical support for coordinated resource management plans to be developed for all state-owned lands and for many of the private lands desiring to develop such plans. As a consequence of this lack of technical assistance, our state grazing lands, including fish and wildlife habitat and other resources provided by these lands, are not achieving their potential. The legislature also finds that with many state lands being intermixed with private grazing lands, development of coordinated resource management plans on state-owned and managed lands provides an opportunity to improve the management and enhance the conditions of adjacent private lands.

A purpose of this act is to establish state grazing lands as the model in the state for the development and implementation of standards that can be used in coordinated resource management plans and to thereby assist the timely development of coordinated resource management plans for all state-owned grazing lands. Every lessee of state lands who wishes to participate in the development and implementation of a coordinated resource management plan shall have the opportunity to do so.

NEW SECTION. Sec. 2. By July 1, 1994, the departments of fisheries and wildlife jointly with the appropriate Indian tribes, shall each establish a wild salmonid policy. The policy shall ensure that department actions and programs are consistent with the goals of rebuilding wild stock populations to levels that permit commercial and recreational fishing opportunities.

NEW SECTION. Sec. 3. By July 1, 1994, the department of fisheries and the department of wildlife shall jointly, with input from the Indian tribes and after coordination with California, Oregon, Idaho, Montana, Alaska, British Columbia, and appropriate federal agencies, report to the appropriate legislative committees on the feasibility of implementing selective marking techniques that can be used to minimize impacts of fishing on wild or natural stocks of salmonids. The report shall address costs, benefits, and risks associated with marking.

NEW SECTION. Sec. 4. A new section is added to chapter 75.28 RCW to read as follows:

The department of fisheries shall evaluate and recommend, in consultation with the Indian tribes, salmon fishery management strategies and gear types, as well as a schedule for implementation, that will minimize the impact of commercial and recreational fishing in the mixed stock fishery on critical and depressed wild stocks of salmonids. As part of this evaluation, the department, in conjunction with the commercial and recreational fishing industries, shall evaluate commercial and recreational salmon fishing gear types developed by these industries. The department of fisheries shall present status reports to the appropriate committees of the legislature by December 31 of each year in 1993, 1994, and 1995, and shall present the final evaluation and recommendations by December 31, 1996.

NEW SECTION. Sec. 5. A new section is added to chapter 79.01 RCW to read as follows:

(1) By December 31, 1993, the department of wildlife and the department of fisheries shall each develop goals for the wildlife and fish that these agencies respectively manage, to preserve, protect, and perpetuate wildlife and fish on shrub steppe habitat or on lands that are presently agricultural lands, rangelands, or grazable woodlands. These goals shall be consistent with the maintenance of a healthy ecosystem.

(2) By July 31, 1993, the conservation commission shall appoint a technical advisory committee to develop standards that achieve the goals developed in subsection (1) of this section. The committee members shall include but not be limited to technical experts representing the following interests: Agriculture, academia, range management, utilities, environmental groups, commercial and recreational fishing interests, the Washington rangelands committee, Indian tribes, the department of wildlife, the department of fisheries, the department of natural resources, the department of ecology, conservation districts, and the department of agriculture. A member of the conservation commission shall chair the committee.

(3) By December 31, 1994, the committee shall develop standards to meet the goals developed under subsection (1) of this section. These standards shall not conflict with the recovery of wildlife or fish species that are listed or proposed for listing under the federal endangered species act. These standards shall be utilized to the extent possible in development of coordinated resource management plans to provide a level of management that sustains and perpetuates renewable resources, including fish and wildlife, riparian areas, soil, water, timber, and forage for livestock and wildlife. Furthermore, the standards are recommended for application to model watersheds designated by the Northwest power planning council in conjunction with the conservation commission. The maintenance and restoration of sufficient habitat to preserve, protect, and perpetuate wildlife and fish shall be a major component included in the standards and coordinated resource management plans. Application of standards to

privately owned lands is voluntary and may be dependent on funds to provide technical assistance through conservation districts.

(4) The conservation commission shall approve the standards and shall provide them to the departments of natural resources and wildlife, each of the conservation districts, Washington State University cooperative extension service, and the appropriate committees of the legislature. The conservation districts shall make these standards available to the public and for coordinated resource management planning. Application to private lands is voluntary.

(5) The department of natural resources shall implement practices necessary to meet the standards developed pursuant to this section on department managed agricultural and grazing lands, consistent with the trust mandate of the Washington state Constitution and Title 79 RCW. The standards may be modified on a site-specific basis as needed to achieve the fish and wildlife goals, and as determined by the department of fisheries or wildlife, and the department of natural resources. Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to this section.

NEW SECTION. Sec. 6. A new section is added to chapter 77.12 RCW to read as follows:

The department of wildlife shall implement practices necessary to meet the standards developed under section 5 of this act on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of fisheries or wildlife, for species that these agencies respectively manage, to achieve the goals established under section 5(1) of this act. Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to section 5 of this act.

This section shall in no way prevent the department of wildlife from managing its lands to accomplish its statutory mandate pursuant to RCW 77.12.010, nor shall it prevent the department from managing its lands according to the provisions of RCW 77.12.210 or rules adopted pursuant to this chapter.

NEW SECTION. Sec. 7. Washington State University shall report to the appropriate legislative committees by December 31, 1993, on how to best integrate fish and wildlife considerations with the existing curriculum in the university's agriculture department and with the university cooperative extension service. The university shall also report on the feasibility and cost of creating a rotational assignment with the department of wildlife to accomplish cross-training in wildlife and fish habitat management and farm and grazing management.

NEW SECTION. Sec. 8. By July 1, 1993, the departments of fisheries and wildlife shall provide information on salmonid stock status, by individual stock, to the department of ecology, the Washington association of cities, the Washington state association of counties, and water purveyors.

Sec. 9. RCW 43.20.230 and 1989 c 348 s 12 are each amended to read as follows:

Consistent with the water resource planning process of the department of ecology, the department of ~~((social and))~~ health ~~((services))~~ shall ~~((contingent on the availability of funds))~~:

(1) Develop procedures and guidelines relating to water use efficiency, as defined in section 4(3) ~~((of this act))~~, chapter 348, Laws of 1989, to be included in the development and approval of cost-efficient water system plans required under RCW 43.20.050;

(2) Develop criteria, with input from technical experts, with the objective of encouraging the cost-effective reuse of greywater and other water recycling practices, consistent with protection of public health and water quality; ~~((and))~~

(3) Provide advice and technical assistance upon request in the development of water use efficiency plans; and

(4) Provide advice and technical assistance on request for development of model ~~((rate setting formulas))~~ conservation rate structures for public water systems. Subsections (1), (2), and (3) of this section are subject to the availability of funding.

NEW SECTION. Sec. 10. A new section is added to chapter 43.20 RCW to read as follows:

Water purveyors required to develop a water system plan pursuant to RCW 43.20.230 shall evaluate the feasibility of adopting and implementing water delivery rate structures that encourage water conservation. This information shall be included in water system plans submitted to the department of health for approval after July 1, 1993. The department shall evaluate the following:

(1) Rate structures currently used by public water systems in Washington; and

(2) Economic and institutional constraints to implementing conservation rate structures.

The department shall provide its findings to the appropriate committees of the legislature no later than December 31, 1995.

NEW SECTION. Sec. 11. A new section is added to chapter 90.54 RCW to read as follows:

The department, in cooperation with the Washington state water resources association, shall accomplish the following:

- (1) Determine and evaluate rate structures currently used by irrigation districts in the state of Washington;
- (2) Identify economic and institutional constraints to implementing conservation rate structures; and
- (3) Develop model conservation rate structures for consideration by irrigation districts.

The department shall provide its findings to the appropriate committees of the legislature no later than December 31, 1993.

Sec. 12. RCW 90.03.360 and 1989 c 348 s 6 are each amended to read as follows:

(1) The owner or owners of any ~~((ditch or canal))~~ water diversion shall maintain, to the satisfaction of the department of ecology, substantial controlling works~~((,))~~ and a measuring device ~~((at the point where the water is diverted, and these shall be so))~~ constructed and maintained ~~((as))~~ to permit accurate measurement and practical regulation of the flow of water diverted ~~((into said ditch or canal))~~. Every owner or manager of a reservoir for the storage of water shall construct and maintain, when required by the department, any measuring device necessary to ascertain the natural flow into and out of said reservoir.

Metering of diversions or measurement by other approved methods shall be required as a condition for all new surface water right permits, and except as provided in subsection (2) of this section, may be required as a condition for all ~~((new))~~ previously existing surface water ((right permits)) rights. The department may also require, as a condition for ~~((such permits))~~ all water rights, metering of diversions, and reports regarding such metered diversions as to the amount of water being diverted. Such reports shall be in a form prescribed by the department.

(2) Where water diversions are from waters in which the salmonid stock status is depressed or critical, as determined by the departments of fisheries and wildlife, or where the volume of water being diverted exceeds one cubic foot per second, the department shall require metering or measurement by other approved methods as a condition for all new and previously existing water rights or claims. The department shall attempt to integrate the requirements of this subsection into its existing compliance workload priorities, but shall prioritize the requirements of this subsection ahead of the existing compliance workload where a delay may cause the decline of wild salmonids. The department shall notify the departments of fisheries and wildlife of the status of fish screens associated with these diversions.

This subsection (2) shall not apply to diversions for public or private hatcheries or fish rearing facilities if the diverted water is returned directly to the waters from which it was diverted.

NEW SECTION. Sec. 13. A new section is added to chapter 90.22 RCW to read as follows:

By December 31, 1993, the department of ecology shall, in cooperation with the Indian tribes, and the departments of fisheries and wildlife, establish a state-wide list of priorities for evaluation of instream flows. In establishing these priorities, the department shall consider the achievement of wild salmonid production as its primary goal.

The priority list shall be presented to the appropriate legislative committees and to the water resources forum by December 31, 1993.

Sec. 14. RCW 90.42.010 and 1991 c 347 s 5 are each amended to read as follows:

(1) The legislature finds that a need exists to develop and test a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

The purpose of this chapter is to provide the mechanism for accomplishing this in a manner that will not impair existing rights to water and to test the mechanism in two pilot planning areas designated pursuant to RCW 90.54.045(2) and in the water resource inventory areas designated under subsection (2) of this section.

(2) The department may designate up to four water resource inventory areas west of the crest of the Cascade mountains and up to four water resource inventory areas east of the crest of the Cascade mountains, as identified pursuant to chapter 90.54 RCW. The areas designated shall contain critical water supply problems and shall provide an opportunity to test and evaluate a variety of applications of RCW 90.42.010 through 90.42.090, including application to municipal, industrial, and agricultural use. The department shall seek advice from appropriate state agencies, Indian tribes, local governments, representatives of water right holders, and interested parties before identifying such water resource inventory areas.

(3) The department shall provide to the appropriate legislative committees by December 31, 1993, a written evaluation of the implementation of RCW 90.42.010 through 90.42.090 and recommendations for future application. Recommendations shall include methods of applying RCW 90.42.010 through 90.42.090 to the rivers that are designated as high priority by the department of ecology under section 13 of this act in order to use net water savings to enhance stream flows.

NEW SECTION. Sec. 15. The governor's council on environmental education created in 1990 by executive order 90-06, shall accomplish the following:

(1) Raise and distribute public and private funds for the purpose of providing environmental education programs and projects in fish and wildlife preservation and management to public and private elementary and secondary schools, emphasizing the importance of species conservation and fish and wildlife as indicators of ecosystem health; and

(2) Support interdisciplinary programs that integrate fish and wildlife preservation and management with other areas of environmental education.

NEW SECTION. Sec. 16. Section 15 of this act shall constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 17. (1) If specific funding for sections 1 through 6 and 8 through 15 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1993, in the omnibus appropriations act, sections 1 through 6 and 8 through 15 of this act are null and void.

(2) If specific funding for section 7 of this act, referencing this act by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, section 7 of this act is null and void."

Representatives King, Fuhrman and Basich spoke in favor of adoption of the amendment and Representatives Rayburn and Chandler spoke against it.

The amendment was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives King, Fuhrman, Basich, Orr and Foreman spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Schoesler was excused.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1309.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1309, and the bill passed the House by the following vote: Yeas - 86, Nays - 6, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Reams, Riley, Roland, Romero, Rust, Schmidt, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood and Mr. Speaker - 86.

Voting nay: Representatives Chandler, Edmondson, Hansen, Lisk, Morton and Rayburn - 6.

Excused: Representatives Dorn, Heavey, Kessler, Padden, Schoesler and Zellinsky - 6.

Second Engrossed Substitute House Bill No. 1309, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been able to reach the floor for today's vote on Engrossed House Bill No. 2123 and Second Engrossed Substitute House Bill No. 1309, I would have voted yes on both bills on final passage.

MARK SCHOESLER, 9th District

The Speaker declared the House to be at ease.

The Speaker (Representative Dorn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative G. Fisher, the House adjourned until 9:30 a.m., Wednesday
April 28, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

SECOND DAY, April 27, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 28, 1993

The House was called to order at 9:30 a.m. by the Speaker (Representative Conway presiding).
The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Davis and Nathan Hunt. Prayer was offered by Representative Ballard.

The Speaker (Representative R. Meyers presiding) assumed the chair.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 27, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5925,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 27, 1993

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8414,
SENATE CONCURRENT RESOLUTION NO. 8415,

and the same are herewith transmitted.

Marty Brown, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESB 5925 by Senator Snyder

Allowing lodging tax for counties with national monuments.

2ESSB 5972 by Senate Committee on Transportation (originally sponsored by Senator Vognild; by request of Office of Financial Management)

Adopting the transportation budget.

MOTION

On motion of Representative Sommers, the rules were suspended and the bills listed on today's introduction sheet under the fourth order of business were advanced to the second reading calendar.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative Zellinsky presiding) called the House to order.

There being no objection, the House advanced to the eighth order of business.

MOTION

Representative Sommers moved that the Rules Committee be relieved of Substitute House Bill No. 2055 and the bill be placed on the second reading calendar. The motion was carried.

There being no objection, the House advanced to the eleventh order of business.

POINT OF PERSONAL PRIVILEGE

Representative Eide: Thank you, Mr. Speaker. As you can see, there are a few young ladies here today. This is the National "Take Your Daughters to Work Day" and this is to see what work is like with their parents, whether it's mothers or fathers. It makes them aware of different careers that are available and what they need to do to prepare for these careers and to feel confident about themselves. I would appreciate it if you would all welcome them and greet them when you see them. Thank you.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The Speaker (Representative R. Meyers presiding) declared the House to be in recess until 5:00 p.m.

The Speaker called the House to order.

MOTION

With the consent of the House, the House adjourned until 10:00 a.m., Thursday April 29, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

THIRD DAY, April 28, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 29, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Anderson presiding). The Clerk called the roll and a quorum was present.

Representative R. Meyers assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Caileen Monahan and David Davis. Prayer was offered by Representative Cothorn.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HJM 4024 by Representatives Stevens, Casada, Talcott, Fuhrman, Van Luven, Tate, Mielke, Sheahan, Ballard, Sehlin, Cooke, Lisk, Thomas, Schoesler, Chandler and Reams

Concerning education reform.

Referred to Committee on Education.

On motion of Representative Sheldon, the bill listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Representative Sommers, the Rules Committee was relieved of House Bill No. 1524 and the bill was placed on today's second reading calendar.

With the consent of the House, the House reverted to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2055, by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway; by request of Governor Lowry

Creating the department of fish and wildlife.

MOTION

On motion of Representative Sommers, the rules were suspended and Substitute House Bill No. 2055 was returned to second reading for the purpose of amendment.

Representative Anderson moved adoption of the amendment by Representatives Anderson, Reams and King:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Perpetuation of fish and wildlife in Washington requires clear, efficient, streamlined, scientific, management from a single state fish and wildlife agency. Such a consolidation will focus existing funds for the greatest protection of species and stocks. It will bring combined resources to bear on securing, managing, and enhancing habitats. It will simplify licensing, amplify research, increase field staff, avoid duplication, and magnify enforcement of laws and rules. It will provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent policies, procedures, and access.

NEW SECTION. Sec. 2. There is hereby created a department of state government to be known as the department of fish and wildlife. The department shall be vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law. All powers, duties, and functions of the department of fisheries and the department of wildlife are transferred to the department of fish and wildlife. All references in the Revised Code of Washington to the director or the department of fisheries or the director or department of wildlife shall be construed to mean the director or department of fish and wildlife.

NEW SECTION. Sec. 3. As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of fish and wildlife.
- (2) "Director" means the director of fish and wildlife.
- (3) "Commission" means the fish and wildlife commission.

NEW SECTION. Sec. 4. The executive head and appointing authority of the department shall be the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 5. In addition to other powers and duties granted or transferred to the director, the director shall have the following powers and duties:

- (1) Supervise and administer the department in accordance with law;
- (2) Appoint personnel and prescribe their duties. Except as otherwise provided, personnel of the department are subject to chapter 41.06 RCW, the state civil service law;
- (3) Enter into contracts on behalf of the agency;
- (4) Adopt rules in accordance with chapter 34.05 RCW, the administrative procedure act;
- (5) Delegate powers, duties, and functions as the director deems necessary for efficient administration but the director shall be responsible for the official acts of the officers and employees of the department;
- (6) Appoint advisory committees and undertake studies, research, and analysis necessary to support the activities of the department;
- (7) Accept and expend grants, gifts, or other funds to further the purposes of the department;
- (8) Carry out the policies of the governor and the basic goals and objectives as prescribed by the fish and wildlife commission pursuant to RCW 77.04.055; and
- (9) Perform other duties as are necessary and consistent with law.

NEW SECTION. Sec. 6. The director shall appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 7. The director of fisheries and the director of wildlife shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of fisheries and the department of wildlife into the department of fish and wildlife so that the department of fish and wildlife will operate as a single entity on July 1, 1994. The wildlife commission shall make recommendations for the consolidation of the agencies to the governor and the two directors. The fish and wildlife commission shall review its area of responsibility in the consolidated agency and submit recommendations by December 1, 1994, to the governor and the appropriate standing committees of the legislature on any necessary changes in its statutory authority. The legislative budget committee shall study the role of the fish and wildlife commission and prepare a report on recommended changes to the governor and the appropriate standing committees of the legislature by December 1, 1994.

NEW SECTION. Sec. 8. The department of fisheries and the department of wildlife are abolished and their powers, duties, and functions are transferred to the department of fish and wildlife.

NEW SECTION. Sec. 9. All reports, documents, surveys, books, records, files, papers, or written material connected with the powers, duties, and functions transferred in this act shall be delivered to the custody of the department of fish and wildlife. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in connection with the powers, duties, and functions transferred shall be made available to the department of fish and wildlife. All funds, credits, or other assets held in connection with the powers, duties, and functions transferred shall be assigned to the department of fish and wildlife.

Any appropriations made in connection with the powers, duties, and functions transferred shall, on the effective date of this section, be transferred and credited to the department of fish and wildlife.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, or as to the powers, duties, and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 10. All classified employees employed in connection with the powers, duties, and functions transferred are transferred to the jurisdiction of the department of fish and wildlife. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of fish and wildlife to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 11. All rules and all pending business before any agency of state government pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of fish and wildlife. All existing contracts, obligations, and agreements shall remain in full force and shall be performed by the department of fish and wildlife.

NEW SECTION. Sec. 12. The transfer of the powers, duties, functions, and personnel shall not affect the validity of any act performed by any employee before the effective date of this section.

NEW SECTION. Sec. 13. If apportionments of budgeted funds are required because of the transfers directed by sections 9 through 12 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 14. Nothing contained in sections 9 through 13 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 15. RCW 41.06.070 and 1990 c 60 s 101 are each amended to read as follows:

The provisions of this chapter do not apply to:

- (1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
- (2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
- (3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community and technical colleges (~~(education)~~), and the higher education personnel board;
- (4) The officers of the Washington state patrol;
- (5) Elective officers of the state;
- (6) The chief executive officer of each agency;
- (7) In the departments of employment security, (~~(fisheries)~~) social and health services, the director and ~~((his))~~ the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, ~~((his))~~ the director's confidential secretary, and ~~((his))~~ the director's statutory assistant directors;
- (8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
 - (a) All members of such boards, commissions, or committees;
 - (b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(26) All employees of the marine employees' commission;

(27) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

(28) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (24), (25), and (28) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 16. RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) ~~((the department of fisheries, (6)))~~ the department of fish and wildlife, ~~((7))~~ (6) the department of transportation, ~~((8))~~ (7) the department of licensing, ~~((9))~~ (8) the department of general administration, ~~((10))~~ (9) the department of trade and economic development, ~~((11))~~ (10) the department of veterans affairs, ~~((12))~~ (11) the department of revenue, ~~((13))~~ (12) the department of retirement systems, ~~((14))~~ (13) the department of corrections, ~~((15))~~ (14) the department of community development, and ~~((16))~~ (15) the department of health, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 17. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) ~~((the director of fisheries, (6)))~~ the director of fish and wildlife, ~~((7))~~ (6) the secretary of transportation, ~~((8))~~ (7) the director of licensing, ~~((9))~~ (8) the director of general administration, ~~((10))~~ (9) the director of trade and economic development, ~~((11))~~ (10) the director of veterans affairs, ~~((12))~~ (11) the director of revenue, ~~((13))~~ (12) the director of retirement systems, ~~((14))~~ (13) the secretary of corrections, ~~((15))~~ (14) the director of community development, and ~~((16))~~ (15) the secretary of health.

Such officers, except the secretary of transportation, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The director of wildlife, however, shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year.))~~ The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.

Sec. 18. RCW 42.17.2401 and 1991 c 200 s 404 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of ~~((fisheries))~~ fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, ~~((the director of wildlife,))~~ the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges ~~((education))~~, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher education personnel board, horse

rating commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, board of pilotage (~~(fisheries))~~ commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 19. RCW 43.51.955 and 1987 c 506 s 93 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of fish and wildlife or the state fish and wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 20. RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are each reenacted and amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

- (1) "Director" means the director of (~~(fisheries))~~ fish and wildlife.
- (2) "Department" means the department of (~~(fisheries))~~ fish and wildlife.
- (3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.
- (4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.
- (5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.
- (7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.
- (8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.
- (9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.
- (10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.
- (11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.
- (12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.
- (13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.
- (14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name Common Name

<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(20) "Emerging commercial fishery" means any commercial fishery:

(a) For food fish or shellfish so designated by rule of the director, except that no species harvested under a license limitation program contained in chapter 75.30 RCW may be designated as a species in an emerging commercial fishery.

(b) Which will include, subject to the limitation in (a) of this subsection, all species harvested for commercial purposes as of June 7, 1990, and the future commercial harvest of all other species in the waters of the state of Washington.

(21) "Experimental fishery permit" means a permit issued by the director to allow the recipient to engage in an emerging commercial fishery.

Sec. 21. RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 are each amended to read as follows:

The director (~~(of fisheries)~~) shall supervise the administration and operation of the department (~~(of fisheries)~~) and perform the duties prescribed by law. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

Sec. 22. RCW 75.08.035 and 1992 c 63 s 11 are each amended to read as follows:

(1) The department (~~(of fisheries)~~) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 23. RCW 75.08.055 and 1987 c 506 s 94 are each amended to read as follows:

(1) The director (~~(, and the director of wildlife with the concurrence of the wildlife commission,)~~) may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the (~~(wildlife commission)~~) department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 24. RCW 75.08.400 and 1989 c 336 s 1 are each amended to read as follows:

The legislature finds that:

(1) The fishery resources of Washington are critical to the social and economic needs of the citizens of the state;

(2) Salmon production is dependent on both wild and artificial production;

- (3) The department (~~(of fisheries)~~) is directed to enhance Washington's salmon runs; and
(4) Full utilization of the state's salmon rearing facilities is necessary to enhance commercial and recreational fisheries.

Sec. 25. RCW 75.10.010 and 1985 c 155 s 1 are each amended to read as follows:

(1) Fisheries patrol officers and ex officio fisheries patrol officers within their respective jurisdictions, shall enforce this title, rules of the director, and other statutes as prescribed by the legislature.

(2) When acting within the scope of subsection (1) of this section and when an offense occurs in the presence of the fisheries patrol officer who is not an ex officio fisheries patrol officer, the fisheries patrol officer may enforce all criminal laws of the state. The fisheries patrol officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a fisheries patrol officer rests with the department (~~(of fisheries)~~) unless the fisheries patrol officer acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department (~~(of fisheries)~~) and another agency.

(4) Fisheries patrol officers may serve and execute warrants and processes issued by the courts.

Sec. 26. RCW 75.10.200 and 1990 c 144 s 3 are each amended to read as follows:

Persons who violate this title or the rules of the director shall be subject to the following penalties:

(1) The following violations are gross misdemeanors and are punishable under RCW 9A.02.020:

(a) Violating RCW 75.20.100; and

(b) Violating department statutes that require fish screens, fish ladders, and other protective devices for fish.

(2) The following violations are a class C felony and are punishable under RCW 9A.02.021(1)(c):

(a) Discharging explosives in waters that contain adult salmon or sturgeon: PROVIDED, That lawful discharge of devices for the purpose of frightening or killing marine mammals or for the lawful removal of snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are exempt from this subsection; and

(b) To knowingly purchase food fish or shellfish with a wholesale value greater than two hundred fifty dollars that were taken by methods or during times not authorized by department (~~(of fisheries)~~) rules, or were taken by someone who does not have a valid commercial fishing license, a valid fish buyer's license, or a valid wholesale dealer's license, or were taken with fishing gear authorized for personal use.

Sec. 27. RCW 75.12.040 and 1985 c 147 s 1 are each amended to read as follows:

(1) It is unlawful to use, operate, or maintain a gill net which exceeds 250 fathoms in length or a drag seine in the waters of the Columbia river for catching salmon.

(2) It is unlawful to construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon. The director may authorize the use of this gear for scientific investigations.

(3) The department (~~(of fisheries)~~), in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

Sec. 28. RCW 75.20.005 and 1991 c 322 s 21 are each amended to read as follows:

The department of (~~(fisheries, the department of)~~) fish and wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

Sec. 29. RCW 75.20.050 and 1988 c 36 s 32 are each amended to read as follows:

It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director (~~(of fisheries and the director of wildlife)~~) notice of each application for a permit to divert or store water. The director (~~(of fisheries and director of wildlife have)~~) has thirty days after receiving the notice to state (~~(their)~~) his or her objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director (~~(of fisheries or director of wildlife)~~), issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

Sec. 30. RCW 75.20.100 and 1991 c 322 s 30 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department ~~((of fisheries or the department of wildlife))~~ as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 and 75.20.1002, the department ~~((of fisheries or the department of wildlife))~~ shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department ~~((of fisheries or the department of wildlife))~~ shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If ~~((either))~~ the department ~~((of fisheries or the department of wildlife))~~ denies approval, ~~((that))~~ the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department ~~((of fisheries or the department of wildlife))~~ as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department ~~((of fisheries or department of wildlife))~~, through ~~((their))~~ its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

Sec. 31. RCW 75.20.1001 and 1991 c 322 s 12 are each amended to read as follows:

The department ~~((of fisheries and the department of wildlife))~~ shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

Sec. 32. RCW 75.20.103 and 1991 c 322 s 31 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department ~~((of fisheries or the department of wildlife))~~ as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 and 75.20.1002, the department ~~((of fisheries or the department of wildlife))~~ shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department ~~((of fisheries or the department of wildlife))~~ shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If ~~((either))~~ the department ~~((of fisheries or the department of wildlife))~~ denies approval, ~~((that))~~ the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department ~~((of fisheries or the department of wildlife))~~ to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department ~~((granting approval))~~ may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department ~~((issuing the approval))~~ to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department ~~((that issued the approval))~~ may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department ~~((of fisheries or the department of wildlife))~~ as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

~~((For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.))~~

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department ~~((of fisheries or department of wildlife))~~, through ~~((their))~~ its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

Sec. 33. RCW 75.20.104 and 1991 c 322 s 18 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department ~~((of fisheries and the department of wildlife))~~, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

Sec. 34. RCW 75.20.1041 and 1991 c 322 s 19 are each amended to read as follows:

The department ~~((of fisheries, the department of wildlife,))~~ and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 35. RCW 75.20.106 and 1988 c 36 s 35 are each amended to read as follows:

The department ~~((of fisheries and the department of wildlife))~~ may ~~((each))~~ levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director ~~((of the appropriate department))~~ or ~~((that))~~ the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director ~~((of the department levying the penalty))~~. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director ~~((of the department of fisheries or the department of wildlife))~~ shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

Sec. 36. RCW 75.20.110 and 1988 c 36 s 36 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as ~~((jointly))~~ determined by the director ~~((of fisheries and the director of wildlife))~~.

(b) Except by ~~((concurrent))~~ order of the director ~~((of fisheries and director of wildlife))~~, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The director ~~((of fisheries and the director of wildlife))~~ may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2)(a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

Sec. 37. RCW 75.20.130 and 1989 c 175 s 160 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by ~~((either))~~ the department ~~((of fisheries or the department of wildlife))~~ under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 38. RCW 75.20.300 and 1989 c 213 s 3 are each amended to read as follows:

(1) The legislature intends to expedite flood-control, acquisition of sites for sediment retention, and dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director ~~((of fisheries and director of wildlife))~~ shall process hydraulic project applications submitted under RCW 75.20.100 within fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Cowlitz river from mile 22 to the confluence with the Columbia, and in the Toutle river from the mouth to the North Fork Toutle sediment dam site at North Fork mile 12, and to river mile 3 on the South Fork Toutle river, and volcano-affected areas of the Columbia river.

(3) For the purposes of this section, the emergency provisions of RCW 75.20.100 may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

(4) This section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

(5) This section expires on June 30, 1995.

Sec. 39. RCW 75.20.310 and 1988 c 36 s 39 are each amended to read as follows:

The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department ~~((of wildlife and the department of fisheries))~~ shall ~~((cooperatively))~~ operate and maintain a fish collection facility on the Toutle river. ~~((Each agency shall share in the cost of operating and maintaining the facility.))~~

Sec. 40. RCW 75.24.065 and 1985 c 256 s 2 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The department ~~((of fisheries))~~ shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

Sec. 41. RCW 75.25.005 and 1989 c 305 s 1 are each amended to read as follows:

The following recreational fishing licenses are administered and issued by the department ~~((of fisheries))~~ under authority of the director ~~((of fisheries))~~:

(1) Hood Canal shrimp license;

(2) Razor clam license;

(3) Personal use fishing license;

(4) Salmon license; and

(5) Sturgeon license.

Sec. 42. RCW 75.25.080 and 1989 c 305 s 4 are each amended to read as follows:

(1) It is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit issued by the director.

(2) An application for a physical disability permit must be submitted on a department ((of fisheries)) official form and must be accompanied by a licensed medical doctor's certification of disability.

Sec. 43. RCW 75.25.170 and 1989 c 305 s 16 are each amended to read as follows:

Fees received for recreational licenses required under this chapter shall be deposited in the general fund and shall be appropriated for management, enhancement, research, and enforcement purposes of the shellfish, salmon, and marine fish programs of the department ((of fisheries)).

Sec. 44. RCW 75.25.180 and 1989 c 305 s 14 are each amended to read as follows:

Recreational licenses issued by the department ((of fisheries)) under this chapter are valid for the following periods:

(1) Recreational licenses issued without charge to persons designated by this chapter are valid:

(a) For life for blind persons;

(b) For the period of continued state residency for qualified disabled veterans;

(c) For the period of continued state residency for persons sixty-five years of age or more;

(d) For the period of the disability for persons with a developmental disability;

(e) For life for handicapped persons confined to a wheelchair who have been issued a permanent disability card; and

(f) Until a child reaches fifteen years of age.

(2) Two-consecutive-day personal use licenses expire at midnight on the day following the validation date written on the license by the license dealer, except two-consecutive-day personal use licenses validated for December 31 expire at midnight on that date.

(3) An annual salmon license is valid for a maximum catch of fifteen salmon, after which another salmon license may be purchased. A salmon license is valid only for the calendar year for which it is issued.

(4) An annual sturgeon license is valid for a maximum catch of fifteen sturgeon. A sturgeon license is valid only for the calendar year for which it is issued.

(5) All other recreational licenses are valid for the calendar year for which they are issued.

Sec. 45. RCW 75.50.010 and 1985 c 458 s 1 are each amended to read as follows:

Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department ((of fisheries)) is directed to dedicate its efforts ((to make increasing the productivity of the salmon resource a first priority and)) to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

Sec. 46. RCW 75.50.070 and 1989 c 426 s 1 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the department ((of fisheries)). The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

Sec. 47. RCW 75.50.080 and 1989 c 426 s 4 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020, shall seek to:

- (1) Enhance the salmon resource of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon resource for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon catch by the year 2000 under chapter 214, Laws of 1988; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department ((of fisheries)).

Sec. 48. RCW 75.50.130 and 1992 c 88 s 1 are each amended to read as follows:

The director ((of fisheries)) shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

Sec. 49. RCW 75.52.010 and 1988 c 36 s 41 are each amended to read as follows:

The fish and ((game)) wildlife resources of the state benefit by the contribution of volunteer recreational and commercial fishing organizations, schools, and other volunteer groups in cooperative projects under agreement with the department ((of fisheries or the department of wildlife)). These projects provide educational opportunities, improve the communication between the natural resources agencies and the public, and increase the fish and game resources of the state. In an effort to increase these benefits and realize the full potential of cooperative projects, the department ((of fisheries and the department of wildlife each)) shall administer a cooperative fish and wildlife enhancement program and enter agreements with volunteer groups relating to the operation of cooperative projects.

Sec. 50. RCW 75.52.020 and 1988 c 36 s 42 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department ((of fisheries or the department of wildlife)) relating to a cooperative fish or ((game)) wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and ((game)) wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(3) "Department" means ((either)) the department of ((fisheries or the department of)) fish and wildlife((, whichever is responsible for managing the species of fish or game most affected by the cooperative project)).

Sec. 51. RCW 75.52.035 and 1987 c 48 s 1 are each amended to read as follows:

The department ((of fisheries)) may authorize the sale of surplus salmon eggs and carcasses by permitted cooperative projects for the purposes of defraying the expenses of the cooperative project. In no instance shall the department allow a profit to be realized through such sales. The department shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 52. RCW 75.52.100 and 1989 c 85 s 3 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the ((state)) department ((of fisheries)). The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW to assist in the planning, construction, and operation of the spawning channel.

Sec. 53. RCW 75.52.110 and 1989 c 85 s 4 are each amended to read as follows:

The department ((of fisheries)) shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department ((of fisheries)), national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130. The technical committee will be guided by a policy committee, also to be chaired by the department ((of fisheries)), which shall consist of not more than six members: One representative from the department ((of fisheries)), one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130. The policy committee shall present a progress report to the senate and house of representatives natural resources and environment committees by January 1, 1990, and shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120.

Sec. 54. RCW 75.52.160 and 1989 c 85 s 10 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 not be met, the department ((of fisheries)) shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

Sec. 55. RCW 75.58.010 and 1988 c 36 s 43 are each amended to read as follows:

(1) The director of agriculture and the director ((of fisheries)) shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department ((of fisheries)) under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The director ((of fisheries)) shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department ((of fisheries)) by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 constitute the only authorities of the department ((of fisheries)) to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department ((of fisheries)), and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department ((of fisheries)) from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) It is unlawful for any person to violate the rules adopted under subsection (2) or (3) of this section or to violate RCW 75.58.040.

(5) In administering the program established under this section, the department ((of fisheries)) shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department ((of fisheries, the department of wildlife,)) or other fish-rearing entities.

Sec. 56. RCW 75.58.020 and 1985 c 457 s 9 are each amended to read as follows:

The directors of agriculture and ((fisheries)) fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010. The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010.

Sec. 57. RCW 75.58.030 and 1988 c 36 s 44 are each amended to read as follows:

(1) The director ((of fisheries)) shall consult regarding the disease inspection and control program established under RCW 75.58.010 with ((the department of wildlife,)) federal agencies((,)) and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director (~~(of fisheries)~~) may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director (~~(of fisheries)~~) shall provide for the creation and distribution of a roster of biologists having a specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

Sec. 58. RCW 75.58.040 and 1988 c 36 s 45 are each amended to read as follows:

All aquatic farmers as defined in RCW 15.85.020 shall register with the department (~~(of fisheries)~~). The director shall develop and maintain a registration list of all aquaculture farms. Registered aquaculture farms shall provide the department production statistical data. The state veterinarian (~~(and the department of wildlife)~~) shall be provided with registration and statistical data by the department.

Sec. 59. RCW 77.04.020 and 1987 c 506 s 4 are each amended to read as follows:

The department (~~(of wildlife)~~) consists of the state fish and wildlife commission and the director (~~(of wildlife)~~). The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed pursuant to RCW 77.04.055.

Sec. 60. RCW 77.04.030 and 1987 c 506 s 5 are each amended to read as follows:

The state wildlife commission consists of (~~(six)~~) nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large effective July 1, 1993; one of whom shall serve a one and one-half year term to end December 31, 1994; one of whom shall serve a three and one-half year term to end December 31, 1996; and one of whom shall serve a five and one-half year term to end December 31, 1998. Thereafter all members are to serve a six-year term. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 61. RCW 77.04.040 and 1987 c 506 s 6 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of game fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of game fish and wildlife. Persons eligible for appointment as wildlife commissioners shall not have a monetary interest in any private business that is involved with consumptive or nonconsumptive use of game fish or wildlife.

Sec. 62. RCW 77.04.055 and 1990 c 84 s 2 are each amended to read as follows:

(1) (~~(In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate wildlife and wildlife habitat. The commission shall maximize hunting and fishing recreational opportunities)~~) In establishing policies to preserve, protect, and perpetuate wildlife, game fish, and wildlife and game fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing game fish and wildlife policies.

The commission shall maximize game fish, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

Sec. 63. RCW 77.04.060 and 1987 c 506 s 8 and 1987 c 114 s 1 are each reenacted and amended to read as follows:

The commission shall hold at least one regular meeting during the first two months of each calendar quarter, and special meetings when called by the (~~(chairman or)~~) chair and by (~~(four)~~) five members. (~~(Four)~~) Five members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Sec. 64. RCW 77.04.080 and 1987 c 506 s 9 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of fish and wildlife. The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

Sec. 65. RCW 77.04.100 and 1985 c 208 s 2 are each amended to read as follows:

The director (~~(, in cooperation with the director of fisheries)~~) shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3).

Sec. 66. RCW 77.08.010 and 1989 c 297 s 7 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.
- (6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries (~~(commission))~~ service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.
- (12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.
- (13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.
- (14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.
- (15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.
- (16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director (~~(of fisheries)~~). The term "wildlife" includes all stages of development and the bodily parts of wildlife members.
- (17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).
- (18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.
- (19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

- (20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.
- (21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.
- (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.
- (23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.
- (24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.
- (25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.
- (26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.
- (27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

Sec. 67. RCW 77.12.055 and 1988 c 36 s 50 are each amended to read as follows:

- (1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.
- (2) Wildlife agents are peace officers.
- (3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department ((of wildlife)) and another agency.
- (4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 68. RCW 77.12.103 and 1989 c 314 s 3 are each amended to read as follows:

- (1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.
- (2) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.12.101 for willful misconduct or gross negligence in the performance of his or her duties.
- (3) The director ((of wildlife)), the fish and wildlife commission, or the department ((of wildlife)) may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with wildlife offenses.

Sec. 69. RCW 77.12.440 and 1987 c 506 s 47 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. Sec. 777). The department ((of wildlife and the department of fisheries)) shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 70. RCW 77.12.710 and 1990 c 110 s 2 are each amended to read as follows:

The legislature hereby directs the department ((of wildlife)) to determine the feasibility and cost of doubling the state-wide game fish production by the year 2000. The department shall seek to equalize the effort and investment expended on anadromous and resident game fish programs. The department ((of wildlife)) shall provide the legislature with a specific plan for legislative approval that will outline the feasibility of increasing game fish production by one hundred percent over current levels by the year 2000. The plan shall contain specific provisions to increase both hatchery and naturally spawning game fish to a level that will support the production goal established in this section consistent with ((wildlife commission)) department policies. Steelhead trout, searun cutthroat trout, resident trout, and warmwater fish producing areas of the state shall be included in the plan. The department ((of wildlife)) shall provide the plan to the house of representatives and senate ways and means, environment and natural resources, environmental affairs, fisheries and wildlife, and natural resources committees by December 31, 1990.

The plan shall include the following critical elements:

- (1) Methods of determining current catch and production, and catch and production in the year 2000;
- (2) Methods of involving fishing groups, including Indian tribes, in a cooperative manner;
- (3) Methods for using low capital cost projects to produce game fish as inexpensively as possible;
- (4) Methods for renovating and modernizing all existing hatcheries and rearing ponds to maximize production capability;
- (5) Methods for increasing the productivity of natural spawning game fish;
- (6) Application of new technology to increase hatchery and natural productivity;
- (7) Analysis of the potential for private contractors to produce game fish for public fisheries;
- (8) Methods to optimize public volunteer efforts and cooperative projects for maximum efficiency;
- (9) Methods for development of trophy game fish fisheries;
- (10) Elements of coordination with the Pacific Northwest Power Council programs to ensure maximum Columbia river benefits;
- (11) The role that should be played by private consulting companies in developing and implementing the plan;
- (12) Coordination with federal fish and wildlife agencies, Indian tribes, and department ((of fisheries)) fish production programs;
- (13) Future needs for game fish predator control measures;
- (14) Development of disease control measures;
- (15) Methods for obtaining access to waters currently not available to anglers; and
- (16) Development of research programs to support game fish management and enhancement programs.

The department ((of wildlife)), in cooperation with the department of revenue, shall assess various funding mechanisms and make recommendations to the legislature in the plan. The department ((of wildlife)), in cooperation with the department of trade and economic development, shall prepare an analysis of the economic benefits to the state that will occur when the game fish production is increased by one hundred percent in the year 2000.

Sec. 71. RCW 77.12.730 and 1990 c 195 s 3 are each amended to read as follows:

(1) A ten-member firearms range advisory committee is hereby created to provide advice and counsel to the interagency committee for outdoor recreation. The members shall be appointed by the director of the interagency committee for outdoor recreation from the following groups:

- (a) Law enforcement;
- (b) Washington military department;
- (c) Black powder shooting sports;
- (d) Rifle shooting sports;
- (e) Pistol shooting sports;
- (f) Shotgun shooting sports;
- (g) Archery shooting sports;
- (h) Hunter education;
- (i) Hunters; and
- (j) General public.

(2) The firearms range advisory committee members shall serve two-year terms with five new members being selected each year beginning with the third year of the committee's existence. The firearms range advisory committee members shall not receive compensation from the firearms range account. However, travel and per diem costs shall be paid consistent with regulations for state employees.

(3) The interagency committee for outdoor recreation shall provide administrative, operational, and logistical support for the firearms range advisory committee. Expenses directly incurred for supporting this program may be charged by the interagency committee for outdoor recreation against the firearms range account. Expenses shall not exceed ten percent of the yearly income for the range account.

(4) The interagency committee for outdoor recreation shall in cooperation with the firearms range advisory committee:

- (a) Develop an application process;
- (b) Develop an audit and accountability program;
- (c) Screen, prioritize, and approve grant applications; and
- (d) Monitor compliance by grant recipients.

(5) The department of natural resources, the department of fish and wildlife, and the Washington military department are encouraged to provide land, facilitate land exchanges, and support the development of shooting range facilities.

Sec. 72. RCW 77.12.750 and 1992 c 63 s 13 are each amended to read as follows:

(1) The department ((of wildlife)) shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

- Appoint a representative to the coordinating council;
- Develop project proposals;

Administer project activities within the agency;
Develop appropriate procedures for the use of volunteers;
Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;
Maintain project records and provide project reports;
Apply for and accept grants or contributions for corps approved projects; and
With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.
(2) The department shall not use corps volunteers to displace currently employed workers.

Sec. 73. RCW 77.16.060 and 1987 c 506 s 61 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by the commission or director (~~(of fisheries)~~). Game fish taken incidental to a lawful season established by the director (~~(of fisheries)~~) shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 74. RCW 77.16.135 and 1991 c 211 s 1 are each amended to read as follows:

(1) The director shall revoke all licenses and privileges extended under Title 77 RCW of a person convicted of assault on a state wildlife agent or other law enforcement officer provided that:

(a) The wildlife agent or other law enforcement officer was on duty at the time of the assault; and
(b) The wildlife agent or other law enforcement officer was enforcing the provisions of Title 77 RCW.

(2) For the purposes of this section, the definition of assault includes:

(a) RCW 9A.32.030; murder in the first degree;
(b) RCW 9A.32.050; murder in the second degree;
(c) RCW 9A.32.060; manslaughter in the first degree;
(d) RCW 9A.32.070; manslaughter in the second degree;
(e) RCW 9A.36.011; assault in the first degree;
(f) RCW 9A.36.021; assault in the second degree; and
(g) RCW 9A.36.031; assault in the third degree.

(3) For the purposes of this section, a conviction includes:

(a) A determination of guilt by the court;
(b) The entering of a guilty plea to the charge or charges by the accused;
(c) A forfeiture of bail or a vacation of bail posted to the court; or
(d) The imposition of a deferred or suspended sentence by the court.

(4) No license described under Title 77 RCW shall be reissued to a person violating this section for a minimum of ten years, at ~~(that which)~~ which time a person may petition the director (~~(of wildlife)~~) for a reinstatement of his or her license or licenses. The ten-year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section. Upon review by the director, and if all provisions of the court that imposed sentencing have been completed, the director may reinstate in whole or in part the licenses and privileges under Title 77 RCW.

Sec. 75. RCW 77.16.170 and 1988 c 36 s 51 are each amended to read as follows:

It is unlawful to take a wild animal from another person's trap without permission, or to spring, pull up, damage, possess, or destroy the trap; however, it is not unlawful for a property owner, lessee, or tenant to remove a trap placed on the owner's, lessee's, or tenant's property by a trapper.

Trappers shall attach to the chain of their traps or devices a legible metal tag with either the department (~~(of wildlife)~~) identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

When an individual presents a trapper identification number to the department (~~(of wildlife)~~) and requests identification of the trapper, the department (~~(of wildlife)~~) shall provide the individual with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department (~~(of wildlife)~~) shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed.

Sec. 76. RCW 77.18.010 and 1991 c 253 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the (~~Washington~~) department of fish and wildlife.

(2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

(3) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

(4) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(5) "Person" means a natural person, corporation, trust, or other legal entity.

Sec. 77. RCW 77.32.380 and 1991 sp.s. c 7 s 12 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ten dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use department lands and access facilities when accompanied by the license holder.

Youth groups may use department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified department (~~(of wildlife)~~) lands shall exhibit the required license.

NEW SECTION. Sec. 78. A new section is added to chapter 77.12 RCW to read as follows:

Steelhead trout shall be managed solely as a recreational fishery for non-Indian fishermen under the rule-setting authority of the fish and wildlife commission.

Commercial non-Indian steelhead fisheries are not authorized.

NEW SECTION. Sec. 79. On July 1, 1994, the state treasurer shall follow the recommendations of the director of financial management on the disbursement of funds from the state wildlife fund to the department of fish and wildlife solely for the purposes of funding programs for wildlife and game fish. Funds from the state wildlife fund shall be used only for the department of fish and wildlife after June 30, 1994.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

(1) RCW 43.131.375 and 1991 c 253 s 5; and

(2) RCW 43.131.376 and 1991 c 253 s 6.

NEW SECTION. Sec. 81. Sections 1 through 6 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 82. The legislature finds that recreational fishing opportunities for salmon and marine bottomfish have been dwindling in recent years. It is important to restore diminished recreational fisheries and to enhance the salmon and marine bottomfish resource to assure sustained productivity. Investments made in recreational fishing programs will repay the people of the state many times over in increased economic activity and in an improved quality of life.

NEW SECTION. Sec. 83. There is created within the department of fish and wildlife the Puget Sound recreational salmon and marine fish enhancement program. The department of fish and wildlife shall identify a coordinator for the program who shall act as spokesperson for the program and shall:

(1) Coordinate the activities of the Puget Sound recreational salmon and marine fish enhancement program, including the Lake Washington salmon fishery;

(2) Provide reports as needed to the legislature and the public; and

(3) Work within and outside of the department to achieve the goals stated in this chapter.

NEW SECTION. Sec. 84. The department shall: Develop a short-term program of hatchery-based salmon enhancement using freshwater pond sites for the final rearing phase; solicit support from cooperative projects, regional enhancement groups, and other supporting organizations; conduct comprehensive research on resident and migratory salmon production opportunities; and conduct research on marine bottomfish production limitations and on methods for artificial propagation of marine bottomfish.

Long-term responsibilities of the department are to: Fully implement enhancement efforts for Puget Sound and Hood Canal resident salmon and marine bottomfish; identify opportunities to reestablish salmon runs into areas where they no longer exist; encourage naturally spawning salmon populations to develop to their fullest extent; and fully utilize hatchery programs to improve recreational fishing.

NEW SECTION. Sec. 85. The department shall seek recommendations from persons who are expert on the planning and operation of programs for enhancement of recreational fisheries. The department shall fully use the

expertise of the University of Washington college of fisheries and the sea grant program to develop research and enhancement programs.

NEW SECTION. Sec. 86. The department shall develop new locations for the freshwater rearing of delayed-release chinook salmon. In calendar year 1994, at least one freshwater pond chinook salmon rearing site shall be developed and begin production in each of the following areas: South Puget Sound, central Puget Sound, north Puget Sound, and Hood Canal. Natural or artificial pond sites shall be preferred to net pens due to higher survival rates experienced from pond rearing. Rigorous predatory bird control measures shall be implemented. The goal of the program is to increase the production and planting of delayed release chinook salmon to a level of three million fish annually by the year 2000.

NEW SECTION. Sec. 87. The department shall conduct research, develop methods, and implement programs for the artificial rearing and release of marine bottomfish species. Lingcod, halibut, rockfish, and Pacific cod shall be the species of primary emphasis due to their importance in the recreational fishery.

NEW SECTION. Sec. 88. The department shall undertake additional research to more fully evaluate improved enhancement techniques, hooking mortality rates, methods of mass marking, improvement of catch models, and sources of marine bottomfish mortality. Research shall be designed to give the best opportunity to provide information that can be applied to real-world recreational fishing needs.

NEW SECTION. Sec. 89. The department shall work with the department of ecology, the department of wildlife, and local government entities to streamline the siting process for new enhancement projects. The department is encouraged to work with the legislature to develop statutory changes that enable expeditious processing and granting of permits for fish enhancement projects.

NEW SECTION. Sec. 90. The department's information and education section shall develop a public awareness program designed to educate the public on the elements of the recreational fishing program and to recruit volunteers to assist the department in implementing recreational fishing projects. Economic benefits of the program shall be emphasized.

NEW SECTION. Sec. 91. The department shall increase efforts to document the effects of bird predators, harbor seals, sea lions, and predatory fish upon the salmon and marine fish resource. Every opportunity shall be explored to convince the federal government to amend the marine mammal protection act to allow for balanced management of predators, as well as to work with the United States fish and wildlife service to achieve workable control measures for predatory birds.

NEW SECTION. Sec. 92. Indian tribal fishing interests and non-Indian commercial fishing groups shall be invited to participate in development of plans for selective fisheries that target hatchery-produced fish and minimize catch of naturally spawned fish. In addition, talks shall be initiated on the feasibility of altering the rearing programs of department hatcheries to achieve higher survival and greater production of chinook and coho salmon.

NEW SECTION. Sec. 93. The department shall coordinate the sport fishing program with the wild stock initiative to assure that the two programs are compatible and potential conflicts are avoided.

NEW SECTION. Sec. 94. The department shall develop plans for increased recreational access to salmon and marine fish resources. Proposals for new boat launching ramps and pier fishing access shall be developed.

NEW SECTION. Sec. 95. The department shall contract with private consultants, aquatic farms, or construction firms, where appropriate, to achieve the highest benefit-to-cost ratio for recreational fishing projects.

NEW SECTION. Sec. 96. The requirements and provisions of this chapter are to be performed in addition to and not at the expense of existing salmon programs of the department. Nothing in this chapter shall be construed to authorize the department to advocate or to improve recreational fishing at the expense of commercial fishing or to increase recreational enhancement to the detriment of commercial enhancement.

NEW SECTION. Sec. 97. Beginning January 1, 1994, persons who recreationally fish for salmon or marine bottomfish in marine area codes 5 through 13 and Lake Washington shall be assessed an annual recreational surcharge of ten dollars, in addition to other licensing requirements. Funds from the surcharge shall be deposited in the recreational fisheries enhancement account created in section 98 of this act, except that the first five hundred

thousand dollars shall be deposited in the general fund before June 30, 1995, to repay the appropriation made by section 104, chapter, Laws of 1993 (section 104 of this act).

NEW SECTION. Sec. 98. The recreational fisheries enhancement account is created in the state treasury. All receipts from section 97 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

NEW SECTION. Sec. 99. A new section is added to chapter 75.08 RCW to read as follows:
The department may adopt rules pertaining to harvest of fish and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

NEW SECTION. Sec. 100. The department shall develop and present to the legislature, no later than January 1, 1994, proposed legislation for a recreational fishing capital facilities improvement program financed through general obligation bonds.

NEW SECTION. Sec. 101. (1) As used in sections 82 through 100 of this act, "department of fish and wildlife" means the department of fisheries.
(2) This section expires June 30, 1994.

NEW SECTION. Sec. 102. Sections 1 through 6, 8 through 59, and 61 through 79 of this act shall take effect July 1, 1994.

NEW SECTION. Sec. 103. Sections 83 through 98 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 104. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the recreational fisheries enhancement account created in section 98 of this act for the purpose of achieving early implementation of this act. Funds appropriated by this section shall be repaid to the general fund from the proceeds of the surcharge established in section 97 of this act. Repayment shall occur before June 30, 1995.

NEW SECTION. Sec. 105. Sections 7, 60, 80, and 82 through 100 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 106. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representative Anderson spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

On motion of Representative J. Kohl, Representatives Mastin, Grant and Peery were excused.

On motion of Representative Wood, Representatives Cooke, Stevens, Dyer and Schmidt were excused.

Representative Reams spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Anderson yielded to a question by Representative King.

Representative King: Representative Anderson, what role do you visualize the wildlife commission will play in the development of the new combined agency?

Representative Anderson: Thank you Representative. I see the commission, especially the way the striking amendment was written, the commission acting as a forum around the state to give all stake-holders a role and a voice in how this new department is going to come together. The commission will play an important role in this whole process.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2055.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2055, and the bill passed the House by the following vote: Yeas - 89, Nays - 2, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Fuhrman and Morton - 2.

Absent: Representative Scott - 1.

Excused: Representatives Dyer, Grant, Mastin, Peery, Schmidt and Stevens - 6.

Engrossed Substitute House Bill No. 2055, having received the constitutional majority, was declared passed.

With the consent of the House, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5925, by Senator Snyder

Allowing lodging tax for counties with national monuments.

Representative Lemmon moved adoption of the following amendment by Representatives Lemmon, Edmondson and Rayburn:

On page 2, line 34, after "~~two~~" strike "up to five" and insert "three"

Representative Lemmon spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Sheldon, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5925 as amended by the House.

Representatives Holm and Edmondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5925, as amended by the House, and the bill passed the House by the following vote: Yeas - 74, Nays - 18, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brumsickle, Campbell, Carlson, Chandler, Chappell, Cole, G., Conway, Cooke, Dellwo, Dorn, Dunshee, Edmondson, Eide,

Fisher, G., Fisher, R., Flemming, Foreman, Forner, Hansen, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mielke, Miller, Morris, Myers, H., Ogden, Orr, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Scott, Sehlín, Sheldon, Silver, Sommers, Springer, Talcott, Thomas, Valle, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 74.

Voting nay: Representatives Brown, Casada, Cothorn, Finkbeiner, Fuhrman, Heavey, Meyers, R., Morton, Padden, Romero, Rust, Schoesler, Sheahan, Shin, Tate, Thibaudeau, Vance and Wang - 18.

Excused: Representatives Dyer, Grant, Mastin, Peery, Schmidt and Stevens - 6.

Engrossed Senate Bill No. 5925, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative R. Meyers presiding) declared the House to be at ease until 5:00 p.m.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8414,
SENATE CONCURRENT RESOLUTION NO. 8415,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative J. Kohl, the House adjourned until 10:00 a.m., Friday April 30, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FOURTH DAY, April 29, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 30, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Flemming presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Caileen Monahan and Nathan Hunt. Prayer was offered by Representative Casada.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

With the consent of the House, the House advanced to the eighth order of business.

MOTION

On motion of Representative Sommers the Rules committee was relieved of Substitute House Bill No. 1969 and House Bill No. 2114 and the bills were placed on the second reading calendar.

With the consent of the House, the House reverted to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1969, by Representatives Wang, Locke, Silver, Wineberry, Sommers, Forner, Kremen, Jones, Springer, Patterson, Ogden and J. Kohl

Creating the "Washington serves" voluntary service program.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1969.

Representatives Wang and Wood spoke in favor of passage of the bill.

On motion of Representative Wood, Representative Dyer was excused.

On motion of Representative J. Kohl, Representatives Peery, Grant, Mastin, Wineberry, Lemmon and Valle were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1969, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Lisk, Locke, Long, Ludwig, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wang, Wolfe, Wood, Zellinsky and Mr. Speaker - 91.

Excused: Representatives Dyer, Grant, Leonard, Mastin, Peery, Valle and Wineberry - 7.

Substitute House Bill No. 1969, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease until 12:30 p.m.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 30, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5717,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
SUBSTITUTE SENATE BILL NO. 5968,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

With the consent of the House, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 5717 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management)

Adopting the capital budget.

ESSB 5967 by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Governor Lowry)

Increasing state revenues.

SSB 5968 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and Gaspard; by request of Office of Financial Management)

Making appropriations.

MOTION

On motion of Representative Sommers, the rules were suspended, and the bills on today's introduction sheet were advanced to the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Representative Sommers moved that the House consider the following bills in the following order: Substitute Senate Bill No. 5968, Engrossed Substitute Senate Bill No. 5967 and Substitute Senate Bill No. 5171. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5968, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and Gaspard; by request of Office of Financial Management)

Making appropriations.

The bill was read the second time.

Representative Locke moved adoption of the following amendment by Representative Locke:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1994" or "FY 1994" means the fiscal year ending June 30, 1994.

(b) "Fiscal year 1995" or "FY 1995" means the fiscal year ending June 30, 1995.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 50,119,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 35,621,000

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,085,000

The appropriation in this section is subject to the following conditions and limitations: \$18,800 is provided solely for the legislative budget committee to conduct an examination of the department of veteran's affairs, the Washington soldiers' home, and the Washington veterans' home to implement Engrossed House Bill No. 1437 to the extent permitted by the amount provided.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,412,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense

Fund Appropriation \$ 1,649,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$150,000 is provided solely for an actuarial study of local government liabilities for law enforcement officers' and fire fighters' retirement system medical benefits.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 9,380,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 6,415,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided for the expenses of the law revision commission under chapter 1.30 RCW.

NEW SECTION. Sec. 108. FOR THE SUPREME COURT

General Fund Appropriation \$ 9,870,000

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,200,000

NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 17,123,000

NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 1,033,000

NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 24,327,000

Public Safety and Education Account Appropriation \$ 37,195,000

Judicial Information System Account Appropriation \$ 655,000

Drug Enforcement and Education Account Appropriation \$ 6,992,000

TOTAL APPROPRIATION \$ 69,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,107,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) The entire drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(3) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(4) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(5) \$9,820,000 of the public safety and education account appropriation is provided solely for the indigent appeals program.

NEW SECTION. Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 6,476,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$450,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION. Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 456,000

NEW SECTION. Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 2,067,000

NEW SECTION. Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,193,000

Archives and Records Management Account

Appropriation \$ 3,122,000

Department of Personnel Service Fund

Appropriation \$ 391,000

Savings Recovery Account Appropriation \$ 412,000

TOTAL APPROPRIATION \$ 12,118,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,532 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,095,465 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) \$200,000 of the department of personnel service fund appropriation is provided solely for the implementation of the citizen suggestion program. If Engrossed Substitute House Bill No. 1739 is not enacted by June 30, 1993, \$200,000 of the department of personnel service fund appropriation shall lapse.

NEW SECTION. Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 302,000

NEW SECTION. Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 340,000

NEW SECTION. Sec. 119. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 8,940,000

TOTAL APPROPRIATION \$ 8,984,000

The appropriations in this section are subject to the following conditions and limitations: \$284,000 of the state treasurer's service account appropriation is provided solely for the information systems project known as "upgrade mainframe." Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 120. FOR THE STATE AUDITOR

General Fund--State Appropriation \$ 174,000

General Fund--Federal Appropriation \$ 158,000

Motor Vehicle Fund Appropriation \$ 335,000

Municipal Revolving Fund Appropriation \$ 23,297,000

Auditing Services Revolving Fund Appropriation \$ 11,222,000

TOTAL APPROPRIATION \$ 35,186,000

The appropriations in this section are subject to the following conditions and limitations: \$174,000 of the general fund--state appropriation is provided solely to implement sections 3 and 4 of Engrossed Substitute House Bill No. 1372 (accountability task force). If sections 3 and 4 of Engrossed Substitute House Bill No. 1372 are not enacted by June 30, 1993, \$174,000 of the general fund--state appropriation shall lapse.

NEW SECTION. Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 67,000

NEW SECTION. Sec. 122. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation \$ 5,840,000

General Fund--Federal Appropriation \$ 1,631,000

Public Safety and Education Account Appropriation \$ 1,244,000

Health Services Account Appropriation \$ 700,000

Legal Services Revolving Fund Appropriation \$ 96,367,000

Motor Vehicle Fund Appropriation \$ 743,000

New Motor Vehicle Arbitration Account Appropriation \$ 1,780,000

TOTAL APPROPRIATION \$ 108,305,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the

office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,210,000 of the public safety and education account appropriation and \$406,000 of the general fund--state appropriation are provided solely for the attorney general's criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

NEW SECTION. Sec. 123. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 818,000

NEW SECTION. Sec. 124. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ 19,092,000

General Fund--Federal Appropriation \$ 916,000

Motor Vehicle Fund Appropriation \$ 109,000

Department of Personnel Service Fund Appropriation \$ 714,000

Health Systems Capacity Account Appropriation \$ 250,000

TOTAL APPROPRIATION \$ 21,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$714,000 of the department of personnel service fund appropriation is provided solely for labor negotiation services required by Engrossed Substitute House Bill No. 2054 (civil service reform). If Engrossed Substitute House Bill No. 2054 is not enacted by June 30, 1993, \$714,000 of the department of personnel service fund appropriation shall lapse.

(2) \$200,000 of the general fund--state appropriation is provided solely for support of the governor's task force on regulatory reform which shall report its recommendations for minimizing the impacts of state administrative and regulatory processes on small business by November 30, 1994.

(3) The office of financial management shall evaluate the extent to which state employees could receive more efficient and less expensive service, as well as increased flexibility and return on their investments, from a deferred compensation program contracted with a private organization, and shall report its findings and recommendations to the legislature by December 1, 1993.

(4) The efficiency commission shall undertake studies to determine the most effective means of delivering services currently provided by the state printer and the department of general administration's central stores.

(5) \$160,000 of the general fund--state appropriation is provided solely to implement the state-wide justice system information strategic plan.

(6) The office of financial management shall report to the fiscal committees of the house of representatives and the senate by February 15 of each year, the total number of state employees for the prior calendar year. The report shall include a summary of the highest monthly total of employees of each agency. The report shall note the number of employees of each agency paid from state general funds and from other fund sources.

NEW SECTION. Sec. 125. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund

Appropriation \$ 12,189,000

The appropriation in this section is subject to the following conditions and limitations: \$655,000 of the appropriation is provided to address increased workload, but may be expended only if the office works in conjunction with the attorney general and other involved agencies to improve the efficiency and cost-effectiveness of administrative appeals processing by such measures as using teleconferencing and, where parties are represented by counsel, having counsel prepare findings of fact and conclusions of law.

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ 16,100,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$600,000 of the appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.

NEW SECTION. Sec. 127. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account Appropriation \$ 382,000

NEW SECTION. Sec. 128. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 20,262,000

NEW SECTION. Sec. 129. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 380,000

NEW SECTION. Sec. 130. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 290,000

NEW SECTION. Sec. 131. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation \$ 1,557,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 31,675,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,530,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project including an assessment of the savings the department is likely to achieve as a result of this project by January 15, 1994.

(2) \$1,136,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the office of financial management on the status of this project by January 15, 1995.

(3) \$404,000 is provided solely for the increased workload resulting from the *Bowles* decision.

(4) \$382,000 is provided solely for the temporary increase in workload resulting from 1993 legislation providing for early retirement. If House Bill No. 2122 (early retirement) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) The appropriation contains sufficient funds to implement the provisions of House Bill No. 2028 (restoration notification).

(6) The department shall adjust the retirement systems administrative rate during the 1993-95 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding of a study of LEOFF Plan I medical liabilities by the office of the state actuary.

(7) The department shall reduce its administrative charge rate from .22 percent to .17 percent for the 1993-95 biennium.

NEW SECTION. Sec. 133. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ 7,110,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 122,694,000

Timber Tax Distribution Account Appropriation \$ 4,387,000

State Toxics Control Account Appropriation \$ 77,000

Solid Waste Management Account Appropriation \$ 90,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ 237,000

Vehicle Tire Recycling Account Appropriation \$ 129,000

Air Operating Permit Account Appropriation \$ 36,000

State Oil Spill Administration Account Appropriation \$ 20,000

Litter Control Account Appropriation \$ 97,000

TOTAL APPROPRIATION \$ 127,767,000

The appropriations in this section are subject to the following conditions and limitations: \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management". Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 135. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,357,000

NEW SECTION. Sec. 136. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,943,000

NEW SECTION. Sec. 137. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 54,000

NEW SECTION. Sec. 138. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Minority and Women's Business Revolving Fund Account

Appropriation \$ 2,116,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ 393,000

General Fund--Federal Appropriation \$ 1,307,000

General Fund--Private/Local Appropriation \$ 392,000

Risk Management Account Appropriation \$ 2,249,000

State Capitol Vehicle Parking Account Appropriation \$ 739,000

Motor Transport Account Appropriation \$ 11,034,000

Air Pollution Control Account Appropriation \$ 149,000

Central Stores Revolving Account Appropriation \$ 4,281,000

General Administration Facilities and Services

Revolving Fund Appropriation \$ 20,919,000

TOTAL APPROPRIATION \$ 41,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.

(2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.

(4) \$35,000 of the air pollution control account appropriation is provided solely for the purpose of hiring one full-time equivalent employee to develop procurement specifications consistent with the requirements of RCW 43.19.570, the national energy policy act of 1992, and to the extent possible, with the procurement specifications of other states. If matching funds are not provided by the alternative fuels industry by July 1, 1993, the amount provided in this subsection shall lapse.

(5) The department shall develop a plan for the removal and relocation of the murals in the chambers of the Washington state house of representatives and shall implement the plan by January 1, 1994. The department shall work with the Washington state arts commission to determine a new location for the murals.

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ 3,521,000

NEW SECTION. Sec. 141. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation \$ 18,190,000

General Fund--Federal Appropriation \$ 104,000

TOTAL APPROPRIATION \$ 18,294,000

The appropriations in this section are subject to the following conditions and limitations: \$890,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 142. FOR THE BOARD OF ACCOUNTANCY
Certified Public Accountants' Account Appropriation \$ 1,303,000

NEW SECTION. Sec. 143. FOR THE DEATH INVESTIGATION COUNCIL
Death Investigations Account Appropriation \$ 13,000

NEW SECTION. Sec. 144. FOR THE HORSE RACING COMMISSION
Horse Racing Commission Fund Appropriation \$ 4,947,000

The appropriations in this section are subject to the following conditions and limitations: None of the horse racing commission fund appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION. Sec. 145. FOR THE LIQUOR CONTROL BOARD
Liquor Revolving Fund Appropriation \$ 111,710,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The liquor control board shall conduct a study that identifies possible savings in contracting outbound freight with a single or small number of carriers. The board shall report to the director of financial management and the fiscal committees of the legislature by September 1, 1994, on the findings of the study, including documentation of cost savings.

(2) The appropriation in this section is sufficient to implement Engrossed House Bill No. 1330 (regulating liquor licenses).

NEW SECTION. Sec. 146. FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Public Service Revolving Fund Appropriation \$ 29,855,000
Grade Crossing Protective Fund Appropriation \$ 323,000
TOTAL APPROPRIATION \$ 30,178,000

NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS
Volunteer Fire Fighters' Relief and Pension
Administrative Fund Appropriation \$ 414,000

NEW SECTION. Sec. 148.
FOR THE MILITARY DEPARTMENT
General Fund--State Appropriation \$ 8,404,000
General Fund--Federal Appropriation \$ 8,850,000
General Fund--Private/Local Appropriation \$ 186,000
TOTAL APPROPRIATION \$ 17,440,000

NEW SECTION. Sec. 149. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
General Fund Appropriation \$ 1,782,000
Department of Personnel Service
Account Appropriation \$ 837,000
TOTAL APPROPRIATION \$ 2,619,000

NEW SECTION. Sec. 150. DEPARTMENT OF COMMUNITY AND ECONOMIC RESOURCES. On July 1, 1994, all appropriations and all conditions and limitations contained in sections 216, 301, and 308 of this act shall be provided for the department of community and economic resources. If Engrossed Substitute Senate Bill No. 5868 or substantially similar legislation creating a department of community and economic resources is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS
Securities Regulation Fund Appropriation \$ 3,031,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute House Bill No. 1396, or substantially similar legislation, creating a department of financial institutions is not enacted by July 1, 1993, the securities regulation fund appropriation shall be null and void and the department of licensing general fund--state appropriation shall be increased by \$3,031,000.

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation \$ 292,900,000

General Fund--Federal Appropriation \$ 191,403,000

Drug Enforcement and Education Account Appropriation \$ 3,998,000

TOTAL APPROPRIATION \$ 488,301,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely for the operation of one pediatric interim care program facility.

(2) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) \$6,213,000 of the general fund--state appropriation is provided solely to implement the following programs: \$400,000 of this amount is provided for the medical training project on the evaluation and care of child sexual abuse, \$4,784,000 of this amount is provided for contracts for domestic violence shelters and comprehensive domestic violence service planning, \$2,841,000 of this amount is provided for early identification and treatment of child sexual abuse, and \$782,000 of this amount is provided for sexual assault centers.

(5) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 600,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

(6) \$120,000 is provided solely for the continuation of the counseling position in the Olympia school district project.

(7) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

(8) The department shall reimburse child care providers at the 75th percentile of the 1992 market rate based on the market survey conducted by the department. The revised rate schedule shall be phased-in beginning on December 1, 1993, and shall be fully implemented by May 31, 1994.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 61,514,000

General Fund--Federal Appropriation \$ 6,641,000

Drug Enforcement and Education Account Appropriation \$ 1,762,000

TOTAL APPROPRIATION \$ 69,917,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,700,000 of the general fund--state appropriation is provided solely to expand community programs for youth who are currently being sent to the state institutions.

(b) \$1,797,000 of the general fund--state appropriation is provided solely to increase the following transitional services provided to youths committed to the state: \$1,129,000 is provided for increasing the number of youth trackers and case managers, and \$668,000 is provided for enhanced placement services for hard to place youths.

(c) \$447,000 of the general fund--state appropriation shall be provided for additional certified drug and alcohol counselors for youths in state group homes.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 56,692,000

Drug Enforcement and Education Account Appropriation \$ 940,000

TOTAL APPROPRIATION \$ 57,632,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 2,863,000

General Fund--Federal Appropriation \$ 156,000

Drug Enforcement and Education Account Appropriation \$ 342,000

TOTAL APPROPRIATION \$ 3,361,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 1,296,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation \$ 241,919,000

General Fund--Federal Appropriation \$ 170,120,000

General Fund--Local Appropriation \$ 9,000,000

TOTAL APPROPRIATION \$ 421,039,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund--state appropriation and \$5,409,000 of the general fund--federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of social and health services shall issue practice guidelines to assist mental health regional support networks and providers in determining the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund--state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,200,000 of the general fund--federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 157,421,000

General Fund--Federal Appropriation \$ 70,401,000

General Fund--Local Appropriation \$ 42,498,000

Charitable, Educational, Penal and
Reform Institutions Appropriation \$ 3,000,000
TOTAL APPROPRIATION \$ 273,320,000

The appropriations in this subsection are subject to the following conditions and limitations: The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma pre-release program of the department of corrections.

(3) CIVIL COMMITMENT
General Fund Appropriation \$ 5,718,000
(4) SPECIAL PROJECTS
General Fund--State Appropriation \$ 1,899,000
General Fund--Federal Appropriation \$ 2,946,000
TOTAL APPROPRIATION \$ 4,845,000

(5) PROGRAM SUPPORT
General Fund--State Appropriation \$ 4,977,000
General Fund--Federal Appropriation \$ 1,928,000
TOTAL APPROPRIATION \$ 6,905,000

(6) The appropriations in this section are subject to the following conditions and limitations: General fund--state amounts are provided for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES
General Fund--State Appropriation \$ 205,506,000
General Fund--Federal Appropriation \$ 133,587,000
TOTAL APPROPRIATION \$ 339,093,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,571,000 of the general fund--state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

(b) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programmatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment related work expenses (IRWE).

(c) General fund--state amounts are provided for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(2) INSTITUTIONAL SERVICES
General Fund--State Appropriation \$ 122,881,000
General Fund--Federal Appropriation \$ 167,611,000
General Fund--Local Appropriation \$ 9,143,000
TOTAL APPROPRIATION \$ 299,635,000

(3) PROGRAM SUPPORT
General Fund--State Appropriation \$ 5,951,000
General Fund--Federal Appropriation \$ 1,403,000
TOTAL APPROPRIATION \$ 7,354,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing or consolidating institutional living units, programs, and administrative functions. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual is moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund--state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

(iii) The needs of each institutional resident are assessed to identify the level of support needed to maintain the person in the most normal and least restrictive setting consistent with the person's needs. The secretary shall prioritize placement for those individuals whose needs can be addressed most cost-effectively in community-based settings;

(iv) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs;

(v) The secretary shall report to a legislative oversight committee, appointed by the speaker of the house of representatives and the president of the senate, on a quarterly basis concerning progress of the implementation of the management plan to close Interlake school;

(vi) A report is submitted to the appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4)(a).

(b) In accomplishing any reconfiguration of community residential services and costs, the secretary shall assure that:

(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers;

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level; and

(iii) Reconfigurations are planned locally, involve county developmental disability boards and county governments, and include maximum flexibility to tailor residential support arrangements to fit local resources and opportunities and the needs of individual residents and families.

(c) The secretary shall seek federal approval to expand by at least 500 the number of persons receiving services under federal medicaid home- and community-based services waivers.

(d) The general fund--state and general fund--federal appropriations provide sufficient money to implement Engrossed Substitute House Bill No. 1552 (modifying provisions regarding persons with developmental disabilities).

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation \$ 610,089,000

General Fund--Federal Appropriation \$ 725,550,000

General Fund--Local Appropriation \$ 2,004,000

Health Services Account--State Appropriation \$ 166,000

TOTAL APPROPRIATION \$ 1,337,809,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$2,077,000 of the general fund--state appropriation shall be used solely for the volunteer chore services program.

(2) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The enhancement shall be effective July 1, 1993. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 652,721,000

General Fund--Federal Appropriation \$ 619,262,000

TOTAL APPROPRIATION \$ 1,271,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(2) Of the general fund--state appropriation, no more shall be expended for the state supplementary payment for supplemental security income (SSI) payments than is required to comply with 20 C.F.R. ch. III, s 416.2096(c)(1). The department shall adjust the state supplementary payment in order to comply with this subsection.

(3) \$1,000,000 of the general fund--state appropriation is provided solely to continue the general assistance - unemployable work experience program. All three project sites shall be operated consistent with the lowest cost method of operations of the existing sites.

(4) \$1,000,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1197 (public assistance).

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation \$ 9,761,000

General Fund--Federal Appropriation \$ 65,475,000

Drug Enforcement and Education Account

State Appropriation \$ 72,384,000

TOTAL APPROPRIATION \$ 147,620,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$304,000 of the general fund--federal appropriation is provided to implement three pilot projects involving pretreatment drug and alcohol services for high risk women of child bearing age under Engrossed Senate Bill No. 5522 (high risk pregnancies).

(2) \$10,300,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through RCW 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 1,173,906,000

General Fund--Federal Appropriation \$ 1,833,298,000

General Fund--Local Appropriation \$ 361,996,000

Health Services Account Appropriation \$ 2,337,000

TOTAL APPROPRIATION \$ 3,371,537,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons.

(2) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(3) \$148,000 of the general fund--state appropriation is provided solely to continue the DECODE program.

(4) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(5) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(6) \$1,684,000 of the health services account appropriation is provided solely to expand maternity care to women not meeting medicaid eligibility requirements.

(7) The department shall expand categorical medical eligibility for children through age eighteen to 200 percent of the federal poverty level effective January 1, 1994. Appropriations for the state funds for this expansion are contained in section 216 of this act.

(8) The department shall purchase continued insurance coverage for persons with acquired human immunodeficiency syndrome. The department shall contract to administer the program through a nonprofit entity with experience in administering an insurance continuation program.

(9) \$3,372,000 of the general fund--state appropriation and \$3,586,000 of the general fund--federal appropriation are provided solely for restoring chiropractic services.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation \$ 14,422,000

General Fund--Federal Appropriation \$ 68,994,000

TOTAL APPROPRIATION \$ 83,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,358,000 of the general fund--federal appropriation is provided solely for vocational rehabilitation services for severely handicapped individuals who complete a high school curriculum during the 1993-95 biennium.

(2) General fund--federal amounts are provided for vocational programs as match for state and local appropriations included in other sections of this act to the department of social and health services. The combined general fund--federal and general fund--state appropriations shall be used to provide employment opportunities for

groups of individuals with severe disabilities, based on agreements developed with mental health regional support networks and community developmental disabilities programs.

(3) The division of vocational rehabilitation shall assure that individuals affected by reductions in the job support services (extended sheltered employment) program have access to services under the regular state and federal vocational rehabilitation program that will enable them to obtain and maintain ongoing competitive or supported employment.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation \$ 46,795,000

General Fund--Federal Appropriation \$ 37,409,000

TOTAL APPROPRIATION \$ 84,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
COMMUNITY SERVICES ADMINISTRATION PROGRAM**

General Fund--State Appropriation \$ 219,790,000

General Fund--Federal Appropriation \$ 257,681,000

TOTAL APPROPRIATION \$ 477,471,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,953,000 of the general fund--state appropriation and \$21,683,000 of the general fund--federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads.

In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE
COLLECTIONS PROGRAM**

General Fund--State Appropriation \$ 35,581,000

General Fund--Federal Appropriation \$ 178,042,000

General Fund--Local Appropriation \$ 280,000

TOTAL APPROPRIATION \$ 214,173,000

The appropriations in this section are subject to the following conditions and limitations: \$415,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation \$ 34,110,000

General Fund--Federal Appropriation \$ 15,759,000

TOTAL APPROPRIATION \$ 49,869,000

The appropriations in this section are subject to the following conditions and limitations: \$2,100,000 of the general fund--state appropriation is provided solely for increased assistant attorney general support for the office of support enforcement.

NEW SECTION. Sec. 215. FOR THE HEALTH CARE COMMISSION

Health System Capacity Account Appropriation \$ 2,720,000

NEW SECTION. Sec. 216. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation \$ 6,810,000

Health System Capacity Account Appropriation \$ 626,000

Personal Health Services Account--

State Appropriation \$ 178,900,000

State Health Care Authority Administrative Account

Appropriation \$ 12,460,000

TOTAL APPROPRIATION \$ 198,796,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$419,000 of the state health care authority administrative account appropriation is provided solely to reimburse the department of retirement systems for enrolling K-12 retirees in a state-administered health benefits plan. If legislation providing for state-administered health benefits for K-12 retirees is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(2) \$496,000 of the health system capacity account appropriation and \$466,000 of the health care authority administrative account appropriation are provided solely to implement health care reform. If Engrossed Substitute Senate Bill No. 5304 (health care reform) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund--state appropriation and \$5,000,000 of the personal health services account appropriation are provided solely to implement the transfer of funding for the community health clinics from the department of health.

(4) \$1,124,000 of the state health care authority administrative account is provided to administer health benefits for K-12 retirees. If legislation providing for state administered health benefits for K-12 retirees is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) \$173,900,000 of the personal health services account--state appropriation is provided solely for subsidized health coverage for low-income residents. In expanding access to low-income residents, the administrator shall give priority to children who become eligible for Title XIX match as a result of expanding state eligibility standards to 200 percent of the federal poverty level. The administrator shall coordinate with the department of social and health services to market the program through the basic health plan. The administrator and the division of medical assistance shall endeavor to purchase basic health services and additional Title XIX services from the same managed care provider on a capitated basis for a given child. This appropriation contains state funds for basic health plan services and for additional Title XIX services for children made eligible through expanded Title XIX coverage and for children currently covered by the basic health plan. In geographic areas not covered by the basic health plan, the administrator shall arrange to purchase services through medical assistance, until the plan becomes available in that area.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ 87,971,000

General Fund--Federal Appropriation \$ 184,967,000

General Fund--Private/Local Appropriation \$ 624,000

Public Safety and Education Account Appropriation \$ 8,391,000

Building Code Council Account Appropriation \$ 1,067,000

Fire Service Training Account Appropriation \$ 1,747,000

Public Works Assistance Account Appropriation \$ 1,192,000

Drug Enforcement and Education Account Appropriation \$ 4,200,000

Low Income Weatherization Account Appropriation \$ 6,582,000

State Toxics Control Account Appropriation \$ 467,000

Washington Housing Trust Fund Appropriation \$ 4,641,000

Oil Spill Administration Account Appropriation \$ 345,000

Enhanced 911 Account Appropriation \$ 20,050,000

Fire Service Trust Account Appropriation \$ 89,000

TOTAL APPROPRIATION \$ 322,333,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,857,832 of the general fund--state appropriation is provided solely for emergency food assistance. Of this amount, \$300,000 shall be allocated to food banks in targeted areas as determined by the timber and targeted areas policy office and \$225,000 shall be allocated for food stamp outreach.

(2) \$8,208,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:

(a) \$4,041,750 to local units of government for local drug task forces;

(b) \$1,264,600 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;

(c) \$765,000 to the department of community development to continue the state-wide drug prosecution assistance program;

(d) \$100,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$300,000 to local units of government to continue urban projects;

(f) \$188,000 to the department of community development to establish the youth violence prevention and intervention project;

(g) \$275,000 to the department of community development for the state-wide drug offense indigent defense program;

(h) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$46,000 to the Washington state patrol for data collection;

(j) \$410,400 to the office of financial management for the criminal history records improvement program;

(k) \$138,250 for continuation of the high impact offender prosecution project; and

(l) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(3) \$70,000 of the general fund--state appropriation is provided solely to contract with north county emergency medical services to provide emergency medical services support to the Mt. St. Helens national volcanic monument area.

(4) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$2,400,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.

(5) \$34,390,000 of the general fund--state appropriation and \$917,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program PROVIDED, That: Beginning in September, 1994, the department shall contract for early childhood education and assistance programs on a school year basis. Prior to negotiating contracts for each school year, the department shall determine the increase in the number of children served with federal head start funding for that school year compared to the 1992-93 school year. For each school year, the department shall place general fund--state appropriations allocated in this subsection in reserve in an amount equal to the increase in the number of children served with federal head start funding multiplied by the state funding level per child for the year for the state early childhood education and assistance program. The department shall notify the governor and the fiscal committees of the house and senate that these reserve funds are available for appropriation for readiness to learn programs through the office of the superintendent of public instruction for the school year beginning the following September. It is the intent of the legislature to continue providing income eligible four year olds, as identified by the office of financial management census data forecast, with a preschool program either through headstart or the early childhood education program. Therefore in determining the reserve, the department shall factor in the amount needed to continue serving income eligible four year olds.

(6) \$10,000 of the general fund--state appropriation is provided solely to the developmental disabilities planning council to convene, in conjunction with the appropriate legislative committees, a broad-based group of stakeholders to obtain consensus on a means to achieve comprehensive reform of the service delivery system for people with developmental disabilities. The council's recommendations shall be submitted to the legislature by December 1, 1993. This appropriation is contingent on a match of \$10,000 from nonstate sources provided for this purpose.

(7) \$2,815,000 of the general fund--state appropriation is provided solely for the fire protection services division.

(8) \$450,000 of the general fund--state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities, including but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.

(9) Within the funds appropriated in this section the department shall use existing staff resources to research the availability of and apply for economic development grants from federal and private sources and to assist state and local organizations in doing the same.

(10) \$90,000 of the general fund--state appropriation is provided solely for the state center for volunteerism.

(11) \$20,000 of the general fund--state appropriation is provided solely for the children's museum.

(12) \$975,000 of the general fund--state appropriation is provided solely for the long-term care ombudsman program.

(13) \$5,268,000 of the general fund--state appropriation is provided solely for emergency shelter assistance.

(14) \$4,791,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.

(15) \$13,203,000 of the general fund--state appropriation is provided solely for grants to local governments for comprehensive planning activities pursuant to the growth management act.

(16) \$5,000,000 of the public safety and education account appropriation is provided solely for the office of crime victim's advocacy and for sexual assault treatment services.

(17) \$150,000 of the general fund--state appropriation is provided solely for the link-deposit program established under sections 28 through 35 of the Senate committee amendment (S2789.4) to Engrossed Substitute House Bill No. 1493.

(18) \$8,268,000 of the general fund--state appropriation and \$41,610,000 of the general fund--federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program.

NEW SECTION. Sec. 218. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation \$ 3,895,000

General Fund--Federal Appropriation \$ 1,033,000

General Fund--Private/Local Appropriation \$ 198,000

TOTAL APPROPRIATION \$ 5,126,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation provides sufficient money to implement Substitute House Bill No. 1443 (jurisdiction of the human rights commission).

(2) \$197,964 of the general fund--private/local appropriation is provided solely for the provision of technical assistance services by the commission.

(3) \$50,000 of the general fund--state appropriation is provided to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

NEW SECTION. Sec. 219. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund Appropriation \$ 111,000

Worker and Community Right-to-Know Account

Appropriation \$ 20,000

Accident Fund Appropriation \$ 10,259,000

Medical Aid Fund Appropriation \$ 10,258,000

TOTAL APPROPRIATION \$ 20,648,000

NEW SECTION. Sec. 220. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000

Public Safety and Education Account Appropriation \$ 10,918,000

Drug Enforcement and Education Account Appropriation \$ 387,000

TOTAL APPROPRIATION \$ 11,343,000

The appropriations in this section are subject to the following conditions and limitations: The public safety and education account appropriation provides sufficient money to implement Engrossed Substitute House Bill No. 1569 (malicious harassment).

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation \$ 9,637,000

Public Safety and Education Account State

Appropriation \$ 20,548,000

Public Safety and Education Account Federal

Appropriation \$ 4,783,000

Public Safety and Education Account Private/Local

Appropriation \$ 100,000

Accident Fund--State Appropriation \$ 147,671,000

Accident Fund--Federal Appropriation \$ 7,832,000

Electrical License Fund Appropriation \$ 17,359,000

Farm Labor Revolving Account Appropriation \$ 28,000

Medical Aid Fund--State Appropriation \$ 169,466,000

Medical Aid Fund--Federal Appropriation \$ 1,592,000

Plumbing Certificate Fund Appropriation \$ 226,000

Pressure Systems Safety Fund Appropriation \$ 1,984,000

Worker and Community Right-to-Know Fund

Appropriation \$ 2,174,000

TOTAL APPROPRIATION \$ 383,400,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration," "state fund information system," and "safety and health information management system" is conditioned upon compliance with section 902 of this act.

NEW SECTION. Sec. 222. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ 2,532,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation \$ 20,687,000

General Fund--Federal Appropriation \$ 15,839,000

General Fund--Private/Local Appropriation \$ 10,090,000

Industrial Insurance Premium Refund Account

Appropriation \$ 50,000

Charitable, Educational, Penal, and Reformatory

Institutions Account Appropriation \$ 4,000

TOTAL APPROPRIATION \$ 46,670,000

The appropriations in this section are subject to the following conditions and limitations: The general fund--state and general fund--federal appropriations provide sufficient money to establish, on approval by the federal medicaid program, a personal needs allowance of \$160 per month for nursing care clients at the Soldiers Home and Veterans Home provided that the federal medicaid program recognizes this level for federal participation. Should this level of personal needs allowance not be recognized for federal participation, the personal needs allowance shall be set at \$90 per month.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ 102,370,000

General Fund--Federal Appropriation \$ 161,097,000

General Fund--Local Appropriation \$ 21,182,000

Hospital Commission Account Appropriation \$ 3,028,000

Medical Disciplinary Account Appropriation \$ 1,806,000

Health Professions Account Appropriation \$ 26,573,000

State Toxics Control Account Appropriation \$ 3,091,000

Drug Enforcement and Education Account Appropriation \$ 502,000

Medical Test Site Licensure Account Appropriation \$ 2,584,000

Safe Drinking Water Account Appropriation \$ 1,848,000

Public Health Services Account Appropriation \$ 20,000,000

Youth Tobacco Prevention Account Appropriation \$ 1,830,000

Health Services Account Appropriation \$ 2,576,000

Health System Capacity Account \$ 7,530,000

TOTAL APPROPRIATION \$ 356,017,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,525,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1309, an act relating to the protection of wild salmonids. If Engrossed Substitute House Bill No. 1309 or substantially similar legislation is not approved by the legislature by June 30, 1993, this appropriation shall lapse.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$1,200,000 of the public health services account appropriation is provided solely for tuberculosis control in communities with high or increasing rates of infection.

(5) \$2,290,000 of the public health services account appropriation is provided solely for AIDS services, sexually transmitted disease programs, and pregnancy prevention services for substance abusing women.

(6) \$2,930,000 of the public health services account appropriation is provided solely for immunization programs to include: \$750,000 for Hepatitis B vaccine for fiscal year 1994, \$600,000 for provider and public education, \$280,000 for child care facility enforcement, \$300,000 for demonstration projects in low income or economically distressed areas, and \$1,000,000 for competitive challenge grants to be matched on a one to one basis by applicant communities.

(7) \$600,000 of the public health services account appropriation is provided solely for improving food handling practices.

(8) \$3,519,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.

(9) \$1,500,000 of the public health services account appropriation is provided solely for a counter message advertizing campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.

(10) \$150,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.

(11) \$281,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.

(12) \$3,900,000 of the public health services account appropriation is provided for the operation of a single poison information center as required by Substitute House Bill No. 1221 (poison information). If the bill or substantially similar legislation providing for poison control activities is not enacted by June 30, 1993, this appropriation shall lapse.

(13) \$480,000 of the public health services account appropriation is provided solely for targeted maternity outreach for groups with low birth weight or infant mortality rates at least fifty percent higher than the state average.

(14) \$1,000,000 of the public health services account appropriation is provided solely to match a federal grant for outreach and screening for cervical and breast cancer. If the state is not successful in obtaining the federal grant by January 1, 1994, the amount in this subsection shall lapse.

(15) \$150,000 of the public health services account appropriation is provided solely for the Indian health services component of the public health improvement plan.

(16) \$2,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.

(17) \$1,000,000 of the health systems capacity account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.

(18) \$850,000 of the health systems capacity account appropriation is provided solely for training emergency medical service personnel.

(19) \$200,000 of the health systems capacity account appropriation is provided solely for malpractice insurance for volunteer primary care providers.

(20) \$350,000 of the health system capacity account appropriation is provided solely for development of the health personnel improvement plan.

(21) \$1,200,000 of the health systems capacity account appropriation is provided solely for special services for children from throughout the state through Children's hospital.

(22) \$3,530,000 of the health systems capacity account appropriation is provided solely for data activities associated with health care reform.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation \$ 159,980,000

Drug Enforcement and Education Account Appropriation \$ 122,000

TOTAL APPROPRIATION \$ 160,102,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$586,000 of the general fund appropriation is provided solely for an intensive drug treatment program for offenders. Whenever feasible, the department shall consider use of the TASC (treatment alternatives to street crime) program.

(b) \$4,143,000 of the general fund appropriation is provided solely for an increase in the supervision and monitoring of offenders.

(c) \$328,000 of the general fund appropriation is provided solely to establish a special program for offenders to assist them in developing more responsibility for their children's care while they are incarcerated.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 495,045,000

Drug Enforcement and Education Account Appropriation \$ 1,982,000

Transportation Account Appropriation \$ 1,075,000

TOTAL APPROPRIATION \$ 498,102,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,631,000 of the general fund appropriation is provided solely for an intensive drug treatment program for offenders.

(b) \$462,000 of the general fund appropriation is provided solely to establish a special program for offenders to assist them in developing more responsibility for their children's care while they are incarcerated.

(c) \$1,900,000 of the general fund appropriation is provided solely to develop a pilot program to expand mental health services to incarcerated inmates. The pilot project is to include an enhanced reliance on the local regional support networks and the state's mental health hospitals.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation \$ 25,693,000

Industrial Insurance Premium Refund Account

Appropriation \$ 147,000

TOTAL APPROPRIATION \$ 25,840,000

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation \$ 5,351,000

(5) REVOLVING FUNDS

General Fund Appropriation \$ 12,380,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation \$ 2,728,000

General Fund--Federal Appropriation \$ 8,773,000

General Fund--Private/Local Appropriation \$ 80,000

TOTAL APPROPRIATION \$ 11,581,000

NEW SECTION. Sec. 227. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ 690,000

NEW SECTION. Sec. 228. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$ 144,812,000

General Fund--Local Appropriation \$ 19,979,000

Employment and Training Trust Fund--State

Appropriation \$ 7,804,000

Administrative Contingency Fund--Federal

Appropriation \$ 8,978,000

Unemployment Compensation Administration Fund--Federal

Appropriation \$ 152,373,000

Employment Service Administration Account

Federal Appropriation \$ 11,261,000

TOTAL APPROPRIATION \$ 345,207,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(2) \$215,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(3) \$643,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(4) \$304,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$289,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits (Timber AB Screening - UI Benefits Extensions).

(6) \$671,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse coordinator.

(7) \$778,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse ex-offender program.

(8) \$313,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse career awareness program.

(9) \$2,490,000 of the administrative contingency fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$270,000 of the unemployment compensation account--federal appropriation is provided solely for the resource center for the handicapped.

(11) \$400,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.

(12) The employment security department shall spend no more than \$13,778,541 of general fund--federal appropriation for the general unemployment insurance development effort (GUIDE) project.

(13) \$400,000 of the administrative contingency fund--federal appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, this amount shall lapse.

(14) \$300,000 of the administrative contingency fund--federal appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, this amount shall lapse.

(15) \$275,000 of the administrative contingency fund--federal appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, this amount shall lapse.

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation \$ 1,601,000
General Fund--Federal Appropriation \$ 23,663,000
General Fund--Private/Local Appropriation \$ 6,763,000
Geothermal Account--Federal Appropriation \$ 41,000
Building Code Council Account Appropriation \$ 93,000
Air Pollution Control Account Appropriation \$ 6,180,000
Industrial Insurance Premium Refund Account
Appropriation \$ 4,000
Energy Efficiency Services Account Appropriation \$ 1,088,000
TOTAL APPROPRIATION \$ 39,433,000

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation \$ 576,000
General Fund--Private/Local Appropriation \$ 521,000
TOTAL APPROPRIATION \$ 1,097,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation \$ 51,768,000
General Fund--Federal Appropriation \$ 44,966,000
General Fund--Private/Local Appropriation \$ 1,118,000
Special Grass Seed Burning Research Account

Appropriation \$ 133,000
 Reclamation Revolving Account Appropriation \$ 1,249,000
 Emergency Water Project Revolving Account
 Appropriation: Appropriation pursuant to
 chapter 1, Laws of 1977 ex.s. \$ 307,000
 Litter Control Account Appropriation \$ 6,275,000
 State and Local Improvements Revolving Account--
 Waste Disposal Facilities: Appropriation
 pursuant to chapter 127, Laws of 1972
 ex.s. (Referendum 26) \$ 2,680,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 41,000
 State and Local Improvements Revolving Account--
 Water Supply Facilities: Appropriation pursuant
 to chapter 234, Laws of 1979 ex.s.
 (Referendum 38) \$ 1,347,000
 Stream Gaging Basic Data Fund Appropriation \$ 298,000
 Vehicle Tire Recycling Account Appropriation \$ 7,890,000
 Water Quality Account Appropriation \$ 2,700,000
 Wood Stove Education Account Appropriation \$ 1,392,000
 Worker and Community Right-to-Know Fund
 Appropriation \$ 408,000
 State Toxics Control Account--State Appropriation \$ 57,123,000
 Local Toxics Control Account Appropriation \$ 3,342,000
 Water Quality Permit Account Appropriation \$ 20,529,000
 Solid Waste Management Account Appropriation \$ 11,350,000
 Underground Storage Tank Account Appropriation \$ 3,006,000
 Hazardous Waste Assistance Account Appropriation \$ 4,126,000
 Air Pollution Control Account Appropriation \$ 14,316,000
 Oil Spill Response Account Appropriation \$ 8,491,000
 Oil Spill Administration Account Appropriation \$ 3,751,000
 Fresh Water Aquatic Weed Control Account
 Appropriation \$ 1,711,000
 Air Operating Permit Account Appropriation \$ 4,479,000
 Water Pollution Control Revolving Account--State
 Appropriation \$ 204,000
 Water Pollution Control Revolving Account--Federal
 Appropriation \$ 1,014,000
 Public Works Assistance Account Appropriation \$ 4,000,000
 TOTAL APPROPRIATION \$ 260,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,222,000 of the general fund--state appropriation and \$1,071,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$7,800,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$400,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.

(4) \$4,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(5) \$4,580,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 or substantially similar legislation is not enacted by June 30, 1993, \$4,580,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.

(6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local

governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts in this subsection are null and void.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for the continued implementation of the water resources data management system.

(8) The department may expend funds appropriated in this section for administration of water rights only if water rights fees are enacted by June 30, 1993, at a level sufficient to cover the cost of administering the water rights program.

(9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 or substantially similar legislation providing for an equivalent amount of increased revenues for the well drilling program is not enacted by June 30, 1993, this amount shall lapse.

(10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.

(11) \$5,000,000 of the general fund--state appropriation is provided solely for funding labor intensive environmental and forest restoration projects in accordance with the criteria established in Engrossed Substitute House Bill No. 1785 (watershed restoration). During fiscal year 1994, in awarding funds for grant contracts the department shall give priority to projects which implement watershed action plans and are ready to proceed.

(12) \$200,000 of the general fund--state appropriation is provided solely for the Washington water resources policy commission.

(13) \$256,000 of the general fund--state appropriation is provided solely to initiate a water resource planning process in the central Puget Sound basin.

(14) \$238,000 of the water quality permit account appropriation is provided solely for implementation of the provisions of Substitute House Bill No. 1169. If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ 915,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation \$ 54,225,000
General Fund--Federal Appropriation \$ 1,948,000
General Fund--Private/Local Appropriation \$ 1,264,000
Winter Recreation Program Account Appropriation \$ 878,000
ORV (Off-Road Vehicle) Account Appropriation \$ 243,000
Snowmobile Account Appropriation \$ 1,636,000
Public Safety and Education Account Appropriation \$ 49,000
Litter Control Account Appropriation \$ 34,000
Motor Vehicle Fund Appropriation \$ 1,170,000
Oil Spill Administration Account Appropriation \$ 63,000
TOTAL APPROPRIATION \$ 61,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$7,700,000 of the general fund--state appropriation is provided contingent upon the adoption and implementation of a fee schedule by the state parks and recreation commission that provides a like amount of revenue above the 1993-95 forecast for fees authorized under RCW 43.51.060(6) for fees in place as of January 1, 1993. Fees shall be based on the extent to which a facility is developed and maintained for year-round use. Maximum boat launch fees shall be assessed only at water access facilities where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis. Reduced fees may be assessed at water access facilities that are unimproved. Seasonal day area parking fees shall not be assessed. This subsection shall not preclude the assessment of a flat annual fee for use of all water access facilities and other state park facilities throughout the state.

(3) \$3,000,000 of the general fund--state appropriation is provided solely to address stewardship needs for state parks. Of this amount, not less than \$2,500,000 shall be expended for this purpose using the Washington conservation corps program.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Outdoor Recreation Account--State Appropriation \$ 2,578,000

Outdoor Recreation Account--Federal Appropriation \$ 33,000
Firearms Range Account Appropriation \$ 27,000
TOTAL APPROPRIATION \$ 2,638,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ 1,183,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 is provided solely for the increased costs associated with a half-time administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation \$ 25,861,000
General Fund--Federal Appropriation \$ 458,000
Marketplace Account Appropriation \$ 150,000
Motor Vehicle Fund Appropriation \$ 582,000
Public Facilities Construction Loan Revolving
Account Appropriation \$ 238,000
Litter Control Account Appropriation \$ 3,310,000
State Convention/Trade Center Account Appropriation \$ 3,975,000
Solid Waste Management Account Appropriation \$ 700,000
TOTAL APPROPRIATION \$ 35,274,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund appropriation is provided solely for operation of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$160,000 from port associations for the operation of the office.

(2) The entire litter control account appropriation and the entire solid waste management account appropriation are provided solely for the purposes of operating the clean Washington center created in chapter 319, Laws of 1991.

(3) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

(4) \$6,065,000 of the general fund appropriation is provided solely for the Washington technology center.

(5) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

(6) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.

(7) \$1,500,000 of the general fund--state appropriation is provided solely to enhance the off season tourism program.

(8) \$500,000 of the general fund--state appropriation is provided solely for the components of the economic diversification initiative. Within this amount, the department shall provide training for, and promote the development of, flexible manufacturing networks.

(9) \$500,000 of the general fund--state appropriation is provided for the local economic development capacity building initiative.

(10) \$250,000 of the general fund--state appropriation is provided solely to fund the entrepreneurial training program, referenced in Engrossed Substitute House Bill No. 1493.

(11) \$50,000 of the general fund--state appropriation is provided solely for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

(12) \$874,000 is provided solely for continuation of the Pacific Northwest export assistance project.

(13) \$40,000 is provided solely for development of a Russian trade office.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ 1,690,000
Water Quality Account Appropriation \$ 202,000
TOTAL APPROPRIATION \$ 1,892,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.
- (2) \$371,800 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.
- (3) \$750,000 of the general fund appropriation is provided solely for basic operation grants to conservation districts.
- (4) \$158,000 of the general fund appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1309 (wild salmonid protection).

NEW SECTION. Sec. 310. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation \$ 3,061,000
General Fund--Federal Appropriation \$ 202,000
Water Quality Account Appropriation \$ 946,000
TOTAL APPROPRIATION \$ 4,209,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$320,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.
- (2) \$232,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.
- (3) In addition to the amounts provided in subsections (1) and (2) of this section, \$681,000 of the general fund--state appropriation is provided solely to implement additional provisions of the Puget Sound water quality management plan.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ 54,089,545
General Fund--Federal Appropriation \$ 24,947,000
General Fund--Private/Local Appropriation \$ 9,608,000
Aquatic Lands Enhancement Account Appropriation \$ 2,984,000
Oil Spill Administration Account Appropriation \$ 388,000
TOTAL APPROPRIATION \$ 92,016,545

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,136,418 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.
- (2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin. Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.
- (3) \$546,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.
- (4) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.
- (5) \$450,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.
- (6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.
- (7) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1309, an act relating to the protection of wild salmonids. If Engrossed Substitute House Bill No. 1309 or substantially similar legislation is not approved by the legislature by June 30, 1993, this appropriation shall lapse.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ 10,641,000
ORV (Off-Road Vehicle) Account Appropriation \$ 479,000

Aquatic Lands Enhancement Account Appropriation \$ 1,111,000
Public Safety and Education Account Appropriation \$ 589,000
Wildlife Fund--State Appropriation \$ 50,731,000
Wildlife Fund--Federal Appropriation \$ 32,200,000
Wildlife Fund--Private/Local Appropriation \$ 12,396,000
Game Special Wildlife Account Appropriation \$ 1,011,000
Oil Spill Administration Account Appropriation \$ 548,000
TOTAL APPROPRIATION \$ 109,706,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) \$1,200,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, not less than \$1,000,000 shall be expended for this purpose using the Washington conservation corps program.

NEW SECTION. Sec. 313. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation \$ 53,603,000
General Fund--Federal Appropriation \$ 906,000
General Fund--Private/Local Appropriation \$ 263,000
ORV (Off-Road Vehicle) Account Appropriation \$ 3,092,000
Forest Development Account Appropriation \$ 37,654,000
Survey and Maps Account Appropriation \$ 1,518,000
Aquatic Lands Enhancement Account Appropriation \$ 4,824,000
Surface Mining Reclamation Account Appropriation \$ 900,000
Resource Management Cost Account Appropriation \$ 82,017,000
Aquatic Land Dredged Material Disposal Site
Account Appropriation \$ 829,000
Air Pollution Control Account Appropriation \$ 1,251,000
Natural Resources Conservation Areas Stewardship
Account Appropriation \$ 1,119,000
Oil Spill Administration Account Appropriation \$ 130,000
Litter Control Account Appropriation \$ 406,000
Industrial Insurance Premium Refund Account
Appropriation \$ 98,000

TOTAL APPROPRIATION \$ 188,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,072,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$993,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.

(4) \$1,300,000 of the general fund--state appropriation and \$500,000 of the aquatic lands enhancement account appropriation are provided solely to address stewardship needs on state lands. Of this amount, not less than \$1,500,000 shall be expended for this purpose using the Washington conservation corps program.

(5) \$1,119,000 of the natural resources conservation areas stewardship account appropriation is contingent upon the passage of House Bill No. 1450 or substantially similar legislation which allows expenditure of the stewardship endowment in the natural resources conservation areas stewardship account established in RCW 79.71.090.

(6) \$900,000 of the surface mining reclamation account is provided solely for surface mining regulation activities. If Substitute House Bill No. 1483 or substantially similar legislation increasing fees for surface mining permits is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$2,698,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(8) \$3,500,000 of the general fund--state appropriation and \$1,500,000 of the aquatic lands enhancement account are provided solely to fund labor intensive natural resource and forest restoration projects in accordance with the criteria established under Engrossed Substitute House Bill No. 1785 (watershed restoration). In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply.

(9) \$2,500,000 of the general fund--state appropriation is provided solely for the additional workload of watershed analysis required under rules adopted by the forest practices board on cumulative effects. If Senate Bill No. 5981 (forest practice fees) or substantially similar legislation is not enacted by June 30, 1993, the amount provided in this subsection shall be null and void.

(10) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(11) \$60,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.

(12) \$450,000 of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation \$ 16,282,000

General Fund--Federal Appropriation \$ 4,320,000

State Toxics Control Account Appropriation \$ 1,141,000

Weights and Measures Account Appropriation \$ 873,000

TOTAL APPROPRIATION \$ 22,616,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.

(2) \$300,000 of the general fund--state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

(3) The appropriations in this section provide sufficient funds to implement Substitute House Bill No. 1287 (agriculture employees/collective bargaining).

(4) \$140,000 of the general fund--state appropriation is provided solely for development of an aquaculture diagnostic and certification program.

(5) \$1,370,000 of the general fund--state appropriation is provided solely to contract for the international marketing program for agricultural commodities and trade (IMPACT).

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation \$ 20,109,000

The appropriation in this section is subject to the following conditions and limitations: \$810,000 of the revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3) is provided solely for marketing the facilities and services of the convention center and for promoting the locale as a convention and visitor destination, and for related activities.

NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation \$ 4,441,000

State Toxics Control Account Appropriation \$ 298,000

TOTAL APPROPRIATION \$ 4,739,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,200,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program.

The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

(2) The marine oversight board shall prepare a report that prioritizes state agencies' spill prevention and response activities on the marine waters of the state. The report shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 1994.

(3) Prior to expending funds provided in this section for a Columbia river field office located in the state of Oregon, the office of marine safety shall enter a memorandum of understanding with the state of Oregon.

NEW SECTION. Sec. 318. FOR THE GROWTH PLANNING HEARINGS BOARD
General Fund Appropriation \$ 3,038,000

PART IV TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING
General Fund Appropriation \$ 6,564,000
Architects' License Account Appropriation \$ 1,061,000
Cemetery Account Appropriation \$ 216,000
Health Professions Account Appropriation \$ 521,000
Funeral Directors and Embalmers Account
Appropriation \$ 521,000
Mortgage Broker Licensing Account
Appropriation \$ 187,000
Professional Engineers' Account Appropriation \$ 2,546,000
Real Estate Commission Account Appropriation \$ 7,205,000
Uniform Commercial Code Account Appropriation \$ 5,261,000
Real Estate Education Account Appropriation \$ 618,000
Master Licensing Account Appropriation \$ 6,721,000
TOTAL APPROPRIATION \$ 30,900,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If Senate Bill No. 5385 (uniform commercial code) is not enacted by June 30, 1993, the uniform commercial code account appropriation shall lapse and the general fund appropriation shall be increased by \$5,228,000.

(2) If Senate Bill No. 5358 (real estate education) is not enacted by June 30, 1993, the real estate education account appropriation shall lapse and the real estate commission account appropriation shall be increased by \$618,000.

(3) If House Bill No. 2119 (professional athletic commission) is not enacted by June 30, 1993, the general fund appropriation shall be reduced by \$54,000.

(4) \$34,000 of the uniform commercial code account appropriation is provided solely to implement revisions to the uniform commercial code article governing bulk sales. If Substitute House Bill No. 1013 is not enacted by June 30, 1993, \$34,000 of the uniform commercial code account appropriation shall lapse.

(5) \$8,000 of the general fund appropriation is provided solely to implement registration of employment listing agencies. If Engrossed Substitute House Bill No. 1496 is not enacted by June 30, 1993, \$8,000 of the general fund appropriation shall lapse.

(6) \$87,000 of the general fund appropriation is provided solely to implement bail bond agent licensing. If Substitute House Bill No. 1870 is not enacted by June 30, 1993, \$87,000 of the general fund appropriation shall lapse.

(7) If Substitute Senate Bill No. 5026 is not enacted by June 30, 1993, the entire funeral directors and embalmers account appropriation is null and void. If Substitute Senate Bill No. 5026 is enacted by June 30, 1993, the entire health professions account appropriation is null and void.

(8) \$47,000 of the architects' license account appropriation is provided solely for implementing revised architect experience requirements. If Engrossed Senate Bill No. 5545 is not enacted by June 30, 1993, \$47,000 of the architects' license account appropriation shall lapse.

(9) \$187,000 of the mortgage broker licensing account appropriation is provided solely to implement a temporary licensing program for mortgage brokers. If Substitute Senate Bill No. 5829 is not enacted by June 30, 1993, \$187,000 of the mortgage broker licensing account appropriation shall lapse.

PART V EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION
General Fund--State Appropriation \$ 21,785,000
General Fund--Federal Appropriation \$ 13,520,000
Public Safety and Education Account Appropriation \$ 332,000
Drug Enforcement and Education Account Appropriation \$ 158,000

TOTAL APPROPRIATION \$ 35,795,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
- (2) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.
- (3) \$439,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.
- (4) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
- (5) \$750,000 of the general fund--state appropriation is provided for design, development, and implementation, including state support activities, of programs of state-wide significance, including but not limited to drug, alcohol, and child abuse prevention education, youth suicide prevention, and multicultural curriculum. This amount includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 to be dedicated to juvenile drug and alcohol prevention programs pursuant to RCW 66.08.180(4). The superintendent may provide grants to districts or organizations for these programs.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 6,006,502,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:
 - (a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:
 - (i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 509 of this act;
 - (ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;
 - (iii) An additional 5.3 certificated instructional staff units for grades K-3;
 - (A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.
 - (B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.
 - (C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and
 - (iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and
 - (b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.13 percent in the 1993-94 school year and 21.13 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.86 percent in the 1993-94 school year and 18.86 percent in the 1994-95 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of \$7,468 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of \$14,231 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$4,945,000 outside the basic education formula during fiscal years 1994 and 1995 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$409,000 may be expended in fiscal year 1994 and a maximum of \$410,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of \$297,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12B, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12B.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12B" means the computerized tabulation of 1992-93, 1993-94, and 1994-95 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 5, 1993, at 04:19 hours.

(3)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1993-94 and 1994-95 school years:

1993-94 AND 1994-95 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of
Service BA BA+15 BA+30 BA+45 BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,127	22,724	23,344	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,680
4	24,361	25,036	25,710	26,490	28,597
5	25,162	25,854	26,548	27,386	29,528
6	25,997	26,687	27,418	28,317	30,491
7	26,845	27,552	28,302	29,259	31,486
8	27,706	28,452	29,219	30,255	32,513
9	29,384	30,188	31,262	33,572	
10	31,170	32,320	34,662		
11	33,410	35,803			
12	34,465	36,973			
13	38,173				
14	39,379				
15 or more		40,403			

Years of

Service BA+135 MA MA+45 MA+90

or PHD

0	26,374	25,687	27,616	28,858
1	27,227	26,467	28,452	29,711
2	28,113	27,282	29,300	30,597
3	29,034	28,110	30,164	31,518
4	29,988	28,974	31,081	32,472
5	30,975	29,870	32,012	33,459
6	31,974	30,801	32,975	34,458
7	33,026	31,743	33,970	35,510
8	34,109	32,739	34,997	36,593
9	35,223	33,745	36,057	37,707
10	36,367	34,804	37,146	38,851
11	37,542	35,894	38,287	40,026
12	38,766	37,027	39,458	41,250
13	40,019	38,198	40,657	42,503
14	41,319	39,405	41,942	43,803
15 or more	42,394	40,429	43,032	44,942

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(4) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1992-93 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(5) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(6) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(7) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. In order to maintain equity and fairness across all employee groups, the legislature encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS

General Fund Appropriation \$ 23,234,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of \$351.12 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of \$33.33 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

(i) For pupil transportation, an increase of \$.25 per weighted pupil-mile for the 1994-95 school year;

(ii) For learning assistance, an increase of \$6.96 per pupil for the 1994-95 school year;

(iii) For education of highly capable students, an increase of \$2.13 per pupil for the 1994-95 school year;

(iv) For transitional bilingual education, an increase of \$4.51 per pupil for the 1994-95 school year.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 351,326,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) A maximum of \$938,000 may be expended for regional transportation coordinators. However, to the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and \$1.80 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation \$ 6,000,000

General Fund--Federal Appropriation \$ 183,616,000

TOTAL APPROPRIATION \$ 189,616,000

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ 866,503,000

General Fund--Federal Appropriation \$ 98,682,000

General Fund--Private/Local Appropriation \$ 6,427,000

TOTAL APPROPRIATION \$ 971,612,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 6, 1993, at 13:35 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation \$ 16,979,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The public safety and education account appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$596,000 may be expended for regional traffic safety education coordinators. To the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) A maximum of \$137.16 per student completing the program may be expended in the 1993-94 and 1994-95 school years.

(4) An additional \$66.81 may be expended to provide tuition assistance for students from low-income families who complete the program in the 1993-94 and 1994-95 school years.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 9,642,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$380,000 is provided solely to implement RCW 28A.415.010 (centers for the improvement of teaching).

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 146,900,000

The appropriation in this section is provided for state matching funds pursuant to RCW 28A.500.010 as amended by this act.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation \$ 197,950,000

(1) Education Consolidation and Improvement Act \$ 197,580,000

(2) Education of Indian Children \$ 370,000

TOTAL APPROPRIATION \$

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ 24,623,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 33,171,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 8,974,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The state general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.

(3) \$435,000 of the general fund appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 41,766,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent shall distribute a maximum of \$554 per eligible bilingual student in the 1993-94 and the 1994-95 school year.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 116,150,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$56,243,000 may be expended in the 1993-94 school year. Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL PROGRAMS

(1) **BLOCK GRANTS FOR LOCAL SCHOOL DISTRICTS (formerly LOCAL ENHANCEMENT FUNDS)**

General Fund Appropriation \$ 52,147,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The general fund appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.

(b) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(c) Allocations to school districts shall be prorated and calculated on the basis of full time enrollment. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(i) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(d) Receipt by a school district of one-fourth of the district's allocation of funds under this subsection (1) for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

(e) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250 for the 1993-94 school year and on a fiscal year basis for 1994-95.

(f) The allocation to school districts shall include funding of state support activities for statutory programs.

(2) SPECIAL PROJECTS

General Fund--State Appropriation \$ 16,005,000

General Fund--Federal Appropriation \$ 12,766,000

Drug Enforcement and Education Account Appropriation \$ 3,276,000

TOTAL APPROPRIATION \$ 32,047,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$419,000 of the general fund appropriation is provided for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting.

(b) \$3,437,000 of the general fund appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(c) \$1,744,000 of the general fund appropriation is provided for small school grants to school districts of the second class under RCW 28A.315.230. Moneys for grants shall be distributed according to the formula for the program identified in Bulletin 15-92 published by the superintendent of public instruction for the 1992-93 school year, except that no grant shall be less than \$5,000 in any year.

(d) \$4,855,000 of the general fund appropriation is provided for grants distributed according to a complex need factor. Grants shall be provided according to funding ratios established in LEAP Document 30A.

(e) \$2,415,000 of the general fund appropriation is provided for inservice training and educational programs conducted by the Pacific science center.

(f) \$70,000 of the general fund appropriation is provided for operation of the Cispus environmental learning center.

(g) \$3,003,000 of the general fund appropriation is provided for educational clinics, including state support activities.

(h) The entire drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,700,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) \$62,000 of the general fund appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine School District.

(3) EDUCATIONAL REFORM PROGRAMS

General Fund Appropriation \$ 74,800,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$40,400,000 of the general fund appropriation is provided solely for resources and planning time to implement education reform under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$2,400,000 is provided solely for paraprofessional training for classified staff. Resources and planning time for classified staff will be provided through the paraprofessional training program funded in this act.

(b) \$4,000,000 of the general fund appropriation is provided solely for the operation of the commission on student learning under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(c) \$5,000,000 of the general fund appropriation is provided solely for development of assessments under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(d) \$2,000,000 of the general fund appropriation is provided for school-to-work transition projects, including state support activities, under the requirements of educational reform as enacted by the 1993 legislature in

Engrossed Substitute House Bill No. 1209 (education reform) and in Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(e) \$4,500,000 of the general fund appropriation is provided for mentor teacher assistance, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(f) \$1,000,000 of the general fund appropriation is provided for superintendent and principal internships, including state support activities, under the requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(g) \$7,000,000 of the general fund appropriation is provided for improvement of technology infrastructure, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform).

(h) \$10,000,000 of the general fund appropriation is provided for the meals for kids program, including state support activities, under requirements of educational reform as enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) and House Bill No. 2117 (school meals).

(i) \$900,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction and for review of laws and rules necessary to facilitate education reform enacted by the 1993 legislature in Engrossed Substitute House Bill No. 1209 (education reform) or substantially similar legislation.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation \$ 11,394,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,704,000 is provided solely to pay the increased retirement contributions resulting from House Bill No. 2128 (plan I postretirement adjustment). If House Bill No. 2128 (plan I postretirement adjustment), or substantially similar legislation providing for a postretirement adjustment of one dollar per month per year of service for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse. If such legislation is enacted, the superintendent of public instruction shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0003 for the PERS rate, and by .0004 for the TRS rate.

(2) \$8,883,000 is provided solely to pay the increased retirement contributions necessary to continue the cost of living adjustment for members of plan I of the teachers' and public employees' retirement systems that was provided in section 711, chapter 232, Laws of 1992 (uncodified). The superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0007 for the PERS rate, and by .0023 for the TRS rate.

(3) \$807,000 is provided solely to pay the increased retirement contributions resulting from House Bill No. 2122 (early retirement). If House Bill No. 2122, or substantially similar legislation providing for early retirement for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse. If such legislation is enacted, the superintendent of public instruction shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by .0001 for the PERS rate, and by .0002 for the TRS rate.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) The superintendent of public instruction shall reduce allocations to school districts by \$8,609,000 to reflect the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to House Bill No. 2126 (pension contribution rates). If House Bill No. 2126 (pension contribution rates) is enacted, the superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by (.0028) for the PERS rate, and by (.0017) for the TRS rate.

(2) The superintendent of public instruction shall reduce allocations to school districts by \$2,247,000 to reflect the administrative rate reduction contained in section 132 of this act. The superintendent shall adjust the retirement contribution rates for allocation purposes for the 1993-94 and 1994-95 school years by (.0005) for the department of retirement systems administration rate.

Sec. 520. RCW 28A.165.070 and 1990 c 33 s 150 are each amended to read as follows:

Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs.

(1) For the 1993-94 and 1994-95 school years, the superintendent of public instruction shall distribute funds appropriated for the learning assistance program in accordance with the biennial appropriations act.

(2) For the 1995-96 school year and thereafter and unless modified under subsection (4) of this section, the superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the

superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to RCW 28A.155.010 through 28A.155.100, in distributing state funds for learning assistance.

(3) The distribution formula in this section is for allocation purposes only.

(4) The superintendent of public instruction shall recommend to the legislature a new allocation formula for use in the 1995-97 fiscal biennium that uses additional elements consistent with performance-based education and the new assessment system developed by the commission on student learning. The superintendent may request a delay in development of the new allocation formula if the commission's assessment system is not available for use in the 1995-97 biennium.

Sec. 521. RCW 28A.500.010 and 1992 c 49 s 2 are each amended to read as follows:

(1) Commencing with taxes assessed in ~~((1988))~~ 1993 to be collected in calendar year ~~((1989))~~ 1994 and thereafter, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds as provided in this section. Such funds are not part of the district's basic education allocation. For ~~((the first))~~ distribution of local effort assistance funds provided under this section in calendar years ~~((1989))~~ 1994 and 1995, state funds may be prorated ~~((according to the formula in this section))~~ as provided in the omnibus appropriations act.

(2)(a) "Prior tax collection year" shall mean the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) The "state-wide average ~~((ten))~~ twelve percent levy rate" shall mean ~~((ten))~~ twelve percent of the total levy bases as defined in RCW 84.52.0531(4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "~~((ten))~~ twelve percent levy rate" of a district shall mean:

(i) ~~((Ten))~~ Twelve percent of the district's levy base as defined in RCW 84.52.0531(4), plus one-half of any amount computed under RCW 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) "Eligible districts" shall mean those districts with a ~~((ten))~~ twelve percent levy rate which exceeds the state-wide average ~~((ten))~~ twelve percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; to (ii) the state-wide average ~~((ten))~~ twelve percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ~~((ten))~~ twelve percent of the district's levy base as defined in RCW 84.52.0531(4), multiplied by the following percentage: (i) The difference between the district's ~~((ten))~~ twelve percent levy rate and the state-wide average ~~((ten))~~ twelve percent levy rate; divided by (ii) the district's ~~((ten))~~ twelve percent levy rate.

~~((a)) Through tax collection year 1992, fifty-five percent of local effort assistance funds shall be distributed to qualifying districts during the applicable tax collection year on or before June 30 and forty-five percent shall be distributed on or before December 31 of any year.~~

~~((b))~~ In tax collection year 1993 and thereafter, local effort assistance funds shall be distributed to qualifying districts as follows:

~~((i))~~ (a) Thirty percent in April;

~~((ii))~~ (b) Twenty-three percent in May;

~~((iii))~~ (c) Two percent in June;

~~((iv))~~ (d) Twenty-six percent in October;

~~((v))~~ (e) Seventeen percent in November; and

~~((vi))~~ (f) Two percent in December.

Sec. 522. RCW 28A.310.020 and 1990 c 33 s 270 are each amended to read as follows:

The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010(~~PROVIDED, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected~~

~~school directors voting in such election by mail ballot~~). Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: (1) Size, population, topography, and climate of the proposed district; and (2) costs associated with the governance, administration, and operation of the educational service district system in whole or part.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

NEW SECTION. Sec. 523. A new section is added to chapter 28A.310 RCW to read as follows:

It is the intent of the legislature that the number of educational service districts in western Washington be reduced from five to four, and that the superintendent of public instruction study the desirability of reducing the number of eastern Washington districts. As soon as practicable, the superintendent of public instruction shall develop a reorganization proposal and submit the proposal to the state board of education, together with a request under RCW 28A.310.020, that the number of western Washington educational service districts be reduced to four.

Sec. 524. RCW 84.52.0531 and 1992 c 49 s 1 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1992, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1991.

(2) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(3) For excess levies for collection in calendar year 1993 and thereafter, the maximum dollar amount shall be the sum of (a) and (b) of this subsection minus (c) of this subsection:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation;

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1993 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For excess levies for collection in calendar year 1993 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (6) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage;
(and)

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year; and

(e) For levies to be collected in calendar years 1994 and 1995, the maximum levy rate shall be the district's maximum levy percentage for 1993 plus four percent reduced by any levy reduction funds. For levies collected in 1996, the prior year shall mean 1993.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

PART VI HIGHER EDUCATION

NEW SECTION. **Sec. 601. HIGHER EDUCATION.** The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.

(2) The general fund--state appropriations in sections 602 through 608 of this act represent significant reductions in current funding levels. In order to provide each institution of higher education with the capability of effectively managing within their unique requirements, some flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources. In establishing spending plans for the next biennium, each institution shall address the needs of its students in keeping with the following directives: (a) Establishing reductions of a permanent nature by avoiding short term solutions; (b) not reducing enrollments more than two percent below budgeted levels; (c) maintaining the current resident to nonresident student proportions; (d) protecting undergraduate programs and support services; (e) protecting assessment activities; (f) protecting minority recruitment and retention efforts; (g) protecting the state's investment in facilities; (h) using institutional strategic plans as a guide for reshaping institutional expenditures; and (i) increasing efficiencies through administrative staff reductions, program consolidation, the elimination of duplication, the use of other resources, and productivity improvements. At the four-year institutions of higher education, productivity improvements shall include increased teaching loads for faculty. Each institution of higher education and the state board for community and technical colleges shall submit a report to the legislative fiscal committees by July 1, 1993, on their spending plans for the 1993-95 biennium. The report should address the approach taken with respect to each of the directives in this subsection. A second report responding to the same directives shall be submitted by November 1, 1993, which describes the implementation of the spending plan and its effects. The July 1, 1993, report submitted by each four-year institution shall include information on faculty teaching loads for the 1992-93 academic year, and the institution's plan to increase teaching loads during the 1993-95 biennium. The November 1, 1993, report submitted by each four-year institution shall include information on the implementation of its increased faculty teaching load plan.

(3) The appropriations in sections 602 through 608 of this act provide state general fund support for student full time equivalent enrollments at each institution of higher education. The state general fund budget is further premised on a level of specific student tuition revenue collected into and expended from the institutions of higher education--general local accounts. Each institution shall enroll no less than two percent below its budgeted biennial average full time equivalent enrollments. If the estimated 1993-95 average biennial full time equivalent student enrollment of an institution as estimated on April 30, 1995, by the office of financial management using spring enrollment reports submitted by the institutions, is more than two percent below the biennial budgeted amount, then an amount equal to the student quality standard, as defined in the legislative budget notes, multiplied by the number of full time equivalent students below the two percent variance shall revert to the state general fund. Listed below are the annual full time equivalent student enrollments by institution assumed in this act.

1993-94 1994-95 1993-95
Annual Annual Biennial

	Average	Average	Average
FTE	FTE	FTE	FTE
University of Washington			
Main campus	29,766	29,866	29,816
Evening Degree Program	455	535	495
Tacoma branch	436	522	479
Bothell branch	395	395	395
Washington State University			
Main campus	15,975	16,009	15,992
Tri-Cities branch	520	554	537
Vancouver branch	499	647	573
Spokane branch	249	265	257
Eastern Washington University	7,448	7,690	7,569
Central Washington University	6,747	6,941	6,844
The Evergreen State College	3,228	3,278	3,253
Western Washington University	9,201	9,401	9,301
State Board for Community and Technical Colleges	104,279	106,212	105,246
Higher Education Coordinating Board	50	50	50

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation \$ 659,570,000
 General Fund--Federal Appropriation \$ 11,405,000
 Industrial Insurance Premium Refund
 Account Appropriation \$ 12,000
 Employment and Training Trust
 Fund Appropriation \$ 36,100,000

TOTAL APPROPRIATION \$ 707,087,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,883,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).
- (2) \$36,100,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:
 - (a) \$31,790,000 shall provide enrollment opportunity for 5,085 full time equivalent students. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 to Grays Harbor College;
 - (b) \$2,000,000 shall provide child care for the children of the student enrollments funded in (a) of this subsection;
 - (c) \$900,000 shall provide transportation funding for the student enrollments funded in (a) of this subsection;
 - (d) \$500,000 shall provide financial aid and work study assistance for the student enrollments funded in (a) of this subsection.
- If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.
- (3) \$3,425,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.
- (4) \$1,412,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.
- (5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund--state level.
- (6) The appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 28B.16 RCW except as restricted under section 913 of this act.
- (7) \$150,000 of the general fund--state appropriation is provided solely for the two-plus-two program at Olympic College.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ 512,906,000
 Medical Aid Fund Appropriation \$ 3,758,000
 Accident Fund Appropriation \$ 3,764,000
 Death Investigations Account Appropriation \$ 1,282,000
 Oil Spill Administration Account Appropriation \$ 236,000
 Health System Capacity Account Appropriation \$ 2,900,000
 TOTAL APPROPRIATION \$ 524,846,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,677,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.

(2) \$6,747,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) The University of Washington shall prepare a plan to remedy the cause of disparate market gaps in compensation for professional/exempt employees and librarians. The plan shall be presented to the legislative fiscal and policy committees by January 1, 1994.

(4) \$2,300,000 of the health system capacity account appropriation is provided solely for the implementation of section 276 of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(5) \$300,000 of the health system capacity account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(6) \$300,000 of the health system capacity account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 292,756,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,235,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$6,123,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$6,979,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$85,000 of the general fund appropriation is provided solely for the implementation of section 7 of Engrossed Substitute House Bill No. 1309 or substantially similar legislation.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 71,040,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 64,445,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 35,872,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 79,257,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provide solely to recruit and retain minorities.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ 4,053,000

General Fund--Federal Appropriation \$ 265,000

TOTAL APPROPRIATION \$ 4,318,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$717,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full time equivalent students per fiscal year.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation \$ 135,621,000

General Fund--Federal Appropriation \$ 6,381,000

Health System Capacity Account Appropriation \$ 1,000,000

State Education Grant Account Appropriation \$ 40,000

TOTAL APPROPRIATION \$ 143,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$1,000,000 of the health system capacity account appropriation is provided solely for implementation of section 270 of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to provide scholarships and loans and for the health personnel resources plan. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(3) \$134,527,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$96,156,000 is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income. Any state need grant moneys not awarded by April 1st of each year may be transferred to the state work study program.

(b) By January 1, 1994, the higher education coordinating board, in consultation with the house of representatives and senate higher education and fiscal committees, and the institutions of higher education, shall provide to the legislature a plan for the implementation of the comprehensive system of student assistance known as college promise that is contained in Engrossed Substitute House Bill No. 1603 (higher education financial aid).

(c) \$31,847,000 is provided solely for the state work study program.

(d) \$2,000,000 is provided solely for educational opportunity grants.

(e) A maximum of \$2,724,000 may be expended for financial aid administration.

(4) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).

(5) \$50,000 of the general fund--state appropriation is provided solely for a demonstration project that matches money raised for scholarships by new local chapters of the Citizen's Scholarship Foundation of America. To be eligible to receive a state matching grant, the new chapter must be created after June 30, 1993. Each chapter is limited to one matching grant and must raise at least \$2,000 before receiving matching funds.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation \$ 715,000

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ 3,509,000

General Fund--Federal Appropriation \$ 34,651,000

TOTAL APPROPRIATION \$ 38,160,000

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund

Appropriation \$ 2,066,000

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation \$ 14,095,000

General Fund--Federal Appropriation \$ 4,796,000

General Fund--Private/Local Appropriation \$ 46,000

TOTAL APPROPRIATION \$ 18,937,000

The appropriations in this section are subject to the following conditions and limitations: \$2,385,516 of the general fund--state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation \$ 4,314,000

General Fund--Federal Appropriation \$ 933,000

TOTAL APPROPRIATION \$ 5,247,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The portion of the general fund appropriation provided for the institutional and organizational support programs shall be awarded to applicants that have not added to any accumulated deficit in the most recently completed fiscal year. Applicants that provide artistic services to communities that are otherwise artistically underserved, are integral to the arts community in which they are based, and that have budgets of less than \$250,000 shall be exempt from this requirement.

(2) The commission shall work with the department of general administration to determine a new location for the murals currently located in the chambers of the Washington state house of representatives.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 2,322,000

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 872,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation \$ 12,563,000

General Fund--Private/Local Appropriation \$ 40,000

TOTAL APPROPRIATION \$ 12,603,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation \$ 6,868,000

General Fund--Private/Local Appropriation \$ 26,000

TOTAL APPROPRIATION \$ 6,894,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 736,118,685

This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Appropriation \$ 24,071,715

Accident Account Appropriation \$ 5,340,254

Medical Aid Account Appropriation \$ 5,340,254

TOTAL APPROPRIATION \$ 34,752,223

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 28,156,178

Community College Refunding Bond Retirement

Fund 1974 Appropriation \$ 9,856,110

Community College Capital Construction Bond

Retirement Fund 1975, 1976, 1977 Appropriation \$ 10,304,798

Higher Education Bond Retirement Fund 1979

Appropriation \$ 6,354,922

Washington State University Bond Redemption

Fund 1977 Appropriation \$ 516,452

Higher Education Refunding Bond Redemption
Fund 1977 Appropriation \$ 6,245,701
State General Obligation Bond Retirement
1979 Appropriation \$ 65,033,822
TOTAL APPROPRIATION \$ 126,467,983

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Transportation Capital Facilities Account
Appropriation \$ 536,264
Highway Bond Retirement Fund Appropriation \$ 185,753,764
Ferry Bond Retirement 1977 Appropriation \$ 33,034,077
TOTAL APPROPRIATION \$ 219,324,105

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund
1967 Appropriation \$ 6,923,625
State Building Bond Redemption Fund 1967
Appropriation \$ 654,200
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,456,980
TOTAL APPROPRIATION \$ 10,034,805

NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,258,314
Higher Education Construction Account
Appropriation \$ 185,130
State Convention and Trade Center Appropriation \$ 88,050
Excess Earnings Account Appropriation \$ 1,195,400
State Building Construction Account Appropriation \$ 35,298,012
Economic Development Account Appropriation \$ 162,000
Puget Sound Capital Construction Account
Appropriation \$ 2,716,792
Motor Vehicle Fund Appropriation \$ 2,849,751
Special Category C Account Appropriation \$ 974,359
Energy Efficiency Construction Account
Appropriation \$ 515,362
Common School Reimbursable Construction Account
Appropriation \$ 5,666,853
Higher Education Reimbursable Construction Account
Appropriation \$ 4,312,476
Energy Efficiency Services Account Appropriation \$ 51,282
TOTAL APPROPRIATION \$ 55,273,781

Total Bond Retirement and Interest
Appropriations contained in sections 701
through 706 of this act \$ 1,181,971,582

NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation \$ 5,141,000
Motor Vehicle Fund Appropriation \$ 6,234,000
Wildlife Fund Appropriation \$ 148,000
Marine Operating Account Appropriation \$ 2,206,000
Liquor Revolving Fund Appropriation \$ 114,000
Basic Data Account Appropriation \$ 16,000
Resource Management Cost Account Appropriation \$ 132,000

Public Service Revolving Account Appropriation \$ 18,000
Accident Account Appropriation \$ 110,000
TOTAL APPROPRIATION \$ 14,119,000

The appropriations in this section are subject to the following conditions and limitations: The amount of the transfer for the motor vehicle fund and the marine operating account is to be actuarially based and transferred proportionately into the tort claims revolving fund quarterly or as necessary to meet cash flow needs.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

General Fund--State Appropriation \$ 500,000
Americans with Disabilities Special Revolving
Fund Appropriation \$ 425,000
TOTAL APPROPRIATION \$ 925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall be used solely to fund requests from state agencies complying with the program requirements of the federal americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ 2,500,000
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 3,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation \$ 1,500,000
The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 711. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows: King county, in settlement of a claim under RCW 43.135.060, Claim No. SCO-89-12 \$ 1,950,000

NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS--DEPARTMENT OF LABOR AND INDUSTRIES. The department of labor and industries is directed to pay, as a legislative relief claim under chapter 4.92 RCW, to Mrs. Esther A. Levang an industrial insurance death benefit, from the effective date of this act, under RCW 51.32.050 for the death of her husband following an industrial chemical exposure (L & I Claim No. F282511).

NEW SECTION. Sec. 714. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation \$ 9,070,000
General Fund--Federal Appropriation \$ 3,255,000
Special Fund Salary and Insurance Contribution
Increase Revolving Fund Appropriation \$ 6,955,000
TOTAL APPROPRIATION \$ 19,280,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) The appropriations in this section shall be distributed by the office of financial management to state agencies to fund the 1993-95 increased costs of health care benefits, administration, and margin in the self-insured medical and dental plans.

(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$317.79 per eligible employee for fiscal year 1994, and \$351.12 for fiscal year 1995.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$6.02 per eligible employee for fiscal year 1994, and \$5.62 for fiscal year 1995.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1993-95 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) A maximum of \$602,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for benefit increases for ferry workers consistent with the 1993-95 appropriations act.

NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1994	FY 1995
General Fund Appropriation.	\$ 65,284,000	70,690,000
TOTAL APPROPRIATION	\$ 135,974,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$600,000 is provided solely to pay the increased retirement contributions resulting from Substitute House Bill No. 1294 (LEOFF II age reduction). If Substitute House Bill No. 1294, or substantially similar legislation providing benefit enhancements for members of plan II of the law enforcement officers' and fire fighters' retirement system, is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(b) The appropriations in this subsection reflect the retirement contribution rate reduction for the law enforcement officers' and fire fighters' retirement system contained in House Bill No. 2126 (pension contribution rates) and the change in funding for plan II of the law enforcement officers' and fire fighters' retirement system contained in Engrossed Substitute Senate Bill No. 5967 (revenue enhancements).

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1994	FY 1995
General Fund Appropriation	\$ 4,450,000	4,450,000
TOTAL APPROPRIATION	\$ 8,900,000	

(3) There is appropriated for contributions to the judges retirement system:

	FY 1994	FY 1995
General Fund Appropriation	\$ 650,000	650,000
TOTAL APPROPRIATION	\$ 1,300,000	

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1994	FY 1995
General Fund--State Appropriation	\$ 1,033,000	1,254,000
General Fund--Federal Appropriation.	\$ 252,000	308,000
Special Retirement Contribution Increase		
Revolving Fund Appropriation	\$ 839,000	870,000
TOTAL APPROPRIATION	\$ 4,556,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$578,000 of the general fund--state appropriation, \$151,000 of the general fund--federal appropriation, and \$323,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from House Bill No. 2128 (plan I postretirement adjustment). If House

Bill No. 2128 (plan I postretirement adjustment), or substantially similar legislation providing for a postretirement adjustment of one dollar per month per year of service for certain members of plan I of the public employees' and teachers' retirement systems, is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$1,508,000 of the general fund--state appropriation, \$360,000 of the general fund--federal appropriation, and \$758,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions necessary to continue the cost of living adjustment for members of plan I of the teachers' and public employees' retirement systems that was provided in section 711, chapter 232, Laws of 1992 (uncodified).

(3) \$201,000 of the general fund--state appropriation, \$49,000 of the general fund--federal appropriation, and \$109,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from House Bill No. 2122 (early retirement). If House Bill No. 2122, or substantially similar legislation providing for early retirement for certain members of plan I of the teachers' and public employees' retirement systems, is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(4) \$519,000 of the special retirement contribution increase revolving fund appropriation is provided solely to pay the increased retirement contributions for the Washington state patrol retirement system resulting from enactment of House Bill No. 2126 (pension contribution rates), or substantially similar legislation increasing contribution rates for the state patrol retirement system. If such legislation is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS. (1) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$5,539,000 from the general fund--state appropriations, \$1,494,000 from the general fund--federal appropriations, and \$3,211,000 from appropriations from other funds, to reflect savings realized by the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to House Bill No. 2126 (pension contribution rates).

(2) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$945,000 from the general fund--state appropriations, \$251,000 from the general fund--federal appropriations, and \$539,000 from appropriations from other funds, to reflect savings realized by the administrative rate reduction contained in section 132 of this act.

(3) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$1,056,000 from the general fund--state appropriations, \$275,000 from the general fund--federal appropriations, and \$588,000 from appropriations from other funds, to correct erroneous retirement contribution rates required for the teachers' and public employees' retirement systems that were assumed in each agency's 1993-95 budget request.

NEW SECTION. Sec. 718. The office of financial management shall reduce the appropriations for the agencies of the state by \$1,040,000 from the general fund--state appropriations and \$1,128,000 from appropriations from other funds to reflect the freeze on increment increases that would have been provided to classified state employees whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 719. The office of financial management shall reduce the appropriations for the institutions of higher education of the state by \$274,000 from the general fund--state appropriations to reflect the freeze on increment increases that would have been provided to classified employees of higher education institutions whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 720. FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the
Convention and Trade Center Operating Account \$ 4,004,000
General Fund Appropriation--For transfer to the
Community College Capital Projects Account \$ 4,550,000
TOTAL APPROPRIATION \$ 8,554,000

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation \$ 1,369,050
Water Pollution Control Facilities Bond Redemption

Fund 1967 Appropriation \$ 640,313
 State Building (Expo 74) Bond Redemption Fund 1973A
 Appropriation \$ 374,968
 State Building Bond Redemption Fund 1973
 Appropriation \$ 3,815,320
 State Higher Education Bond Redemption Fund 1973
 Appropriation \$ 4,395,023
 State Building Authority Bond Redemption Fund
 Appropriation \$ 9,397,425
 Community College Capital Improvement Bond
 Redemption Fund 1972 Appropriation \$ 7,528,400
 State Higher Education Bond Redemption Fund 1974
 Appropriation \$ 1,187,200
 Waste Disposal Facilities Bond Redemption Fund
 Appropriation \$ 50,473,075
 Water Supply Facilities Bond Redemption Fund
 Appropriation \$ 11,109,893
 Recreation Improvements Bond Redemption Fund
 Appropriation \$ 6,033,190
 Social and Health Services Facilities 1972 Bond
 Redemption Fund Appropriation \$ 3,713,865
 Outdoor Recreation Bond Redemption Fund 1967
 Appropriation \$ 1,593,098
 Indian Cultural Center Construction Bond
 Redemption Fund 1976 Appropriation \$ 127,231
 Fisheries Bond Redemption Fund 1976 Appropriation \$ 760,015
 Higher Education Bond Redemption Fund 1975
 Appropriation \$ 2,168,025
 State Building Bond Retirement Fund 1975
 Appropriation \$ 422,360
 Social and Health Services Bond Redemption Fund
 1976 Appropriation \$ 9,464,773
 Emergency Water Projects Bond Retirement Fund 1977
 Appropriation \$ 2,639,480
 Higher Education Bond Redemption Fund 1977
 Appropriation \$ 13,296,100
 Salmon Enhancement Bond Redemption Fund 1977
 Appropriation \$ 3,706,950
 Fire Service Training Center Bond Retirement Fund
 1977 Appropriation \$ 745,706
 State General Obligation Bond Retirement Bond 1979
 Appropriation \$ 601,579,585

TOTAL APPROPRIATION \$ 736,118,685

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

State General Obligation Bond Retirement
 1979 Appropriation \$ 28,156,178

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
 premiums tax distribution \$ 4,382,550
 General Fund Appropriation for public utility
 district excise tax distribution \$ 29,254,986
 General Fund Appropriation for prosecuting
 attorneys' salaries \$ 3,300,000
 General Fund Appropriation for motor vehicle

excise tax distribution \$ 96,445,099
 General Fund Appropriation for local mass
 transit assistance \$ 294,186,744
 General Fund Appropriation for camper and
 travel trailer excise tax distribution \$ 3,112,351
 General Fund Appropriation for boating
 safety/education and law enforcement
 distribution \$ 789,528
 Aquatic Lands Enhancement Account Appropriation
 for harbor improvement revenue distribution \$ 154,000
 Liquor Excise Tax Fund Appropriation for
 liquor excise tax distribution \$ 24,307,934
 Motor Vehicle Fund Appropriation for motor
 vehicle fuel tax and overload penalties
 distribution \$ 552,082,000
 Liquor Revolving Fund Appropriation for liquor
 profits distribution \$ 53,570,000
 Timber Tax Distribution Account Appropriation
 for distribution to "Timber" counties \$ 121,724,800
 Municipal Sales and Use Tax Equalization Account
 Appropriation \$ 51,882,670
 County Sales and Use Tax Equalization Account
 Appropriation \$ 17,476,268
 Death Investigations Account Appropriation
 for distribution to counties for publicly
 funded autopsies \$ 1,400,000
 County Criminal Justice Account Appropriation \$ 15,854,547
 Municipal Criminal Justice Account Appropriation \$ 6,341,712
 TOTAL APPROPRIATION \$ 1,276,265,189

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal
 forest reserve fund distribution \$ 56,516,000
 General Fund Appropriation for federal flood
 control funds distribution \$ 46,000
 General Fund Appropriation for federal grazing
 fees distribution \$ 52,000
 General Fund Appropriation for distribution of
 federal funds to counties in conformance with
 Public Law 97-99 \$ 400,000
 TOTAL APPROPRIATION \$ 57,014,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Flood Control Assistance Account: For transfer to
 the General Fund--State \$ 300,000
 State Convention and Trade Center Account: For
 transfer to the State Convention and Trade
 Center Operations Account \$ 5,698,587
 Water Quality Account: For transfer to the water
 pollution revolving fund. Transfers shall be made
 at intervals coinciding with deposits of federal
 capitalization grant money into the revolving fund.
 The amounts transferred shall not exceed the match
 required for each federal deposit \$ 21,500,000
 Trust Land Purchase Account: For transfer to the
 General Fund \$ 24,000,000
 General Government Special Revenue Fund--State

Treasurer's Service Account: For transfer to the General Fund on or before July 20, 1995, in an amount up to \$7,200,000 in excess of the cash requirements of the state treasurer's service account \$ 7,200,000

Economic Development Finance Authority Account:
For transfer to the General Fund--Federal an amount to include but not exceed all total federal equity in the account. The account shall be closed after this transfer is made \$ 457,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 18,000

Motor Vehicle Fund--State Patrol Highway Account
Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 136,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1993-95 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems projects in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation;

and other aspect critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committee.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. (1) The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

(2) The office of financial management shall encourage and maximize opportunities for state agencies to use the services of the department of information services video conference centers to reduce travel-related expenditures. The office of financial management, in conjunction with the department of information services, shall report to the legislative fiscal committees by November 30, 1994, on the monthly usage volume and the respective costs and benefits of the video conference centers. The office of financial management shall document any savings, project potential savings by each agency, and incorporate the savings in development of the 1995-97 biennial budget.

NEW SECTION. Sec. 904. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS. (1) No moneys appropriated in this act may be expended by any agency for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW or under other installment purchase agreements unless the office of financial management has determined, for each purchase, that:

- (a) The method of acquisition offers a significant financial advantage to the state; and
- (b) The term of the installment contract does not exceed the useful life of the item being purchased.

(2) The total principal value of new equipment purchased by the state, as defined in RCW 39.94.020(4), during the 1993-95 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed thirty-five million dollars. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) This section does not apply to contracts entered into prior to July 1, 1993, or to the refinancing of property purchased prior to July 1, 1993.

NEW SECTION. Sec. 905. SAVINGS RECOVERY ACCOUNT. (1) The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of the state employees' suggestion award program under chapter 41.60 RCW.

(3) Periodically during the 1993-95 fiscal biennium, and by June 30, 1995, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least \$412,000 as a result of implementation of the efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1994, and January 1, 1995, on the amounts and sources of moneys deposited into the savings recovery account.

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1993.

NEW SECTION. Sec. 910. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 911. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 912. TRAVEL EXPENSES. The office of financial management shall reduce agency allotments from the appropriations in this act and place in reserve status 75 percent of general fund--state moneys allotted to state agencies for out-of-state travel, 10 percent of general fund--state moneys allotted to state agencies for in-state travel, and the savings resulting from the implementation of consolidated mail services by the department of general administration. The amount placed in reserve shall be at least \$14,448,000. The office of financial management shall further reduce agency allotments to state agencies for travel by \$1,400,000.

NEW SECTION. Sec. 913. SALARY FREEZE. (1) Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

(a) Scheduled increment increases to any employee classified under chapter 41.06 RCW.

(b) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch.

(c) Salary increases to the agency officials listed in RCW 43.03.028.

(2) Job classification revisions or class studies proposed for adoption by the state personnel board or the higher education personnel board shall not take effect unless approved by the office of financial management. The boards shall submit documentation and cost estimates to the office of financial management to justify any such proposal. The office of financial management may approve a proposal if implementation will result in net cost savings, increased efficiencies, or improved management of personnel or services.

(3) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

(a) Scheduled increment increases to any employee classified under chapter 28B.16 RCW.

(b) From the appropriations in this act, salary increases to employees who are exempt from chapter 28B.16 RCW.

(4) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. The legislature intends to freeze salaries for its own employees, and in order to maintain equity and fairness across all employee groups, encourages all state-wide elected officials and the judicial branch to freeze salaries for any of their employees not covered under subsection (1) of this section.

(5) The legislature also encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year.

NEW SECTION. Sec. 914. FULL-TIME EQUIVALENTS. Agency budgeted full-time equivalent staff (FTE) levels shall be limited to the levels set in this section for the following agencies and institutions. The full-time equivalent staff level is calculated as a biennial average for all budgeted FTEs:

Board of Industrial Insurance Appeals 112
Board for Volunteer Fire Fighters 3
Board of Tax Appeals 8
Columbia River Gorge Commission 9
Commission on Asian-American Affairs 2
Commission on Judicial Conduct 6
Court of Appeals 119
Criminal Justice Training Commission 31
Department of Social and Health Services 16,241
Deferred Compensation Committee 20
Department of Agriculture 671
Department of Community Development 320
Department of Corrections 5,912
Department of Ecology 1,623
Department of Fisheries 711
Department of Health 1,053
Department of Information Services 420
Department of Labor and Industries 2,552
Department of Natural Resources 1,681
Department of Personnel 205
Department of Retirement Systems 249
Department of Revenue 1,026
Department of Veterans Affairs 429
Department of Wildlife 839
Department of Financial Institutions 73
Department of General Administration 510
Department of Services for the Blind 68
Department of Trade and Economic Development 87
Eastern Washington State Historical Society 10
Economic and Revenue Forecast Council 5
Employment Security Department 2,268
Environmental Hearings Office 6
Commission on African-American Affairs 2
Governor's Office of Indian Affairs 2
Growth Planning Hearings Office 12
Health Care Commission 15
Higher Education Coordinating Board 50
Higher Education Personnel Board 14
House of Representatives 385
Human Rights Commission 43
Indeterminate Sentence Review Board 14
Interagency Commission for Outdoor Recreation 18
Joint Legislative Systems Committee 34
LEAP Committee 10
Legislative Budget Committee 14
Military Department 155
Minority and Women's Business Enterprises 19
Office of Administrative Hearings 117
Office of Administrator for the Courts 289
Office of Financial Management 179

Office of Insurance Commissioner 144
Office of Marine Safety 25
Office of the Attorney General 797
Office of the Governor 35
Office of the Lieutenant Governor 3
Office of the Secretary of State 108
Office of the State Actuary 8
Office of the State Auditor 284
Office of the State Treasurer 68
Office of the Superintendent of Public Instruction 245
Personnel Appeals Board 10
Public Disclosure Commission 20
Public Employment Relations Commission 26
Puget Sound Water Quality Authority 19
Senate 284
Sentencing Guidelines Commission 5
State Board of Accountancy 6
State Conservation Commission 9
State Convention and Trade Center 132
State Investment Board 37
State Law Library 15
State Library 122
State Lottery Commission 151
State Parks and Recreation Commission 516
State School for the Blind 58
State School for the Deaf 133
Statute Law Committee 46
Supreme Court 69
Utilities and Transportation Commission 205
Washington Pollution Liability Insurance Program 5
Washington State Commission on Hispanic Affairs 3
Washington State Health Care Authority 181
Washington State Liquor Control Board 1,067
Washington Horse Racing Commission 31
Washington State Arts Commission 16
Washington State Energy Office 159
Washington State Gambling Commission 134
Washington State Historical Society 22
Work Force Training and Education Coordinating Board 29

NEW SECTION. Sec. 915. It is the intent of the legislature to reduce administrative staffing levels in state agencies and institutions by at least fifteen percent. The legislature intends that administrative staff be considered middle and upper-level management positions. The legislature further intends to avoid, wherever possible, reductions to direct service positions that affect the quality of services to the public. The office of financial management shall monitor implementation of funding and staff reductions and shall report to the legislature by January 15, 1994, describing the manner in which state agencies and institutions achieved the funding and staff reductions required by this act.

Sec. 916. RCW 20.01.130 and 1986 c 178 s 8 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted hereunder or for departmental administrative expenses during the 1993-95 biennium. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 917. RCW 74.20A.030 and 1989 c 360 s 14 are each amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation.

(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

(4) ~~((No))~~ A collection action ~~((shall))~~ may be taken against parents of children ~~((eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7)))~~ with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care. The child support obligation shall be calculated pursuant to chapter 26.19 RCW.

Sec. 918. RCW 43.101.200 and 1989 c 299 s 2 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 ~~((and 43.101.160))~~. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, subject to available funds, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 919. RCW 43.155.050 and 1985 c 471 s 8 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 920. RCW 70.146.080 and 1991 sp.s. c 16 s 923 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal ~~((year 1992))~~ years 1992 and 1993 and for fiscal year 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

For the biennium ending June 30, 1995, it is the intent of the legislature that at least thirteen million seven hundred and ninety-one thousand dollars from the appropriations or reappropriations provided in the capital appropriations act from the state and local improvement revolving account waste disposal facilities (Referendum 26),

the state and local improvement revolving account waste disposal 1980 (Referendum 39), and the water pollution control account--federal be used in a manner consistent with purposes of this chapter.

Sec. 921. RCW 70.170.080 and 1991 sp.s. c 13 s 71 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under *chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

During the 1993-1995 fiscal biennium, moneys in the hospital data collection account may be expended, pursuant to appropriation, for hospital data analysis and the administration of the health information program.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 922. RCW 79.24.580 and 1987 c 350 s 1 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be distributed as follows: (1) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for environmental and forest restoration work that improves fish habitat, shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 923. RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1995-97 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the 1993-95 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

Sec. 924. RCW 43.08.250 and 1992 c 54 s 3 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. ~~((During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services))~~ During the fiscal biennium ending June 30, 1995, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, fire protection services, the criminal litigation unit of the attorney general's office, sexual assault treatment, and operations of the office of administrator for the courts.

NEW SECTION. Sec. 925. WATER RESOURCES POLICY COMMISSION. (1) The governor shall establish the Washington water resources policy commission. The commission shall meet at least monthly and be comprised of the following members:

(a) The governor, or the governor's designee, who shall be the chair;

- (b) Three members of the house of representatives to be appointed by the speaker;
 - (c) Three members of the senate to be appointed by the president;
 - (d) The commissioner of public lands or the commissioner's designee;
 - (e) No more than three members, appointed by the governor, from federally recognized Indian tribes, who are intended to provide direct input and to enhance coordination between governments; however such participation does not imply formal representation individually or collectively of those tribes;
 - (f) Three members, appointed by the governor, to represent general purpose local governments; and
 - (g) No more than six members, appointed by the governor, to represent the following interests: Agriculture, environmental organizations, business, fisheries and wildlife, utilities, and recreation.
- (2) The governor shall designate the staff for the commission. Whenever practicable existing employees of state government shall be assigned on a temporary basis to assist in staffing the commission. The governor, the commissioner of public lands, and the attorney general shall cooperate in assuring the assignment of staff which have expertise in the matters under the review of the commission.
- (3) Commission members appointed under subsections (1) (d) and (f) of this section are to be reimbursed for reasonable expenses actually incurred in accordance with chapter 43.03 RCW.
- (4) The commission shall conduct a comprehensive review of water resources management in Washington that includes:
- (a) An identification of all programs governing water management, water supply delivery, water protection, instream flow and riparian protection, and other water resource management needs;
 - (b) An assessment of the performance of existing programs in achieving coordinated water resource management, that identifies specific conflicting or inconsistent policies, strategies, standards, jurisdiction, or planning requirements;
 - (c) Recommendations for the coordination and integration of state water resource programs, emphasizing watershed-based strategies for water resource management;
 - (d) An identification and assessment of state and local water resources and funding programs and recommendations for consolidation and expansion of those programs with specific attention given to a long-term consistent and stable funding structure; and
 - (e) Recommendations for state and local government coordination of water quality and resource planning consistent with the programs and objectives of the growth management act.
- (5) The commission shall report to the legislature and the governor no later than December 1, 1994, on the duties enumerated in subsection (4) of this section. The report may include minority positions if any exist. Further, the report shall make recommendations on water resource issues which the commission believes should be the focus of any succeeding commission.

NEW SECTION. Sec. 926. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

Representative Locke spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5968 as amended by the House.

Representative Locke spoke in favor of passage of the bill and Representatives Silver and Brough spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5968 as amended by the House, and the bill passed the House by the following vote: Yeas - 54, Nays - 37, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Meyers, R.,

Morris, Myers, H., Ogden, Orr, Patterson, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Veloria, Wang, Wolfe, Zellinsky and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 37.

Excused: Representatives Dyer, Grant, Leonard, Mastin, Peery, Valle and Wineberry - 7.

Substitute Senate Bill No. 5968, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Governor Lowry)

Increasing state revenues.

The bill was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to increase revenues by no more than the amount strictly necessary to fund Substitute Senate Bill No. 5968, the omnibus appropriations act for the 1993-95 biennium, and to maintain a reserve of three hundred sixty million dollars."

Representatives G. Fisher and Foreman spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5967 as amended by the House.

Representative Heavey spoke in favor of passage of the bill and Representative Foreman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5967 as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 39, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Veloria, Wang, Wolfe, Zellinsky and Mr. Speaker - 52.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 39.

Excused: Representatives Dyer, Grant, Leonard, Mastin, Peery, Valle and Wineberry - 7.

Second Engrossed Substitute Senate Bill No. 5967, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5717, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the second time.

Representative Wang moved adoption of the following amendment by Representative Wang:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1995, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;
"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
"Cap Bldg Constr Acct" means Capitol Building Construction Account;
"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;
"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;
"Common School Constr Fund" means Common School Construction Fund;
"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;
"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;
"DSHS Constr Acct" means State Social and Health Services Construction Account;
"Energy Eff Constr Acct" means Energy Efficiency Construction Account;
"Energy Eff Svcs Acct" means Energy Efficiency Services Account;
"ESS Rail Assis Acct" means Essential Rail Assistance Account;
"ESS Rail Bank Acct" means Essential Rail Bank Account;
"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;
"East Cap Constr Acct" means East Capitol Construction Account;
"East Cap Devel Acct" means East Campus Development Account;
"Fish Cap Proj Acct" means Fisheries Capital Projects Account;
"For Dev Acct" means Forest Development Account;
"Fruit Comm Fac Acct" means Fruit Commission Facility Account;
"Game Spec Wildlife Acct" means Game Special Wildlife Account;
"H Ed Constr Acct" means Higher Education Construction Account 1979;
"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;
"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;
"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;
"L & I Constr Acct" means Labor and Industries Construction Account;
"LIRA" means State and Local Improvement Revolving Account;
"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;
"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;
"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;
"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account-- Waste Disposal Facilities 1980;
"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;
"Lapse" or "revert" means the amount shall return to an unappropriated status;
"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;
"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;
"ORA" means Outdoor Recreation Account;
"ORV" means off road vehicle;
"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
"Public Safety and Education Acct" means Public Safety and Education Account;
"Res Mgmt Cost Acct" means Resource Management Cost Account;
"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;
"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;
"St Bldg Constr Acct" means State Building Construction Account;
"St Fac Renew Acct" means State Facilities Renewal Account;
"St H Ed Constr Acct" means State Higher Education Construction Account;
"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
 "UW Bldg Acct" means University of Washington Building Account;
 "Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;
 "WA St Dairy Prod Comm Fac Acct" means Washington State Dairy Products Commission Facilities
 Account;
 "WA St Dev Loan Acct" means Washington State Development Loan Account;
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;
 "WSP Constr Acct" means Washington State Patrol Construction Account;
 "WSP Highway Acct" means Washington State Patrol Highway Account;
 "WSU Bldg Acct" means Washington State University Building Account;
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.
 Numbers shown in parentheses refer to project identifier codes established by the office of financial
 management.

**PART 1
 GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS

Division III: Vault enlargement (93-2-001)

Appropriation:

St Bldg Constr Acct \$ 65,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 65,000

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATE

Central Washington Regional Archives--Central Washington University Campus (93-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 3,934,000

Prior Biennia (Expenditures) \$ 259,000

Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 4,343,000

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE

Northwest Washington Regional Branch Archives (90-1-003)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 3,199,000

Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 3,399,000

NEW SECTION. Sec. 104. FOR THE SECRETARY OF STATE

Puget Sound Regional Branch Archives predesign and maintenance (94-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of this appropriation shall be used to conduct a predesign study to determine if the agency should remodel the existing facility, build a new structure, or relocate to a new leased or other state-owned facility. The study shall determine the availability of existing state land and cost of adapting an existing regional archives design.

(2) \$100,000 of this appropriation is for critical deferred maintenance at the existing Puget Sound Regional Archives.

Appropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,839,000

TOTAL \$ 3,979,000

NEW SECTION. Sec. 105. FOR THE SECRETARY OF STATE
Eastern Washington Regional Archives predesign (94-2-002)

Appropriation:

St Bldg Constr Acct \$ 58,200

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,058,200

NEW SECTION. Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT
To purchase land for new higher education institution

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the higher education coordinating board has completed its study and has recommended an organizational model that requires additional land for an institution of higher education for meeting the higher education needs of the north King and south Snohomish county area;

(2) The appropriation in this section shall not be expended to purchase property unless the office of financial management has determined that potential storm water and flood water will not damage property or buildings to be constructed on the proposed site, interrupt the operation of a higher education institution or institutions located on the property, or result in mitigation actions that cost more than comparable property in the general area;

(3) The appropriation in this section shall not be expended until the higher education coordinating board has a site development plan for the proposed site that accommodates all proposed buildings outside of any potential flood plain; and

(4) The legislature recognizes that additional appropriations may be required in future biennia.

Appropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Underground storage tank pool (94-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Reappropriation:

St Bldg Constr Acct \$ 1,748,146

CEP & RI Acct \$ 150,000

Subtotal Reappropriation \$ 1,898,146

Appropriation:

St Bldg Constr Acct \$ 3,120,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 11,018,146

NEW SECTION. Sec. 108. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos removal or abatement pool (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for asbestos removal or abatement projects.

(2) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(3) Subsection (2) of this section does not apply to moneys reappropriated in this act for projects for which the design has been completed, bids have been requested, or a contract has been entered into before the effective date of this act.

Reappropriation:

St Bldg Constr Acct \$ 2,338,088
CEP & RI Acct \$ 268,500

Subtotal Reappropriation \$ 2,606,588 -----

Appropriation:

St Bldg Constr Acct \$ 7,020,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,000,000 -----

TOTAL \$ 23,626,588

**NEW SECTION. Sec. 109. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Americans with disabilities act modifications pool (94-2-001)**

Appropriation:

St Bldg Constr Acct \$ 9,360,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 31,000,000 -----

TOTAL \$ 40,360,000

**NEW SECTION. Sec. 110. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Capital budget system improvements (94-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 100,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,200,000 -----

TOTAL \$ 1,600,000

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Cherberg Building remodel (88-2-040)**

The reappropriation in this section is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:

St Bldg Constr Acct \$ 2,960,000
Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)**

Reappropriation:

East Cap Constr Acct \$ 750,000

Prior Biennia (Expenditures) \$ 72,250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highways-Licenses Building: To complete the construction to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall not be expended until the capital project review requirements of section 1015 of this act have been met; and

(2) The department of general administration shall develop a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the renovation, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

Reappropriation:

St Bldg Constr Acct \$ 18,000,000

Prior Biennia (Expenditures) \$ 4,938,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,938,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus minor works: Boiler plant structural repairs (92-5-901)

Reappropriation:

Cap Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 2,790,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,865,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Condition assessment: By December 31, 1993, develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance (92-2-007)

Reappropriation:

St Bldg Constr Acct \$ 500,000

Cap Bldg Constr Acct \$ 340,000

Subtotal Reappropriation \$ 840,000

Prior Biennia (Expenditures) \$ 251,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,091,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Inadequate building systems and Northern State multiservice center repairs (92-5-900)

Reappropriation:

St Bldg Constr Acct \$ 270,000

Prior Biennia (Expenditures) \$ 8,559,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,829,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza garage: Elevator repairs (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 1,500,000
Prior Biennia (Expenditures) \$ 133,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Campus control system improvements: Phase 2 (92-2-014)**

Reappropriation:

Cap Bldg Constr Acct \$ 850,000
Prior Biennia (Expenditures) \$ 521,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,371,000

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Capitol Campus voltage improvements (92-5-904)**

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 9,484,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,484,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-2-015)**

Reappropriation:

St Bldg Constr Acct \$ 1,100,000
Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor works: Utilities and grounds (92-2-016)**

Reappropriation:

Cap Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 1,287,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,487,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Satellite Campus Land Acquisition: To purchase in fee simple real property for future state development in the city of Tumwater (92-5-000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for land acquisition, and do not represent a commitment to any specific plan for development of the Tumwater satellite campus.

(2) Before expending any moneys from the appropriations, the department shall obtain a written agreement from the city of Tumwater, the port of Olympia, and the Tumwater school district requiring the consent of the office of financial management for any state responsibility or liability associated with general infrastructure development or facility relocation within the Tumwater campus planning area.

Reappropriation:

St Bldg Constr Acct \$ 890,000

Appropriation:

St Bldg Constr Acct \$ 3,600,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,490,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 200,000
Cap Bldg Constr Acct \$ 300,000

Subtotal Reappropriation \$ 500,000
Prior Biennia (Expenditures) \$ 1,485,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,985,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building interior repairs (92-2-018)

Reappropriation:

Cap Bldg Constr Acct \$ 160,000
St Bldg Constr Acct \$ 450,000

Subtotal Reappropriation \$ 610,000
Prior Biennia (Expenditures) \$ 1,917,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,527,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building mechanical system improvements (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Collocation and consolidation of state facilities: To identify the current locations of major concentrations of state facilities within the state and determine where state facilities can be collocated and consolidated **(92-5-004)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall prepare policy recommendations and cost estimates for opportunities to collocate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts.

(2) The appropriations shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

(3) The reappropriation is provided solely to complete phase one of the project, begun in the 1991-93 biennium.

Reappropriation:

St Bldg Constr Acct \$ 105,000

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 120,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 525,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake: To develop a dredging plan and to dredge Capitol Lake **(92-3-019)**

\$200,000 of the appropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State facilities--Thurston county: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100)

This appropriation is provided solely to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for collocation with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Capitol satellite campuses: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-101)

The appropriation in this section is provided to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater, and a facility plan, developed in consultation with the city of Olympia, which includes mixed use in the downtown Olympia area. The plans shall provide for the siting of consumer services within walking distance of the major areas of concentration of state employees.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 650,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Business park facilities: Master plan (92-5-102)

Reappropriation:

St Bldg Constr Acct \$ 175,000

Prior Biennia (Expenditures) \$ 75,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 131. TO THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park: Acquisition. To complete the purchase of property for Heritage Park (92-5-105)

The appropriations in this section are provided solely to complete acquisition of the property forming the southern boundary of the park and to update the predesign for the park to reflect the reduced size of the park. The appropriations shall not be used to purchase the two residential properties along Columbia street.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Appropriation:

St Bldg Constr Acct \$ 330,000

Prior Biennia (Expenditures) \$ 2,200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,030,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus geotechnical and hydrologic survey (92-5-108)

Reappropriation:

St Bldg Constr Acct \$ 185,000

Prior Biennia (Expenditures) \$ 15,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2: To upgrade the air supply system by rebuilding the existing system, changing the emergency diesel exhaust system and investigating energy savings to reduce operating and maintenance costs **(93-2-025)**

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Small and emergency repairs (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 275,000

Cap Bldg Constr Acct \$ 671,000

Subtotal Appropriation \$ 946,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,373,380

TOTAL \$ 5,319,380

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multiservice center **(94-1-007)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 90,000

CEP & RI Acct \$ 60,000

Subtotal Appropriation \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

CFC/Halon fire control systems: Removal and replacement (94-1-009)

Appropriation:

Cap Bldg Constr Acct \$ 464,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,534,000

TOTAL \$ 1,998,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus preservation (94-1-010)

Appropriation:

St Bldg Constr Acct \$ 3,037,000

Cap Bldg Constr Acct \$ 388,000

Subtotal Appropriation \$ 3,425,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 27,259,550

TOTAL \$ 30,684,550

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building preservation (94-1-011)**

Appropriation:

St Bldg Constr Acct \$ 304,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 304,000

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Temple of Justice preservation (94-1-012)**

Appropriation:

St Bldg Constr Acct \$ 147,000
Cap Bldg Constr Acct \$ 277,000

Subtotal Appropriation \$ 424,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 424,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Northern State Multiservice Center: For critical life and safety repair projects (94-1-014)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall report to the legislature by September 1, 1993, with options for the future disposition of the campus after the closure of state programs.

(2) The appropriation is provided solely for critical life and safety repair projects pending a decision on future disposition and ownership of the campus.

Appropriation:

CEP & RI Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Office Building 2 preservation (94-1-015)**

Appropriation:

St Bldg Constr Acct \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,339,000

TOTAL \$ 2,589,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Modular Building preservation (94-1-016)**

Appropriation:

St Bldg Constr Acct \$ 251,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,051,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Employment Security Building preservation (94-1-017)**

Appropriation:

St Bldg Constr Acct \$ 74,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 575,000

TOTAL \$ 649,000 -----

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza garage: Repair and study (94-1-023)

Appropriation:

St Bldg Constr Acct \$ 235,000
Motor Vehicle Acct \$ 26,000

Subtotal Appropriation \$ 261,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,627,000

TOTAL \$ 3,888,000 -----

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Old Capitol Building preservation (94-1-025)

Appropriation:

St Bldg Constr Acct \$ 1,179,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,179,000 -----

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Burien conference center preservation (94-1-026)

Appropriation:

St Bldg Constr Acct \$ 238,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,675,000

TOTAL \$ 1,913,000 -----

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Lacey light industrial park acquisition (94-2-003)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,200,000

TOTAL \$ 19,300,000 -----

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Engineering and Architectural Services Division: Project management (94-2-

010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or projects that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize standard accounting procedures to track expenditures from the appropriation, and expenditures from any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall track expenditures at the project level for projects valued over \$500,000.

(3) The appropriation in this section is contingent on the submission of the final report on phase one of the collocation and consolidation study (project number 92-5-004) to the office of financial management by December 31, 1993. If the final report is not submitted to the office of financial management by December 31, 1993, the appropriation in this section shall lapse.

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 38,563,092

TOTAL \$ 46,563,092

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Library for the Blind and Physically Handicapped: To acquire space for the Washington library for the blind and physically handicapped (92-5-001)

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,900,000

NEW SECTION. Sec. 150. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Floor voids and wall repair (94-1-002)

Appropriation:

Liquor Revolving Acct \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000

NEW SECTION. Sec. 151. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Appropriation:

Liquor Revolving Acct \$ 28,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800

NEW SECTION. Sec. 152. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Receiving dock cut-outs (94-1-004)

Appropriation:

Liquor Revolving Acct \$ 40,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000

NEW SECTION. Sec. 153. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Warehouse reroof (94-1-005)

Appropriation:

Liquor Revolving Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT

Armory life and safety code compliance projects (88-1-005)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 260,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 1,535,000

TOTAL \$ 2,820,000

NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT

Minor works (92-5-900)

In support of federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-004) (86-2-004)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 288,624

General Fund--Federal \$ 615,000

Subtotal Reappropriation \$ 903,624

Prior Biennia (Expenditures) \$ 9,305,376

Future Biennia (Projected Costs) \$ 8,691,000

TOTAL \$ 18,900,000

NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT

Minors works: Support of federal construction projects (93-1-007)

Appropriation:

St Bldg Constr Acct \$ 406,200

General Fund--Federal \$ 3,998,000

Subtotal Appropriation \$ 4,404,200

Prior Biennia (Expenditures) \$ 8,456,500

Future Biennia (Projected Costs) \$ 17,777,000

TOTAL \$ 30,637,700

NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT

State-wide preservation (93-1-008)

Appropriation:

St Bldg Constr Acct \$ 2,518,400

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 1,766,000

TOTAL \$ 5,084,400

NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT

Buckley Armory construction (93-2-001)

Reappropriation:

St Bldg Constr Acct \$ 1,127,000

General Fund--Federal \$ 1,728,000

Subtotal Reappropriation \$ 2,855,000

Appropriation:

General Fund--Federal \$ 311,000

Prior Biennia (Expenditures) \$ 170,245

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,336,245

NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT

Grandview Armory construction (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 1,102,000

General Fund--Federal \$ 1,602,000

Subtotal Reappropriation \$ 2,704,000 -----

Appropriation:

General Fund--Federal \$ 225,000

Prior Biennia (Expenditures) \$ 162,130

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 3,091,130

NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT
Moses Lake Armory construction (93-2-003)

Reappropriation:

St Bldg Constr Acct \$ 1,206,000

General Fund--Federal \$ 1,804,000

Subtotal Reappropriation \$ 3,010,000 -----

Appropriation:

General Fund--Federal \$ 229,000

Prior Biennia (Expenditures) \$ 177,245

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 3,416,245

NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT
Camp Murray--Agency Headquarters predesign (93-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1994.

(2) The department shall ensure the continued preservation of the exterior appearance of building number one at Camp Murray.

Appropriation:

St Bldg Constr Acct \$ 102,948

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,579,000 -----

TOTAL \$ 8,681,948

NEW SECTION. Sec. 162. FOR THE WASHINGTON HORSE RACING COMMISSION

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) No expenditure from this appropriation may be made to construct horse race or related facilities until the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Appropriation:

Washington Thoroughbred

Racing Fund \$ 8,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 8,200,000

PART 2
HUMAN SERVICES

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Development loan fund recapitalization (88-2-002)**

The appropriations in this section are subject to the following conditions and limitations: One million dollars of the state building construction account appropriation is provided solely for loans to minority and women-owned businesses under Engrossed Substitute House Bill No. 1493.

Appropriation:

St Bldg Constr Acct \$ 2,000,000
WA St Dev Loan Acct \$ 2,000,000

Subtotal Appropriation \$ 4,000,000
Prior Biennia (Expenditures) \$ 5,429,699
Future Biennia (Projected Costs) \$ 17,000,000

TOTAL \$ 26,429,699

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Grays Harbor dredging (88-3-006)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct \$ 5,688,000
Prior Biennia (Expenditures) \$ 4,312,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Housing assistance program (88-5-015)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$2,000,000 appropriation from the charitable, educational, penal, and reformatory institutions account is provided to promote development of at least 120 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall convene an advisory group of developmental disabilities service agencies and family members to plan implementation of this initiative.

(2) The department of community development shall conduct a study on the feasibility of providing financial guarantees to housing authorities. The department shall submit its findings to the appropriate legislative committees by December 15, 1993.

(3) It is the intent of the legislature that, in addition to the moneys provided under subsection (1) of this section, a portion of the state building construction account appropriation be used to develop safe and affordable housing for the developmentally disabled.

Reappropriation:

St Bldg Constr Acct \$ 22,000,000

Appropriation:

St Bldg Constr Acct \$ 34,000,000

CEP & RI Acct \$ 2,000,000

Subtotal Appropriation \$ 36,000,000
Prior Biennia (Expenditures) \$ 35,449,197
Future Biennia (Projected Costs) \$ 136,000,000

TOTAL \$ 229,449,197

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
A Contemporary Theatre, Seattle (90-1-006)**

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation is provided solely for the construction or renovation of a new theater in Seattle.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct \$ 6,525,000
Prior Biennia (Expenditures) \$ 1,975,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Mystic Lake Flood Assistance: For mitigation of development-induced flooding of the lake **(92-2-000)**

Reappropriation:

St Bldg Constr Acct \$ 39,000
Prior Biennia (Expenditures) \$ 14,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 53,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility **(92-2-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Resource Center: To construct an Asian Resource Center in Seattle **(92-2-002)**

This reappropriation shall be matched by at least \$600,000 cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 50,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000 -----

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income weatherization: For the low-income weatherization program under chapter 70.164 RCW (92-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,500,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000
Prior Biennia (Expenditures) \$ 4,500,000
Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 48,000,000 -----

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency Management Building: Minor works (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 120,000
General Fund--Federal \$ 69,000

Subtotal Reappropriation \$ 189,000
Prior Biennia (Expenditures) \$ 97,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000 -----

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000 -----

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Meeker Mansion (92-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be matched by at least \$100,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(2) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tacoma Educational Enrichment Center (92-2-999)

The reappropriation in this section shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this section is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Resource center for the handicapped: To acquire and improve the facilities in which the center currently operates **(92-5-000)**

The reappropriation in this section is subject to the following conditions and limitations: No expenditure shall be made until an equal amount of nonstate moneys dedicated to the purchase of the facility have been raised. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Reappropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000 -----

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia river dredging feasibility study: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver **(92-5-006)**

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tears of Joy Theatre (92-5-018)

The reappropriation in this section shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 1,850,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,950,000 -----

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Carolyn Downs Family Medical Center (92-5-021)

The reappropriation in this section shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000
Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Columbia River Renaissance (93-5-001)

The reappropriation in this section shall be matched by an equal amount of money from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 900,000
Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Pacific Science Center (93-5-002)

Each dollar expended from the reappropriation in this section shall be matched by at least three dollars from nonstate sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 1,061,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,061,000 -----

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. This appropriation shall be matched by at least one million eight hundred thousand dollars provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 1,800,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Whatcom Museum (93-5-004)

Expenditures from the reappropriation in this section shall not exceed fifteen percent of the total estimated capital costs of the project. The remaining portions of the project costs shall be a match from nonstate sources. The match may include cash and land value received after January 1, 1990.

Reappropriation:

St Bldg Constr Acct \$ 6,750
Prior Biennia (Expenditures) \$ 293,250
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Science Hall, Walla Walla (93-5-007)**

The reappropriation in this section is provided solely for a grant to the Downtown Walla Walla Foundation for facade restoration and preservation of Science Hall, the site of the 1878 constitutional convention. The appropriation in this section shall be matched by an equal amount of nonstate moneys.

Reappropriation:

St Bldg Constr Acct \$ 75,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Fire Training Academy preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 1,350,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,639,904

TOTAL \$ 4,989,904

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building preservation (94-1-018)**

Appropriation:

St Bldg Constr Acct \$ 85,084

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 285,084

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,000,000 of the reappropriation is provided solely for the purposes of chapter 314, Laws of 1991.

(2) \$7,500,000 of the appropriation may be used for projects authorized in House Bill No. 1790 (chapter 3, Laws of 1993).

Reappropriation:

Public Works Assistance Acct \$ 76,357,632

Appropriation:

Public Works Assistance Acct \$ 93,876,640
 Prior Biennia (Expenditures) \$ 81,376,520
 Future Biennia (Projected Costs) \$ 583,400,000

TOTAL \$ 835,010,792

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
 Affordable housing program (94-2-019)**

Reappropriation:

St Bldg Constr Acct \$ 6,000,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 2,000,000

Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 40,000,000

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
 Building for the arts-Phases 1 and 2 (92-5-100) (94-2-021)**

For grants to local performing arts and art museum organizations for facility improvements or additions.

The appropriation in this section is subject to the following conditions and limitations:

(1) Grants are limited to the following projects:

Phase 1 (92-5-100)

Estimated Total State State
 Capital Cost Grant Share

@ 15%

Seattle Children's Theatre \$ 8,000,000 \$ 1,200,000 15%
 Admiral Theatre (Bremerton) \$ 4,261,000 \$ 639,000 15%
 Pacific Northwest Ballet \$ 7,500,000 \$ 1,125,000 15%
 Seattle Symphony \$ 54,000,000 \$ 8,100,000 15%
 Seattle Repertory Theatre
 (Phase 1) \$ 4,000,000 \$ 600,000 15%
 Intiman Theatre \$ 800,000 \$ 120,000 15%
 Broadway Theatre District
 (Tacoma) \$ 11,800,000 \$ 1,770,000 15%
 Allied Arts of Yakima \$ 500,000 \$ 75,000 15%
 Spokane Art School \$ 454,000 \$ 68,000 15%
 Seattle Art Museum \$ 4,862,500 \$ 729,000 15%
 Total \$ 96,177,500 \$ 14,426,000

Phase 2 (94-2-021)

Estimated Total State State
 Capital Cost Grant Share

@ 15%

Bainbridge Performing
 Arts Center \$ 1,200,000 \$ 180,000 15%
 The Children's Museum \$ 2,850,000 \$ 427,500 15%
 Everett Community Theatre \$ 12,119,063 \$ 1,817,859 15%
 Kirkland Center for
 the Performing Arts \$ 2,500,000 \$ 375,000 15%
 Makah Cultural and
 Research Center \$ 1,600,000 \$ 240,000 15%
 Mount Baker Theatre Center \$ 1,581,000 \$ 237,150 15%
 Seattle Group Theatre \$ 334,751 \$ 50,213 15%
 Seattle Opera Association \$ 985,000 \$ 147,750 15%
 Seattle Repertory Theatre
 (Phase 2) \$ 4,000,000 \$ 600,000 15%
 Tacoma Little Theatre \$ 1,250,000 \$ 187,500 15%
 Valley Museum of Northwest
 Art \$ 1,100,000 \$ 165,000 15%
 Village Theatre \$ 6,000,000 \$ 900,000 15%
 The Washington Center

for the Performing Arts \$ 400,000 \$ 60,000 15%
 Whidbey Island Center
 for the Arts \$ 1,200,000 \$ 180,000 15%
 Olympia Children's Museum \$ 2,000,000 \$ 300,000 15%
 Enumclaw Performing
 Arts Center \$ 4,000,000 \$ 600,000 15%
 Total \$ 44,119,814 \$ 6,467,972

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1995-97 capital budget. The list shall result from a competitive grants program developed by the department providing for:

(a) A maximum state funding amount of \$4 million in the 1995-97 biennium for new projects not previously authorized by the legislature. Maximum state grant awards shall be limited to fifteen percent of the total cost of each qualified project;

(b) Uniform criteria for the selection of projects and awarding of grants. The criteria shall address, at a minimum: The administrative and financial capability of the organization to complete and operate the project; local community support for the project; the contribution the project makes to the diversity of performing arts, museum, and cultural organizations operating in the state; and the geographic distribution of projects; and

(c) A process to provide information describing application procedures to performing arts, museum, and cultural organizations state-wide.

The department may consult with and utilize existing arts organizations to assist with developing the grant criteria and administering the grant program.

Reappropriation:

St Bldg Constr Acct \$ 9,475,000

Appropriation:

St Bldg Constr Acct \$ 6,411,086

Prior Biennia (Expenditures) \$ 1,773,900

Future Biennia (Projected Costs) \$ 3,233,986

TOTAL \$ 20,893,972

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building replacement predesign (94-2-026)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 53,425

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,900,000

TOTAL \$ 8,953,425

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tall ships tourist attraction (86-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(2) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(3) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

(4) The reappropriation in this subsection is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Historic community theaters (90-5-014)**

The reappropriation in this section is provided solely for grants to preserve historic community theaters. No portion of the reappropriation in this section may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the total amount shall be expended for renovation of the Admiral Theatre in West Seattle.

Reappropriation:

St Bldg Constr Acct \$ 25,000
Prior Biennia (Expenditures) \$ 475,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Community Development Block Grant Federal Stimulus Funding**

Appropriation:

General Fund--Federal \$ 7,830,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,830,000

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Daybreak Star Center Remodel (94-2-100)**

Appropriation:

St Bldg Constr Acct \$ 227,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sisters of Visitation Monastery and Retreat Center: For the City of Federal Way to provide up to fifteen percent of the cost of acquiring the Sisters of Visitation Monastery and Retreat Center.

Appropriation:

St Bldg Constr Acct \$ 405,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sand Point Naval Station Planning: For the city of Seattle for community liaison committee planning related to future use of the Sand Point Naval Station on Lake Washington. No more than one percent of the appropriation may be expended by the department of community and development and the city of Seattle for administrative costs.

Appropriation:

St Bldg Constr Acct \$ 30,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors.

The appropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Appropriation:

St Bldg Constr Acct \$ 308,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000 -----

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Camp North Bend: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center.

The appropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Olympic Peninsula Natural History Museum: For development of the museum.

It is the intent of the legislature that this appropriation represents a one time grant for this project.

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access.

The appropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Appropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 30,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000 -----

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Complete Labor and Industries Headquarters Building in Tumwater (90-4-004)

Reappropriation:

L&I Constr Acct \$ 900,000
Prior Biennia (Expenditures) \$ 62,100,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 63,000,000 -----

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects for Division of Alcohol and Substance Abuse (90-3-010)

Reappropriation:

CEP & RI Acct \$ 336,728
Prior Biennia (Expenditures) \$ 13,272
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000 -----

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Childrens' Center: Security improvements (90-5-002)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 475,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital--Ward phase 5 remodel (92-1-314)

Reappropriation:

St Bldg Constr Acct \$ 12,669,000

Prior Biennia (Expenditures) \$ 1,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,669,000 -----

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital--Ward phase 3 remodel (92-1-340)

Reappropriation:

St Bldg Constr Acct \$ 6,328,000

Prior Biennia (Expenditures) \$ 1,250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,578,000 -----

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Alcohol and Substance Abuse Division (92-2-010)

Reappropriation:

CEP & RI Acct \$ 375,000

Prior Biennia (Expenditures) \$ 102,840

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 477,840 -----

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Construct a 64-bed, level one security facility (92-2-225)

Reappropriation:

St Bldg Constr Acct \$ 6,215,800

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,715,800 -----

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Construct 48-bed, level 2 security facility (92-2-230)

Reappropriation:

St Bldg Constr Acct \$ 1,553,500

Prior Biennia (Expenditures) \$ 1,553,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,107,000 -----

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Study and Treatment Center: Design and construct high school (92-2-319)

Reappropriation:

St Bldg Constr Acct \$ 3,825,000

Prior Biennia (Expenditures) \$ 617,300

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,442,300

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child care facilities for state employees, including higher education employees (92-4-050)**

Reappropriation:

St Bldg Constr Acct \$ 1,700,000

Appropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor capital preservation (94-1-004)**

Reappropriation:

CEP & RI Acct \$ 1,261,951

Appropriation:

St Bldg Constr Acct \$ 928,000

CEP & RI Acct \$ 3,000,000

Subtotal Appropriation \$ 3,928,000

Prior Biennia (Expenditures) \$ 3,735,931

Future Biennia (Projected Costs) \$ 22,727,750

TOTAL \$ 31,653,632

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Environmental management and planning (94-1-005)**

Reappropriation:

CEP & RI Acct \$ 137,576

Prior Biennia (Expenditures) \$ 221,424

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 359,000

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Energy conservation management and planning (94-1-006)**

Reappropriation:

CEP & RI Acct \$ 230,476

Prior Biennia (Expenditures) \$ 330,624

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 561,100

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency repairs (94-1-007)**

Appropriation:

CEP & RI Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,266,250

TOTAL \$ 1,516,250

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Chlorofluorocarbon abatement (94-1-008)**

Appropriation:

CEP & RI Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 350,000

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Predesign for future projects (94-1-009)**

The agency shall conduct a predesign of future projects in accordance with the predesign manual published by the office of financial management. Future appropriations for these projects are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 350,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Juvenile Rehabilitation Division (94-1-020)**

Reappropriation:

CEP & RI Acct \$ 245,719

Appropriation:

St Bldg Constr Acct \$ 2,079,600

Prior Biennia (Expenditures) \$ 1,177,843

Future Biennia (Projected Costs) \$ 11,237,000

TOTAL \$ 14,740,162

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Mental Health Division (94-1-030)**

Reappropriation:

CEP & RI Acct \$ 621,164

Appropriation:

St Bldg Constr Acct \$ 1,845,300

Prior Biennia (Expenditures) \$ 74,872

Future Biennia (Projected Costs) \$ 15,338,000

TOTAL \$ 17,879,336

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Developmental Disabilities Division (94-1-040)**

Reappropriation:

CEP & RI Acct \$ 203,902

Appropriation:

CEP & RI Acct \$ 1,361,500

Prior Biennia (Expenditures) \$ 504,596

Future Biennia (Projected Costs) \$ 14,389,000

TOTAL \$ 16,458,998

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Removal of underground storage tanks (94-1-060)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 40,290

Appropriation:

CEP & RI Acct \$ 410,000

Prior Biennia (Expenditures) \$ 104,710

Future Biennia (Projected Costs) \$ 350,000

TOTAL \$ 905,000

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Remodel of administrative building (94-1-127)

The appropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Appropriation:

St Bldg Constr Acct \$ 3,273,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,273,500

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Remodel apartment building (94-1-142)

Appropriation:

CEP & RI Acct \$ 2,133,112

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (94-1-150)

Reappropriation:

CEP & RI Acct \$ 109,947

Appropriation:

CEP & RI Acct \$ 309,500

Prior Biennia (Expenditures) \$ 182,853

Future Biennia (Projected Costs) \$ 518,000

TOTAL \$ 1,120,300

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Design and construct a wastewater treatment plant (94-1-201)

Appropriation:

St Bldg Constr Acct \$ 772,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Design and construct a wastewater treatment plant (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 1,165,694

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center: Remodel and construct addition to clinic (94-1-207)

Appropriation:

St Bldg Constr Acct \$ 1,086,614

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake: Replace wastewater treatment plant (94-1-301)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 750,444

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,250,000

TOTAL \$ 8,000,444 -----

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Study and Treatment Center: Remodel administration building (94-1-306)**

Appropriation:

CEP & RI Acct \$ 777,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600 -----

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Remodel ward, phase 6 (94-1-316)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,151,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,151,000 -----

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Remodel ward, phase 4 (94-1-341)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 9,266,900

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,266,900 -----

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Frances H. Morgan Center: Remodel facility (94-1-402)**

Appropriation:

St Bldg Constr Acct \$ 1,721,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300 -----

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Sanitary sewer (88-2-400)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 190,000

Prior Biennia (Expenditures) \$ 2,119,238

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,309,238 -----

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)

Reappropriation:

St Bldg Constr Acct \$ 75,000
Prior Biennia (Expenditures) \$ 46,927
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 121,927 -----

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Eagle Lodge Replacement

Appropriation:

St Bldg Constr Acct \$ 2,100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF HEALTH

Referendum 38 water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac \$ 5,366,855
Prior Biennia (Expenditures) \$ 3,742,099
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954 -----

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF HEALTH

Laboratory expansion, phase 2 (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 780,000

Appropriation:

St Bldg Constr Acct \$ 12,583,468
Prior Biennia (Expenditures) \$ 420,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,783,468 -----

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF HEALTH

Fircrest Campus: Preservation of health laboratory (94-1-001)

Reappropriation:

CEP & RI Acct \$ 251,318

Appropriation:

CEP & RI Acct \$ 615,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,043,460

TOTAL \$ 2,909,778 -----

NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF HEALTH

Remodel regional office in Wenatchee (94-1-002)

Appropriation:

CEP & RI Acct \$ 91,947
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 91,947 -----

NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Complete facility improvements on building nine at Soldiers' Home (90-1-009)

Reappropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Minor works at veterans' homes (92-2-008)

Reappropriation:

CEP & RI Acct \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Underground storage tank replacement (92-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 88,280

Prior Biennia (Expenditures) \$ 11,720

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Emergency repairs (94-1-018)

Appropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To replace underground storage tanks (94-1-019)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

CEP & RI Acct \$ 155,902

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 293,320

TOTAL \$ 449,222

NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair mechanical, electrical, and heating, ventilation, and air conditioning systems at Soldiers' Home (94-1-100)

Appropriation:

CEP & RI Acct \$ 837,057

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,821,835

TOTAL \$ 2,658,892

NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair building exterior at Soldiers' Home (94-1-101)

Appropriation:

CEP & RI Acct \$ 541,570

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 937,546

TOTAL \$ 1,479,116

NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interior at Soldiers' Home (94-1-102)

Appropriation:

CEP & RI Acct \$ 162,659
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,659

NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To make grounds improvements at Soldiers' Home (94-4-103)

Appropriation:

CEP & RI Acct \$ 275,595
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,446,123

TOTAL \$ 1,721,718

NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair mechanical, electrical and heating, ventilation, and air conditioning systems at Veterans' Home (94-1-200)

Appropriation:

CEP & RI Acct \$ 1,246,611
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 726,722

TOTAL \$ 1,973,333

NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To repair building exterior at Veterans' Home (94-1-201)

Appropriation:

CEP & RI Acct \$ 377,895
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 605,939

TOTAL \$ 983,834

NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interiors at Veterans' Home (94-1-202)

Appropriation:

CEP & RI Acct \$ 135,084
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 188,464

TOTAL \$ 323,548

NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To make grounds improvements at Veterans' Home (94-1-203)

Appropriation:

CEP & RI Acct \$ 139,485
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 949,612

TOTAL \$ 1,089,097

NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Korean War Memorial: To complete the erection of the memorial on the capitol campus

Appropriation:

St Bldg Constr Acct \$ 20,000
Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS

To make regulatory and code compliance improvements for the preservation of correctional facilities (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 4,183,000
CEP & RI Acct \$ 160,000

Subtotal Reappropriation \$ 4,343,000

Appropriation:

St Bldg Constr Acct \$ 10,736,573
CEP & RI Acct \$ 1,225,953

Subtotal Appropriation \$ 11,962,526
Prior Biennia (Expenditures) \$ 26,210,968
Future Biennia (Projected Costs) \$ 61,726,068

TOTAL \$ 104,242,562

NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS

To make small repairs and improvements to correctional facilities (94-1-002)

The reappropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,234,000

Appropriation:

St Bldg Constr Acct \$ 9,697,577
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 44,652,002

TOTAL \$ 63,583,579

NEW SECTION. Sec. 296. FOR THE DEPARTMENT OF CORRECTIONS

To replace roofs and associated building improvements for the preservation of correctional facilities (94-1-003)

Reappropriation:

St Bldg Constr Acct \$ 680,000

Appropriation:

St Bldg Constr Acct \$ 4,938,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 35,037,216

TOTAL \$ 40,655,216

NEW SECTION. Sec. 297. FOR THE DEPARTMENT OF CORRECTIONS

To repair internal building systems for the preservation of correctional facilities (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 8,779,445
CEP & RI Acct \$ 431,568

Subtotal Appropriation \$ 9,211,013
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 65,561,403

TOTAL \$ 74,772,416

NEW SECTION. Sec. 298. FOR THE DEPARTMENT OF CORRECTIONS

Underground storage tanks (90-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 256,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,500

NEW SECTION. Sec. 299. FOR THE DEPARTMENT OF CORRECTIONS

To repair or replace leaking underground storage tanks (94-1-005)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 513,848

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 989,089

TOTAL \$ 1,502,937

NEW SECTION. Sec. 300. FOR THE DEPARTMENT OF CORRECTIONS

To continue to implement the master plan for capital improvements to McNeil Island Correctional Facility (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 7,936,000

Appropriation:

St Bldg Constr Acct \$ 12,878,689

Prior Biennia (Expenditures) \$ 36,153,201

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 56,967,890

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF CORRECTIONS

For state-wide repairs and improvements (94-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,177,965

Appropriation:

St Bldg Constr Acct \$ 17,767,557

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 110,387,730

TOTAL \$ 137,333,252

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF CORRECTIONS

Western Washington prerelease: For the acquisition and design of the replacement facility and necessary repairs at the current facility at Western State Hospital (94-2-003)

The appropriations in this section shall not be expended for a replacement facility until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,839,510

Prior Biennia (Expenditures) \$ 249,091

Future Biennia (Projected Costs) \$ 14,780,396

TOTAL \$ 18,868,997 -----

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF CORRECTIONS

Dayton: 300-bed minimum security facility (94-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 2,783,000

Future Biennia (Projected Costs) \$ 19,388,011

TOTAL \$ 22,471,011 -----

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF CORRECTIONS

Develop a predesign for a 500-bed reception center at the Washington Corrections Center (94-2-008)

The appropriation in this section shall be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 266,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 39,851,000

TOTAL \$ 40,117,400 -----

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF CORRECTIONS

Continuation of master plan implementation at the Washington Corrections Center for Women (94-2-015)

Reappropriation:

St Bldg Constr Acct \$ 4,574,500

Prior Biennia (Expenditures) \$ 8,265,443

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,839,943 -----

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF CORRECTIONS

Continue construction of Airway Heights (94-2-016)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 13,901,500

Prior Biennia (Expenditures) \$ 80,236,493

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,137,993 -----

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF CORRECTIONS

New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds **(90-2-001)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,512,000

Prior Biennia (Expenditures) \$ 50,570,052

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 54,082,052 -----

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: For initiation of a feasibility for relocation of program and living space at the honor farm (92-2-029)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights: 512 Bed Special Needs Facility

To design and construct a 512 bed addition to the Airway Heights Corrections Center for medically fragile and other inmates with special needs. The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 30,971,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,971,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF CORRECTIONS

1,936-Bed Multi-Custody Facility: Predesign and Site Selection (94-2-007)

To predesign and begin site selection for a 1,936-bed multi-custody facility. The predesign shall be conducted in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 100,620,760

TOTAL \$ 101,020,760

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE ENERGY OFFICE

004) Energy partnership: Conservation capital projects for schools and state agencies (92-1-003) (92-1-

Reappropriation:

St Bldg Constr Acct \$ 358,000

Energy Eff Constr Acct \$ 3,000,000

Subtotal Appropriation \$ 3,358,000

Prior Biennia (Expenditures) \$ 620,424

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,978,424

NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE ENERGY OFFICE

Provide planning support and contract review for the development of cogeneration projects at major state facilities (94-1-002)

Appropriation:

Energy Eff Svcs Acct \$ 150,000

Prior Biennia (Expenditures) \$ 643,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 793,000

NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE ENERGY OFFICE

Development of energy conservation projects for schools and state government facilities (92-1-001)

Appropriation:

Energy Eff Svcs Acct \$ 850,000

Prior Biennia (Expenditures) \$ 2,407,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,257,000 -----

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA, Waste Disp Fac \$ 8,236,396

Appropriation:

LIRA, Waste Disp Fac \$ 104,186

Prior Biennia (Expenditures) \$ 228,031,960

Future Biennia (Projected Costs) \$ 863,843

TOTAL \$ 237,236,385 -----

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

Reappropriation:

LIRA, Water Sup Fac \$ 11,300,000

Prior Biennia (Expenditures) \$ 57,081,346

Future Biennia (Projected Costs) \$ 13,824,661

TOTAL \$ 82,206,007 -----

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF ECOLOGY

State emergency water project revolving account (76-2-003)

Reappropriation:

Emergency Water Proj \$ 8,835,351

Appropriation:

Emergency Water Proj \$ 636,879

Prior Biennia (Expenditures) \$ 17,395,945

Future Biennia (Projected Costs) \$ 223,290

TOTAL \$ 27,091,465 -----

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 waste disposal facilities 1980 bond issue (82-2-005)

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac \$ 29,116,174

Appropriation:

LIRA, Waste Disp Fac \$ 42,000

Prior Biennia (Expenditures) \$ 426,649,138

Future Biennia (Projected Costs) \$ 28,000

TOTAL \$ 455,835,312 -----

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund: Water Quality Account (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both subsections (1) and (2) of this section.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities that control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(4) The department shall develop and implement a strategy for increasing the percentage of loans from the centennial clean water program.

(5) The appropriation in this section from the water pollution control revolving account shall be used in a manner consistent with chapter 70.146 RCW.

(6) No later than December 1, 1993, the department of ecology shall provide to the appropriate committees of the legislature an implementation plan for making administrative efficiencies and service improvements to the grant and loan programs currently administered by the department. The plan shall include but not be limited to actions which: (a) Simplify application and funding cycle procedures; (b) eliminate duplicative oversight functions; (c) consolidate planning requirements as appropriate to be consistent with the growth management act; (d) reduce state and local administrative costs; (e) encourage demand management strategies; and (f) develop watershed or regional mechanisms for solving as completely as possible a community's environmental needs through coordinated cross program prioritization and administration of funding programs. The plan shall identify actions which the department has taken to implement administrative efficiencies and service improvements to the grant and loan programs. At the same time the implementation plan is submitted to the legislature, the department shall provide recommendations for any statutory changes that are needed to implement the plan. Recommendations may include a new method for distributing water quality account money after the current statutory allocation formula expires.

Reappropriation:

Water Quality Acct \$ 95,280,000

Appropriation:

Water Quality Acct \$ 64,445,000

Water Pollution Cont--Federal \$ 6,291,000

Subtotal Appropriation \$ 70,736,000

Prior Biennia (Expenditures) \$ 183,982,825

Future Biennia (Projected Costs) \$ 305,676,000

TOTAL \$ 655,674,825

NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF ECOLOGY
Local toxics control account (88-2-008)

Reappropriation:

Local Toxics Control Acct \$ 55,848,951

Appropriation:

Local Toxics Control Acct \$ 41,167,432

Prior Biennia (Expenditures) \$ 49,584,365

Future Biennia (Projected Costs) \$ 192,012,768

TOTAL \$ 337,613,516

NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF ECOLOGY

Water pollution control facility loans (90-2-002)

Reappropriation:

Water Pollution Cont Rev
Fund--State \$ 13,044,335

Water Pollution Cont Rev
Fund--Federal \$ 65,206,025

Subtotal Reappropriation \$ 78,250,360

Appropriation:

Water Pollution Cont Rev Fund--
State \$ 19,961,601

Water Pollution Cont--Federal \$ 78,689,866

Subtotal Appropriation \$ 98,651,467

Prior Biennia (Expenditures) \$ 54,871,279

Future Biennia (Projected Costs) \$ 283,370,816

TOTAL \$ 515,143,921

NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF ECOLOGY

Improved water drainage and repair access roads, walks, and parking lots at the Padilla Bay Interpretive Center (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide potable water system improvements (88-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

LIRA, Water Sup Fac \$ 42,488

St Bldg Constr Acct \$ 85,000

Subtotal Reappropriation \$ 127,488

Prior Biennia (Expenditures) \$ 53,563

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 181,051

NEW SECTION. Sec. 414. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide sewer facility remodel (92-5-900)

Reappropriation:

LIRA, Waste Fac 1980 \$ 118,226

St Bldg Constr Acct \$ 40,000

Subtotal Reappropriation \$ 158,226
Prior Biennia (Expenditures) \$ 35,458
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 193,684

NEW SECTION. Sec. 415. FOR THE STATE PARKS AND RECREATION COMMISSION
Construct state-wide boat pumpout facilities (92-5-901)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 96,131
ORA--State \$ 203,419

Subtotal Reappropriation \$ 299,550
Prior Biennia (Expenditures) \$ 128,275
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 427,825

NEW SECTION. Sec. 416. FOR THE STATE PARKS AND RECREATION COMMISSION
Maryhill State Park development (88-5-035)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 829,563
Prior Biennia (Expenditures) \$ 83,413
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 912,976

NEW SECTION. Sec. 417. FOR THE STATE PARKS AND RECREATION COMMISSION
Crystal Falls: Acquisition and development (88-5-057)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 24,761
Prior Biennia (Expenditures) \$ 239
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,000

NEW SECTION. Sec. 418. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide water supply facilities remodel (89-1-101)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 127,516
Prior Biennia (Expenditures) \$ 33,387
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 160,903

NEW SECTION. Sec. 419. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sanitary facilities renovation (89-1-102)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 87,460
Prior Biennia (Expenditures) \$ 60,692

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 148,152

**NEW SECTION. Sec. 420. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide electrical wiring and hookups (89-1-103)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 48,716

Prior Biennia (Expenditures) \$ 28,172

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 76,888

**NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide Clean Water Act code compliance (89-1-116)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 125,000

Prior Biennia (Expenditures) \$ 316,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 441,000

**NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION
Sacajawea: Launch, pilings, and float repair (89-1-129)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 180,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000

**NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide general construction (89-2-107)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 208,320

Prior Biennia (Expenditures) \$ 188,948

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 397,268

**NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide special construction (89-2-109)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 114,782

Prior Biennia (Expenditures) \$ 65,898

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 180,680

**NEW SECTION. Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION
Westhaven: Comfort station and parking construction (89-2-119)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 311,349

Prior Biennia (Expenditures) \$ 85,448

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 396,797

NEW SECTION. Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish: Boat launch repairs (89-2-139)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 51,387

Prior Biennia (Expenditures) \$ 62,613

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 114,000

NEW SECTION. Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide site/environmental protection (89-3-104)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 150,475

Prior Biennia (Expenditures) \$ 104,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 255,392

NEW SECTION. Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide acquisition (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 50,256

General Fund--Federal \$ 450,000

Subtotal Reappropriation \$ 500,256

Prior Biennia (Expenditures) \$ 7,950,930

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,451,186

NEW SECTION. Sec. 429. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden: Rebuild boat launch (89-3-135)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 275,219

Prior Biennia (Expenditures) \$ 13,639

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 288,858

NEW SECTION. Sec. 430. FOR THE STATE PARKS AND RECREATION COMMISSION

Larrabee development (89-5-002)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 275,000

ORA--State \$ 140,540

Subtotal Reappropriation \$ 415,540
Prior Biennia (Expenditures) \$ 65,350
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 480,890

**NEW SECTION. Sec. 431. FOR THE STATE PARKS AND RECREATION COMMISSION
Blake Island fire protection (89-1-050)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 29,312
Prior Biennia (Expenditures) \$ 73,386
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 102,698

**NEW SECTION. Sec. 432. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Canby initial development (89-5-115)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 232,813
Prior Biennia (Expenditures) \$ 26,774
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 259,587

**NEW SECTION. Sec. 433. FOR THE STATE PARKS AND RECREATION COMMISSION
Ocean beach access (89-5-120)**

Reappropriation:

ORA--State \$ 286,195
St Bldg Constr Acct \$ 250,000

Subtotal Reappropriation \$ 536,195
Prior Biennia (Expenditures) \$ 27,191
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 563,386

**NEW SECTION. Sec. 434. FOR THE STATE PARKS AND RECREATION COMMISSION
Spokane Centennial Trail (89-5-166)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 223,507
Prior Biennia (Expenditures) \$ 3,456
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 226,963

**NEW SECTION. Sec. 435. FOR THE STATE PARKS AND RECREATION COMMISSION
Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)**

Reappropriation:

St Bldg Constr Acct \$ 40,000
Prior Biennia (Expenditures) \$ 725,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 765,000

**NEW SECTION. Sec. 436. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide facilities preservation (90-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 352,835
Prior Biennia (Expenditures) \$ 7,165
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 360,000 -----

**NEW SECTION. Sec. 437. FOR THE STATE PARKS AND RECREATION COMMISSION
Dougs Beach initial development (90-1-171)**

Reappropriation:

St Bldg Constr Acct \$ 62,206
Prior Biennia (Expenditures) \$ 57,440
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 119,646 -----

**NEW SECTION. Sec. 438. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide--Omnibus facility contingency (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 89,400
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 239,400 -----

**NEW SECTION. Sec. 439. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tanks removal (90-2-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,445,725
Prior Biennia (Expenditures) \$ 454,275
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,900,000 -----

**NEW SECTION. Sec. 440. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide minor works preservation (92-5-905)**

Reappropriation:

St Bldg Constr Acct \$ 2,814,016
Prior Biennia (Expenditures) \$ 922,284
Future Biennia (Projected Costs) \$ 6,698,000

TOTAL \$ 10,434,300 -----

**NEW SECTION. Sec. 441. FOR THE STATE PARKS AND RECREATION COMMISSION
Deception Pass repairs (91-2-006)**

Reappropriation:

St Bldg Constr Acct \$ 1,179,216
Prior Biennia (Expenditures) \$ 72,464
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,251,680 -----

**NEW SECTION. Sec. 442. FOR THE STATE PARKS AND RECREATION COMMISSION
Triton Cove remodel (91-2-008)**

Reappropriation:

ORA--State \$ 572,000
Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 582,000

**NEW SECTION. Sec. 443. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (91-2-009)**

Reappropriation:

ORA--State \$ 274,221

Prior Biennia (Expenditures) \$ 104,779

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 379,000

**NEW SECTION. Sec. 444. FOR THE STATE PARKS AND RECREATION COMMISSION
St. Edwards--Gym remodel (92-2-501)**

Reappropriation:

St Bldg Constr Acct \$ 575,079

Prior Biennia (Expenditures) \$ 89,921

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 665,000

**NEW SECTION. Sec. 445. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark Equestrian Center predesign (92-5-502)**

Reappropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

**NEW SECTION. Sec. 446. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sewer facilities improvements (93-2-001)**

Reappropriation:

LIRA, Waste Fac 1980 \$ 1,313,681

Prior Biennia (Expenditures) \$ 272,139

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820

**NEW SECTION. Sec. 447. FOR THE STATE PARKS AND RECREATION COMMISSION
Saltwater State Park flood control (93-2-091)**

Reappropriation:

St Bldg Constr Acct \$ 399,269

Prior Biennia (Expenditures) \$ 97,731

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 497,000

**NEW SECTION. Sec. 448. FOR THE STATE PARKS AND RECREATION COMMISSION
Chuckanut Hill: Planning and acquisition for addition to Larrabee state park (93-5-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for property acquisition, may not be used to acquire development rights, and is subject to chapter 43.99 RCW.

(2) Before the expenditure of any funds provided from this section, Whatcom county shall have acquired under forest board ownership a majority of the 1200-acre parcel of privately owned land adjacent and to the north of Larrabee state park. The county shall also have entered into an agreement with the board of natural resources committing the county to manage these lands, adjacent to Larrabee state park, as county park land under RCW 76.12.072.

(3) Before the expenditure of any funds provided from this section, either the city of Bellingham or Whatcom county shall have made application to the interagency committee for outdoor recreation for funding available through the wildlife and recreation program so that the city or county may acquire park lands adjacent to Larrabee state park. The application may provide for management of the lands by the state parks and recreation commission.

(4) No additional state funds may be expended for this acquisition unless authorized by the interagency committee for outdoor recreation in accordance with chapter 43.98A RCW.

Reappropriation:

ORA--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 449. FOR THE STATE PARKS AND RECREATION COMMISSION
Olmstead Place Interpretive Center (93-5-002)**

Reappropriation:

St Bldg Constr Acct \$ 92,000

Prior Biennia (Expenditures) \$ 1,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,000

**NEW SECTION. Sec. 450. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide emergency and unforeseen needs (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 1,900,000

**NEW SECTION. Sec. 451. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tank remediation (94-1-002)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

**NEW SECTION. Sec. 452. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide building systems preservation (94-1-003)**

Appropriation:

St Bldg Constr Acct \$ 3,400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,969,800

TOTAL \$ 17,369,800

**NEW SECTION. Sec. 453. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (94-1-004)**

Appropriation:

St Bldg Constr Acct \$ 1,223,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 14,620,068

TOTAL \$ 15,843,568

NEW SECTION. Sec. 454. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide roadway preservation (94-1-005)

Appropriation:

Motor Vehicle Acct \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,957,673

TOTAL \$ 17,957,673

NEW SECTION. Sec. 455. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide utility preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 4,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,195,890

TOTAL \$ 20,695,890

NEW SECTION. Sec. 456. FOR THE STATE PARKS AND RECREATION COMMISSION
San Juan Islands--Phase 1 and 2 boating facilities (94-1-055)

Appropriation:

ORA--State \$ 1,212,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,212,500

NEW SECTION. Sec. 457. FOR THE STATE PARKS AND RECREATION COMMISSION
Puget Sound/Northwest Washington--Phase 1 and 2 boating facilities (94-1-056)

Appropriation:

ORA--State \$ 1,080,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,080,400

NEW SECTION. Sec. 458. FOR THE STATE PARKS AND RECREATION COMMISSION
Hood Canal to the coast--Phase 1 boating facilities (94-1-057)

Appropriation:

ORA--State \$ 488,100
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 488,100

NEW SECTION. Sec. 459. FOR THE STATE PARKS AND RECREATION COMMISSION
Steamboat Rock remodel (95-2-182)

Reappropriation:

St Bldg Constr Acct \$ 120,000
Prior Biennia (Expenditures) \$ 19,060
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 139,060

NEW SECTION. Sec. 460. FOR SPECIAL LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

Special land purchases and common school construction (94-2-000)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$27,424,000 of this appropriation is provided to the state parks and recreation commission ("commission") solely to acquire the following trust lands that have been identified by the department of natural resources and the commission as appropriate for state park use:

- (i) Squak mountain, King county;
- (ii) Miller peninsula, Clallam county;
- (iii) Hoko river, Clallam county;
- (iv) Cascade island, Skagit county;
- (v) Leadbetter point, Pacific county;
- (vi) Square lake, Kitsap county;
- (vii) Iron Horse/Ragner, King county;
- (viii) Robe gorge, Snohomish county.

(b) \$4,975,000 of this appropriation is provided to the department of wildlife solely to acquire the following trust lands that have been identified by the department of natural resources and the department of wildlife as appropriate for wildlife habitat:

- (i) Cabin creek, Kittitas county;
- (ii) Riffe lake, Lewis county;
- (iii) Divide ridge, Yakima county.

(c) \$17,953,000 of this appropriation is provided to the department of natural resources solely to acquire the following trust lands appropriate for natural area preserve, natural resource conservation area, and/or recreation use:

- (i) Mount Pilchuck, Snohomish county;
- (ii) Mt. Si, King county.

(2) Lands acquired under this section shall be transferred in fee simple. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Property transferred under this section shall be appraised and transferred at fair market value. The proceeds from the value of the timber transferred shall be deposited by the department of natural resources in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the value of the land transferred shall be used by the department of natural resources to acquire real property of equal value to be managed as common school trust land.

(4) The proceeds from the value of the land transferred under this section shall be deposited in the park land trust revolving account to be utilized by the department of natural resources for the exclusive purpose of acquiring replacement common school trust land.

(5) The department of natural resources shall attempt to maintain an aggregate ratio of 85:15 timber-to-land value in these transactions.

(6) Intergrant exchanges between common school and noncommon school trust lands of equal value may occur if the noncommon school trust land meets the criteria established by the commission and the departments of natural resources and wildlife for selection of sites and if the exchange is in the interest of both trusts.

(7) Lands and timber purchased under subsection (1)(c) of this section shall be managed under chapter 79.68, 79.70, or 79.71 RCW as determined by the department of natural resources.

(8) The state parks and recreation commission shall identify appropriate sites for a new marine state park in south Puget Sound as an alternative to the Squaxin Island state park. Moneys provided under subsection (1)(a) of this section may be expended to acquire the alternative site pursuant to subsections (2) through (6) of this section.

(9) Expenditures by the state parks and recreation commission to develop utilities at a state park on the Miller peninsula in Clallam county shall be limited such that the annual debt service payments on state bonds related to those expenditures shall not exceed the anticipated revenues to be derived from the completed park.

Appropriation:

St Bldg Constr Acct \$ 45,798,000
Aquatic Lands Acct \$ 4,554,000

Subtotal Appropriation \$ 50,352,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,352,000

**NEW SECTION. Sec. 461. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Firearms range program and grants to public agencies (90-2-001)**

Reappropriation:

Firearms Range Acct \$ 389,875
ORA--Federal \$ 43,634

Subtotal Reappropriation \$ 433,509

Appropriation:

Firearms Range Acct \$ 245,000

Prior Biennia (Expenditures) \$ 608,501
Future Biennia (Projected Costs) \$ 1,050,000

TOTAL \$ 2,337,010

**NEW SECTION. Sec. 462. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (90-5-002)**

Reappropriation:

ORA--State \$ 1,265,227
Habitat Conservation Acct \$ 1,426,962

Subtotal Reappropriation \$ 2,692,189
Prior Biennia (Expenditures) \$ 32,425,345
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,117,534

**NEW SECTION. Sec. 463. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (92-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 6,048,754
ORA--Federal \$ 700,000
ORA--State \$ 3,715,970
Firearms Range Acct \$ 136,892

Subtotal Reappropriation \$ 10,601,616
Prior Biennia (Expenditures) \$ 5,979,136
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,580,752

**NEW SECTION. Sec. 464. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (92-5-002)**

Reappropriation:

ORA--State \$ 14,152,287
Habitat Conservation Acct \$ 5,738,486

Subtotal Reappropriation \$ 19,890,773
Prior Biennia (Expenditures) \$ 30,109,227
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000,000

NEW SECTION. Sec. 465. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Clear creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation (93-2-002)

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources. The state shall not be obligated for project costs that exceed this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,550,000

**NEW SECTION. Sec. 466. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (94-3-001) (94-3-005)**

Appropriation:

ORA--Federal \$ 1,000,000
ORA--State \$ 5,653,614

Subtotal Appropriation \$ 6,653,614
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,653,614

NEW SECTION. Sec. 467. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Initiative 215 (94-3-003)

Appropriation:

ORA--State \$ 3,694,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,400,000

TOTAL \$ 19,094,000

NEW SECTION. Sec. 468. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION NOVA projects (94-3-004)

Appropriation:

ORA--State \$ 4,996,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 30,496,000

NEW SECTION. Sec. 469. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Washington wildlife and recreation program (94-5-002)

(1) \$25,000,000 of the state building construction account appropriation in this section shall be deposited into and is hereby appropriated from the habitat conservation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW. \$20,525,800 of the state building construction account appropriation and all of the outdoor recreation account appropriation and aquatic lands enhancement account appropriation shall be deposited into and is hereby appropriated from the state outdoor recreation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW.

(2) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) A minimum of \$1,000,000 from the habitat conservation account must be used for wetland acquisition as identified by the Puget Sound water quality management plan.

(4) The following project is deleted from the approved list of projects established under chapter 43.98A RCW: That portion of mule deer winter range (project number 92-638A) other than partial parts of the following sections located in township 35 north, range 21, east Willamette meridian: Sections 34, 28, 27, 21, 16, 15, 4, and 3.

Appropriation:

St Bldg Constr Acct \$ 45,525,800
ORA--State \$ 4,028,200
Aquatic Lands Acct \$ 446,000

Subtotal Appropriation \$ 50,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 250,000,000

NEW SECTION. Sec. 470. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION Sunnyside Beach (92-261D): For rebuilding and enhancing the recreation facilities at the existing community park.

The appropriation in this section shall be matched by an equal amount of money from nonstate sources for the project.

Appropriation:

St Bldg Constr Acct \$ 158,857
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 158,857

**NEW SECTION. Sec. 471. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Community economic revitalization board (86-1-001)**

\$2,000,000 of the public works assistance account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-impact areas under chapter 314, Laws of 1991. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Reappropriation:

St Bldg Constr Acct \$ 5,911,000
Public Fac Constr Loan Rev Acct \$ 2,940,000

Subtotal Reappropriation \$ 8,851,000 -----

Appropriation:

Public Works Assistance Acct \$ 4,000,000
Public Fac Constr Loan Rev Acct \$ 1,195,000

Subtotal Appropriation \$ 5,195,000
Prior Biennia (Expenditures) \$ 7,460,462
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 21,506,462

**NEW SECTION. Sec. 472. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington Technology Center (88-1-003) (92-5-001) (94-2-002)**

The appropriation in this subsection is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct \$ 3,158,144

Appropriation:

St Bldg Constr Acct \$ 1,266,000
Prior Biennia (Expenditures) \$ 7,243,571
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 11,667,715

**NEW SECTION. Sec. 473. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Timber ports capital asset improvement (94-2-004)**

To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities.

The appropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this appropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port Amount

Port of Grays Harbor \$564,000
Port of Port Angeles \$1,500,000
Port of Longview \$1,855,400

Appropriation:

St Bldg Constr Acct \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 474. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Johnson Observatory--Mt. St. Helens National Volcanic Monument (94-2-010)**

Funds provided by the state to assist in accelerating the project are subject to restoration by the federal government when the total federal appropriation for the project is made available.

Appropriation:

St Bldg Constr Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 475. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects: Provides grants to local conservation districts for resource conservation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

Reappropriation:

Water Quality Acct--State \$ 348,652

Appropriation:

Water Quality Acct--State \$ 5,224,000

Prior Biennia (Expenditures) \$ 1,791,348

Future Biennia (Projected Costs) \$ 9,120,000

TOTAL \$ 13,484,000

NEW SECTION. Sec. 476. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access renovation (86-3-028)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 190,000

Prior Biennia (Expenditures) \$ 21,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000

NEW SECTION. Sec. 477. FOR THE DEPARTMENT OF FISHERIES

Shorefishing access (88-5-018)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 671,946

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,071,946

NEW SECTION. Sec. 478. FOR THE DEPARTMENT OF FISHERIES

Ilwaco boat access expansion (90-2-023)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 479. FOR THE DEPARTMENT OF FISHERIES

Minter Creek hatchery phase 1 reconstruction (92-2-016)

Reappropriation:

St Bldg Constr Acct \$ 2,700,000

Appropriation:

St Bldg Constr Acct \$ 1,400,000

Prior Biennia (Expenditures) \$ 600,000

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 5,700,000 -----

NEW SECTION. Sec. 480. FOR THE DEPARTMENT OF FISHERIES
Willapa Interpretive Center construction (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 481. FOR THE DEPARTMENT OF FISHERIES
Strait of Juan de Fuca shoreline acquisition (92-5-901)

Reappropriation:

ORA--State \$ 350,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 430,000 -----

NEW SECTION. Sec. 482. FOR THE DEPARTMENT OF FISHERIES
Minor works: Code compliance (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 300,000

Appropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 2,128,887

Future Biennia (Projected Costs) \$ 5,200,000

TOTAL \$ 9,128,887 -----

NEW SECTION. Sec. 483. FOR THE DEPARTMENT OF FISHERIES
Facilities rehabilitation and acquisition (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditure of funds for the acquisition of property for the replacement of the Seattle Boat Shop is contingent upon the office of financial management review and approval of a preplanning and feasibility study for the project.

(2) \$100,000 of the appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of wildlife. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

Reappropriation:

St Bldg Constr Acct \$ 650,000

Appropriation:

St Bldg Constr Acct \$ 2,285,000

Prior Biennia (Expenditures) \$ 1,127,200

Future Biennia (Projected Costs) \$ 22,000,000

TOTAL \$ 26,062,200 -----

NEW SECTION. Sec. 484. FOR THE DEPARTMENT OF FISHERIES
Sunset Falls fishway remodel (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 690,000 -----

NEW SECTION. Sec. 485. FOR THE DEPARTMENT OF FISHERIES

Skagit salmon hatchery facility upgrade (94-1-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) Subject to the passage of Substitute Senate Bill No. 5940 or substantially similar legislation, combining the Departments of Fisheries and Wildlife, the appropriation in this section shall not be expended until July 1, 1994.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 722,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 722,000 -----

NEW SECTION. Sec. 486. FOR THE DEPARTMENT OF FISHERIES

Dungeness hatchery facility upgrade (94-1-005)

Appropriation:

St Bldg Constr Acct \$ 837,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 610,000

TOTAL \$ 1,447,000 -----

NEW SECTION. Sec. 487. FOR THE DEPARTMENT OF FISHERIES

Fishing reef marker buoys replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct \$ 15,000

Appropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 275,000 -----

NEW SECTION. Sec. 488. FOR THE DEPARTMENT OF FISHERIES

Underground storage tanks: Removal and replacement (94-1-008)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 225,000

Future Biennia (Projected Costs) \$ 720,000

TOTAL \$ 1,145,000 -----

NEW SECTION. Sec. 489. FOR THE DEPARTMENT OF FISHERIES

Pathogen-free water and incubation isolation systems development (94-2-001)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 2,400,000 -----

NEW SECTION. Sec. 490. FOR THE DEPARTMENT OF FISHERIES

Tidelands acquisition (94-2-003)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 491. FOR THE DEPARTMENT OF FISHERIES
Fish protection facilities replacement (94-2-005)**

Reappropriation:

St Bldg Constr Acct \$ 5,000

Appropriation:

General Fund--Federal \$ 1,000,000

St Bldg Constr Acct \$ 600,000

Subtotal Appropriation \$ 1,600,000
Prior Biennia (Expenditures) \$ 445,894
Future Biennia (Projected Costs) \$ 9,270,100

TOTAL \$ 11,320,994

**NEW SECTION. Sec. 492. FOR THE DEPARTMENT OF FISHERIES
Habitat and salmon enhancement program (94-2-006)**

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 1,565,000

General Fund--Federal \$ 800,000

General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 3,165,000
Prior Biennia (Expenditures) \$ 2,021,243
Future Biennia (Projected Costs) \$ 13,510,000

TOTAL \$ 18,716,243

**NEW SECTION. Sec. 493. FOR THE DEPARTMENT OF FISHERIES
Habitat management shop building construction (94-3-007)**

Appropriation:

St Bldg Constr Acct \$ 415,000

Prior Biennia (Expenditures) \$ 432,041

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 847,041

**NEW SECTION. Sec. 494. FOR THE DEPARTMENT OF FISHERIES
Coast and Puget Sound wild stock restoration (94-2-008)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,480,397

Appropriation:

St Bldg Constr Acct \$ 2,800,000

Prior Biennia (Expenditures) \$ 2,144,411

Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 10,924,808

**NEW SECTION. Sec. 495. FOR THE DEPARTMENT OF FISHERIES
Field services storage units acquisition (94-2-012)**

Reappropriation:

St Bldg Constr Acct \$ 94,500

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 225,500

Future Biennia (Projected Costs) \$ 220,000

TOTAL \$ 690,000 -----

**NEW SECTION. Sec. 496. FOR THE DEPARTMENT OF FISHERIES
Clam and Oyster Beach enhancement (95-2-004)**

Reappropriation:

St Bldg Constr Acct \$ 30,000
Prior Biennia (Expenditures) \$ 2,005,699
Future Biennia (Projected Costs) \$ 3,300,000

TOTAL \$ 5,335,699 -----

**NEW SECTION. Sec. 497. FOR THE DEPARTMENT OF FISHERIES
Ringold water--John Day Dam mitigation (95-2-015)**

Appropriation:

General Fund--Federal \$ 5,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

**NEW SECTION. Sec. 498. FOR THE DEPARTMENT OF FISHERIES
Klickitat acclimation pond (95-2-016)**

Appropriation:

General Fund--Federal \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000 -----

**NEW SECTION. Sec. 499. FOR THE DEPARTMENT OF FISHERIES
Water access and development (95-2-017)**

Reappropriation:

ORA--State \$ 1,200,000

Appropriation:

General Fund--Federal \$ 480,000
ORA--State \$ 150,000

Subtotal Appropriation \$ 630,000
Prior Biennia (Expenditures) \$ 250,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,080,000 -----

**NEW SECTION. Sec. 500. FOR THE DEPARTMENT OF FISHERIES
South Sound net pens replacement (94-1-006)**

Appropriation:

St Bldg Constr Acct \$ 345,000
Prior Biennia (Expenditures) \$ 178,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 523,000 -----

**NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF WILDLIFE
Aberdeen hatchery expansion (89-5-017)**

Reappropriation:

Game Spec Wildlife Acct \$ 8,554
Prior Biennia (Expenditures) \$ 731,446
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 740,000 -----

**NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF WILDLIFE
Skagit wildlife area dike repair (93-3-008)**

Reappropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 21,250

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 171,250

**NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing access flood repair (92-5-016)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 40,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000

**NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing interpretive center (92-5-017)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 405,029

Prior Biennia (Expenditures) \$ 44,971

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

**NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF WILDLIFE
Hood Canal wetlands center construction (93-5-001)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 491,000

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF WILDLIFE
Health, safety, and code compliance (94-1-001)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 830,000

Prior Biennia (Expenditures) \$ 1,080,000

Future Biennia (Projected Costs) \$ 3,900,000

TOTAL \$ 5,830,000

**NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF WILDLIFE
Minor works: Emergency repair (94-1-002)**

Appropriation:

St Bldg Constr Acct \$ 500,000

Prior Biennia (Expenditures) \$ 349,233

Future Biennia (Projected Costs) \$ 1,625,000

TOTAL \$ 2,474,233

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF WILDLIFE

Fishing access area redevelopment (94-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1016(2) (a) and (b) of this act.

Reappropriation:

Wildlife Acct--Federal \$ 107,000
ORA--State \$ 959,000

Subtotal Reappropriation \$ 1,066,000 -----

Appropriation:

ORA--State \$ 887,000
Wildlife Acct--Federal \$ 500,000

Subtotal Appropriation \$ 1,387,000
Prior Biennia (Expenditures) \$ 1,456,000
Future Biennia (Projected Costs) \$ 7,333,400 -----

TOTAL \$ 10,176,400

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF WILDLIFE

Hatchery remodel (94-1-004)

(1) \$100,000 of the state building construction account appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of fisheries. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

(2) No funds are provided for increased residential capacity at state hatchery facilities.

Reappropriation:

St Bldg Constr Acct \$ 740,000
Wildlife Acct--Federal \$ 300,000

Subtotal Reappropriation \$ 1,040,000 -----

Appropriation:

St Bldg Constr Acct \$ 2,275,000
Wildlife Acct--Federal \$ 1,000,000

Subtotal Appropriation \$ 3,275,000
Prior Biennia (Expenditures) \$ 1,672,155
Future Biennia (Projected Costs) \$ 12,600,000 -----

TOTAL \$ 18,587,155

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF WILDLIFE

State-wide fence repair (94-1-005)

Reappropriation:

Wildlife Acct--State \$ 92,000

Appropriation:

St Bldg Constr Acct \$ 122,500
Prior Biennia (Expenditures) \$ 1,375,000
Future Biennia (Projected Costs) \$ 1,100,000 -----

TOTAL \$ 2,687,500

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF WILDLIFE

Wildlife area repair (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 574,000
Wildlife Acct--Federal \$ 50,000

Subtotal Appropriation \$ 624,000
Prior Biennia (Expenditures) \$ 265,000
Future Biennia (Projected Costs) \$ 2,900,000

TOTAL \$ 3,789,000

**NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF WILDLIFE
Sprague Lake access area development (94-2-008)**

Appropriation:

Wildlife Acct--Federal \$ 55,000
ORA--State \$ 118,000

Subtotal Appropriation \$ 173,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000

**NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence construction (94-2-009)**

Appropriation:

St Bldg Constr Acct \$ 627,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,500,000

TOTAL \$ 2,127,500

**NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF WILDLIFE
Habitat acquisition (94-2-011)**

Reappropriation:

Wildlife Acct--State \$ 599,920

Appropriation:

Wildlife Acct--State \$ 1,300,000
Prior Biennia (Expenditures) \$ 996,562
Future Biennia (Projected Costs) \$ 7,800,000

TOTAL \$ 10,696,482

**NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat acquisition (94-2-013)**

Appropriation:

Wildlife Acct--State \$ 350,000
Prior Biennia (Expenditures) \$ 949,335
Future Biennia (Projected Costs) \$ 1,700,000

TOTAL \$ 2,999,335

**NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF WILDLIFE
Mitigation and dedicated fund projects (94-2-013)**

Appropriation:

Wildlife--Federal \$ 6,000,000
Wildlife--Priv/Loc \$ 5,000,000
Game Spec Wildlife Acct--State \$ 50,000

Subtotal Appropriation \$ 11,050,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 44,800,000

TOTAL \$ 55,850,000

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF WILDLIFE

Game farm remodel (95-1-007)

Appropriation:

St Bldg Constr Acct \$ 275,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF WILDLIFE

Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this section is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Prior Biennia (Expenditures) \$ 184,166

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,684,166

NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF WILDLIFE

Gloyd Seeps Fish Hatchery: For the purchase of the property by the Department of Wildlife

The appropriation in this section shall not be expended until the Department of Wildlife has made a determination that:

(1) The water rights to the property being transferred to the Department of Wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and

(2) The operation of a warm water fish hatchery on the property is feasible.

Appropriation:

St Bldg Constr Acct \$ 1,870,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,870,000

NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement (86-3-030)

Reappropriation:

Aquatic Lands Acct \$ 1,123,000

Prior Biennia (Expenditures) \$ 6,124,236

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,247,236

NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES

Seattle waterfront phase 1 development (90-5-202)

Reappropriation:

ORA--State \$ 747,600

Prior Biennia (Expenditures) \$ 2,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (92-2-410)

Reappropriation:

Res Mgmt Cost Acct \$ 569,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 609,000

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mountains to Sound acquisition (92-2-550)

The appropriation in this section shall be matched by \$3,500,000 in cash, land, or other consideration from nonstate moneys provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

Reappropriation:

St Bldg Constr Acct \$ 999,000

Prior Biennia (Expenditures) \$ 1,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES
Cedar River dredging (92-3-000)**

The appropriation in this section is contingent upon a match of at least \$500,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

**NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic land enhancement grants (93-3-501)**

Reappropriation:

Aquatic Lands Acct \$ 1,762,000

Prior Biennia (Expenditures) \$ 4,798,884

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,560,884

**NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites construction (92-5-201)**

The appropriation in this section is subject to the conditions and limitations of section 1016(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 144,000

ORA--State \$ 200,000

Subtotal Reappropriation \$ 344,000

Prior Biennia (Expenditures) \$ 506,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

**NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES
Americans with Disabilities Act modifications (94-1-101)**

Appropriation:

St Bldg Constr Acct \$ 31,000

Res Mgmt Cost Acct \$ 54,500

For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 500,000

**NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES
Underground storage tanks removal (94-1-103)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 20,000
Res Mgmt Cost Acct \$ 15,600
For Dev Acct \$ 14,400

Subtotal Appropriation \$ 50,000
Prior Biennia (Expenditures) \$ 581,500
Future Biennia (Projected Costs) \$ 408,000

TOTAL \$ 1,039,500

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (94-1-104)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,000

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
Environmental protection: Design and construction (94-1-105)

Appropriation:

St Bldg Constr Acct \$ 33,800
Res Mgmt Cost Acct \$ 25,100
For Dev Acct \$ 23,600

Subtotal Appropriation \$ 82,500
Prior Biennia (Expenditures) \$ 208,600
Future Biennia (Projected Costs) \$ 945,100

TOTAL \$ 1,236,200

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
Snowbird: Well plug (94-1-106)

Appropriation:

St Bldg Constr Acct \$ 179,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 179,500

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repair (94-1-107)

Appropriation:

St Bldg Constr Acct \$ 391,200
Res Mgmt Cost Acct \$ 384,700
For Dev Acct \$ 146,100

Subtotal Appropriation \$ 922,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,445,200

TOTAL \$ 5,267,200

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
Small repairs and improvements (94-1-108)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct--State \$ 54,500
For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000
Prior Biennia (Expenditures) \$ 100,100
Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 600,100

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites: Emergency repairs (94-4-201)

Appropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 800,000

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural resource conservation areas: Emergency repairs (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,000,000

NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural area preserve management (94-1-203)

Appropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation: Health and safety (94-1-204)

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,300,000

NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate property: Small repairs and improvements (94-1-401)

Appropriation:

Res Mgmt Cost Acct \$ 200,000
Prior Biennia (Expenditures) \$ 181,000
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,381,000

NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation: Emergency repairs (94-1-402)

Appropriation:

Res Mgmt Cost Acct \$ 100,000
Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 500,000

TOTAL \$ 680,000

NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate tenant improvements (94-1-403)

Appropriation:

Res Mgmt Cost Acct \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 3,400,000

NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication site repair (94-1-404)

Appropriation:

Res Mgmt Cost Acct \$ 190,000

For Dev Acct \$ 110,000

Subtotal Appropriation \$ 300,000

Prior Biennia (Expenditures) \$ 480,000

Future Biennia (Projected Costs) \$ 385,000

TOTAL \$ 1,165,000

NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation system replacement (94-1-405)

Appropriation:

Res Mgmt Cost Acct \$ 300,000

Prior Biennia (Expenditures) \$ 682,000

Future Biennia (Projected Costs) \$ 1,175,000

TOTAL \$ 2,157,000

NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous waste cleanup on state lands (94-1-406)

Appropriation:

Res Mgmt Cost Acct \$ 100,000

For Dev Acct \$ 50,000

Subtotal Appropriation \$ 150,000

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 1,585,000

TOTAL \$ 1,885,000

NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road maintenance (94-1-801)

Appropriation:

ORV Acct \$ 126,500

Access Road Revolving Acct \$ 802,000

Subtotal Appropriation \$ 928,500

Prior Biennia (Expenditures) \$ 89,000

Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 1,417,500

NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF NATURAL RESOURCES
Fire control facilities upgrades (94-2-102)

Appropriation:

St Bldg Constr Acct \$ 170,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 126,200

TOTAL \$ 296,200

NEW SECTION. Sec. 546. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Facilities and site repairs (94-2-103)

Appropriation:

St Bldg Constr Acct \$ 66,500
Res Mgmt Cost Acct \$ 63,500
For Dev Acct \$ 36,000

Subtotal Appropriation \$ 166,000
Prior Biennia (Expenditures) \$ 412,400
Future Biennia (Projected Costs) \$ 2,822,000

TOTAL \$ 3,400,400

NEW SECTION. Sec. 547. FOR THE DEPARTMENT OF NATURAL RESOURCES

Long Lake phase 3 development (94-2-201)

Appropriation:

ORA--State \$ 223,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 223,000

NEW SECTION. Sec. 548. FOR THE DEPARTMENT OF NATURAL RESOURCES

Seattle waterfront phase 2 development (94-2-202)

Appropriation:

ORA--State \$ 900,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

NEW SECTION. Sec. 549. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development: Local improvement district (94-2-401)

Appropriation:

Res Mgmt Cost Acct \$ 920,000
Prior Biennia (Expenditures) \$ 1,284,000
Future Biennia (Projected Costs) \$ 2,840,000

TOTAL \$ 5,044,000

NEW SECTION. Sec. 550. FOR THE DEPARTMENT OF NATURAL RESOURCES

Rights of way acquisition (94-2-402)

Appropriation:

Res Mgmt Cost Acct \$ 582,000
For Dev Acct \$ 611,000

Subtotal Appropriation \$ 1,193,000
Prior Biennia (Expenditures) \$ 1,048,000
Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,641,000

NEW SECTION. Sec. 551. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication sites construction (94-2-403)

Appropriation:

Res Mgmt Cost Acct \$ 160,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 735,000

TOTAL \$ 895,000

**NEW SECTION. Sec. 552. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (94-2-404)**

Appropriation:

Res Mgmt Cost Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,150,000

TOTAL \$ 5,250,000

**NEW SECTION. Sec. 553. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Resources Real Property Replacement Account (94-2-405)**

Appropriation:

Nat Res Prop Repl Acct \$ 25,000,000
Prior Biennia (Expenditures) \$ 10,000,000
Future Biennia (Projected Costs) \$ 125,000,000

TOTAL \$ 160,000,000

**NEW SECTION. Sec. 554. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land bank acquisition (94-2-406)**

Appropriation:

Res Mgmt Cost Acct \$ 18,000,000
Prior Biennia (Expenditures) \$ 21,176,000
Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 99,176,000

**NEW SECTION. Sec. 555. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mineral resource testing (94-2-407)**

Appropriation:

Res Mgmt Cost Acct \$ 10,000
For Dev Acct \$ 10,000

Subtotal Appropriation \$ 20,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 104,000

TOTAL \$ 124,000

**NEW SECTION. Sec. 556. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic lands enhancement grants (94-2-501)**

Appropriation:

Aquatic Lands Acct \$ 2,776,000
Prior Biennia (Expenditures) \$ 3,541,000
Future Biennia (Projected Costs) \$ 32,885,000

TOTAL \$ 39,202,000

**NEW SECTION. Sec. 557. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road construction and improvement (94-2-801)**

Appropriation:

Res Mgmt Cost Acct \$ 641,500
For Dev Acct \$ 172,500

Subtotal Appropriation \$ 814,000

Prior Biennia (Expenditures) \$ 232,000
Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 5,546,000

**NEW SECTION. Sec. 558. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center construction (89-5-001)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 348,250
Prior Biennia (Expenditures) \$ 2,651,750
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 559. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center conversion (89-5-002)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,900,000
Prior Biennia (Expenditures) \$ 9,897,364
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,797,364

**NEW SECTION. Sec. 560. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center expansion (89-5-003)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 461,190
Prior Biennia (Expenditures) \$ 11,755,390
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,216,580

**NEW SECTION. Sec. 561. FOR THE STATE CONVENTION AND TRADE CENTER
Eagles Building exterior cleanup (89-5-005)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 267,360
Prior Biennia (Expenditures) \$ 32,640
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 562. FOR THE STATE CONVENTION AND TRADE CENTER
Refunding of parking garage note**

Reappropriation:

St Conv & Trade Ctr Acct \$ 387,076
Prior Biennia (Expenditures) \$ 1,912,924
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,300,000

**NEW SECTION. Sec. 563. FOR THE STATE CONVENTION AND TRADE CENTER
Minor works (93-2-001)**

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,010,000
Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,050,000

NEW SECTION. Sec. 564. FOR THE STATE CONVENTION AND TRADE CENTER
The appropriation in this section is subject to the following conditions and limitations:

(1) The state convention and trade center shall assist in the rehabilitation of the Eagles building by transferring the state's right and title to the land and building as is, at no cost, to A Contemporary Theatre (ACT) and the Seattle Housing Resource Group (SHRG) subject to and following final action by the city of Seattle to grant a new contract rezone for not less than ten years, on terms deemed acceptable to the state convention and trade center for the site rezoned under city ordinance 115663;

(2) \$2,700,000 is provided solely for payments to ACT and SHRG for the purchase by the state convention and trade center of a minimum of 225,000 square feet of theatre and housing floor area ratio bonuses to be generated by the restoration and development of the Eagles land and building by ACT and SHRG;

(3) \$11,598,000 is provided solely for repayment to the state treasury of moneys previously advanced to the state convention and trade center for purchase of the McKay parcel; and

(4) A maximum of \$2,000,000 is provided for feasibility studies and options to purchase property.

Appropriation:

St Conv & Trade Ctr Acct \$ 16,298,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,298,000 -----

NEW SECTION. Sec. 565. FOR THE WASHINGTON STATE FRUIT COMMISSION

For land acquisition, design, construction, furnishing, equipping, and other costs related to the acquisition of a new headquarters and visitor center facility

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation may be spent only after the director of financial management has: (a) Certified that, based on the future income from the assessments levied under chapter 15.28 RCW, and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments on the bonds issued for the project; and (b) approved the plans for the facility.

(2) The appropriation shall be matched by at least \$200,000 from the commission's general operating fund provided for the capital costs of the project.

Appropriation:

Fruit Comm Fac Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000 -----

NEW SECTION. Sec. 566. FOR THE WASHINGTON STATE DAIRY PRODUCTS COMMISSION

Acquire permanent facility: To acquire a permanent facility to house the offices and operations of the commission (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations: At least one dollar from the commission's operating funds shall be spent for each three dollars spent from this appropriation.

Reappropriation:

Wa St Dairy Prod Comm Fac Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000 -----

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 601. FOR THE WASHINGTON STATE PATROL

To construct a new district headquarters building in Everett (90-2-018)

Reappropriation:

St Bldg Constr Acct \$ 90,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,000 -----

NEW SECTION. Sec. 602. FOR THE WASHINGTON STATE PATROL

To construct a new crime lab in Tacoma (92-2-003)

Reappropriation:

St Bldg Constr Acct \$ 1,940,000

Prior Biennia (Expenditures) \$ 77,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,017,000 -----

NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF TRANSPORTATION

Funds to continue Mt. St. Helens recovery program (87-1-001)

Reappropriation:

St Bldg Constr Acct \$ 370,000

Prior Biennia (Expenditures) \$ 5,579,161

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,949,161 -----

**PART 5
EDUCATION**

NEW SECTION. Sec. 701. FOR THE STATE BOARD OF EDUCATION

Public school building construction (83-2-001)

Reappropriation:

Common School Constr Fund \$ 110,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000 -----

NEW SECTION. Sec. 702. FOR THE STATE BOARD OF EDUCATION

Public school building construction (85-2-001)

Reappropriation:

Common School Constr Fund \$ 830,000

Prior Biennia (Expenditures) \$ 270,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000 -----

NEW SECTION. Sec. 703. FOR THE STATE BOARD OF EDUCATION

Public school building construction (87-2-001)

Reappropriation:

Common School Constr Fund \$ 2,346,000

Prior Biennia (Expenditures) \$ 1,654,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000 -----

NEW SECTION. Sec. 704. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund \$ 7,294,260

Prior Biennia (Expenditures) \$ 21,712,889

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,007,159 -----

**NEW SECTION. Sec. 705. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-002)**

Reappropriation:

Common School Constr Fund \$ 4,266,450
Prior Biennia (Expenditures) \$ 16,734,725
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,001,175 -----

**NEW SECTION. Sec. 706. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-003)**

Reappropriation:

Common School Constr Fund \$ 15,000,000
Prior Biennia (Expenditures) \$ 64,708,899
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 79,708,899 -----

**NEW SECTION. Sec. 707. FOR THE STATE BOARD OF EDUCATION
Public school building construction (91-2-001)**

Reappropriation:

Common School Reimb Constr Acct \$ 124,101,800
Common School Constr Fund \$ 85,817,008

Subtotal Reappropriation \$ 209,918,808
Prior Biennia (Expenditures) \$ 198,435,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 408,353,808 -----

**NEW SECTION. Sec. 708. FOR THE STATE BOARD OF EDUCATION
Common schools: Design and construction (94-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$106,000,000 of this appropriation may be obligated in fiscal year 1994 for school district project design and construction.

(2) A maximum of \$1,250,000 may be expended for direct costs of state administration of school construction funding.

(3) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction or architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(4) A maximum of \$75,000 is provided solely for development of an automated state inventory and facility condition management database. This database shall utilize information obtained through implementation of the new priority system developed in the 1991-93 biennium and periodic updating.

(5) Projects approved for state assistance by the state board after the effective date of this section, in which new construction will be in lieu of modernization of an existing instructional facility or space, shall receive state assistance only if the district certifies that the existing facility or space will not be used for instructional purposes, and that the facility or space will be ineligible for any future state financial assistance. The state board shall adopt regulations to implement this subsection.

Appropriation:

Common School Constr Fund \$ 233,179,000
St Bldg Constr Acct \$ 6,221,000

Subtotal Appropriation \$ 239,400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 823,000,000

TOTAL \$ 1,062,400,000

**NEW SECTION. Sec. 709. FOR THE STATE SCHOOL FOR THE BLIND
Demolish museum building (92-1-002)**

Reappropriation:

St Bldg Constr Acct \$ 237,051
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 237,051

**NEW SECTION. Sec. 710. FOR THE STATE SCHOOL FOR THE BLIND
Elevator in administration building (92-1-003)**

Reappropriation:

St Bldg Constr Acct \$ 234,745
Prior Biennia (Expenditures) \$ 149,716
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 384,461

**NEW SECTION. Sec. 711. FOR THE STATE SCHOOL FOR THE BLIND
Campus preservation (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 2,688,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,520,781

TOTAL \$ 19,209,181

**NEW SECTION. Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND
Demolish commissary building (94-1-002)**

Appropriation:

St Bldg Constr Acct \$ 547,455
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 547,455

**NEW SECTION. Sec. 713. FOR THE STATE SCHOOL FOR THE DEAF
Campus heating system repairs (92-2-008)**

Reappropriation:

St Bldg Constr Acct \$ 16,500
Prior Biennia (Expenditures) \$ 15,845
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,345

**NEW SECTION. Sec. 714. FOR THE STATE SCHOOL FOR THE DEAF
Campus preservation (94-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 200,000

Appropriation:

St Bldg Constr Acct \$ 1,553,415

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,518,336

TOTAL \$ 15,271,751

**NEW SECTION. Sec. 715. FOR THE STATE SCHOOL FOR THE DEAF
Building demolition of Mary Roberts Hospital (94-1-008)**

Appropriation:

St Bldg Constr Acct \$ 59,566

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 59,566

**NEW SECTION. Sec. 716. FOR THE HIGHER EDUCATION COORDINATING BOARD
Campus Planning**

Appropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 170,000

The higher education coordinating board shall evaluate a variety of organizational models for meeting the higher education and work force training needs of the people in the North King/South Snohomish county area. The goal of the new higher education structure is to design the most effective delivery system of education opportunities for students and the region's population. By November 30, 1993, the board shall determine the preferred organizational model, and report its decision to the governor, appropriate legislative committees, and affected institutions of higher education.

(1) In developing the model, the board shall consider, but need not be limited to, the following:

(a) Recommend short and long-range higher education needs, including upper and lower division, graduate programs, work force training, and basic skills;

(b) Stress teaching as the primary mission;

(c) Ensure the student a smooth and convenient transfer, as appropriate, between lower and upper division programs and courses;

(d) Utilize the capacity of nearby existing public institutions;

(e) Consider transportation and growth management principles; and

(f) Facilitate access and consolidate capital investment through a single campus, at least in the short range.

Consider potential future need for an additional site.

(2) In developing the model, the board shall consider but need not be limited to the following alternative organizational arrangements:

(a) The present university branch and the proposed new community college;

(b) A new four-year institution;

(c) A branch campus of an existing four-year regional university;

(d) A new community college;

(e) Additional program and enrollments at nearby institutions; and

(f) Alternative delivery methods, e.g., telecommunications.

**NEW SECTION. Sec. 717. FOR THE UNIVERSITY OF WASHINGTON
H Wing addition (86-2-021)**

Reappropriation:

St Bldg Constr Acct \$ 24,500,000
UW Building Acct--State \$ 1,500,000

Subtotal Reappropriation \$ 26,000,000
Prior Biennia (Expenditures) \$ 25,000,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,000,000

NEW SECTION. Sec. 718. FOR THE UNIVERSITY OF WASHINGTON
Health Sciences Center H Wing remodel (88-2-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 632,999
Future Biennia (Projected Costs) \$ 16,518,000

TOTAL \$ 17,250,999

NEW SECTION. Sec. 719. FOR THE UNIVERSITY OF WASHINGTON
Power plant boiler (88-2-022)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 16,500,000
Prior Biennia (Expenditures) \$ 4,357,491
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,857,491

NEW SECTION. Sec. 720. FOR THE UNIVERSITY OF WASHINGTON
Biomedical Sciences Research Building financing (90-1-001)

The appropriations in this section are provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:

H Ed Constr Acct \$ 24,500,000

Appropriation:

H Ed Constr Acct \$ 20,000,000
Prior Biennia (Expenditures) \$ 20,500,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000,000

NEW SECTION. Sec. 721. FOR THE UNIVERSITY OF WASHINGTON
Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct \$ 5,440,000
Prior Biennia (Expenditures) \$ 11,457,222
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,897,222 -----

NEW SECTION. Sec. 722. FOR THE UNIVERSITY OF WASHINGTON
Physics/Astronomy Building construction (90-2-009)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

H Ed Reimb Constr Acct \$ 32,000,000

Prior Biennia (Expenditures) \$ 40,564,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000 -----

NEW SECTION. Sec. 723. FOR THE UNIVERSITY OF WASHINGTON
Chemistry Building construction (90-2-011)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 28,500,000

Prior Biennia (Expenditures) \$ 10,652,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000 -----

NEW SECTION. Sec. 724. FOR THE UNIVERSITY OF WASHINGTON
Electrical Engineering/Computer Sciences Engineering Building construction (90-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,547,000

Appropriation:

St Bldg Constr Acct \$ 89,997,000

UW Bldg Acct \$ 536,000

Subtotal Appropriation \$ 90,533,000

Prior Biennia (Expenditures) \$ 2,711,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 95,791,000 -----

NEW SECTION. Sec. 725. FOR THE UNIVERSITY OF WASHINGTON
Nuclear reactor decommissioning (92-1-022)

Reappropriation:

St Bldg Constr Acct \$ 230,000

Prior Biennia (Expenditures) \$ 5,000

Future Biennia (Projected Costs) \$ 2,551,000

TOTAL \$ 2,786,000 -----

NEW SECTION. Sec. 726. FOR THE UNIVERSITY OF WASHINGTON
Kincaid basement (zoology) (92-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 1,814,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,314,000

NEW SECTION. Sec. 727. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall design and construction (92-2-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Appropriation:

St Bldg Constr Acct \$ 30,914,000

UW Bldg Acct \$ 1,650,000

Subtotal Appropriation \$ 32,564,000

Prior Biennia (Expenditures) \$ 143,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000

NEW SECTION. Sec. 728. FOR THE UNIVERSITY OF WASHINGTON

Comparative medicine facility (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 10,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 729. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fishery Sciences II predesign (92-2-027)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management and for infrastructure improvements in the southwest campus. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 70,531,000

TOTAL \$ 72,381,000

NEW SECTION. Sec. 730. FOR THE UNIVERSITY OF WASHINGTON

Olympic Natural Resource Center design and construction (92-2-202)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 5,450,000

Prior Biennia (Expenditures) \$ 225,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,675,000

NEW SECTION. Sec. 731. FOR THE UNIVERSITY OF WASHINGTON
Parrington Hall exterior (92-3-018)

Reappropriation:

UW Bldg Acct \$ 1,675,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,759,000 -----

NEW SECTION. Sec. 732. FOR THE UNIVERSITY OF WASHINGTON
Meany Hall exterior renovation (92-3-019)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

UW Bldg Acct \$ 7,200,000

Prior Biennia (Expenditures) \$ 38,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,238,000 -----

NEW SECTION. Sec. 733. FOR THE UNIVERSITY OF WASHINGTON
Denny Hall exterior repair (92-3-020)

Reappropriation:

UW Bldg Acct \$ 1,550,000

Prior Biennia (Expenditures) \$ 835,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,385,508 -----

NEW SECTION. Sec. 734. FOR THE UNIVERSITY OF WASHINGTON
Underground storage tanks (92-5-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,100,000 -----

NEW SECTION. Sec. 735. FOR THE UNIVERSITY OF WASHINGTON
Henry Gallery addition (93-2-001)

The appropriation in this section shall be matched by at least \$1,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 736. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 2,175,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 737. FOR THE UNIVERSITY OF WASHINGTON

Business Administration expansion (93-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

(2) The appropriations in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Appropriation:

St Bldg Constr Acct \$ 6,850,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 738. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs preservation (94-1-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 10,000,000

UW Bldg Acct \$ 6,300,000

Subtotal Reappropriation \$ 16,300,000

Appropriation:

St Bldg Constr Acct \$ 3,148,000

UW Bldg Acct \$ 299,000

Subtotal Appropriation \$ 3,447,000

Prior Biennia (Expenditures) \$ 4,942,625

Future Biennia (Projected Costs) \$ 20,981,375

TOTAL \$ 45,671,000

NEW SECTION. Sec. 739. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 4,500,000

Subtotal Reappropriation \$ 7,500,000

Appropriation:

UW Bldg Acct \$ 8,250,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 33,221,000

TOTAL \$ 49,996,000

NEW SECTION. Sec. 740. FOR THE UNIVERSITY OF WASHINGTON
Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct \$ 420,000

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 31,347,000

TOTAL \$ 34,807,000

NEW SECTION. Sec. 741. FOR THE UNIVERSITY OF WASHINGTON
Suzzallo Library predesign (94-1-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 196,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,684,000

TOTAL \$ 25,880,000

NEW SECTION. Sec. 742. FOR THE UNIVERSITY OF WASHINGTON
Oceanography Building predesign (94-1-020)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 107,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,702,000

TOTAL \$ 8,809,000

NEW SECTION. Sec. 743. FOR THE UNIVERSITY OF WASHINGTON
Minor repairs (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 3,300,000

Subtotal Reappropriation \$ 6,300,000

Appropriation:

UW Bldg Acct \$ 7,071,000

Prior Biennia (Expenditures) \$ 4,403,000

Future Biennia (Projected Costs) \$ 46,204,000

TOTAL \$ 63,978,000

**NEW SECTION. Sec. 744. FOR THE UNIVERSITY OF WASHINGTON
Harborview Medical Center Research and Training Building--Design (94-2-013)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 3,620,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 63,283,000

TOTAL \$ 66,903,000

**NEW SECTION. Sec. 745. FOR THE UNIVERSITY OF WASHINGTON
Branch campuses (94-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the organization model recommended by the higher education coordinating board for the King-Snohomish county area.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

(3) Of the appropriation in this section, \$23,000,000 is provided for the Bothell branch campus. The remaining \$30,983,320 is provided for the Tacoma branch campus.

Reappropriation:

St Bldg Constr Acct \$ 8,741,680

Appropriation:

St Bldg Constr Acct \$ 53,983,320
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 106,000,000

TOTAL \$ 168,725,000

NEW SECTION. Sec. 746. FOR THE UNIVERSITY OF WASHINGTON

Thomas Burke Memorial Washington State Museum: For a study of the museum's space needs, long-term physical facility needs, and options for future expansion

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 200,000

**NEW SECTION. Sec. 747. FOR THE UNIVERSITY OF WASHINGTON
Infrastructure projects savings (94-1-999)**

Projects that are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes:

(1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 748. FOR WASHINGTON STATE UNIVERSITY

Branch campus acquisition (90-5-002)

Reappropriation:

St Bldg Constr Acct \$ 933,731

Prior Biennia (Expenditures) \$ 896,469

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,830,200 -----

NEW SECTION. Sec. 749. FOR WASHINGTON STATE UNIVERSITY

East campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

Reappropriation:

WSU Bldg Acct \$ 235,625

Prior Biennia (Expenditures) \$ 434,375

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 670,000 -----

NEW SECTION. Sec. 750. FOR WASHINGTON STATE UNIVERSITY

Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

Reappropriation:

WSU Bldg Acct \$ 713,645

Prior Biennia (Expenditures) \$ 405,708

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,119,353 -----

NEW SECTION. Sec. 751. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct \$ 1,241,524

Prior Biennia (Expenditures) \$ 101,476

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,343,000 -----

NEW SECTION. Sec. 752. FOR WASHINGTON STATE UNIVERSITY

Coliseum asbestos removal (92-1-020)

Reappropriation:

WSU Bldg Acct \$ 675,444

Prior Biennia (Expenditures) \$ 837,556

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,513,000 -----

NEW SECTION. Sec. 753. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 673,109

Appropriation:

St Bldg Constr Acct \$ 12,162,400

WSU Bldg Acct \$ 3,478,000

Subtotal Appropriation \$ 15,640,400

Prior Biennia (Expenditures) \$ 688,891

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,002,400

NEW SECTION. Sec. 754. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall/Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space **(92-1-022)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 655,590

Appropriation:

St Bldg Constr Acct \$ 12,511,500

Prior Biennia (Expenditures) \$ 301,410

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,468,500

NEW SECTION. Sec. 755. FOR WASHINGTON STATE UNIVERSITY

Holland Library renewal predesign (92-2-003)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

WSU Bldg Acct \$ 98,553

Prior Biennia (Expenditures) \$ 770,447

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 869,000

NEW SECTION. Sec. 756. FOR WASHINGTON STATE UNIVERSITY

Holland Library addition (90-2-013)

Reappropriation:

St Bldg Constr Acct \$ 8,535,913

Prior Biennia (Expenditures) \$ 21,955,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,491,733

NEW SECTION. Sec. 757. FOR WASHINGTON STATE UNIVERSITY

Veterinary teaching hospital construction: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery **(92-2-013)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 32,310
H Ed Reimb Constr Acct \$ 24,947,571

Subtotal Reappropriation \$ 24,979,881
Prior Biennia (Expenditures) \$ 2,430,703
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,442,894

NEW SECTION. Sec. 758. FOR WASHINGTON STATE UNIVERSITY

Child care facility: Design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall **(92-2-014)**

Reappropriation:

St Bldg Constr Acct \$ 1,806,825
Prior Biennia (Expenditures) \$ 364,175
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,171,000

NEW SECTION. Sec. 759. FOR WASHINGTON STATE UNIVERSITY

Student services addition: To design and construct a building for consolidated student service functions **(92-2-027)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 15,000,000
WSU Bldg Acct \$ 789,353

Subtotal Reappropriation \$ 15,534,772
Prior Biennia (Expenditures) \$ 177,647
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,967,000

NEW SECTION. Sec. 760. FOR WASHINGTON STATE UNIVERSITY

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage **(92-2-028)**

Reappropriation:

WSU Bldg Acct \$ 1,657,046
Prior Biennia (Expenditures) \$ 103,954
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,761,000

NEW SECTION. Sec. 761. FOR WASHINGTON STATE UNIVERSITY

WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at Wenatchee Valley College in Wenatchee **(92-2-908)**

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program

responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Reappropriation:

WSU Bldg Acct \$ 1,331,176
Prior Biennia (Expenditures) \$ 989,824
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,321,000

NEW SECTION. Sec. 762. FOR WASHINGTON STATE UNIVERSITY

Dairy and forage facility: Design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms **(92-3-024)**

Reappropriation:

WSU Bldg Acct \$ 2,269,663
Prior Biennia (Expenditures) \$ 444,337
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,714,000

NEW SECTION. Sec. 763. FOR WASHINGTON STATE UNIVERSITY

Chilled water storage facility: Design and construct a 2,820,000-gallon chilled water storage tank **(92-4-022)**

Reappropriation:

St Bldg Constr Acct \$ 818,728
Prior Biennia (Expenditures) \$ 2,031,272
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,850,000

NEW SECTION. Sec. 764. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 1,485,000

Appropriation:

St Bldg Constr Acct \$ 6,000,000
Prior Biennia (Expenditures) \$ 4,015,000
Future Biennia (Projected Costs) \$ 23,000,000

TOTAL \$ 34,500,000

NEW SECTION. Sec. 765. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym predesign (94-1-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 49,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,000,000

TOTAL \$ 5,049,000

NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY

Thompson Hall design (94-1-024)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 697,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 8,485,000

TOTAL \$ 9,262,000

NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY

Prosser: Septic system (94-1-500)

Appropriation:

WSU Bldg Acct \$ 1,250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

NEW SECTION. Sec. 768. FOR WASHINGTON STATE UNIVERSITY

Minor works (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,420,000

TOTAL \$ 19,420,000

NEW SECTION. Sec. 769. FOR WASHINGTON STATE UNIVERSITY

Chemical storage building predesign (94-2-005)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 56,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,934,000

TOTAL \$ 4,990,000

NEW SECTION. Sec. 770. FOR WASHINGTON STATE UNIVERSITY

Hazardous waste facilities predesign (94-2-006)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 211,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,603,000

TOTAL \$ 15,814,000

**NEW SECTION. Sec. 771. FOR WASHINGTON STATE UNIVERSITY
Minor capital improvements (94-2-002)**

Reappropriation:

WSU Bldg Acct \$ 2,412,890

Appropriation:

WSU Bldg Acct \$ 6,000,000

Prior Biennia (Expenditures) \$ 4,087,110

Future Biennia (Projected Costs) \$ 24,500,000

TOTAL \$ 37,000,000

**NEW SECTION. Sec. 772. FOR WASHINGTON STATE UNIVERSITY
Pathological and biomedical incinerator: Design and construction (94-2-012)**

Appropriation:

St Bldg Constr Acct \$ 3,443,000

Prior Biennia (Expenditures) \$ 455,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,898,000

**NEW SECTION. Sec. 773. FOR WASHINGTON STATE UNIVERSITY
Communication infrastructure renewal: Campus network system (94-2-013)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,104,101

Appropriation:

WSU Bldg Acct \$ 5,000,000

St Bldg Constr Acct \$ 7,000,000

Subtotal Appropriation \$ 12,000,000

Prior Biennia (Expenditures) \$ 1,895,899

Future Biennia (Projected Costs) \$ 3,000,000

TOTAL \$ 25,000,000

**NEW SECTION. Sec. 774. FOR WASHINGTON STATE UNIVERSITY
Engineering teaching and research lab building design (94-2-014)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

WSU Bldg Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 170,000

Future Biennia (Projected Costs) \$ 17,061,000

TOTAL \$ 18,431,000

**NEW SECTION. Sec. 775. FOR WASHINGTON STATE UNIVERSITY
Chemical waste collection facilities: Design and construction (94-2-016)**

Appropriation:

WSU Bldg Acct \$ 2,523,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 3,523,000

NEW SECTION. Sec. 776. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym addition: Design (94-2-017)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 900,000

Prior Biennia (Expenditures) \$ 94,000

Future Biennia (Projected Costs) \$ 8,630,000

TOTAL \$ 9,624,000

NEW SECTION. Sec. 777. FOR WASHINGTON STATE UNIVERSITY

Animal science laboratory building design (94-2-018)

Appropriation:

WSU Bldg Acct \$ 515,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 6,643,000

TOTAL \$ 7,238,000

NEW SECTION. Sec. 778. FOR WASHINGTON STATE UNIVERSITY

WSU-Vancouver: New campus construction (94-2-902)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 4,917,900

Appropriation:

St Bldg Constr Acct \$ 29,656,462

Prior Biennia (Expenditures) \$ 1,448,000

Future Biennia (Projected Costs) \$ 54,843,091

TOTAL \$ 90,865,453

NEW SECTION. Sec. 779. FOR WASHINGTON STATE UNIVERSITY

Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act which have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes:

(1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 780. FOR WASHINGTON STATE UNIVERSITY

Carpenter Hall equipment (94-2-020)

Appropriation:

WSU Bldg Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 781. FOR WASHINGTON STATE UNIVERSITY

Consolidated Information Center: For design of a new facility on the Tri-Cities campus

It is the intent of the legislature that future appropriations for construction of this project will be matched by an additional \$7,724,500 from nonstate sources and that, prior to requesting construction funds, Washington State University will have an agreement that includes a commitment from state, federal, and private scientific organizations that all future operating costs of the project, exceeding Washington State University's present operating costs, will be provided from nonstate general fund sources.

Appropriation:

St Bldg Constr Acct \$ 1,224,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,724,500

TOTAL \$ 8,948,500

NEW SECTION. Sec. 782. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: For constructing and equipping a new nursing education facility at Yakima

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Appropriation:

St Bldg Constr Acct \$ 3,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 783. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall design and construction: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 275,337

Appropriation:

St Bldg Constr Acct \$ 4,875,000
Prior Biennia (Expenditures) \$ 13,655
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,163,992

NEW SECTION. Sec. 784. FOR EASTERN WASHINGTON UNIVERSITY

Science Building Addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 9,000,000

Prior Biennia (Expenditures) \$ 12,035,472

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,472

**NEW SECTION. Sec. 785. FOR EASTERN WASHINGTON UNIVERSITY
Electrical system renewal (86-1-002)**

Reappropriation:

St Bldg Constr Acct \$ 279,000

Prior Biennia (Expenditures) \$ 551,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 830,506

NEW SECTION. Sec. 786. FOR EASTERN WASHINGTON UNIVERSITY

Roof replacement and preservation: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school **(94-1-003)**

Appropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

**NEW SECTION. Sec. 787. FOR EASTERN WASHINGTON UNIVERSITY
Energy conservation (86-2-006)**

Reappropriation:

St H Ed Constr Acct \$ 124,000

Prior Biennia (Expenditures) \$ 630,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 754,000

**NEW SECTION. Sec. 788. FOR EASTERN WASHINGTON UNIVERSITY
Life and safety code compliance asbestos (88-1-001)**

Reappropriation:

EWU Cap Proj Acct \$ 597,180

Prior Biennia (Expenditures) \$ 252,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

**NEW SECTION. Sec. 789. FOR EASTERN WASHINGTON UNIVERSITY
Telecommunications: Cable replacement (90-2-004)**

Reappropriation:

St Bldg Constr Acct \$ 1,400,000

EWU Acct \$ 97,000

Subtotal Reappropriation \$ 1,497,000

Appropriation:

EWU Cap Proj Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 1,087,392
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,584,392

**NEW SECTION. Sec. 790. FOR EASTERN WASHINGTON UNIVERSITY
Seventh Street replacement (90-3-001)**

Reappropriation:

EWU Cap Proj Acct \$ 26,000
Prior Biennia (Expenditures) \$ 312,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 338,000

**NEW SECTION. Sec. 791. FOR EASTERN WASHINGTON UNIVERSITY
Minor capital renewal (90-3-002)**

Reappropriation:

EWU Cap Proj Acct \$ 304,000
Prior Biennia (Expenditures) \$ 846,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000

**NEW SECTION. Sec. 792. FOR EASTERN WASHINGTON UNIVERSITY
JFK Library remodel and addition design (90-5-003)**

Reappropriation:

EWU Cap Proj Acct \$ 24,000

Appropriation:

St Bldg Constr Acct \$ 2,050,000
Prior Biennia (Expenditures) \$ 165,000
Future Biennia (Projected Costs) \$ 19,950,000

TOTAL \$ 22,189,000

**NEW SECTION. Sec. 793. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-1-001)**

Reappropriation:

EWU Cap Proj Acct \$ 1,330,000
Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 794. FOR EASTERN WASHINGTON UNIVERSITY
Small repair projects (92-1-002)**

Reappropriation:

EWU Cap Proj Acct \$ 660,000
Prior Biennia (Expenditures) \$ 340,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 795. FOR EASTERN WASHINGTON UNIVERSITY
Underground storage tank code compliance (92-1-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

EWU Cap Proj Acct \$ 243,000
Prior Biennia (Expenditures) \$ 7,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

**NEW SECTION. Sec. 796. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-3-004)**

Reappropriation:

St Bldg Constr Acct \$ 1,800,000
Prior Biennia (Expenditures) \$ 200,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000 -----

**NEW SECTION. Sec. 797. FOR EASTERN WASHINGTON UNIVERSITY
EWU Spokane Center: Fire egress and remodel (92-5-008)**

Reappropriation:

EWU Cap Proj Acct \$ 183,000
Prior Biennia (Expenditures) \$ 1,617,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

**NEW SECTION. Sec. 798. FOR EASTERN WASHINGTON UNIVERSITY
Property acquisition: To acquire property within the campus boundary from the Department of
Natural Resources (92-5-001)**

The reappropriation in this section is in addition to the appropriation for same purpose in section 36, chapter 14, Laws of 1991 sp.s.

Reappropriation:

EWU Cap Proj Acct \$ 175,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 175,000 -----

**NEW SECTION. Sec. 799. FOR EASTERN WASHINGTON UNIVERSITY
Utility expansion joints and utility lines replacement (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,753,000

TOTAL \$ 3,253,000 -----

**NEW SECTION. Sec. 800. FOR EASTERN WASHINGTON UNIVERSITY
Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)**

Appropriation:

St Bldg Constr Acct \$ 2,410,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 4,310,000

**NEW SECTION. Sec. 801. FOR EASTERN WASHINGTON UNIVERSITY
Building exterior preservation (94-1-006)**

Appropriation:

St Bldg Constr Acct \$ 255,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,255,000

**NEW SECTION. Sec. 802. FOR EASTERN WASHINGTON UNIVERSITY
Electrical systems and transformers and emergency lighting (94-1-010)**

Appropriation:

EWU Cap Proj Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 849,000

TOTAL \$ 1,749,000

**NEW SECTION. Sec. 803. FOR EASTERN WASHINGTON UNIVERSITY
Minor works preservation projects (94-1-014)**

Appropriation:

EWU Cap Proj Acct \$ 2,924,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,970,800

TOTAL \$ 26,894,800

**NEW SECTION. Sec. 804. FOR EASTERN WASHINGTON UNIVERSITY
Minor works program projects (94-2-012)**

Appropriation:

EWU Cap Proj Acct \$ 3,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,900,000

TOTAL \$ 27,600,000

**NEW SECTION. Sec. 805. FOR CENTRAL WASHINGTON UNIVERSITY
Handicap modifications (88-1-007)**

Reappropriation:

CWU Cap Proj Acct \$ 50,000

Prior Biennia (Expenditures) \$ 554,300

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 604,300

**NEW SECTION. Sec. 806. FOR CENTRAL WASHINGTON UNIVERSITY
Psychology animal research facility (90-1-060)**

Reappropriation:

St Bldg Constr Acct \$ 80,000

Prior Biennia (Expenditures) \$ 1,620,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000

**NEW SECTION. Sec. 807. FOR CENTRAL WASHINGTON UNIVERSITY
Telecommunications phase II (90-2-003)**

Reappropriation:

CWU Cap Proj Acct \$ 300,000

Prior Biennia (Expenditures) \$ 1,143,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,443,600

**NEW SECTION. Sec. 808. FOR CENTRAL WASHINGTON UNIVERSITY
Shaw/Smyser Hall remodel (90-2-005)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

H Ed Reimb Constr Acct \$ 7,027,000

CWU Cap Proj Acct \$ 250,000

Subtotal Reappropriation \$ 8,277,000

Prior Biennia (Expenditures) \$ 5,008,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000

**NEW SECTION. Sec. 809. FOR CENTRAL WASHINGTON UNIVERSITY
Life safety (92-1-030)**

Reappropriation:

CWU Cap Proj Acct \$ 335,000

Prior Biennia (Expenditures) \$ 165,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

**NEW SECTION. Sec. 810. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (92-1-040)**

Reappropriation:

CWU Cap Proj Acct \$ 350,000

Prior Biennia (Expenditures) \$ 400,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

**NEW SECTION. Sec. 811. FOR CENTRAL WASHINGTON UNIVERSITY
Barge Hall remodel (92-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,550,000

Prior Biennia (Expenditures) \$ 9,031,970

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970

NEW SECTION. Sec. 812. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 2,750,000

Prior Biennia (Expenditures) \$ 3,572,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,322,595

NEW SECTION. Sec. 813. FOR CENTRAL WASHINGTON UNIVERSITY
Bouillon Hall asbestos abatement (94-1-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 4,950,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,950,000

NEW SECTION. Sec. 814. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (94-1-003)

Reappropriation:

CWU Cap Proj Acct \$ 100,000

Prior Biennia (Expenditures) \$ 1,605,388

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,705,388

NEW SECTION. Sec. 815. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-1-005)

Appropriation:

CWU Cap Proj Acct \$ 3,562,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,432,000

TOTAL \$ 29,994,000

NEW SECTION. Sec. 816. FOR CENTRAL WASHINGTON UNIVERSITY
Underground storage tank replacement (94-1-007)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 276,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000

NEW SECTION. Sec. 817. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical cable replacement (94-1-008)

Reappropriation:

CWU Cap Proj Acct \$ 600,000

Appropriation:

St Bldg Constr Acct \$ 950,000

Prior Biennia (Expenditures) \$ 400,000

Future Biennia (Projected Costs) \$ 1,900,000

TOTAL \$ 3,850,000

NEW SECTION. Sec. 818. FOR CENTRAL WASHINGTON UNIVERSITY

Steamline replacement (94-1-009)

Appropriation:

St Bldg Constr Acct \$ 850,000

Prior Biennia (Expenditures) \$ 819,924

Future Biennia (Projected Costs) \$ 850,000

TOTAL \$ 2,519,924

NEW SECTION. Sec. 819. FOR CENTRAL WASHINGTON UNIVERSITY

Chilled water expansion (94-1-011)

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 1,900,000

NEW SECTION. Sec. 820. FOR CENTRAL WASHINGTON UNIVERSITY

Science facility design and construction (94-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 54,200,000

CWU Cap Proj Acct \$ 4,000,000

Subtotal Appropriation \$ 58,200,000

Prior Biennia (Expenditures) \$ 193,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,393,500

NEW SECTION. Sec. 821. FOR CENTRAL WASHINGTON UNIVERSITY

Computing infrastructure (94-2-004)

Appropriation:

CWU Cap Proj Acct \$ 950,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 950,000

NEW SECTION. Sec. 822. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 400,000
Appropriation:
St Bldg Constr Acct \$ 65,000
CWU Cap Proj Acct \$ 2,507,000

Subtotal Appropriation \$ 2,572,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,174,000

TOTAL \$ 20,146,000

NEW SECTION. Sec. 823. FOR CENTRAL WASHINGTON UNIVERSITY
Black Hall predesign (94-2-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

CWU Cap Proj Acct \$ 159,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 13,159,000

NEW SECTION. Sec. 824. FOR THE EVERGREEN STATE COLLEGE
Lab annex: Metal and wood shops (90-5-008)

Reappropriation:

St Bldg Constr Acct \$ 320,000
Prior Biennia (Expenditures) \$ 652,100
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 972,100

NEW SECTION. Sec. 825. FOR THE EVERGREEN STATE COLLEGE
Life safety and code compliance (92-1-001)

Reappropriation:

St Bldg Constr Acct \$ 119,000
Prior Biennia (Expenditures) \$ 1,647,500
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,766,500

NEW SECTION. Sec. 826. FOR THE EVERGREEN STATE COLLEGE
Minor works: Failed systems (92-2-004)

Reappropriation:

St Bldg Constr Acct \$ 50,000
Prior Biennia (Expenditures) \$ 917,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 967,000

NEW SECTION. Sec. 827. FOR THE EVERGREEN STATE COLLEGE
Campus preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 1,749,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,749,000

**NEW SECTION. Sec. 828. FOR THE EVERGREEN STATE COLLEGE
Failed systems (94-1-006)**

Appropriation:

St Bldg Constr Acct \$ 955,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 5,655,000

**NEW SECTION. Sec. 829. FOR THE EVERGREEN STATE COLLEGE
Emergency repairs (94-1-007)**

Appropriation:

TESC Cap Proj Acct \$ 264,499

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,014,000

TOTAL \$ 1,278,499

**NEW SECTION. Sec. 830. FOR THE EVERGREEN STATE COLLEGE
Small repairs and improvements (94-1-010)**

Appropriation:

TESC Cap Proj Acct \$ 272,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 966,000

TOTAL \$ 1,238,500

**NEW SECTION. Sec. 831. FOR THE EVERGREEN STATE COLLEGE
Capital renewal (94-1-012)**

Appropriation:

St Bldg Constr Acct \$ 306,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,320,000

TOTAL \$ 3,626,000

**NEW SECTION. Sec. 832. FOR THE EVERGREEN STATE COLLEGE
Longhouse classroom facility (94-2-008)**

Appropriation:

St Bldg Constr Acct \$ 2,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

**NEW SECTION. Sec. 833. FOR THE EVERGREEN STATE COLLEGE
Campus computer network phase II (94-2-009)**

Appropriation:

St Bldg Constr Acct \$ 390,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 162,000

TOTAL \$ 552,000

NEW SECTION. Sec. 834. FOR THE JOINT CENTER FOR HIGHER EDUCATION
Riverpoint Campus: Design and construction (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,200,000

Appropriation:

St Bldg Constr Acct \$ 17,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 49,000,000

TOTAL \$ 74,200,000

NEW SECTION. Sec. 835. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase I construction (90-1-001)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 836. FOR WESTERN WASHINGTON UNIVERSITY
Institute of Wildlife Toxicology (90-2-003)

Reappropriation:

WWU Cap Proj Acct \$ 650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 650,000

NEW SECTION. Sec. 837. FOR WESTERN WASHINGTON UNIVERSITY
Wilson Library asbestos abatement (92-1-002)

Reappropriation:

St Bldg Constr Acct \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 838. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase II construction (92-1-007)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 20,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,500,000 -----

NEW SECTION. Sec. 839. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III design (92-1-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000 -----

NEW SECTION. Sec. 840. FOR WESTERN WASHINGTON UNIVERSITY
Minor works (94-2-028)

Reappropriation:

WWU Cap Proj Acct \$ 4,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,300,000 -----

NEW SECTION. Sec. 841. FOR WESTERN WASHINGTON UNIVERSITY
Fire detection systems preservation (94-1-030)

Appropriation:

St Bldg Constr Acct \$ 743,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,300,000

TOTAL \$ 3,043,000 -----

NEW SECTION. Sec. 842. FOR WESTERN WASHINGTON UNIVERSITY
Underground storage tank removal (94-1-032)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000 -----

NEW SECTION. Sec. 843. FOR WESTERN WASHINGTON UNIVERSITY
Pool chlorine gas system replacement (94-1-033)

Appropriation:

WWU Cap Proj Acct \$ 35,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000 -----

NEW SECTION. Sec. 844. FOR WESTERN WASHINGTON UNIVERSITY
Exterior envelope and roofing (94-1-034)

Appropriation:

St Bldg Constr Acct \$ 601,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,400,000

TOTAL \$ 3,001,000

**NEW SECTION. Sec. 845. FOR WESTERN WASHINGTON UNIVERSITY
Electrical preservation (94-1-035)**

Appropriation:

WWU Cap Proj Acct \$ 900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

**NEW SECTION. Sec. 846. FOR WESTERN WASHINGTON UNIVERSITY
Utility upgrade (94-1-037)**

Appropriation:

St Bldg Constr Acct \$ 405,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,405,000

**NEW SECTION. Sec. 847. FOR WESTERN WASHINGTON UNIVERSITY
Interior renewal (94-1-038)**

Appropriation:

WWU Cap Proj Acct \$ 98,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 800,000

TOTAL \$ 898,000

**NEW SECTION. Sec. 848. FOR WESTERN WASHINGTON UNIVERSITY
Flooring (94-1-039)**

Appropriation:

WWU Cap Proj Acct \$ 410,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,410,000

**NEW SECTION. Sec. 849. FOR WESTERN WASHINGTON UNIVERSITY
Interior painting (94-1-041)**

Appropriation:

WWU Cap Proj Acct \$ 401,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,950,000

TOTAL \$ 2,351,000

**NEW SECTION. Sec. 850. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III construction (94-2-014)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,263,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,263,000

NEW SECTION. Sec. 851. FOR WESTERN WASHINGTON UNIVERSITY

Haggard Hall renovation and abatement design (94-2-015)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,116,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,197,000

TOTAL \$ 17,313,000

NEW SECTION. Sec. 852. FOR WESTERN WASHINGTON UNIVERSITY

Minor works (92-1-022)

Appropriation:

WWU Cap Proj Acct \$ 6,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 37,100,000

NEW SECTION. Sec. 853. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way facility preservation (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 632,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,075,692

TOTAL \$ 3,707,692

NEW SECTION. Sec. 854. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Union Station Museum design and construction (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met. A portion of the appropriation may be used by the Washington State Historical Society as a match toward a challenge grant from the National Endowment for the Humanities.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 27,551,867

Prior Biennia (Expenditures) \$ 5,698,000

Future Biennia (Projected Costs) \$ 280,000

TOTAL \$ 33,679,867

NEW SECTION. Sec. 855. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Capital Museum: Replacement of building systems (92-1-003)

Reappropriation:

St Bldg Constr Acct \$ 14,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,000

**NEW SECTION. Sec. 856. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Coach House preservation (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 107,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 533,994

TOTAL \$ 641,494

**NEW SECTION. Sec. 857. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
State Capital Museum preservation (94-1-013)**

Appropriation:

St Bldg Constr Acct \$ 265,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 210,800

TOTAL \$ 475,800

**NEW SECTION. Sec. 858. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel Tech Building at Skagit Valley (86-3-022)**

Reappropriation:

St Bldg Constr Acct \$ 27,458
Prior Biennia (Expenditures) \$ 1,811
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 29,269

**NEW SECTION. Sec. 859. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior walls (88-3-003)**

Reappropriation:

St Bldg Constr Acct \$ 95,762
Prior Biennia (Expenditures) \$ 16,263
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 112,025

**NEW SECTION. Sec. 860. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair mechanical, ventilation, and air conditioning systems (88-3-004)**

Reappropriation:

St Bldg Constr Acct \$ 45,672
Prior Biennia (Expenditures) \$ 179,294
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,966

**NEW SECTION. Sec. 861. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Clark College (88-3-012)**

Reappropriation:

St Bldg Constr Acct \$ 50,740
Prior Biennia (Expenditures) \$ 248,184
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 298,924

**NEW SECTION. Sec. 862. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct extension center at Yakima Valley (88-3-013)**

Reappropriation:

St Bldg Constr Acct \$ 86,507
Prior Biennia (Expenditures) \$ 7,111
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 93,618

**NEW SECTION. Sec. 863. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct math and science building at Spokane Falls (88-3-015)**

Reappropriation:

St Bldg Constr Acct \$ 57,192
Prior Biennia (Expenditures) \$ 161,650
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 218,842

**NEW SECTION. Sec. 864. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Spokane (88-3-016)**

Reappropriation:

St Bldg Constr Acct \$ 31,780
Prior Biennia (Expenditures) \$ 243,224
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,004

**NEW SECTION. Sec. 865. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct Whidbey Island learning resource center for Skagit Valley (88-5-020)**

Reappropriation:

St Bldg Constr Acct \$ 781,285
Prior Biennia (Expenditures) \$ 1,341,714
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999

**NEW SECTION. Sec. 866. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct science and fine arts building at South Puget Sound (88-5-021)**

Reappropriation:

St Bldg Constr Acct \$ 238,424
Prior Biennia (Expenditures) \$ 5,759,575
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999

**NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an early childhood education facility at Shoreline (88-5-022)**

Reappropriation:

St Bldg Constr Acct \$ 1,247,598

Prior Biennia (Expenditures) \$ 77,936

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,325,534

NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library at Columbia Basin (88-5-023)

Reappropriation:

St Bldg Constr Acct \$ 113,307

Prior Biennia (Expenditures) \$ 1,869,398

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705

NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational shop building at Centralia (88-5-024)

Reappropriation:

St Bldg Constr Acct \$ 216,393

Prior Biennia (Expenditures) \$ 1,855,432

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825

NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library resource center at Tacoma (88-5-025)

Reappropriation:

St Bldg Constr Acct \$ 366,605

Prior Biennia (Expenditures) \$ 1,382,293

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,748,898

NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational food addition at Lower Columbia (88-5-026)

Reappropriation:

St Bldg Constr Acct \$ 1,591,782

Prior Biennia (Expenditures) \$ 1,402,254

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033

NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct business education building at Spokane (88-5-027)

Reappropriation:

St Bldg Constr Acct \$ 819,778

Prior Biennia (Expenditures) \$ 5,492,190

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968

NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct student activity center and physical education facility at Seattle Central (88-5-028)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 10,520,500

Prior Biennia (Expenditures) \$ 680,399

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899

**NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs at various colleges (90-1-004)**

Reappropriation:

St Bldg Constr Acct \$ 220,194

Prior Biennia (Expenditures) \$ 150,747

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941

**NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remove minor asbestos problems at various colleges (90-1-008)**

Reappropriation:

St Bldg Constr Acct \$ 2,625,390

Prior Biennia (Expenditures) \$ 566,394

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,784

**NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs and structures at various colleges (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 318,665

Prior Biennia (Expenditures) \$ 396,628

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293

**NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair air conditioning, heating, and ventilation systems at various colleges (90-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 421,926

Prior Biennia (Expenditures) \$ 576,457

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383

**NEW SECTION. Sec. 878. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair electrical systems (90-2-005)**

Reappropriation:

St Bldg Constr Acct \$ 14,355

Prior Biennia (Expenditures) \$ 55,399

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 69,754

**NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make small repairs and improvements at various colleges (90-3-001)**

Reappropriation:

St Bldg Constr Acct \$ 138,013

Prior Biennia (Expenditures) \$ 690,756

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 828,769

**NEW SECTION. Sec. 880. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning assistance resource center at Centralia (90-3-006)**

Reappropriation:

St Bldg Constr Acct \$ 4,410

Prior Biennia (Expenditures) \$ 13,566

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,976

**NEW SECTION. Sec. 881. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make minor repairs at various facilities (90-3-007)**

Reappropriation:

St Bldg Constr Acct \$ 57,314

Prior Biennia (Expenditures) \$ 470,702

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016

**NEW SECTION. Sec. 882. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To perform minor works for the preservation of community college facilities (90-5-009)**

Reappropriation:

St Bldg Constr Acct \$ 447,631

Prior Biennia (Expenditures) \$ 2,577,893

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524

**NEW SECTION. Sec. 883. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire site and construct technology center building at Whatcom (90-5-010)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 247,562

Appropriation:

St Bldg Constr Acct \$ 4,913,000

Prior Biennia (Expenditures) \$ 29,868

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,190,430

**NEW SECTION. Sec. 884. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct physical education facility at North Seattle (90-5-011)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 104,673

Appropriation:

St Bldg Constr Acct \$ 8,352,000

Prior Biennia (Expenditures) \$ 97,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,000

**NEW SECTION. Sec. 885. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct applied arts facility at Spokane Falls (90-5-012)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 291,510

Appropriation:

St Bldg Constr Acct \$ 5,191,000

Prior Biennia (Expenditures) \$ 9,579

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089

**NEW SECTION. Sec. 886. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct an industrial technology facility at Spokane (90-5-013)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 296,143

Appropriation:

St Bldg Constr Acct \$ 6,625,000

Prior Biennia (Expenditures) \$ 10,932

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,075

**NEW SECTION. Sec. 887. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct vocational arts facility at Shoreline (90-5-014)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 88,719

Appropriation:

St Bldg Constr Acct \$ 2,886,000

Prior Biennia (Expenditures) \$ 90,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405

**NEW SECTION. Sec. 888. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a business education facility at Clark (90-5-015)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 250,836

Appropriation:

St Bldg Constr Acct \$ 5,953,000

Prior Biennia (Expenditures) \$ 87,430

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266

**NEW SECTION. Sec. 889. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a student center at South Seattle (90-5-016)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 248,817

Appropriation:

St Bldg Constr Acct \$ 5,122,000

Prior Biennia (Expenditures) \$ 11,276

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093

**NEW SECTION. Sec. 890. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a library addition at Skagit Valley (90-5-017)**

Reappropriation:

St Bldg Constr Acct \$ 43,627

Appropriation:

St Bldg Constr Acct \$ 1,890,000

Prior Biennia (Expenditures) \$ 72,372

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999

**NEW SECTION. Sec. 891. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel business complex at Clover Park (91-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 2,427,982

Prior Biennia (Expenditures) \$ 72,017

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,499,999

**NEW SECTION. Sec. 892. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign vocational technical institute at Bellingham (91-3-002)**

The college shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,561,287

Prior Biennia (Expenditures) \$ 50,713

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000

**NEW SECTION. Sec. 893. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for child care facility in Centralia (92-1-602)**

Reappropriation:

St Bldg Constr Acct \$ 390
Prior Biennia (Expenditures) \$ 77,610
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 78,000

NEW SECTION. Sec. 894. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire auto shop at Olympic (92-1-604)

Reappropriation:

St Bldg Constr Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 895. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property and construct graphic arts building at Skagit (92-1-605)

Reappropriation:

St Bldg Constr Acct \$ 27,172
Prior Biennia (Expenditures) \$ 252,828
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 280,000

NEW SECTION. Sec. 896. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To renovate or replace underground storage tanks (92-2-102)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 765,978
Prior Biennia (Expenditures) \$ 630,874
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852

NEW SECTION. Sec. 897. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair campus facilities to meet legal and code requirements (92-2-103)

Reappropriation:

St Bldg Constr Acct \$ 506,163
Prior Biennia (Expenditures) \$ 665,837
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000

NEW SECTION. Sec. 898. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs at various colleges (92-2-104)

Reappropriation:

St Bldg Constr Acct \$ 2,629,340
Prior Biennia (Expenditures) \$ 4,827,660
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000

NEW SECTION. Sec. 899. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair exterior structures at various colleges (92-2-105)

Reappropriation:

St Bldg Constr Acct \$ 454,837

Prior Biennia (Expenditures) \$ 362,163

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000

NEW SECTION. Sec. 900. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair heating, ventilation, and air conditioning systems at various colleges (92-2-106)

Reappropriation:

St Bldg Constr Acct \$ 2,727,942

Prior Biennia (Expenditures) \$ 346,057

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999

NEW SECTION. Sec. 901. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair electrical systems at various colleges (92-2-107)

Reappropriation:

St Bldg Constr Acct \$ 1,524,807

Prior Biennia (Expenditures) \$ 782,193

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000

NEW SECTION. Sec. 902. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make mechanical repairs at various colleges (92-2-108)

Reappropriation:

St Bldg Constr Acct \$ 1,991,612

Prior Biennia (Expenditures) \$ 516,388

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000

NEW SECTION. Sec. 903. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make fire and security repairs (92-2-109)

Reappropriation:

St Bldg Constr Acct \$ 665,234

Prior Biennia (Expenditures) \$ 26,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999

NEW SECTION. Sec. 904. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To repair interiors at various community colleges (92-2-110)

Reappropriation:

St Bldg Constr Acct \$ 860,557

Prior Biennia (Expenditures) \$ 579,442

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999

NEW SECTION. Sec. 905. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

To make site repairs at various colleges (92-2-111)

Reappropriation:

St Bldg Constr Acct \$ 626,461

Prior Biennia (Expenditures) \$ 702,538

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999

**NEW SECTION. Sec. 906. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair pool at Pierce College (92-2-112)**

Reappropriation:

St Bldg Constr Acct \$ 100,562

Prior Biennia (Expenditures) \$ 499,438

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

**NEW SECTION. Sec. 907. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for emergency and unforeseen repairs at various colleges (92-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 3,715,444

Prior Biennia (Expenditures) \$ 2,540,556

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,256,000

**NEW SECTION. Sec. 908. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an addition to administration building at Lake Washington (92-5-003)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,337,110

Prior Biennia (Expenditures) \$ 6,805,089

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199

**NEW SECTION. Sec. 909. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct a business technology building in Renton (92-5-004)**

Reappropriation:

St Bldg Constr Acct \$ 2,701,102

Prior Biennia (Expenditures) \$ 1,283,898

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,985,000

**NEW SECTION. Sec. 910. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor improvement projects at various colleges (92-5-200)**

Reappropriation:

St Bldg Constr Acct \$ 9,092,760

Prior Biennia (Expenditures) \$ 7,837,239

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999

**NEW SECTION. Sec. 911. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for new college (92-5-701)**

Reappropriation:

St Bldg Constr Acct \$ 35,130
Prior Biennia (Expenditures) \$ 264,870
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

**NEW SECTION. Sec. 912. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide equipment for L.H. Bates Technical College (93-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 108,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 108,000

**NEW SECTION. Sec. 913. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make roof repairs at Clover Park (93-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 174,355
Prior Biennia (Expenditures) \$ 14,644
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999

**NEW SECTION. Sec. 914. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make electrical repairs at Olympic (93-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 3,347
Prior Biennia (Expenditures) \$ 96,652
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,999

**NEW SECTION. Sec. 915. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating system at Columbia Basin (93-2-004)**

Reappropriation:

St Bldg Constr Acct \$ 29,117
Prior Biennia (Expenditures) \$ 252,483
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 281,600

**NEW SECTION. Sec. 916. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To conduct Seattle Vocational Institute study at District 6 (93-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 72,617
Prior Biennia (Expenditures) \$ 27,383
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 917. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Washington Higher Education telecommunications system (93-5-002)

Reappropriation:

St Bldg Constr Acct \$ 241,422

Prior Biennia (Expenditures) \$ 8,578

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 918. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs: For small repairs and improvements; roof repairs; heating, ventilation, and air conditioning system repairs; mechanical repairs; electrical repairs; exterior repairs; interior repairs; site improvement repairs, and other repairs at various colleges.

Appropriation:

St Bldg Constr Acct \$ 37,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 46,000,000

TOTAL \$ 83,000,000

NEW SECTION. Sec. 919. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for removal or replacement of underground storage tanks (94-1-370)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 202,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000

NEW SECTION. Sec. 920. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funds for asbestos abatement (94-1-390)

Appropriation:

St Bldg Constr Acct \$ 451,327

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327

NEW SECTION. Sec. 921. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for facility upgrades at Seattle Vocational Institute, including acquisition of property for parking (94-1-733)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 7,583,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000

**NEW SECTION. Sec. 922. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor project enhancements (94-2-400)**

Appropriation:

St Bldg Constr Acct \$ 11,478,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 83,740,000

TOTAL \$ 95,218,000

**NEW SECTION. Sec. 923. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor work projects (94-2-500)**

Appropriation:

St Bldg Constr Acct \$ 629,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000

**NEW SECTION. Sec. 924. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for Puyallup Campus phase II at Pierce College (94-2-601)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,650

Appropriation:

St Bldg Constr Acct \$ 969,920

Prior Biennia (Expenditures) \$ 55,350

Future Biennia (Projected Costs) \$ 11,742,847

TOTAL \$ 12,769,767

**NEW SECTION. Sec. 925. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for vocational building at Skagit Valley (94-2-602)**

Reappropriation:

St Bldg Constr Acct \$ 110

Appropriation:

St Bldg Constr Acct \$ 169,044

Prior Biennia (Expenditures) \$ 24,890

Future Biennia (Projected Costs) \$ 1,942,079

TOTAL \$ 2,136,123

**NEW SECTION. Sec. 926. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for learning research center/arts/student center building at Whatcom (94-2-603)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 11,944

Appropriation:

St Bldg Constr Acct \$ 560,636

Prior Biennia (Expenditures) \$ 33,055

Future Biennia (Projected Costs) \$ 7,422,880

TOTAL \$ 8,028,515

NEW SECTION. Sec. 927. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for classroom and laboratory building at Edmonds (94-2-604)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 36,010

Appropriation:

St Bldg Constr Acct \$ 808,636

Prior Biennia (Expenditures) \$ 21,989

Future Biennia (Projected Costs) \$ 10,270,930

TOTAL \$ 11,137,565

NEW SECTION. Sec. 928. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for technical education facility at South Puget Sound (94-2-605)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,608

Appropriation:

St Bldg Constr Acct \$ 606,067

Prior Biennia (Expenditures) \$ 38,392

Future Biennia (Projected Costs) \$ 6,632,000

TOTAL \$ 7,280,067

NEW SECTION. Sec. 929. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for information technology center at Green River (94-2-606)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,124

Appropriation:

St Bldg Constr Acct \$ 1,335,729

Prior Biennia (Expenditures) \$ 54,876

Future Biennia (Projected Costs) \$ 14,608,996

TOTAL \$ 16,002,725

NEW SECTION. Sec. 930. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 931. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign major construction projects

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for predesign for the system's highest priority design and construction projects that will be included in the community and technical college system's 1995-97 capital budget request;

(2) The predesign documents shall be in accordance with the predesign manual published by the office of financial management; and

(3) Future appropriations for these predesigned projects are subject to submittal of completed predesign documents to the office of financial management by July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 932. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To purchase land for child care facilities at Green River College, Walla Walla College at Clarkston, and Centralia College

Appropriation:

St Bldg Constr Acct \$ 509,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000

NEW SECTION. Sec. 933. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire parcels No. 3 and 4 of the Flett Dairy to be used as an outdoor environmental lab and education center for Clover Park Technical College

Appropriation:

St Bldg Constr Acct \$ 2,750,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,750,000

PART 6
MISCELLANEOUS

NEW SECTION. Sec. 1001. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$16,633,000 during the 1993-95 fiscal period; \$98,409,000 during the 1995-97 fiscal period; \$139,820,000 during the 1997-99 fiscal period; \$139,730,000 during the 1999-2001 fiscal period; and \$139,647,500 during the 2001-03 fiscal period.

NEW SECTION. Sec. 1002. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies takes place where such configurations are economical and consistent with agency

space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

(1) Department of social and health services:

(a) Lease-develop with option to purchase or lease-purchase a new West Seattle customer service office to combine staff currently housed in three locations for \$6,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility;

(b) Lease-develop the remodeling and expansion of the Mt. Vernon multiservice center for \$3,000,000;

(c) Enter into a long-term lease with option to purchase the existing facility used by the office of revenue collections in Olympia for \$11,000,000;

(d) Lease-develop with option to purchase or lease-purchase expanded office space for the office of revenue collections in Olympia for \$11,000,000;

(e) Lease-develop with option to purchase or lease-purchase space for consolidation of Thurston county service delivery programs for \$13,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility. The department shall follow the established office of financial management predesign process and receive approval from the office of financial management before initiating design of the project; and

(f) Lease-develop with option to purchase or lease-purchase space for consolidation of department programs in south Grays Harbor county for \$1,800,000. The department shall consider collocation with other state agencies in this facility.

(2) Department of ecology: Lease-purchase the eastern regional office facility currently leased by the department for \$2,300,000.

(3) Department of general administration:

(a) Lease-purchase and upgrade an existing building, and purchase adjacent property and develop a new building in Yakima for a state government service center for \$24,800,000;

(b) Lease-purchase the 9th and Columbia, 13th and Jefferson, and Capital Plaza buildings in Olympia for \$11,100,000. The department shall prepare an engineering evaluation, cost-benefit study, and life-cycle cost analysis reviewing the maintenance, utility, and future renovation costs for each building. The authority to acquire the buildings is contingent on approval of these studies by the office of financial management; and

(c) Refinance and upgrade the 600 Franklin street building in Olympia for \$527,000.

(4) Department of corrections:

(a) Lease-purchase property from the department of natural resources at the Cedar Creek, Indian Ridge, Larch, and Olympic correctional centers for \$1,000,000;

(b) Lease-develop with option to purchase or lease-purchase 296 work release beds in facilities located throughout the state for \$9,898,758.

(5) Western Washington University: Lease-purchase property adjacent to the campus for future expansion for \$5,000,000.

(6) Community and technical colleges:

(a) Lease-develop or lease-purchase off-campus program space for Clark College for \$6,000,000;

(b) Enter into a long-term lease for Green River Community College off-campus programs for approximately \$143,700 during the 1993-95 biennium;

(c) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(d) Lease-purchase a facility to provide instructional, meeting, and office space for Skagit Valley Community College on San Juan Island for \$600,000;

(e) Lease-purchase property on Whidbey Island for program space for Skagit Valley Community College for \$252,000;

(f) Lease-develop or lease-purchase space for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$250,000;

(g) Lease-purchase 6 acres of property contiguous to Wenatchee Valley College for \$265,000;

(h) Lease-develop with option to purchase or lease-purchase expanded classroom space for Yakima Valley College in Ellensburg for \$625,000;

(i) Lease-develop or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000; and

(j) Lease-purchase 55 acres adjacent to Green River Community College for \$200,000.

NEW SECTION. Sec. 1003. STUDY OF POTENTIAL FUTURE LONG-TERM LEASES, LEASE-PURCHASES, AND LEASE-DEVELOPMENTS. The department of general administration and the office of the state treasurer shall provide technical assistance to the community and technical colleges in analyzing the feasibility of entering into long-term lease, lease-purchase, or lease-development agreements in future biennia for the following projects. This section does not imply a future legislative commitment to develop these projects.

- (1) Acquisition of a building currently leased for instruction and administration purposes at Edmonds Community College;
- (2) Acquisition of land and two buildings, known as the South Annex, at Seattle Central Community College;
- (3) Acquisition of approximately 1.72 acres of land and 108,721 square feet of buildings, known as the United Graphics property, at Seattle Central Community College;
- (4) Long-term lease of aviation maintenance facilities at Boeing Field for South Seattle Community College;
- (5) Acquisition of approximately 11 acres of trust land adjacent to the Duwamish Branch of South Seattle Community College;
- (6) Acquisition of property for future expansion adjacent to Skagit Valley College;
- (7) Acquisition or development of approximately 3,600 square feet of instructional space in Sunnyside for Yakima Valley Community College;
- (8) Acquisition of approximately 12,000 square feet of space in Colville for training and retraining programs for the community colleges of Spokane;
- (9) Acquisition of approximately 6.66 acres adjacent to South Puget Sound Community College;
- (10) Acquisition of two dormitories on approximately 2.5 acres adjacent to Wenatchee Valley College; and
- (11) Lease-development or acquisition of approximately 50,000 square feet of instruction space and up to 10 acres of land at the Tacoma Narrows Airport for Clover Park Technical College.

NEW SECTION. Sec. 1004. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies. A coordinated capital plan shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by September 15, 1993, for projects included in the 1993-95 capital budget. A coordinated evaluation policy and criteria for service improvement shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by June 30, 1994.

NEW SECTION. Sec. 1005. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the superintendent of public instruction and representatives of school district boards of directors.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays, subject to the approval of the state agency. For department of corrections construction projects, the Washington state arts commission shall give priority to selecting works of art produced by inmates.

(4) At least 85% of the moneys spent by the Washington state arts commission during the 1993-95 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 1006. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 1007. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1993, in the 1991-93 biennial appropriations for each project.

NEW SECTION. Sec. 1008. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 1009. As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease-development and lease-purchase projects to the office of financial management.

NEW SECTION. Sec. 1010. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 1011. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

NEW SECTION. Sec. 1012. Notwithstanding any other provisions of law, for the 1993-95 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 1013. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 1014. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 1015. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

The office of financial management shall provide to the house of representatives capital budget committee and the senate ways and means committee a list of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management.

NEW SECTION. Sec. 1016. (1) Agencies shall expedite the expenditure of reappropriations and appropriations in order to: (a) Rehabilitate infrastructure in a timely manner and prevent further deterioration of public facilities and resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(2) In order to meet the goals of this section, the following conditions apply to appropriations which reference this section:

(a) To the extent feasible, agencies are directed to manage accelerated expenditure rates at the current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(b) Reappropriations which reference this subsection (2)(b) shall lapse on June 30, 1994. In developing the 1995-97 capital budget, the office of financial management shall consider all project requests which have been an element of an appropriation which references this section as a request for a new appropriation.

(3) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 1995:

(a) A listing of reappropriations in the governor's 1995-97 capital budget recommendation that have been reappropriated one or more times and have ten percent or more of the original appropriation unexpended; and

(b) An explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 1017. The higher education coordinating board shall develop and maintain an inventory system to account for all space in the state's higher education system. The institutions of higher education shall provide to the higher education coordinating board a complete inventory of space in the form determined by the higher education coordinating board.

NEW SECTION. Sec. 1018. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute Senate Bill No. 5940 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 1019. \$1,200,000 of the state and local improvement revolving account--waste disposal facilities and \$6,300,000 of the state and local improvement revolving account--waste disposal facilities 1980 are transferred to the water quality account, and shall be used for extended grant payments for public waste disposal facilities that discharge directly into marine waters. The funds shall be subject to the conditions and limitations set forth in section 408 of this act.

NEW SECTION. Sec. 1020. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state

agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 1021. As of the effective date of this act, each state agency is prohibited from using any state funds, regardless of the source, for the construction, remodel, repair, maintenance, or equipping of any recreational facilities such as gymnasiums, weight rooms, exercise rooms, swimming pools, spas, saunas, basketball courts, running tracks, or any similar type facilities, unless a specific detailed request is made in a funding request to the legislature and is specifically and expressly granted in a legislative appropriation that clearly describes and limits the authorized use.

NEW SECTION. Sec. 1022. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1023. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Ballard moved adoption of the following amendment to the amendment:

On page 29, line 40, strike all of Sec. 216.

Representatives Ballard, Brough, Casada, Kremen and Talcott spoke in favor of adoption of the amendment to the amendment. Representatives H. Myers, Karahalios, Carlson, Heavey, Wang, Riley and Ogden spoke against it.

Representative Ballard again spoke in favor of the amendment to the amendment.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

Representative Zellinsky demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 29 line 40 of the amendment to Substitute Senate Bill No. 5717 and the amendment was not adopted by the following vote: Yeas - 41, Nays - 51, Absent - 0, Excused - 6.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Casada, Chandler, Chappell, Cooke, Dorn, Foreman, Forner, Fuhrman, Horn, Johanson, Kremen, Lisk, Long, Meyers, R., Mielke, Morton, Orr, Padden, Patterson, Rayburn, Reams, Romero, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Linville, Locke, Ludwig, Miller, Morris, Myers, H., Ogden, Pruitt, Quall, Riley, Roland, Rust, Scott, Sommers, Springer, Thibaudeau, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 51.

Excused: Representatives Dyer, Grant, Leonard, Mastin, Peery and Valle - 6.

STATEMENT FOR THE JOURNAL

I wish to change my vote from a "YEA" to a "NAY" on amendment number 735 to Substitute Senate Bill No. 5717.

SANDRA ROMERO, 22nd District

The striking amendment was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5717 as amended by the House.

Representative Wang spoke in favor of passage of the bill and Representative Sehlin spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5717, as amended by the House, and the bill passed the House by the following vote: Yeas - 54, Nays - 38, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Eide, Fisher, G., Fisher, R., Flemming, Hansen, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Silver, Sommers, Springer, Thibaudeau, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dunshee, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Heavey, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Patterson, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Stevens, Talcott, Tate, Thomas, Vance and Van Luven - 38.

Excused: Representatives Dyer, Grant, Leonard, Mastin, Peery and Valle - 6.

Substitute Senate Bill No. 5717, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 30, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5968 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Rinehart, McDonald and Drew, and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Patterson moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5968. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Locke, Ebersole and Silver as conferees on Substitute Senate Bill No. 5968.

MESSAGE FROM THE SENATE

April 30, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5717 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Snyder, Quigley and Bluechel, and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Patterson moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5717. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, Ogden and Sehlin as conferees on Substitute Senate Bill No. 5717.

MESSAGE FROM THE SENATE

April 30, 1993

Mr. Speaker:

The Senate refuses to concur in the House amendment to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5967 and asks the House for a conference thereon. The President has appointed the following members as Conferees: Senators: Rinehart, McDonald and Owen, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Patterson moved that the House grant the request of the Senate for a conference on Second Engrossed Substitute Senate Bill No. 5967. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives G. Fisher, Sommers and Foreman as conferees on Second Engrossed Substitute Senate Bill No. 5967.

MESSAGES FROM THE SENATE

April 30, 1993

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SENATE BILL NO. 5925 and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 30, 1993

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 5989,

Brad Hendrickson, Deputy Secretary

April 30, 1993

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055,

Brad Hendrickson, Deputy Secretary

April 30, 1993

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative R. Meyers, the House adjourned until 10:00 a.m., Monday May 3, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

FIFTH DAY, April 29, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, May 3, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Karahalios presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andy Demko and Adam Brickell. Prayer was offered by Representative Cothorn.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESB 5989 by Senators Hargrove and Rinehart

Expanding correctional industries.

Heldover from first reading April 30, 1993.

MOTION

On motion of Representative Sommers, the rules were suspended and Engrossed Senate Bill No. 5989 was advanced to the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

MOTION

Representative Sommers moved that the Rules Committee be relieved of House Bill No. 2129 and the bill was placed on the second reading calendar. The motion was carried.

With the consent of the House, the House reverted to the sixth order of business.

SECOND READING

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative Anderson presiding) called the House to order.

MOTION

On motion of Representative Wineberry, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The Speaker (Representative R. Meyers presiding) called the House to order at 3:00 p.m..

The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 30, 1993

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761 with the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((adopt comprehensive land use plans and development regulations under))~~ conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with ~~((RCW 36.70A.040 through 36.70A.460))~~ all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet ~~((the requirements of))~~ either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall ~~((adopt a comprehensive land use plan in accordance with))~~ conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county ~~((cannot remove itself from))~~ and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to ~~((adopt a comprehensive land use plan))~~ conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt ~~((the))~~ a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, ~~((1993))~~ 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to ~~((adopt a comprehensive land use plan))~~ conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under

subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt ~~((the))~~ a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than ~~((three))~~ four years from the date the county legislative ~~((body takes action as required by subsection (2) of this section))~~ authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((4))~~ (5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the ~~((requirements of))~~ sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall ~~((adopt))~~ take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; ~~((b))~~ (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan ~~((under this chapter))~~ and development regulations that are consistent with and implement the comprehensive plan within ~~((three))~~ four years of the certification by the office of financial management ~~((; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan))~~, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

Sec. 2. RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended to read as follows:

(1) Each county that is required or chooses to ~~((adopt a comprehensive land use))~~ plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county ~~((required to designate urban growth areas))~~ that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter.

Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth planning hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 3. RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each amended to read as follows:

~~(Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under RCW 36.70A.040 shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities)~~ Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform ((their)) its activities and make capital budget decisions in conformity with ((their)) its comprehensive plan((s)).

Sec. 4. RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of ((the)) each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy((:)). In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith((:)).

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340((:)).

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction((:and)).

(e) No later than July 1, 1992, the legislative authority of ((the)) each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

- (a) Policies to implement RCW 36.70A.110;
- (b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;
- (c) Policies for siting public capital facilities of a county-wide or state-wide nature;
- (d) Policies for county-wide transportation facilities and strategies;
- (e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;
- (f) Policies for joint county and city planning within urban growth areas;
- (g) Policies for county-wide economic development and employment; and
- (h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

The governor may impose a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of a sanction or sanctions under this section shall be preceded by written findings by the governor, that either the county or city is not proceeding in good faith to meet the requirements of the act; or that the county or city has unreasonably delayed taking the required action. The governor shall consult with and communicate his or her findings to the appropriate growth planning hearings board prior to imposing the sanction or sanctions. For those counties or cities that are not required to plan or have not opted in, the governor in imposing sanctions shall consider the size of the jurisdiction relative to the requirements of this chapter and the degree of technical and financial assistance provided.

Sec. 6. RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is required to adopt its comprehensive plan and development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1993.

On page 1, line 2 of the title, after "years;" strike the remainder of the title and insert "amending RCW 36.70A.040, 36.70A.110, 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter 36.70A RCW; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative H. Myers moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1761 and pass the bill as amended by the Senate.

Representatives H. Myers and Edmondson spoke in favor of the motion and it was carried.

With the consent of the House, further consideration of Engrossed Substitute House Bill No. 1761 was deferred.

With the consent of the House, the House advance to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2129, by Representatives Mastin, Finkbeiner, Locke, Patterson, Linville, Foreman, Forner and J. Kohl

Allowing state agencies to make purchases based on the lowest cost.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of House Bill No. 2129.

Representatives Mastin, Locke, Silver, Brough, Padden and Conway spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Locke yielded to a question by Representative Brough.

Representative Brough: Thank you, Representative Locke. This bill has a title of state agency purchasing and in this opening section it talks about the ability to purchase goods and services at the lowest cost. Does this mean we can take our printing to the private market place and have it done cheaply and quickly?

Representative Locke: If it's consistent with other law, yes.

Representative Mastin again spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Peery, Pruitt, Valle and Chappell were excused.

On motion of Representative Wood, Representatives Thomas and Fuhrman were excused.

POINT OF INQUIRY

Representative Sommers yielded to a question by Representative Romero.

Representative Romero: Is the language in section 2 of the bill intended to overturn or modify the ruling of the Supreme Court in Washington Federation of State Employees vs. Spokane Community College?

Representative Sommers: No, the language is not intended to affect that decision or any other civil service employee right.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2129 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Excused: Representatives Chappell, Fuhrman, Peery, Pruitt, Thomas and Valle - 6.

House Bill No. 2129, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The House resumed consideration of Engrossed Substitute House Bill No. 1761.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1761 as amended by the Senate.

POINT OF INQUIRY

Representative H. Myers yielded to a question by Representative Edmondson.

Representative Edmondson: Are the goals of the growth management act that are codified in RCW 36.70A.020 applicable to interim urban growth areas?

Representative H. Myers: Yes, they are. The goals that codified in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulation adopted under the growth management act. These goals are applicable since the counties adopted all the regulations designated urban growth areas.

Representative Edmondson: Do the amendments to the RCW 36.78.110 alter the planning and zoning powers of the city?

Representative H. Myers: No, these amendments do not alter the planning and zoning powers of the city.

Representatives H. Myers and Edmondson spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representative Wang was excused.

POINT OF INQUIRY

Representative H. Myers yielded to a question by Representative R. Fisher.

Representative R. Fisher: Does the use of the term "interim urban growth area" in section 2 require counties to adopt in growth mark orem.

Representative H. Myers: No. Interim means temporarily, counties will adopt development regulations designated "interim urban growth areas" and later adopt full urban growth areas as part of the comprehensive plan. As under existing laws county has flexibility to craft its own development regulations. The final urban growth areas that the county adopts could be the same as the interim growth area or could differ from its interim growth areas.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1761 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 3, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Vance, Van Luven, Veloria, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 89.

Voting nay: Representatives Dunshee, Fuhrman and Padden - 3.

Excused: Representatives Chappell, Peery, Pruitt, Thomas, Valle and Wang - 6.

Engrossed Substitute House Bill No. 1761 as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Sommers, the House adjourned until 10:00 a.m., Tuesday May 4, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

EIGHTH DAY, May 3, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

NINTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, May 4, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative Brumsickle presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative R. Meyers presiding) assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andy Demko and Adam Brickell. Prayer was offered by Representative Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative R. Meyers presiding) called on Representative Sommers to preside.

The Speaker (Representative Sommers presiding) declared the House to be at ease until 11:00 a.m.

The Speaker called the House to order.

The Speaker declared the House at recess until 1:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:00 p.m.

The Clerk called the roll and a quorum was present.

With the consent of the House, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5989, by Senators Hargrove and Rinehart

Expanding correctional industries.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5989.

Representatives Forner, Morris and Long spoke in favor of passage of the bill.

On motion of Representative J. Kohl, Representatives Chappell, Peery, Valle and Johanson were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5989, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 2, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 92.

Absent: Representatives Dyer and Miller - 2.

Excused: Representatives Chappell, Johanson, Peery and Valle - 4.

Engrossed Senate Bill No. 5989, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would like to have my vote recorded as a "YEA" on Engrossed Substitute Senate Bill No. 5989.

JIM JOHANSON, 44th District

With the consent of the House, House Bill No. 2114 was returned to second reading for the purpose of amendment.

ENGROSSED HOUSE BILL NO. 2114, by Representative G. Fisher; by request of Office of Financial Management

Crediting earnings on balances of certain treasury accounts.

The bill was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representatives G. Fisher, R. Fisher and Sommers:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"Sec. 1. RCW 43.84.092 and 1992 c 235 s 4 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund,

and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The ~~((central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the))~~ motor vehicle fund ~~((, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund,))~~ and the transportation fund ~~((, the transportation improvement account, and the urban arterial trust account))~~.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Representatives G. Fisher and Foreman spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2114.

Representative G. Fisher spoke in favor of passage of the bill and Representative Foreman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2114, and the bill passed the House by the following vote: Yeas - 51, Nays - 38, Absent - 5, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sommers, Thibaudeau, Veloria, Wang, Wolfe and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Edmondson, Foreman, Forner, Fuhrman, Hansen, Horn, Kremen, Lisk, Long, Mielke, Morton, Padden, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 38.

Absent: Representatives Campbell, Dyer, Finkbeiner, Miller and Wineberry - 5.

Excused: Representatives Chappell, Johanson, Peery and Valle - 4.

Engrossed House Bill No. 2114, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I would like to have my vote recorded as a "NAY" rather than a "YEA" on Engrossed House Bill No. 2114.

BILL FINKBEINER, 45th District

I would like to have my vote recorded as a "NAY" on Engrossed House Bill No. 2114.

TOM CAMPBELL, 2nd District

I would like to have my vote recorded as a "NAY" on Engrossed House Bill No. 2114.

JIM JOHANSON, 44th District

The Speaker declared the House to be at ease.

The Speaker (Representative Locke presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Jones, the House adjourned until 10:00 a.m., Wednesday May 5, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

NINTH DAY, May 4, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, May 5, 1993

The House was called to order at 10:00 a.m. by the Speaker (Representative R. Meyers presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andy Demko and Adam Brickell. Inspirational message was offered by Representative Shin.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

May 3, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5925,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 93-4672, by Representatives Quall and R. Johnson

WHEREAS, Bill McCutchin has distinguished himself since 1961 as a teacher in the Mount Vernon School District; and

WHEREAS, Bill McCutchin has served as a coach of Mount Vernon High School's baseball team since 1968; and

WHEREAS, Since assuming the co-head baseball coach position at Mount Vernon High in 1975, Bill McCutchin has compiled a tremendous winning record. He has won six Northwest AA League crowns, three regional titles and, after he became the sole head coach in 1984, two state championships (1990 and 1992); and

WHEREAS, In recognition of his achievements Bill McCutchin was elected to the Washington State High School Baseball Coaches Hall of Fame in 1989, and was honored as the Washington State High School Baseball Coach of the Year in 1990; and

WHEREAS, Not merely an excellent baseball coach, Bill McCutchin has also served as an assistant coach in football, swimming, and wrestling at Mount Vernon High; and

WHEREAS, Bill McCutchin knows whereof he coaches. As a student himself at Mount Vernon High he was a standout in football, boxing, and baseball. He was a player for the Mount Vernon Milkmaids semipro baseball team in 1953, and played for Skagit Valley College following his service in the Marine Corps; and

WHEREAS, When he retires following this school year Bill McCutchin's success in Mount Vernon will not be measured solely in terms of games won or lost. He has taught generations of Mount Vernon youth both academically, and on the field, the values of fair play and hard work;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize, praise, and honor the dedicated career of a true teacher, Bill McCutchin; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Bill McCutchin.

Representative Quall moved adoption of the resolution.

Representatives Quall, Basich and Karahalios spoke in favor of the resolution.

House Resolution No. 4672 was adopted.

MOTION

Representative Sommers moved the Rules Committee be relieved of Substitute House Bill No. 1458 and the bill be placed on the third reading calendar. The motion was carried.

With the consent of the House, the House reverted to the seventh order of business.

The Speaker assumed the chair.

The Speaker declared the House at recess until 1:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:30 p.m.

The Clerk called the roll and a quorum was present.

With the consent of the House, the House advanced to the sixth order of business.

SECOND READING

With the consent of the House, the House considered Second Engrossed Substitute Senate Bill No. 5972 on the second reading calendar.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5972, by Senate Committee on Transportation (originally sponsored by Senator Vognild; by request of Office of Financial Management)

Adopting the transportation budget.

The bill was read the second time.

Representative R. Fisher moved adoption of the following amendment by Representative R. Fisher: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1995.

Any bill enacted during the 1993 legislative session requiring expenditure from a transportation-related fund or account that was not heard by either of the transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 212,000

Highway Safety Fund--Federal Appropriation \$ 2,545,000

Transportation Fund--State Appropriation \$ 600,000
TOTAL APPROPRIATION \$ 3,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the public safety and education account shall be used solely to fund community DWI task forces. Funding from the public safety and education account for any community DWI task force may not exceed fifty percent of total expenditures in support of that task force.

(2) It is the intent of the legislature that the Washington traffic safety commission be abolished as of July 1, 1994. The office of the governor shall submit to the legislative transportation committee by December 15, 1993, a plan for transferring the responsibilities of the Washington traffic safety commission to an existing transportation agency. The appropriations from the highway safety fund--state and highway safety fund--federal represent funding necessary to operate the agency for fiscal year 1994 only.

(3) \$175,000 of the highway safety fund--federal appropriation may be used only to fund the law and justice program. As of July 1, 1993, the law and justice program shall be transferred from the department of licensing to the Washington traffic safety commission.

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State
Appropriation \$ 218,000

NEW SECTION. Sec. 4. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation
Account--State Appropriation \$ 24,247,000
Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ 61,838,000
Motor Vehicle Fund--Private Local Appropriation \$ 508,000
Motor Vehicle Fund--State Appropriation \$ 1,331,000
TOTAL APPROPRIATION \$ 87,924,000

NEW SECTION. Sec. 5. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ 184,000,000
Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 26,322,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,500,000
TOTAL APPROPRIATION \$ 211,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement board shall present to the legislative transportation committee by December 15, 1993, proposed legislation and an action plan to address the recommendations identified in the 1992 evaluation of the transportation improvement board by the subcommittee on transportation boards and commissions of the legislative transportation committee.

(2) The transportation improvement board shall on a quarterly basis present to the legislative transportation committee and the office of financial management an analysis of project cost changes as they apply to overall project costs, for projects funded from the transportation improvement account and the urban arterial trust account. The initial report, due October 31, 1993, shall compare cost estimates at the time of project approval to present estimate or final cost for all urban arterial trust account projects selected from 1989 forward and for all transportation improvement account projects. The board shall provide an update to the report each quarter thereafter citing the amount and reason for additional changes in actual or estimated costs for any project.

(3) \$50,000,000 of the transportation improvement account--state appropriation in this section is conditioned on the enactment of Senate Bill No. 5969, authorizing bond sales for projects funded from the transportation improvement account.

NEW SECTION. Sec. 6. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 143,616,000
Motor Vehicle Fund--State Patrol Highway Account--
Federal Appropriation \$ 3,218,000
Motor Vehicle Fund--State Appropriation \$ 788,000
TOTAL APPROPRIATION \$ 147,622,000

The appropriations in this section are subject to the following conditions and limitations: Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--INVESTIGATIVE SERVICES BUREAU

Transportation Fund--State Appropriation \$ 1,371,000
Motor Vehicle Fund--State Appropriation \$ 4,444,000
TOTAL APPROPRIATION \$ 5,815,000

NEW SECTION. Sec. 8. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 57,474,000
Transportation Fund--State Appropriation \$ 3,391,000
Motor Vehicle Fund--State Appropriation \$ 1,099,000
TOTAL APPROPRIATION \$ 61,964,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation \$ 46,000
Transportation Fund--State Appropriation \$ 414,000
Highway Safety Fund--State Appropriation \$ 5,523,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 96,000
Motor Vehicle Fund--State Appropriation \$ 4,379,000
TOTAL APPROPRIATION \$ 10,458,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation \$ 221,000
Transportation Fund--State Appropriation \$ 247,000
Highway Safety Fund--State Appropriation \$ 5,131,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 50,000
Motor Vehicle Fund--State Appropriation \$ 9,869,000
TOTAL APPROPRIATION \$ 15,518,000

Contained in this appropriation is \$10,000,000 for the licensing application migration project (LAMP), of which \$6,000,000 is motor vehicle fund--state and \$4,000,000 highway safety fund--state. Of the \$10,000,000 appropriation \$500,000 is provided solely as a contingency amount. The appropriation for LAMP is conditioned upon compliance with section 49 of this act. If section 49 of this act is not enacted during the 1993 legislative session, then the \$10,000,000 appropriation for the licensing application migration project (LAMP) shall lapse.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation \$ 49,076,000
General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000
General Fund--Wildlife Account--State Appropriation \$ 520,000
Department of Licensing Services Account--
State Appropriation \$ 676,000
TOTAL APPROPRIATION \$ 50,298,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Transportation Fund--State Appropriation \$ 4,396,000
Highway Safety Fund--State Appropriation \$ 51,929,000
Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,300,000
TOTAL APPROPRIATION \$ 57,625,000

\$400,000 of the highway safety fund - motorcycle safety education account appropriation in this section is provided solely to enhance the motorcycle testing program. If Senate Bill No. 5101 is not enacted during the 1993 legislative session, the \$400,000 appropriation is null and void.

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,644,000

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 410,000

NEW SECTION. Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 373,000

NEW SECTION. Sec. 16. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,637,000

The Washington state transportation commission shall make recommendations on the facility, operations, and funding components of implementing passenger-only service from Seattle/Vashon/Southworth and Seattle/Kingston. Such recommendations shall be submitted to the governor and the legislative transportation committee on or before September 30, 1993.

NEW SECTION. Sec. 17. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 534,000

The appropriation in this section assumes that as of January 1, 1994, commission staff shall be reduced from four full-time equivalent to two full-time equivalent and that the appropriation shall expire on April 1, 1994.

Sec. 18. RCW 47.86.030 and 1992 c 190 s 3 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, ~~(1994)~~ 1993, with completed reports to be presented to the legislative transportation committee on the dates as provided in subsection (3) of this section.

(3) A report on the following work program projects by December 1, 1992:

(a) Evaluation of the importance of air transportation in the economic and social vitality of the state including costs and effects of delay of air capacity expansion;

(b) Air transportation demand, aviation industry trends, and air capacity in Washington through 2020;

(c) A review of the final draft of the Puget Sound air transportation committee's flight plan assessments of air capacity and demand.

(4) A transportation systems planning evaluation of air transportation planning options in Washington by July 1, 1993.

(5) The work program project reports as provided in subsection (3) of this section and the policy recommendations of the commission shall be transmitted to regional transportation planning organizations created pursuant to chapter 47.80 RCW. Each regional transportation planning organization shall consider the commission's project reports and policy recommendations when adopting its regional transportation plan and in its review of local comprehensive plans for consistency with the regional transportation plans.

(6) A review of the environmental, social, and economic costs associated with Washington state's air transportation system. The commission shall review and comment upon the effectiveness and reasonableness of current or planned practices to mitigate the adverse environmental effects of operating, developing, or expanding the state's air transportation system.

NEW SECTION. Sec. 19. Effective April 1, 1994, the following acts or parts of acts are each repealed:

- (1) RCW 47.86.010 and 1990 c 298 s 39;
- (2) RCW 47.86.020 and 1990 c 298 s 40;
- (3) RCW 47.86.030 and 1993 c . . . s 18 (section 18 of this act), 1992 c 190 s 3, 1991 c 231 s 7, & 1990 c 298 s 41;
- (4) RCW 47.86.035 and 1992 c 190 s 1;
- (5) RCW 47.86.040 and 1990 c 298 s 42;
- (6) RCW 47.86.050 and 1990 c 298 s 43;
- (7) RCW 47.86.060 and 1990 c 298 s 44;
- (8) RCW 47.86.900 and 1990 c 298 s 45; and
- (9) RCW 47.86.901 and 1990 c 298 s 47.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 418,000

The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee on December 15th of each year.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION--STATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND SAFETY--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 174,337,000

Motor Vehicle Fund--Federal Appropriation \$ 98,040,000

Motor Vehicle Fund--Local Appropriation \$ 3,460,000

TOTAL APPROPRIATION \$ 275,837,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$650,000 of the motor vehicle fund--state appropriation is provided solely for an inventory of drainage facilities; analysis of water sources entering the Washington department of transportation facilities; testing for contaminants; analyzing the flow of discharged stormwater; and developing a prioritization system that will enable the department to evaluate proposed construction projects with regard to their effects on sensitive water bodies.

(2) Up to \$1,326,000 of the motor vehicle fund--state appropriation is provided for fish passage barrier removal. The department of transportation shall cooperate with the department of fisheries to continue retrofit work now in progress, finalize the inventory, and begin additional projects as funds allow.

(3) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for the state match for the scenic highways program. In the event the full state match is not required, the remainder shall revert to the motor vehicle fund for future appropriation.

(4) Up to \$33,400,000 of the motor vehicle fund--state appropriation is provided for a one-time expenditure for additional category A projects. It is the intent that the appropriations in this section do not commit the governor or the legislature to the transportation commission's proposed category A program update.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--INTERSTATE HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation \$ 85,245,000

Motor Vehicle Fund--Federal Appropriation \$ 446,000,000

Motor Vehicle Fund--Local Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ 535,245,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes a maximum of \$50,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) Up to \$7,185,000 of the appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). State funds needed for the federal match requirements shall be from the bonds sales proceeds not to exceed \$1,437,000

as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) Up to \$30,000,000 of the motor vehicle fund--state appropriation in this section is provided to expedite high occupancy vehicle lane construction on the interstate system.

(6) Pending the receipt of federal funds appropriated in this section, up to \$120,000,000 of bonds authorized by chapter 6, Laws of 1993, may be sold to fund interstate construction project expenditures in advance of the receipt of federal funds. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--MAJOR NONINTERSTATE HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation	\$ 77,540,000
Motor Vehicle Fund--Federal Appropriation	\$ 66,948,000
Motor Vehicle Fund--Local Appropriation	\$ 5,000,000
Transportation Fund--State Appropriation	\$ 64,724,000
Special Category C--State Appropriation	\$ 166,833,000
Puyallup Tribal Settlement Account-- State Appropriation	\$ 44,024,000
Puyallup Tribal Settlement Account-- Private Local Appropriation	\$ 6,000,000
TOTAL APPROPRIATION	\$ 431,069,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state appropriation includes \$32,800,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Up to \$44,000,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$11,000,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(3) The special category C fund--state appropriation of \$166,833,000 includes \$108,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5343 for the 1st Avenue South Bridge in Seattle, North-South Corridor/Division Street improvements in Spokane, and selected sections of State Route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) Up to \$45,760,000 of the motor vehicle fund--state appropriation, \$64,724,000 of the transportation fund--state appropriation, and \$14,948,000 of the motor vehicle fund--federal appropriation provided for in this section are for regular category C projects. Of the appropriations specified in this subsection, up to ten percent may be expended for preliminary engineering and right of way. The remainder shall be expended for construction contracts, including \$10,295,000 for HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

(5) \$21,000,000 of the motor vehicle fund--state appropriation is provided solely for additional HOV lane projects on noninterstate state highways. Quarterly, beginning July 1, 1993, the department shall provide to the legislative transportation committee a list of the construction contracts awarded under this subsection and the amount of each contract award.

(6) Up to \$2,000,000 of the motor vehicle fund--state appropriation and \$1,000,000 of the motor vehicle fund--local appropriation contained in this section is provided solely for the construction of rest areas provided local and/or private contributions of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services.

NEW SECTION. Sec. 24. If Substitute Senate Bill No. 5963 becomes law, the department of transportation, in consultation with the legislative transportation committee, shall develop a plan to implement the requirements of such legislation that includes program performance and monitoring procedures. The implementation plan shall be submitted to the house and senate transportation committees on or before January 1, 1994.

**NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY
MANAGEMENT AND FACILITIES--PROGRAM D**

Motor Vehicle Fund--State Appropriation \$ 31,028,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Transportation Capital Facilities
Account--State Appropriation \$ 40,480,000
TOTAL APPROPRIATION \$ 71,908,000

(1) Up to \$750,000 of the motor vehicle fund--transportation capital facilities account--state appropriation is provided to implement the Americans with Disabilities Act (P.L. 101-336 42 U.S.C. Sec. 12101 et seq.).

(2) The transportation commission shall evaluate the current organizational structure of the department of transportation with regard to: (a) The number and allocation of full-time employees required to support the department's environmental efforts; (b) the qualifications of such full-time employees; (c) the amount of authority each environmental position carries; (d) the chain of command governing such environmental positions; (e) the effectiveness of the organization with regard to proactively negotiating environmental policies with state, federal, and local units of government; (f) the ability of the department to assimilate, incorporate, and disseminate environmental information between and among the department's various divisions, branches, sections, and districts; and (g) the ability of the department to plan, budget, and account for such environmental costs. The transportation commission shall develop a plan to maximize the effectiveness of the environmental activities within the department and shall provide specific recommendations regarding any organizational changes that may be warranted.

The plan shall be submitted to the legislative transportation committee no later than December 15, 1993. The department shall not proceed with implementation prior to receiving legislative transportation committee approval.

**NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--
PROGRAM F**

General Fund--Aeronautics Account--State
Appropriation \$ 3,106,000
General Fund--Aeronautics Account--Federal
Appropriation \$ 652,000
General Fund--Search and Rescue Account--State
Appropriation \$ 130,000
TOTAL APPROPRIATION \$ 3,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The aeronautics account appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, and federal inspections.

(2) The search and rescue account--state appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

**NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC
REVITALIZATION--PROGRAM G**

Motor Vehicle Fund--Economic Development Account--
State Appropriation \$ 5,020,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

**NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE
BRIDGES--PROGRAM H**

Motor Vehicle Fund--State Appropriation \$ 45,027,000
Motor Vehicle Fund--Federal Appropriation \$ 71,000,000
Motor Vehicle Fund--Local Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 117,027,000

(1) The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent that this appropriation does not commit the governor nor the legislature to the transportation commission's proposed twenty-year bridge program.

(2) Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided solely for rehabilitation of state-owned moveable bridges.

**NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY
MAINTENANCE AND OPERATIONS--PROGRAM M**

Motor Vehicle Fund--State Appropriation \$ 238,692,000
Motor Vehicle Fund--Local Appropriation \$ 4,690,000
TOTAL APPROPRIATION \$ 243,382,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$300,000 of the motor vehicle fund--state appropriation is provided to develop and implement a roadside vegetation management plan to comply with the Puget Sound water quality authority management plan. Emphasis shall be placed on nonchemical vegetation control.

(2) Up to \$910,000 of the motor vehicle fund--state appropriation is provided for additional maintenance to prevent mechanical and electrical problems on floating bridges, maintenance on the Lacey V. Murrow floating bridge, and compliance with department of labor and industries maintenance regulations.

(3) Up to \$600,000 of the motor vehicle fund--state appropriation is provided for testing and disposal of hazardous materials and for interjurisdictional and/or interagency development of eight treatment facilities.

(4) Up to \$2,411,000 of the motor vehicle fund--state appropriation is provided to expedite and enhance traffic signal improvements.

(5) It is the intent of the legislature that the legislative transportation committee study the impact upon the department of transportation of the utilities accommodation policy, requiring the removal of power poles, guy lines, and junction boxes adjacent to state highways. The committee shall report its findings to the legislature no later than November 15, 1995. No additional moneys are appropriated in this section for the purpose of doing additional utility clear zone work.

**NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES
TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 2,894,000
Motor Vehicle Fund--Federal Appropriation \$ 33,400,000
Motor Vehicle Fund--Local Appropriation \$ 28,892,000
TOTAL APPROPRIATION \$ 65,186,000

**NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION
MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 1,109,000
Motor Vehicle Fund--State Appropriation \$ 51,475,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 1,105,000
Transportation Fund--State Appropriation \$ 897,000
TOTAL APPROPRIATION \$ 54,586,000

Up to \$526,000 of the transportation fund--state appropriation is provided for the implementation of Substitute House Bill No. 1006.

**NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH
AND INTERMODAL PLANNING--PROGRAM T**

Motor Vehicle Fund--State Appropriation \$ 16,376,000
Motor Vehicle Fund--Federal Appropriation \$ 16,314,000
High Capacity Transportation Account--
State Appropriation \$ 17,500,000
Transportation Fund--State Appropriation \$ 44,088,000
Transportation Fund--Federal Appropriation \$ 5,852,000
Transportation Fund--Local Appropriation \$ 100,000
Central Puget Sound Public Transportation Account--
State Appropriation \$ 21,100,000
Public Transportation Systems Account--State
Appropriation \$ 5,500,000
TOTAL APPROPRIATION \$ 126,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$31,000,000 of the transportation fund--state appropriation is provided for administrative costs, operating subsidies for contracted AMTRAK 403(b) service, and for capital projects to improve train speeds and service.

(2) Up to \$9,200,000 of the transportation fund--state appropriation is provided for state participation in the planning and construction of passenger rail depots and other passenger intermodal facilities.

(3) The central Puget Sound public transportation account--state appropriation and the public transportation systems account--state appropriation shall be distributed to local transit agencies based on the allocation process defined in Substitute House Bill No. 2036. These appropriations are null and void if Substitute House Bill No. 2036 is not enacted by the legislature.

(4) Of the \$3,400,000 motor vehicle fund--state appropriation provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) Up to \$250,000 of the motor vehicle fund--state appropriation contained in this section is provided solely for the Puget Sound transportation investment program. The program shall pay special attention to the Edmonds/Kingston run and development of an intermodal terminal at Point Edwards. Work on the program shall be completed and reported to the legislative transportation committee no later than December 15, 1993.

(6) Up to \$1,500,000 of the transportation fund--state appropriation contained in this section is provided solely for the rural mobility program.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T--CAPITAL

Essential Rail Assistance Account--State

Appropriation \$ 1,000,000

Essential Rail Banking Account--State

Appropriation \$ 1,100,000

TOTAL APPROPRIATION \$ 2,100,000

The appropriations in this section are provided for the purposes authorized in chapter 47.76 RCW.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation \$ 30,124,000

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ 32,124,000

The appropriations in this section are to provide for costs billed to the department for the services or other state agencies as follows:

(1) Archives and records management, \$258,000 motor vehicle fund--state appropriation;

(2) Attorney general tort claims support, \$4,692,000 motor vehicle fund--state appropriation;

(3) Office of the state auditor, \$793,000 motor vehicle fund--state appropriation;

(4) Department of general administration facility and services, \$3,406,000 motor vehicle fund--state appropriation;

(5) Department of personnel, \$3,088,000 motor vehicle fund--state appropriation;

(6) Self-insurance liability premiums and administration, \$15,824,000 motor vehicle fund--state appropriation;

(7) Department of general administration for capital projects on the transportation Olympia headquarters building and for maintenance work on the department of transportation/plaza parking garage, \$1,704,000 motor vehicle fund--state appropriation;

(8) Office of minority and women's business enterprises, \$359,000 motor vehicle fund--state appropriation;

(9) Marine division self-insurance liability premiums and administration \$2,000,000 motor vehicle fund--Puget Sound ferry operations account--state appropriation.

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 235,746,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 32,237,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 900,000

TOTAL APPROPRIATION \$ 268,883,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 4) for the 1993-95 budget. The department shall reconcile the 1991-93 capital expenditures within ninety

days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$116,126,000 in proceeds from the sale of bonds authorized by RCW 47.60.800. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriation in this section provides for the construction, in the state of Washington, of new jumbo ferry vessels in accordance with the requirements of Substitute House Bill No. 1635. The transportation commission shall provide progress reports to the legislative transportation committee and the governor regarding the implementation of Substitute House Bill No. 1635.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Marine Operating Fund--State Appropriation \$ 237,559,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$27,123,000 for vessel operating fuel in the 1993-95 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1993-95 biennium may not exceed \$159,183,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$324.20 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1993, and July 1, 1994.

(3) The appropriation in this section includes \$500,000 to (a) ensure the marine division of the department of transportation's compliance with RCW 88.46.060 through a contractual agreement between Washington state ferries and the Washington state maritime commission and (b) assist Washington state ferries in oil spill prevention, planning, and education in accordance with chapter 43.211 RCW.

(4) The appropriation in this section includes \$154,000 for support of Clinton terminal agent expenses, but shall be expended only upon the construction of a new Clinton terminal.

(5) The appropriation in this section includes \$359,000 to provide, during the summer, eight hours of Issaquah vessel class service on the Edmonds/Kingston route. This amount shall be expended only if the super class vessel refurbishment program impacts super class vessel service on this route.

(6) The appropriation in this section includes \$185,000 to assess the ability of enhancing vessel maintenance for those routes that require extensive service schedules throughout the year by placing additional oiler staff hours on two routes during the 1993-94 fiscal year. The results of this maintenance approach shall be reported to the legislative transportation committee and the office of financial management by December 1, 1993.

(7) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 7,594,000
Motor Vehicle Fund--Federal Appropriation \$ 161,033,000
Motor Vehicle Fund--Local Appropriation \$ 5,086,000
Transfer Relief Account--State Appropriation \$ 3,920,000
TOTAL APPROPRIATION \$ 177,633,000

The appropriations in this section are subject to the following conditions and limitations: Up to \$6,774,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$570,000 for the federal match requirements, which shall be from the bond sales proceeds as authorized by Senate Bill No. 5371. However, the transportation commission may authorize the

use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--RV Account--State Appropriation
For transfer to the Motor Vehicle Fund \$ 427,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--State Appropriation
For transfer to the Transportation Capital Facilities
Account--State Appropriation \$ 40,480,000

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION EMERGENCY PROJECTS--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5370.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION FEDERAL MATCH PROJECTS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 25,000,000

The appropriation in this section shall be funded from the sale of bonds authorized in Senate Bill No. 5371. The state finance committee shall administer the repayment of loans authorized in Senate Bill No. 5371.

NEW SECTION. Sec. 42. The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle fund to fund the appropriations contained in this act.

NEW SECTION. Sec. 43. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 44. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 45. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 46. A new section is added to chapter 46.01 RCW to read as follows:

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

NEW SECTION. Sec. 47. FOR THE WASHINGTON STATE PATROL--CAPITAL

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 10,485,000
Motor Vehicle Fund--State Appropriation \$ 765,000
Highway Safety Fund--State Appropriation \$ 765,000
TOTAL APPROPRIATION \$ 12,015,000

The appropriations in this section are provided for the following projects:

WSP/DOL Dist Office--Tacoma
Everett Dist Hdqtrs Building
Minor Works Preservation
Shelton Trng Acad Restroom Repair
Replace Underground Storage Tanks
Replace Rattlesnake Ridge Communication Site
Shelton Academy Property Acquisition
Vancouver Cve Inspection Station
Mt. Vernon Comm Site Construction
Spokane Cve Inspection Station
Replace Scale Mechanism SeaTac South
Yakima District Hdqtrs Predesign
I-90 Port of Entry Weigh Station
Smokey Point Weigh Station Design
Morton Detachment Property Acquisition
Longview Vin Lane Construction Property Acquisition

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF LICENSING--CAPITAL

Highway Safety Fund--State Appropriation \$ 61,000
Motor Vehicle Fund--State Appropriation \$ 20,000
TOTAL APPROPRIATION \$ 81,000

The appropriations in this section are provided for the following projects:

Longview Customer Service Center
North Spokane Customer Service Center
Vancouver Customer Service Center

NEW SECTION. Sec. 49. In addition to compliance with the requirements of RCW 43.105.190, titled "Major information technology projects standards and policies," agencies shall comply with the following requirements: For projects funded through the transportation budget, the agency and the department of information services shall provide the office of financial management, the legislative transportation committee, and the information services board with a written bi-monthly project oversight and risk assessment report for designated projects. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

NEW SECTION. Sec. 50. The legislature supports the proposed reduction by the governor of state agency, middle management level employees and recognizes that such reduction is essential to achieve more efficient and effective delivery of state services. Further, the legislature finds that employee reductions in agencies providing state transportation programs and services are necessary to the extent such reductions do not jeopardize transportation program and service delivery.

NEW SECTION. Sec. 51. To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies. To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 52. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985,

1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 53. The commission for efficiency and accountability in Washington state government shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine the cost allocation for actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles and represent a pro rata share in relation to all other agencies.

NEW SECTION. Sec. 54. Beginning July 1, 1993, and until June 30, 1995, no state agency may provide the following to employees whose monthly salary on or after July 1, 1993, exceeds \$3,750:

- (1) Scheduled increment increases to any employee classified under chapter 41.06 RCW;
- (2) Salary increases to any employee who is exempt from chapter 41.06 RCW, except exempt employees whose salaries are determined by an elected state official or the judicial branch;
- (3) Salary increases to the agency officials listed in RCW 43.03.028 and 47.01.041.

The office of financial management shall reduce allotments to all transportation agencies to reflect the elimination of these salary increases.

NEW SECTION. Sec. 55. The department of licensing shall review the pricing of fees related to the licensing and operation of motor vehicles to determine whether any such fees should be eliminated to reduce costs, whether the pricing of any fees should be adjusted to cover costs of administration or to be more equitable, and whether any other related modifications may be justified, and make recommendations to the governor and the legislative transportation committee by October 15, 1993, as to any price-setting policies or guidelines, pricing changes, or other statutory modifications pertaining to such fees.

Sec. 56. 1991 sp.s. c 15 s 4 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State		
Appropriation	\$ ((185,000))	
		<u>202,000</u>
((No more than \$80,000 may be expended for attorney general fees.))		

Sec. 57. 1992 c 166 s 8 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation	\$ ((45,695,000))	
		<u>46,089,500</u>
General Fund--Marine Fuel Tax Refund Account--		
State Appropriation	\$ 25,000	
General Fund--Wildlife Account--State		
Appropriation	\$ 504,000	
TOTAL APPROPRIATION	\$ ((46,224,000))	
		<u>46,618,500</u>

Sec. 58. 1992 c 166 s 9 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--		
State Appropriation	\$ 4,394,000	
Highway Safety Fund--State Appropriation	\$ ((48,256,000))	
		<u>48,405,078</u>
Highway Safety Fund--Motorcycle Safety Education Account--		
State Appropriation	\$ 884,000	
TOTAL APPROPRIATION	\$ ((53,534,000))	
		<u>53,683,078</u>

Sec. 59. 1992 c 166 s 20 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation	\$ ((217,750,000))	
		<u>221,550,000</u>

Motor Vehicle Fund--Local Appropriation \$ 750,000

TOTAL APPROPRIATION \$ ((248,500,000))

222,300,000

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner.

Sec. 60. RCW 46.16.070 and 1993 c ... (Substitute Senate Bill No. 5535) s 5 and 1993 c ... (Senate Bill No. 5426) s 1 are each reenacted and amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

4,000 lbs.	\$ 37.00	6,000 lbs.	\$ 44.00
8,000 lbs.	\$ 55.00		
10,000 lbs.	\$ 62.00		
12,000 lbs.	\$ 72.00		
14,000 lbs.	\$ 82.00		
16,000 lbs.	\$ 92.00	18,000 lbs.	\$ 137.00
20,000 lbs.	\$ 152.00		
22,000 lbs.	\$ 164.00		
24,000 lbs.	\$ 177.00	26,000 lbs.	\$ 87.00
28,000 lbs.	\$ 220.00		
30,000 lbs.	\$ 253.00		
32,000 lbs.	\$ 304.00		
34,000 lbs.	\$ 323.00		
36,000 lbs.	\$ 350.00		
38,000 lbs.	\$ 384.00		
40,000 lbs.	\$ 439.00		
42,000 lbs.	\$ 546.00		
44,000 lbs.	\$ 556.00		
46,000 lbs.	\$ 591.00		
48,000 lbs.	\$ 612.00		
50,000 lbs.	\$ 656.00		
52,000 lbs.	\$ 685.00		
54,000 lbs.	\$ 732.00		
56,000 lbs.	\$ 767.00		
58,000 lbs.	\$ 794.00		
60,000 lbs.	\$ 840.00		
62,000 lbs.	\$ 894.00		
64,000 lbs.	\$ 912.00		
66,000 lbs.	\$ 1,005.00		
68,000 lbs.	\$ 1,044.00		
70,000 lbs.	\$ 1,117.00		
72,000 lbs.	\$ 1,188.00		
74,000 lbs.	\$ 1,283.00		
76,000 lbs.	\$ 1,379.00		
78,000 lbs.	\$ 1,497.00		
80,000 lbs.	\$ 1608.00		
82,000 lbs.	\$(1,623.00)	<u>1,713.00</u>	
84,000 lbs.	\$(1,728.00)	<u>1,818.00</u>	
86,000 lbs.	\$(1,833.00)	<u>1,923.00</u>	
88,000 lbs.	\$(1,938.00)	<u>2,028.00</u>	
90,000 lbs.	\$(2,043.00)	<u>2,133.00</u>	
92,000 lbs.	\$(2,148.00)	<u>2,238.00</u>	
94,000 lbs.	\$(2,253.00)	<u>2,343.00</u>	
96,000 lbs.	\$(2,358.00)	<u>2,448.00</u>	
98,000 lbs.	\$(2,463.00)	<u>2,553.00</u>	

100,000 lbs.	\$ ((2,568.00)) <u>2,658.00</u>
102,000 lbs.	\$ ((2,673.00)) <u>2,763.00</u>
104,000 lbs.	\$ ((2,778.00)) <u>2,868.00</u>
105,500 lbs.	\$ ((2,883.00)) <u>2,973.00</u>

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 61. RCW 82.44.020 and 1993 c ... (Substitute Senate Bill No. 5535) s 2 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the value of such vehicle.

(3) Effective with October 1992 motor vehicle registration expirations, a clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that farm vehicles as defined in RCW 46.04.181 shall not be subject to the tax imposed by this subsection. The annual amount of the additional excise tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars.

(4) An additional excise tax is imposed on truck-type power units that are used in combination with a trailer to transport loads in excess of forty thousand pounds combined gross weight. The ~~((rate))~~ annual amount of such additional excise tax shall be fifty-eight one-hundredths of one percent of the value of the vehicle.

The department shall distribute the additional tax collected under this subsection as follows:

(a) For each trailing unit subject to subsection (5) of this section, an amount equal to the clean air excise tax prescribed in subsection (3) of this section shall be distributed in the manner prescribed in RCW 82.44.110(3);

(b) Of the remainder of the additional excise tax collected under this subsection, ten percent ~~((of the additional tax collected under this subsection))~~ shall be distributed in the manner prescribed in RCW 82.44.110(2) ~~((The remainder of the excise tax collected under this subsection))~~ and ninety percent shall be distributed in the manner prescribed in RCW 82.44.110(1). This tax shall not apply to power units used exclusively for hauling logs.

(5) The excise taxes imposed by subsections (1) through (3) of this section shall not apply to trailing units which are used in combination with a power unit subject to the additional excise tax imposed by subsection (4) of this section. This subsection shall not apply to trailing units used for hauling logs. ~~((The department of licensing is authorized to adopt rules to implement subsection (4) of this section and this subsection to assure that total motor vehicle excise tax revenue is not affected.))~~

(6) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(7) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

Sec. 62. RCW 81.112.030 and 1992 c 101 s 3 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan

shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

~~((3))~~ ~~((If any of the counties does not opt to participate in the authority, the joint regional policy committee shall, within forty-five days, redefine the system and financing plan and resubmit the adopted redefined plan to the remaining county legislative authorities for their decision as to whether to participate. This action shall be completed within forty-five days following receipt of the redefined plan.~~

~~((4))~~ Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

~~((5))~~ (4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

~~((6))~~ (5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

~~((7))~~ (6) If the authority determines that major modifications to the plan are necessary before being submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to ~~((ratify formation of the authority,))~~ approve the system and finance plan~~((;-))~~ and authorize the imposition of the taxes to support the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan submitted to voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the plan. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

~~((9))~~ (9) If the vote fails, the board may redefine the system and financing plan, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised plan to voters. No single system and financing plan may be submitted to the voters more than twice.

If the authority is unable to achieve a positive vote within two years from the date of the first election on a system plan, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

Sec. 63. RCW 43.89.010 and 1965 ex.s. c 60 s 2 are each amended to read as follows:

The chief of the Washington state patrol is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: PROVIDED, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state. Of the fees collected pursuant to this section, one-half shall be deposited in the motor vehicle fund and one-half shall be deposited in the transportation fund.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

Sec. 64. RCW 82.44.180 and 1991 c 199 s 224 are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be expended within the three county region from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW ((81.104.040)) 81.104.015;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(c) Public transportation system contributions required to fund projects approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund.

Moneys deposited into the account under RCW 82.44.150(2)(c) shall be available to the public transportation system from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW ((81.104.040)) 81.104.015;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(c) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(d) Public transportation system contributions required to fund projects approved by the transportation improvement board.

NEW SECTION. Sec. 65. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately except for sections 60 and 61, which shall take effect January 1, 1994.

NEW SECTION. Sec. 66. Chapter 102, Laws of 1993 and chapter 123, Laws of 1993 each take effect January 1, 1994."

Representative Morris moved adoption of the amendment to the amendment:

On page 10, line 15, strike "77,540,000" and insert "\$93,145,000"

On page 10, line 24, strike "\$431,069,000" and insert "\$446,674,000"

On page 12, following line 2, insert

"(7) Up to \$15,605,000 of the motor vehicle fund -- state appropriation contained in this section is provided for the construction of SR 503 - NE 144th Street to Battleground."

Representatives Morris and Carlson spoke in favor of adoption of the amendment and Representatives R. Fisher and Schmidt spoke against it.

The amendment was not adopted.

The striking amendment was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5972 as amended by the House.

Representative R. Fisher spoke in favor of passage of the bill and Representatives Schmidt, Brough and Morton spoke against it.

Representative R. Fisher again spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative R. Fisher yielded to a question by Representative Heavey.

Representative Heavey: In section 62, the sentence beginning on page 32, line 32, requires that a High Capacity Transit system and finance plan and the taxes to fund the plan be presented to the voters as a single ballot proposition. Is this language intended to prohibit the proposed plan and taxes from being presented to the voters in phases or stages?

Representative R. Fisher: No, the statutory language is intended to insure that approval of the system and finance plan authorization to impose the taxes to support the plan be drafted as a single ballot proposition each time a proposition is submitted to the voters within the Regional Transit Authority. The system plan and plan funding could certainly be submitted to the voters in phases.

On motion of Representative J. Kohl, Representatives H. Myers, Peery and Chappell were excused.

On motion of Representative Wood, Representative Thomas was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5972 as amended by the House, and the bill passed the House by the following vote: Yeas - 57, Nays - 37, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Ogden, Orr, Patterson, Pruitt, Quall, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Mielke, Miller, Morris, Morton, Padden, Rayburn, Reams, Schmidt, Schoesler, Sehlín, Sheahan, Silver, Springer, Stevens, Talcott, Tate, Vance, Van Luven and Wood - 37.

Excused: Representatives Chappell, Myers, H., Peery and Thomas - 4.

Second Engrossed Substitute Senate Bill No. 5972, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

May 6, 1993

Mr. Speaker:

The President has signed:
and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 5989,

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED SENATE BILL NO. 5925,
ENGROSSED SENATE BILL NO. 5989,

MESSAGES FROM THE SENATE

May 5, 1993

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5370,
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521,
SUBSTITUTE SENATE BILL NO. 5753,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5966,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,
SECOND ENGROSSED SENATE BILL NO. 5983,

and the same are herewith transmitted.

Marty Brown, Secretary

May 5, 1993

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1969,
ENGROSSED HOUSE BILL NO. 2114,
HOUSE BILL NO. 2129,

and the same are herewith transmitted.

Marty Brown, Secretary

May 5, 1993

Mr. Speaker:

The Senate concurred in the House amendments to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5972 and passed the bill as amended by the House.
and the same are herewith transmitted.

Marty Brown, Secretary

With the consent of the House, the House advanced to the seventh order of business.

THIRD READING

MOTION

On motion of Representative Peery, the rules were suspended, and Substitute House Bill No. 1458 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1458, by Representatives Zellinsky, Mielke, Dorn, R. Johnson and Fuhrman

Regulating retail charge agreements.

The bill was read the second time.

Representative R. Meyers moved adoption of the following amendment by Representatives R. Meyers, Mielke and Zellinsky:

On page 5, line 5, strike "(1)"

On page 5, line 11, after "appeal." strike all material to and including "interest." on line 16

Representatives R. Meyers and Mielke spoke in favor of adoption of the amendment and Representative Padden spoke against it. The amendment was adopted.

The bill was ordered engrossed.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1458.

POINT OF PARLIAMENTARY INQUIRY

Representative Foreman: Mr. Speaker, House Rule 19D and Article II Section 30 of our state constitution requires a member to disclose any private interest in a bill and to refrain from voting on the bill. Mr. Speaker, I am currently a named plaintiff in a suit filed as a class action that may be adversely impacted by the retroactive nature of this legislation. Mr. Speaker, should I be excused from voting on Substitute House Bill No. 1458?

Speaker Ebersole: No, Representative Foreman, you should not be excused from voting on Substitute House Bill No. 1458. House Rule 19 D and Article II, Section 30 of the state constitution prohibits members from voting on legislation which affects them individually and uniquely, not as members of a group. Because the bill in question will affect the legal remedies available to a large number of Washington citizens, and not uniquely to you, you do not have a private interest within the meaning of our state constitution which would disqualify you from voting.

On motion of Representative J. Kohl, Representative Dorn was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1458, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Lisk and Padden - 2.

Excused: Representative Dorn - 1.

Engrossed Substitute House Bill No. 1458, having received the constitutional majority, was declared passed.

With the consent of the House, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING (SUPPLEMENTAL)

HJM 4025 by Representatives Wineberry, Conway, Thibaudeau, Leonard, Patterson, Romero, King, Karahalios, Eide, Brown, Linville, Flemming, Jones, G. Cole, Shin, Hansen, Dunshee, Chappell, Veloria, Anderson, H. Myers, Jacobsen, Orr, Ogden, Ludwig, Johanson, Springer, Dellwo, Campbell, J. Kohl, Pruitt, Appelwick and Locke

Concerning the North American Free Trade Agreement.

Referred to Committee on Trade, Economic Development & Housing.

SB 5370 by Senators Vognild, Nelson, Skratek and Talmadge

Authorizing state highway bonds.

2E2SSB 5521 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder)

Concerning criminal justice programs.

SSB 5753 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder and L. Smith)

Creating a new judgeship for Cowlitz County.

MOTIONS

On motion of Representative Peery, the rules were suspended and the bills listed on today's supplemental introduction sheet under the fourth order of business were advanced to the second reading calendar.

Representative Peery moved the House consider the following bills in the following order: Engrossed Second Substitute Senate Bill No. 5781, Substitute Senate Bill No. 5753, Second Engrossed Senate Bill No. 5983, Second Engrossed Substitute Senate Bill No. 5982, and Engrossed Substitute Senate Bill No. 5966. The motion was carried.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781, by Committee on Ways & Means (originally sponsored by Senators Jesernig, Bauer, Moyer, Pelz, Bluechel, Spanel, Hargrove, Drew, von Reichbauer, Snyder, Sheldon, Loveland, McDonald, Erwin, M. Rasmussen, Barr, Prentice, Sutherland, McAuliffe, West, Oke, Amondson, Haugen, Franklin, Sellar, Hochstatter, Fraser, Deccio, A. Smith and Winsley)

Improving access to public institutions of higher education.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5781.

Representatives Jacobsen and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5781, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Dorn - 1.

Engrossed Second Substitute Senate Bill No. 5781, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5753, by Committee on Ways & Means (originally sponsored by Senators Snyder and L. Smith)

Creating a new judgeship for Cowlitz County.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5753.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5753, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 97.

Excused: Representative Dorn - 1.

Substitute Senate Bill No. 5753, having received the constitutional majority, was declared passed.

SECOND ENGROSSED SENATE BILL NO. 5983, by Senators M. Rasmussen and Loveland; by request of Department of Agriculture

Altering fees related to agriculture.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5983.

Representative Rayburn spoke in favor of passage of the bill and Representatives Schoesler and Chandler spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5983, and the bill passed the House by the following vote: Yeas - 57, Nays - 40, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Bray, Brown, Campbell, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Basich, Brough, Brumsickle, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Mielke, Miller, Morris, Morton, Padden, Patterson, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Springer, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 40.

Excused: Representative Dorn - 1.

Second Engrossed Senate Bill No. 5983, having received the constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5982, by Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Office of Financial Management)

Changing higher education tuition provisions.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5982.

Representatives Locke and Jacobsen spoke in favor of passage of the bill and Representative Brumsickle spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5982, and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Riley, Roland, Romero, Rust, Scott, Sommers, Springer, Talcott, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Forner, Fuhrman, Horn, Johanson, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Quall, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Tate, Thomas, Vance, Van Luven and Wood - 37.

Excused: Representative Dorn - 1.

Second Engrossed Substitute Senate Bill No. 5982, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5966, by Committee on Ways & Means (originally sponsored by Senators Rinehart, Haugen and M. Rasmussen; by request of Department of Veterans Affairs)

Concerning the state veterans' homes.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5966.

Representatives Locke and Dyer spoke in favor of passage of the bill and Representative Schmidt spoke against it.

POINT OF INQUIRY

Representative Silver yielded to a question by Representative Schmidt.

Representative Schmidt: Thank you, Mr. Speaker. If I understand this bill, currently the veterans are receiving one hundred sixty dollars per month for their personal allowance which I believe they use for cigarettes and other types of personal purchases. This legislation will cut back to ninety dollars a month unless the federal government steps in and makes a change in the current policy, is that right.

Representative Silver: That is correct. The federal government will have to approve that.

Representative Schmidt: But there are no guarantees that will happen.

Representative Silver: There seems to be a disagreement whether they will actually have an approval or not. At this time its undetermined.

The Speaker called on Representative R. Meyers to preside.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5966, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Voloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 96.

Voting nay: Representative Schmidt - 1.

Excused: Representative Dorn - 1.

Engrossed Substitute Senate Bill No. 5966, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved that the rules be suspended and Engrossed Substitute House Bill No. 1524 be returned to second reading for the purpose of an amendment. The motion was carried.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, by Committee on Appropriations (originally sponsored by Representatives Locke, Silver and Valle; by request of Office of Financial Management)

Making supplemental appropriations.

The bill was read the second time.

Representative Locke moved adoption of the following amendment by Representative Locke:
Strike everything after the enacting clause and insert the following:

"PART I
GENERAL GOVERNMENT

Sec. 101. 1992 c 232 s 112 is amended to read as follows:
FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ~~((955,000))~~ 1,000,000

Sec. 102. 1992 c 232 s 113 (uncodified) is amended to read as follows:
FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ~~((27,687,000))~~ 27,921,000

Public Safety and Education
 Account Appropriation \$ 26,352,000
Judicial Information System
 Account Appropriation \$ 200,000
Drug Enforcement and Education Account
 Appropriation \$ 850,000
 TOTAL APPROPRIATION \$ ~~((55,089,000))~~ 55,323,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$~~((20,850,000))~~ 21,084,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) \$688,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) \$6,507,000 of the public safety and education account appropriation and \$850,000 of the drug enforcement and education account appropriation are provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(6) In implementing the cost reduction measures required by this act, the administrator for the courts may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

(7) \$345,000 of the general fund--state appropriation is provided solely for implementation of Substitute House Bill No. 2459. The amount provided in this subsection is contingent on enactment of Substitute House Bill No. 2459 (superior court judges) and House Bill No. 2887 or 2997 (appellate court filing fees). If neither House Bill No. 2887 or 2997 is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) \$10,000 of the general fund appropriation is provided solely for the jury source list task force to continue to develop methodology and standards for merging the list of registered voters with the list of licensed drivers and identocard holders to form an expanded jury source list for use in the state. The task force shall include the department of information services. By November 2, 1992, the task force shall report its recommendations to the supreme court and the appropriate committees of the legislature. However, if Substitute House Bill No. 2945 is enacted by June 30, 1992, the amount provided in this subsection is provided solely to implement the bill.

Sec. 103. 1992 c 232 s 117 is amended to read as follows:
FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ ~~((4,762,000))~~ 1,842,000

Sec. 104. 1992 c 232 s 118 is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation \$ ~~((8,038,000))~~ 12,480,081
Archives and Records Management Account
Appropriation \$ 3,522,000
Savings Recovery Account Appropriation \$ 569,000
TOTAL APPROPRIATION \$ ~~((12,129,000))~~ 16,571,081

The appropriations in this section are subject to the following conditions and limitations:

(1) \$~~((809,000))~~ 4,330,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of presidential preference, primary, and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$~~((2,919,000))~~ 3,384,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION. Sec. 105. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation \$ 239,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for defending tribal shellfish litigation (*U.S. v. Washington*, subproceeding 89-3).

Sec. 106. 1991 sp.s. c 16 s 126 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ ~~((20,563,000))~~ 19,345,000
General Fund--Federal Appropriation \$ 101,000
Savings Recovery Account Appropriation \$ 1,932,000
Public Safety and Education Account
Appropriation \$ 290,000
Motor Vehicle Fund Appropriation \$ 108,000
TOTAL APPROPRIATION \$ ~~((22,994,000))~~ 21,776,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

Sec. 107. 1992 c 232 s 129 is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund
Appropriation \$ ~~((16,749,000))~~ 16,771,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) \$163,000 is provided solely to implement management excellence initiatives to improve selection criteria, performance evaluations, and training assessments for state managers.

Sec. 108. 1992 c 232 s 134 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund
Appropriation \$ 29,076,000
The appropriation in this section is subject to the following conditions and limitations:
(1) \$2,403,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902, chapter 16, Laws of 1991 sp. sess. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.
(2) \$~~((1,077,000))~~ 907,000 is provided solely for the one-time implementation costs of Engrossed Substitute House Bill No. 2947 (early retirement), including the preparation of information on early retirement by the combined

benefits communications project. ((If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.))

(3) \$170,000 is provided solely for the one-time implementation costs of the 1993 early retirement legislation. If the legislation is not enacted by June 30, 1993, this amount shall lapse.

Sec. 109. 1992 c 232 s 136 is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$ ((96,379,000))	<u>96,802,000</u>
Timber Tax Distribution Account Appropriation	\$ 4,241,000	
State Toxics Control Account Appropriation	\$ ((90,000))	<u>83,115</u>
Solid Waste Management Account Appropriation	\$ 82,000	
Pollution Liability Reinsurance Trust Account Appropriation	\$ 226,000	
Vehicle Tire Recycling Account Appropriation	\$ 122,000	
Air Operating Permit Account Appropriation	\$ 42,000	
Oil/Hazardous Substance Cleanup Account Appropriation	\$ 27,000	
Litter Control Account Appropriation	\$ 96,000	
TOTAL APPROPRIATION	\$ ((401,296,000))	<u>101,721,115</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,145,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management". Authority to expend this amount is conditioned on compliance with section 902, chapter 16, Laws of 1991 sp. sess.

(2) \$584,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

(4) \$100,000 of the general fund appropriation is provided solely for the implementation of Substitute House Bill No. 2672 (cellular phone study). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(5) \$432,000 of the general fund appropriation is provided solely for defense of the state in legal actions involving utility litigation relating to property tax.

(6) The entire litter control account appropriation is provided solely for the implementation of House Bill No. 2635 (litter/recycling assessment). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 110. 1992 c 232 s 139 is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

General Fund--State Appropriation	\$ ((42,000))	<u>46,000</u>
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Sec. 111. 1992 c 232 s 141 is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation	\$ ((4,467,000))	<u>5,207,000</u>
General Fund--Federal Appropriation	\$ 1,649,000	
General Fund--Private/Local Appropriation	\$ 274,000	
Savings Recovery Account Appropriation	\$ 1,070,000	
Risk Management Account Appropriation	\$ 1,151,000	
Motor Transport Account Appropriation	\$ 8,568,000	
Central Stores Revolving Account Appropriation	\$ 3,965,000	
<u>Industrial Insurance Premium Refund Account</u>	<u>\$ 18,514</u>	
Air Pollution Control Account Appropriation	\$ 111,000	
General Administration Facilities and Services Revolving Fund Appropriation	\$ 20,749,000	
TOTAL APPROPRIATION	\$ ((42,004,000))	<u>42,762,514</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) ~~\$(2,850,000)~~ 2,176,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$3,965,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of this amount \$155,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

Sec. 112. 1992 c 232 s 152 is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation	\$ ((8,906,000))	<u>8,960,000</u>
General Fund--Federal Appropriation	\$ 7,582,000	
General Fund--Private/Local Appropriation	\$ 180,000	
TOTAL APPROPRIATION	\$ ((16,668,000))	<u>16,722,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

PART II
HUMAN SERVICES

Sec. 201. 1991 sp.s. c 16 s 201 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) ~~((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose))~~ The appropriations in sections 201 through 218 of chapter 16, Laws of 1991 1st sp. sess., as amended, shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1993, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) Appropriations in this act derived from the \$31,600,000 federal child care block grant and the Title IV-A grant are subject to the following conditions and limitations:

(a) \$13,290,000 is provided solely for vendor rate increases for child care facilities. Increases by cluster shall result in rates set at a uniform percentile of child care provider rates across clusters. Rates set by other methods shall result in the same percentage increase as the state-wide average increase for rates set by cluster. The department shall transfer rate increase funds among child care programs as necessary to maintain a uniform rate policy.

(b) \$1,000,000 is provided solely to contract with eligible providers for specialized child care and respite care for children of homeless parents. Providers shall demonstrate that licensed child-care facilities are available to provide specialized child care for children under six years of age. Respite child-care providers shall demonstrate that respite child care is available for children under six years of age and shall submit to a felony background check through the state patrol. Child-care services provided by shelters shall be subject to department of community development rules on applicant eligibility criteria. The total allocation to providers within a county shall be not less than twenty-five thousand dollars per fiscal year in counties that had at least one hundred children under the age of five served in emergency shelters for the preceding year as reported by the department of community development and not less than ten thousand dollars for all other counties. If Substitute Senate Bill No. 5653 (homeless child care) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(c) \$450,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(d) \$100,000 is provided solely for licensing and regulation activities of the department of social and health services.

(e) \$100,000 is provided solely for data collection, evaluation, and reporting activities of the department of social and health services.

(f) \$4,609,000 is provided solely to increase child care slots for low-income families.

(g) \$100,000 is provided solely for transfer through interagency agreement to the department of health to fund increased child care licensing workload.

Sec. 202. 1992 c 232 s 201 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation	\$ ((277,041,000))	<u>276,734,000</u>
General Fund--Federal Appropriation	\$ ((171,473,000))	<u>179,051,000</u>
Drug Enforcement and Education		
Account Appropriation	\$ 4,000,000	
Public Safety and Education		
Account Appropriation	\$ 2,418,000	
TOTAL APPROPRIATION	\$ ((454,932,000))	<u>462,203,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$607,000 of the general fund--state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) \$513,000 is provided solely to expand family reconciliation services.

(2) \$2,949,000 of the general fund--state appropriation and \$691,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and five percent on January 1, 1993, for children's out-of-home residential providers except interim care, including but not limited to foster

parents and child placement agencies, and ~~((3-4))~~ two percent on July 1, 1992, and three percent on January 1, 1993, for other providers, except child care providers.

(3) \$1,150,000 of the general fund--state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

(4) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).

(5) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(6) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(7) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

(8) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

(9) The amounts in subsections (7) and (8) of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

(10) \$100,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

(11) Up to \$25,000 of the general fund--state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

(12) \$1,500,000 of the general fund--state appropriation is provided solely for increased funding for domestic violence programs.

(13) \$480,000 of the general fund--state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

(14) \$1,000,000 of the general fund--state appropriation is provided solely for the transfer of children who are inappropriately housed in crisis residential centers to residential services designed to meet their specific needs.

(15) \$30,000 of the general fund--state appropriation is provided solely to fund follow-up research on the Childhaven therapeutic childcare study.

Sec. 203. 1992 c 232 s 202 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ ~~((53,246,000))~~

50,377,000

General Fund--Federal Appropriation \$ 135,000

Drug Enforcement and Education

Account Appropriation \$ 1,762,000

TOTAL APPROPRIATION \$ ~~((55,143,000))~~

52,274,000

The appropriations in this subsection are subject to the following conditions and limitations: \$670,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of two percent on July 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and two percent on July 1, 1992, and three percent on January 1, 1993, for other vendors.

(2) INSTITUTIONAL SERVICES
 General Fund--State Appropriation \$ ~~((57,750,000))~~ 60,291,000
 General Fund--Federal Appropriation \$ 949,000
 Drug Enforcement and Education
 Account Appropriation \$ 940,000
 TOTAL APPROPRIATION \$ ~~((59,639,000))~~ 62,180,000

(3) PROGRAM SUPPORT
 General Fund Appropriation \$ ~~((2,996,000))~~ 3,014,000
 Drug Enforcement and Education Account Appropriation \$ 342,000
 TOTAL APPROPRIATION \$ ~~((3,338,000))~~ 3,356,000

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

Sec. 204. 1992 c 232 s 203 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation \$ ~~((219,896,000))~~ 220,467,000
 General Fund--Federal Appropriation \$ ~~((109,490,000))~~ 125,492,000
 General Fund--Local Appropriation \$ ~~((3,360,000))~~ 8,828,000
 TOTAL APPROPRIATION \$ ~~((332,746,000))~~ 354,787,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,444,000 of the general fund--state appropriation and \$1,602,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(b) \$23,971,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) \$6,400,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund--state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) \$9,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund--state appropriation is provided solely for regional support networks for acquisition and implementation of local management information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund--state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund--state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund--state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) \$500,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided solely for up to five performance-based contracts for the delivery of children's mental health services with regional support networks that have developed interagency children's mental health services delivery plans. To be eligible for a contract, the interagency children's mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children's mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

(c) ~~\$(1,500,000)~~ 2,571,000 of the general fund--state appropriation is provided solely for transportation services.

(d) \$2,000,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ ~~((193,404,000))~~ 193,351,000

General Fund--Federal Appropriation \$ ~~((62,735,000))~~ 68,735,000

TOTAL APPROPRIATION \$ ~~((256,139,000))~~ 262,086,000

(3) CIVIL COMMITMENT

General Fund--State Appropriation \$ ~~((4,908,000))~~ 4,383,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation \$ 1,889,000

General Fund--Federal Appropriation \$ ~~((2,966,000))~~ 2,629,000

TOTAL APPROPRIATION \$ ~~((4,855,000))~~ 4,518,000

The appropriations in this subsection are subject to the following conditions and limitations: \$31,000 of the general fund--state appropriation is provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(5) PROGRAM SUPPORT

General Fund--State Appropriation \$ ~~((5,959,000))~~ 5,296,000

General Fund--Federal Appropriation \$ ~~((1,867,000))~~ 2,185,000

TOTAL APPROPRIATION \$ ~~((7,826,000))~~ 7,481,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 from the general fund--state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

Sec. 205. 1992 c 232 s 205 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ ~~((183,785,000))~~ 175,431,000

General Fund--Federal Appropriation \$ ~~((113,221,000))~~ 99,904,000

TOTAL APPROPRIATION \$ ~~((297,006,000))~~ 275,335,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$500,000 of the general fund--state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

(b) \$631,000 of the general fund--state appropriation and \$815,000 of the general fund--federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

(c) \$1,500,000 of the general fund--state appropriation is provided solely for the family support services program.

(d) \$4,674,000 of the general fund--state appropriation and \$4,674,000 of the general fund--federal appropriation are provided solely for community-based residential programs for up to seventy-three clients who during the 1991-93 biennium transfer from residential habilitation centers.

(e) \$400,000 of the general fund--state appropriation is provided solely for costs related to additional case management.

(f) \$800,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$ ((441,371,000))	
		<u>144,718,000</u>
General Fund--Federal Appropriation	\$ ((481,440,000))	
		<u>185,928,000</u>
TOTAL APPROPRIATION	\$ ((322,811,000))	<u>330,646,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The general fund--state appropriation shall be reduced by the amount that has been expended as of the effective date of this act from the appropriation under section 207, chapter 16, Laws of 1991 sp. sess.

(b) \$100,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(3) PROGRAM SUPPORT

General Fund--State Appropriation	\$ ((5,585,000))	
		<u>5,458,000</u>
General Fund--Federal Appropriation	\$ ((4,001,000))	
		<u>1,018,000</u>
TOTAL APPROPRIATION	\$ ((6,586,000))	<u>6,476,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,015,000 of the general fund--state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

Sec. 206. 1992 c 232 s 210 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund--State Appropriation	\$ ((538,176,000))	
		<u>529,198,000</u>
General Fund--Federal Appropriation	\$ ((643,550,000))	
		<u>621,378,000</u>
TOTAL APPROPRIATION	\$ ((4,181,726,000))	<u>1,150,576,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and 3.4 percent on July 1, 1992.

(2) \$1,000,000 of the general fund--state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least \$16,015,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services programs.

(4) \$714,000 of the general fund--state appropriation is provided solely to continue funding for the volunteer chore services program.

(5) \$3,387,000 of the general fund--state appropriation and \$1,668,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(6) \$5,001,000 of the general fund--state appropriation and \$3,751,000 of the general fund--federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPES workers (agency and individual providers), Title XIX personal care contracted workers, and respite care workers.

(7) \$1,477,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for increases in the assisted living program.

(8) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary,

the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

(9) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

(10) Within the appropriations provided in this section, the department shall implement House Bill No. 2811 (AIDS nursing supply costs).

Sec. 207. 1992 c 232 s 211 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation	\$ ((619,135,000))	<u>593,340,000</u>
General Fund--Federal Appropriation	\$ ((685,111,000))	<u>718,950,000</u>
TOTAL APPROPRIATION	\$ ((1,304,246,000))	<u>1,312,290,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more

Exemption: \$55 71 86 102 117 133 154 170

(2) \$563,000 of the general fund--state appropriation and \$616,000 of the general fund--federal appropriation are provided solely for a two percent vendor rate increase on July 1, 1992, and a three percent increase on January 1, 1993.

(3) \$((5,182,000)) 4,827,000 of the general fund--state appropriation and \$((5,284,000)) 5,812,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance--special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal three percent on January 1, 1993.

(4) \$1,008,000 of the general fund--state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).

Sec. 208. 1992 c 232 s 212 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation	\$ ((41,458,000))	<u>40,101,000</u>
General Fund--Federal Appropriation	\$ ((41,642,000))	<u>44,803,000</u>
Drug Enforcement and Education Account		
State Appropriation	\$ 38,236,000	
TOTAL APPROPRIATION	\$ ((121,336,000))	<u>123,140,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,781,000 of the general fund--state appropriation and \$44,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(2) \$50,000 of the general fund--state appropriation is provided solely for a program to inform clients in substance abuse programs of the consequences of the use of drugs and alcohol during pregnancy.

Sec. 209. 1992 c 232 s 213 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation	\$ ((1,009,929,000))	<u>1,007,523,000</u>
General Fund--Federal Appropriation	\$ ((1,205,576,000))	<u>1,264,344,000</u>
General Fund--Local Appropriation	\$ 58,904,000	
TOTAL APPROPRIATION	\$ ((2,274,409,000))	<u>2,330,771,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,995,000 of the general fund--state appropriation and \$6,182,000 of the general fund--federal appropriation is provided solely for a two percent vendor rate increase on July 1, 1992, and a three percent increase on January 1, 1993.

(2) \$341,000 of the general fund--state appropriation and \$370,000 of the general fund--federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.

(3) The department shall adopt measures to realize savings of \$7,500,000 in general fund--state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.

(4) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.

(5) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

(6) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(7) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(8) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(9) \$125,000 of the general fund--state appropriation and \$150,000 of the general fund--federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

(10) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(11) \$435,000, of which \$217,500 is appropriated from the general fund--federal appropriation, is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(12) \$49,000,000 of the general fund--federal appropriation and \$40,000,000 of the general fund--private/local appropriation are provided solely to establish a hospital assistance program through the disproportionate share mechanism. The program shall assist Harborview Medical Center, University of Washington Medical Center, small and rural hospitals as determined by the department.

(13) \$341,000 of the general fund--state appropriation and \$427,000 of the general fund--federal appropriation are provided solely to restore foot care services by podiatric physicians and surgeons beginning July 1, 1992.

Sec. 210. 1992 c 232 s 214 is amended to read as follows:

(1) ~~\$(29,540,000))~~ 31,193,000 is appropriated from the general fund--state and ~~\$(34,532,000))~~ 38,093,000 is appropriated from the general fund--federal for the fiscal period beginning September 1, 1991, and ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the components of the disproportionate share adjustment under section 9 of this act. The appropriation in this subsection shall lapse on the date that sections 1 through 4 of this act expire. Amounts that have been paid under this subsection, but are properly attributable to a period after the expiration of sections 1 through 4 of this act, shall be repaid or credited to the state as provided in rules of the department.

(2) \$13,713,000 is appropriated from the general fund--state and \$16,762,000 is appropriated from the general fund--federal for the biennium ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the medical indigency care components of the disproportionate share adjustment under RCW 74.09.730(1) (b) and (c).

(3) The allotments from the appropriations in this section shall be made so as to enable expenditure of the appropriations through the end of the 1991-93 biennium.

(4) The appropriations in this section are supplemental to other appropriations to the medical assistance program. The department of social and health services shall not use the moneys appropriated in this section in lieu of any other appropriations for the medical assistance program.

Sec. 211. 1992 c 232 s 215 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation	\$ ((46,077,000))	<u>14,434,000</u>
General Fund--Federal Appropriation	\$ ((55,803,000))	<u>61,678,000</u>
TOTAL APPROPRIATION	\$ ((71,880,000))	<u>76,112,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund--state appropriation is provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.

(2) \$1,621,000 of the general fund--state appropriation and \$3,576,000 of the general fund--federal appropriation are provided solely to enhance vocational rehabilitation services.

(3) \$800,000 of the general fund--state appropriation and \$2,420,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for severely handicapped individuals who completed a high school curriculum in 1989 or 1990, or who will complete a high school curriculum during the 1991-93 biennium.

Sec. 212. 1992 c 232 s 216 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation	\$ ((49,428,000))	<u>44,601,000</u>
General Fund--Federal Appropriation	\$ ((36,372,000))	<u>39,453,000</u>
Industrial Insurance Premium Refund Account Appropriation	\$ 80,000	
TOTAL APPROPRIATION	\$ ((85,800,000))	<u>84,134,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).

(2) The secretary shall require each regional office of the developmental disabilities division, each aging and adult field services regional office, each county alcohol and substance abuse program, and each mental health regional support network to enter into written collaborative agreements by October 1, 1992. The agreements shall define specific actions each party will take to reduce the number and length of state and local psychiatric hospitalizations by persons in the nonmental health agency's target population, including persons with developmental disabilities, persons with age-related dementia and traumatic brain injury, and persons with chemical dependencies. By November 1, 1992, the secretary shall report to the human services and appropriations committees of the house of representatives and the health and long-term care and ways and means committees of the senate on the actions each party in each regional support network catchment area will take to reduce hospitalization of each target population.

Sec. 213. 1992 c 232 s 217 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation	\$ ((193,987,000))	<u>193,049,000</u>
General Fund--Federal Appropriation	\$ ((204,785,000))	<u>212,795,000</u>
TOTAL APPROPRIATION	\$ ((398,772,000))	

405,844,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$68,000 of the general fund--state appropriation and \$20,000 of the general fund--federal appropriation are provided solely for vendor rate increases of two percent on July 1, 1992, and three percent on January 1, 1993.
- (2) \$1,748,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for the supplemental security income pilot project.
- (3) \$500,000 of the general fund--state appropriation is provided solely to implant section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.
- (4) \$249,000 of the general fund--state appropriation and \$419,000 of the general fund--federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.
- (5) \$250,000 of the general fund--state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.
- (6) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.
- (7) \$599,000 of the general fund--state appropriation and \$1,103,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.
- (8) \$962,000 of the general fund--state appropriation and \$962,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.
- (9) \$800,000 of the general fund--state appropriation is provided solely to expand refugee services.
- (10) \$600,000 of the general fund--state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.
- (11) \$80,000 of the general fund--state appropriation and \$80,000 of the general fund--federal appropriation are provided solely for a program to inform clients in community service offices of the consequences of the use of drugs and alcohol during pregnancy.
- (12) \$183,000 of the general fund--state appropriation is provided for the department's continued administration of the development of the automated client eligibility system (ACES).

Sec. 214. 1992 c 232 s 218 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation	\$ ((46,106,000))	<u>49,958,000</u>
General Fund--Federal Appropriation	\$ ((92,698,000))	<u>100,356,000</u>
General Fund--Local Appropriation	\$ 280,000	
Public Safety and Education		
Account Appropriation	\$ 5,049,000	
TOTAL APPROPRIATION	\$ ((144,133,000))	<u>155,643,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$5,049,000 from the public safety and education account appropriation is provided solely to county officials to provide child support enforcement services.
- (2) The department shall increase federal support for current state programs. It is the intent of the legislature that the department increase federal support by at least \$2,000,000. If necessary, the department shall retain outside experts to assist in increasing federal support.

Sec. 215. 1992 c 232 s 219 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation	\$ ((31,223,000))	<u>30,523,000</u>
General Fund--Federal Appropriation	\$ ((11,249,000))	<u>13,280,000</u>
TOTAL APPROPRIATION	\$ ((42,472,000))	<u>43,803,000</u>

Sec. 216. 1992 c 232 s 222 is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation	\$ ((402,767,000))	<u>98,499,000</u>
General Fund--Federal Appropriation	\$ 202,410,000	
General Fund--Private/Local Appropriation	\$ 1,370,000	
Public Safety and Education Account Appropriation	\$ 7,794,000	
Fire Service Trust Account	\$ 164,000	
Building Code Council Account Appropriation	\$ 974,000	
Public Works Assistance Account Appropriation	\$ 1,022,000	
Fire Service Training Account Appropriation	\$ 1,103,000	
State Toxics Control Account Appropriation	\$ ((726,000))	
		<u>670,450</u>
Drug Enforcement and Education Account Appropriation	\$ 4,188,000	
Low Income Weatherization Account Appropriation	\$ 2,563,000	
Washington Housing Trust Fund Appropriation	\$ 13,500,000	
Oil Spill Administration Account Appropriation	\$ 395,000	
Enhanced 911 Account Appropriation	\$ 1,936,000	
Water Quality Account Appropriation	\$ 1,500,000	
TOTAL APPROPRIATION	\$ ((342,412,000))	<u>338,088,450</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,331,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program.

(2) \$970,000 of the general fund--state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(3) \$50,000 of the general fund--state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

(4) \$3,213,000 of the general fund--state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(5) \$20,000 of the general fund--state appropriation is provided solely for a grant for the Children's Museum.

(6) \$225,000 of the general fund--state appropriation is provided solely for continuation of the Washington state games.

(7) \$198,000 of the general fund--state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

(8) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(9) \$12,095,000 of the general fund--state appropriation is provided solely for growth management planning grants to local governments.

(10) \$4,129,000 of the general fund--state appropriation is provided solely to implement chapter 32, Laws of 1991 sp. sess. (Engrossed Substitute House Bill No. 1025, growth management). Of the amount provided in this subsection \$2,433,000 is provided solely for planning grants to local governments additional to those provided for under subsection (9) of this section.

(11) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1992 as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

- (g) \$225,000 to the Washington state patrol for a technical support unit.
- (h) \$375,000 to the Washington state patrol for support of law enforcement task forces.
- (i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.
- (j) \$150,000 to the Washington state patrol for coordination of local drug task forces.
- (k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.
- (l) \$180,000 to the department of community development for general administration of grants.
- (12) \$8,087,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1993 as follows:
 - (a) \$4,180,000 to local units of government to continue existing local drug task forces.
 - (b) \$440,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department.
 - (c) \$749,000 to the department of community development to continue the state-wide drug prosecution assistance program.
 - (d) \$231,000 to the department of community development for a state-wide drug offense indigent defense program.
 - (e) \$300,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.
 - (f) \$50,000 to the Washington state patrol for data management.
 - (g) \$225,000 to the Washington state patrol for a technical support unit.
 - (h) \$543,000 to the Washington state patrol for support of law enforcement task forces.
 - (i) \$150,000 to the Washington state patrol for coordination of local drug task forces.
 - (j) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.
 - (k) \$225,000 to the department of community development for general administration of grants.
 - (l) \$140,000 to the department of community development to conduct a program evaluation in accordance with federal regulations.
 - (m) \$404,000 to the Washington state patrol for implementing changes in managing criminal history records in accordance with new federal standards.
 - (n) \$100,000 to the Washington state patrol for the crime lab program.
 - (o) \$150,000 to the criminal justice training commission for law enforcement training.
 - (p) If the department determines insufficient state match dollars are available in managing state and federal drug programs, it is the intent of the legislature that funds appropriated to the supreme court in section 109(1) of this act be used as match, as appropriate, to ensure the receipt of all available federal funding.
- (13) \$170,000 of the state toxics control account appropriation is provided solely for a contract with the Washington state patrol for continued funding of the clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.
- (14) \$980,000 of the general fund--state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.
- (15) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).
- (16) \$150,000 of the general fund--state appropriation is provided solely for the Mount St. Helen's monitoring system and emergency medical services.
- (17) \$290,000 of the general fund--state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.
- (18) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.
- (19) \$46,000 of the general fund--state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).
- (20) \$220,000 of the general fund--state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:
 - (a) Acting as a clearinghouse for and providing information and referral services;
 - (b) Providing management training courses designed for nonprofit managers, staff, and boards;

- (c) Providing direct assistance to individual organizations;
- (d) Assisting organizations in soliciting and managing volunteers; and
- (e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(21) \$40,000 of the general fund--state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

(22) \$50,000 of the general fund--state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(23) \$25,000 of the general fund--state appropriation is provided solely for Washington's share of costs associated with the Bi-State Policy Advisory Committee.

(24) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

(25) \$50,000 of the general fund--state appropriation is provided solely for the community development finance program to continue assistance to timber-dependent communities.

(26) \$545,000 of the general fund--state appropriation is provided solely for the local development matching fund program.

(27) \$135,000 of the general fund--state appropriation is provided solely for administration of the development loan fund.

(28) \$2,400,000 of the public safety and education account appropriation is provided solely for civil representation of indigent persons in accordance with Engrossed Substitute House Bill No. 1378 or House Bill No. 2997 (indigent civil legal services). If neither bill is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(29) \$50,000 of the state building code council appropriation is provided to fund training related to state building code requirements for accessibility as related to the federal fair housing amendments act of 1988 and Americans with disabilities act of 1990.

(30) \$50,000 of the general fund--state appropriation is provided solely for the department to contract for long-term care ombudsperson services.

Sec. 217. 1991 sp.s. c 16 s 221 is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation	\$ ((4,292,000))	<u>4,047,000</u>
General Fund--Federal Appropriation	\$ 942,000	
General Fund--Private/Local Appropriation	\$ 520,000	
TOTAL APPROPRIATION	\$ ((5,754,000))	<u>5,509,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund--local/private appropriation is provided solely for the provision of technical assistance services by the department.

Sec. 218. 1992 c 232 s 224 is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$ ((407,000))	<u>162,000</u>
Worker and Community Right-to-Know Account Appropriation	\$ 20,000	
Accident Fund Appropriation	\$ 8,602,000	
Medical Aid Fund Appropriation	\$ 8,602,000	
TOTAL APPROPRIATION	\$ ((47,331,000))	<u>17,386,000</u>

Sec. 219. 1991 sp.s. c 16 s 225 is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$ ((3,247,000))	<u>3,079,000</u>
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Sec. 220. 1992 c 232 s 228 is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation	\$ ((22,005,000))	<u>22,827,000</u>
General Fund--Federal Appropriation	\$ 6,708,000	
General Fund--Local Appropriation	\$ 10,429,000	
TOTAL APPROPRIATION	\$ ((39,142,000))	<u>39,964,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

(2) \$((10,002,000)) 10,632,000 of the general fund--state appropriation, \$4,269,000 of the general fund--federal appropriation, and \$7,296,000 of the general fund--local appropriation are provided solely for operation of the veterans' home at Retsil.

(3) \$((6,928,000)) 7,173,000 of the general fund--state appropriation, \$2,439,000 of the general fund--federal appropriation, and \$3,133,000 of the general fund--local appropriation are provided solely for operation of the soldiers' home and colony at Orting.

Sec. 221. 1992 c 232 s 229 is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation	\$ ((132,613,000))	<u>124,362,000</u>
General Fund--Federal Appropriation	\$ 129,786,000	
General Fund--Local Appropriation	\$ 17,817,000	
Hospital Commission Account Appropriation	\$ 2,919,000	
Medical Disciplinary Account Appropriation	\$ 1,677,000	
Health Professions Account Appropriation	\$ 25,350,000	
Public Safety and Education Account Appropriation	\$ 82,000	
State Toxics Control Account Appropriation	\$ ((3,321,000))	<u>3,067,755</u>
Drug Enforcement and Education Account Appropriation	\$ 492,000	
Medical Test Site Licensure Account Appropriation	\$ 489,000	
Safe Drinking Water Account Appropriation	\$ 710,000	
TOTAL APPROPRIATION	\$ ((304,453,000))	<u>306,751,755</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,038,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund--state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

(3) \$165,000 of the general fund--state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

(4) \$((1,000,000)) 847,000 of the general fund--state appropriation is provided solely for expanding the high priority infant tracking program.

(5) \$((2,440,000)) 2,251,000 of the general fund--state appropriation is provided solely to continue implementation of the trauma system plan.

(6) \$((2,400,000)) 2,394,000 of the general fund--state appropriation is provided solely for expansion of migrant health clinic services.

(7) \$1,100,000 of the general fund--state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

(8) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

(9) \$450,000 of the general fund--state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

(10) \$((4,000,000)) 983,800 of the general fund--state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

(11) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6069 (bone marrow donor program). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(12) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2337 (malpractice insurance/retired). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(13) The department of health, in consultation with the current poison center network, shall prepare a plan to consolidate the network into one center. The plan shall include proposed funding methods that minimize the need for increased general fund--state support. The plan shall take maximum advantage of efficiencies realized through consolidation. The plan shall include a proposed site or host institution. Any proposed increases in the quantity or quality of service shall be separately identified as potential additions to the plan. The plan shall be delivered to the fiscal and health committees of the house of representatives and senate by December 1, 1992.

(14) By October 1, 1992, each regional AIDS network shall enter a written collaborative agreement with each mental health regional support network in its catchment area. The agreement shall define specific actions each party will take to reduce state and local psychiatric hospitalizations of persons with AIDS-related dementia. By November 1, 1992, the department of health shall report to the human services and appropriations committees of the house of representatives and to the health and long-term care and ways and means committees of the senate on the actions each regional AIDS network will take to reduce hospitalization of persons with AIDS-related dementia.

Sec. 222. 1992 c 232 s 230 is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, after May 1, 1993, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$ ((493,445,000))	<u>101,781,000</u>
Drug Enforcement and Education Account Appropriation	\$ ((7,604,000))	<u>7,156,000</u>
Public Safety and Education Account Appropriation	\$ 195,000	
TOTAL APPROPRIATION	\$ ((440,914,000))	<u>109,132,000</u>

The appropriations in this subsection are limited to the following conditions and limitations:

(a) \$195,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$ ((340,687,000))	<u>352,172,000</u>
Drug Enforcement and Education Account Appropriation	\$ 37,837,000	
TOTAL APPROPRIATION	\$ ((378,524,000))	<u>390,009,000</u>

~~((The appropriations in this subsection are subject to the following conditions and limitations:~~

~~(1) \$10,560,000 of the general fund--state appropriation is provided solely for the start-up and operation of new correctional capacity. Expenditure of any portion of this amount shall be subject to the prior written authorization of the director of the office of financial management, which shall be transmitted to the legislative fiscal committees. If the new correctional capacity is not completed during fiscal year 1993, up to \$1,497,000 of this amount may be expended to support emergency capacity.~~

~~(2) If the secretary determines that institutional overcrowding constitutes an emergency and the availability of additional new capacity can alleviate this emergency, the department may, subject to the authorization of the director of financial management, exceed its allotment authority to accelerate new facility start-up. Notice of any such action shall be transmitted to appropriate legislative committees. This subsection does not authorize the department to exceed its biennial appropriation.)~~

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$ ((35,234,000))	<u>36,059,000</u>
Drug Enforcement and Education Account Appropriation	\$ 2,140,000	

Industrial Insurance Premium Refund Account

Appropriation \$ 208,000
TOTAL APPROPRIATION \$ ((~~37,582,000~~))

38,407,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$((~~350,000~~)) 1,175,000 of the general fund appropriation is provided solely to mitigate the one-time impact of state institutions on local communities ((~~in the manner provided under RCW 72.72.030(2)~~)).

(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(c) Within the appropriations in this subsection, amounts may be deposited into the community services revolving fund and used to satisfy outstanding court-ordered costs and restitution, consistent with the authority granted under RCW 9.95.360, of a Washington state inmate who is a foreign national seeking transfer to the United Kingdom pursuant to RCW 43.06.350. The foreign national shall execute a promissory note for the full amount paid by the department, plus interest, to satisfy outstanding court-ordered costs and restitution costs.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation \$ 3,348,000

Sec. 223. 1992 c 232 s 232 is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation \$ ((~~40,713,000~~))

39,713,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.

(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91.

(3) A maximum of ((~~\$3,884,000~~)) \$4,106,000 of the general fund appropriation may be expended for the administration of the plan.

(4) \$550,000 of the general fund appropriation is provided solely for unanticipated changes in rates, enrollment mix or member attrition after April 1, 1993.

PART III
NATURAL RESOURCES

Sec. 301. 1992 c 232 s 303 is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation \$ ((~~65,589,000~~))

58,859,000

General Fund--Federal Appropriation \$ 38,234,000

General Fund--Private/Local Appropriation \$ 1,015,000

Special Grass Seed Burning Research Account

Appropriation \$ 132,000

Reclamation Revolving Account Appropriation \$ 513,000

Emergency Water Project Revolving Account

Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s. \$ 300,000

Litter Control Account Appropriation \$ 7,674,000

State and Local Improvements Revolving Account--

Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26) \$ 2,547,000

State and Local Improvements Revolving Account--

Waste Disposal Facilities 1980: Appropriation pursuant to chapter 159, Laws of 1980 (Referendum 39) \$ 908,000

State and Local Improvements Revolving Account--

Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38) \$ 1,298,000

Stream Gaging Basic Data Fund Appropriation \$ 302,000

Vehicle Tire Recycling Account Appropriation \$ 7,820,000

Water Quality Account Appropriation \$ 3,461,000

Wood Stove Education Account Appropriation \$ 1,380,000

Worker and Community Right-to-Know Fund

Appropriation \$ 393,000

State Toxics Control Account--State
Appropriation \$ ((50,482,000))

46,599,963

State Toxics Control Account--Federal Appropriation \$ 7,527,000
Local Toxics Control Account Appropriation \$ 3,220,000
Water Quality Permit Account Appropriation \$ 14,532,000
Solid Waste Management Account Appropriation \$ 7,918,000
Underground Storage Tank Account Appropriation \$ 3,862,000
Hazardous Waste Assistance Account Appropriation \$ 5,543,000
Air Pollution Control Account Appropriation \$ 8,555,000
Aquatic Lands Enhancement Account Appropriation \$ 50,000
Oil Spill Response Account Appropriation \$ 2,863,000
Oil Spill Administration Account Appropriation \$ 3,156,000
Fresh Water Aquatic Weed Control Account
Appropriation \$ 895,000
Air Operating Permit Account Appropriation \$ 2,511,000
Water Pollution Control Revolving Account
Appropriation \$ 1,094,000
TOTAL APPROPRIATION \$ ((239,775,000))

233,161,963

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((8,648,000)) 8,445,000 of the general fund--state appropriation and \$1,149,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$5,174,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$1,323,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).

(4) \$1,000,000 of the general fund--state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.

(5) \$961,000 of the general fund--state appropriation, \$3,459,000 of the general fund--federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from the river to minimize flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) \$295,000 of the general fund--state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) \$((8,000,000)) 6,062,740 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(10) \$286,000 of the general fund--state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system interties).

(11) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

(12) \$200,000 of the general fund--state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

(13) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

(14) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(15) \$144,000 of the general fund--state appropriation is provided solely for the wastewater treatment operator certification and training program. Of this amount, no more shall be expended than the amount anticipated to be deposited by June 30, 1993, into the general fund from revenues from wastewater treatment operator certification and training fees.

Sec. 302. 1992 c 232 s 306 is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ ((1,131,000))

1,158,000

The appropriation in this section is subject to the following conditions and limitations: \$67,000 is provided solely for an additional administrative law judge.

Sec. 303. 1992 c 232 s 307 is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation \$ ((33,708,000))

31,047,000

Motor Vehicle Fund Appropriation \$ 564,000

Solid Waste Management Account Appropriation \$ 1,800,000

Litter Control Account Appropriation \$ 2,200,000

TOTAL APPROPRIATION \$ ((38,272,000))

35,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.

(2) \$2,200,000 of the litter control account appropriation and \$1,800,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) for the 1991-1993 biennium. If House Bill No. 2635 (litter/recycling assessment) is not enacted by June 30, 1992, \$1,200,000 from the litter control account appropriation and \$800,000 from the solid waste management account appropriation shall lapse.

(3) \$1,800,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

(4) \$1,040,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities.

(5) \$7,565,000 of the general fund appropriation is provided solely for the Washington high technology center.

(6) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices.

(7) \$90,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

(8) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding for associate development organizations (ADOs). In determining revisions of contract amounts for grants to

ADOs the department shall seek to maintain current grant levels for ADOs that serve rural or economically distressed communities.

(9) \$30,000 of the general fund appropriation is provided solely for the Taiwan office.

(10) \$40,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 6494 (Hanford lease). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 304. 1992 c 232 s 311 is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation	\$ ((61,034,000))	<u>57,378,000</u>
General Fund--Federal Appropriation	\$ ((17,928,000))	<u>22,428,000</u>
General Fund--Private/Local Appropriation	\$ ((8,313,000))	<u>10,813,000</u>
Aquatic Lands Enhancement Account Appropriation	\$ 1,083,000	
Oil Spill Administration Account Appropriation	\$ 410,000	
Industrial Insurance Premium Refund Account Appropriation	\$ 4,000	
TOTAL APPROPRIATION	\$ ((88,772,000))	<u>92,116,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$263,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,153,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(4) \$427,000 of the general fund--state appropriation is provided solely for increased enforcement activities.

(5) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs, on behalf of the department of fisheries, in defending the state in tribal halibut litigation (*United States v. Washington*, subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

Sec. 305. 1992 c 232 s 312 is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$ 10,843,000	
ORV (Off-Road Vehicle) Account Appropriation	\$ ((275,000))	<u>325,000</u>
Aquatic Lands Enhancement Account Appropriation	\$ 1,096,000	
Public Safety and Education Account Appropriation	\$ 589,000	
Wildlife Fund--State Appropriation	\$ 50,002,000	
Wildlife Fund--Federal Appropriation	\$ ((16,308,000))	<u>19,511,000</u>
Wildlife Fund--Private/Local Appropriation	\$ ((2,120,000))	<u>4,648,000</u>
Game Special Wildlife Account Appropriation	\$ 832,000	
Oil Spill Administration Account Appropriation	\$ 565,000	
TOTAL APPROPRIATION	\$ ((82,630,000))	<u>88,411,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$498,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program.

(4) During the 1991-93 biennium the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund--state appropriation and \$3,872,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement.

(5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

(6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall funding level for the agency.

Sec. 306. 1992 c 232 s 313 is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation	\$ ((59,058,000))	<u>65,986,000</u>
General Fund--Federal Appropriation	\$ ((604,000))	<u>704,000</u>
General Fund--Private/Local Appropriation	\$ 12,000	
ORV (Off-Road Vehicle) Account Appropriation	\$ 4,521,000	
Forest Development Account Appropriation	\$ ((30,155,000))	<u>30,755,000</u>
Survey and Maps Account Appropriation	\$ 1,074,000	
Natural Resources Conservation Area Stewardship Account Appropriation	\$ 1,080,000	
Aquatic Lands Enhancement Account Appropriation	\$ 1,716,000	
Resource Management Cost Account Appropriation	\$ ((79,555,000))	<u>78,955,000</u>
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$ 814,000	
State Toxics Control Account Appropriation	\$ ((764,000))	<u>705,744</u>
Air Pollution Control Account Appropriation	\$ ((430,000))	<u>835,000</u>
Oil Spill Administration Account Appropriation	\$ 128,000	
Litter Control Account Appropriation	\$ 500,000	
Industrial Insurance Premium Refund Account Appropriation	\$ 82,000	
TOTAL APPROPRIATION	\$ ((180,493,000))	<u>187,867,744</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) \$450,000 of the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) \$ ~~((10,695,000))~~ 17,623,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(4) \$1,862,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) \$2,698,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(6) \$1,433,000 of the general fund--state appropriation is provided solely for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) \$2,930,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, \$1,126,000 is provided solely for monitoring and enforcement of forest practices permit conditions, reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: \$722,000 to the department of fisheries, \$626,000 to the department of wildlife, and \$456,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) \$((429,000)) 835,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system. Expenditure of this amount is contingent on receipt of a nonstate match of equal value, as determined by the department.

(13) \$1,575,000 of the general fund--state appropriation is provided for fiscal year 1993 solely for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

Sec. 307. 1992 c 232 s 314 is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation	\$ ((18,776,000))	<u>22,043,000</u>
General Fund--Federal Appropriation	\$ 1,226,000	
State Toxics Control Account Appropriation	\$ ((1,109,000))	<u>1,025,337</u>
Weights and Measures Account Appropriation	\$ 400,000	
TOTAL APPROPRIATION	\$ ((24,544,000))	<u>24,694,337</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.

(2) \$100,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$836,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount, \$506,000 is provided solely for noxious weed control grants.

(4) \$97,000 of the general fund--state appropriation is provided solely to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

(5) \$30,000 of the general fund--state appropriation is provided solely for the Taiwan office.

(6) The following amounts are for the weights and measures program as provided in Substitute Senate Bill 6483:

(a) \$50,000 of the general fund--state appropriation is provided solely for a study regarding funding for the weights and measures program;

(b) \$150,000 of the general fund--state appropriation is provided solely for the consumer protection activities of the weights and measures program; and

(c) \$400,000 of the weights and measures account appropriation is provided solely to implement the weights and measures program.

(7) \$3,125,000 of the general fund--state appropriation is provided solely for the department's costs directly associated with the survey and eradication of the Asian Gypsy Moth (AGM) in western Washington. The department shall not contribute greater than twenty-five percent of the total cost of the AGM program.

Sec. 308. 1991 sp.s. c 16 s 317 is amended to read as follows:

FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation \$ 3,162,000

State Toxics Control Account Appropriation \$ ~~((372,000))~~

341,604

TOTAL APPROPRIATION \$ ~~((3,534,000))~~

3,503,604

PART IV
TRANSPORTATION

Sec. 401. 1992 c 232 s 402 is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation \$ 17,575,000

Architects' License Account Appropriation \$ 861,000

Cemetery Account Appropriation \$ 203,000

Health Professions Account Appropriation \$ 506,000

Professional Engineers' Account Appropriation \$ ~~((2,096,000))~~

2,128,000

Real Estate Commission Account Appropriation \$ 7,396,000

Air Pollution Control Account Appropriation \$ 106,000

Master Licensing Account Appropriation \$ 3,310,000

TOTAL APPROPRIATION \$ ~~((32,053,000))~~

32,085,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

(a) Chapter 334, Laws of 1991 (Engrossed Second

Substitute Senate Bill No. 5124, licensing private security guards) \$ 538,000

(b) Chapter 328, Laws of 1991 (Engrossed Substitute

House Bill No. 1181, licensing private detectives) \$ 145,000

(c) Chapter 236, Laws of 1991 (Substitute House

Bill No. 1712, athlete agent registration) \$ 42,000

The appropriation in this subsection (1)(c) shall be reduced by any amount expended as of the effective date of this act from the appropriation in section 10, chapter 236, Laws of 1991.

(d) Chapter 324, Laws of 1991 (Engrossed Substitute

House Bill No. 1136, cosmetology regulations) \$ 329,000

(2) The entire master licensing account appropriation is contingent on enactment of Senate Bill No. 6461 (master license fees). If the bill is not enacted by June 30, 1992, the appropriation is null and void.

PART V
EDUCATION

Sec. 501. 1992 c 232 s 502 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ~~((5,183,846,000))~~

5,229,704,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$~~((499,307,000))~~ 499,786,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten

through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of (~~(21.44)~~) 21.25 percent in the 1991-92 school year and (~~(20.30)~~) 20.75 percent in the 1992-93 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of (~~(18.84)~~) 19.09 percent in the 1991-92 school year and (~~(18.53)~~) 18.66 percent in the 1992-93 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,690,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of \$1,766,000 may be expended in fiscal year 1992 and a maximum of \$1,856,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and 5.0 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

Sec. 502. 1992 c 232 s 503 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ((206,433,000))

208,927,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12A, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12A.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12A" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on January 15, 1992, at 12:00 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of ((1.2047)) 1.2061 for certificated salaries and ((1.1534)) 1.1559 for classified salaries for the 1991-92 school year. For the 1992-93 school year, the rate for certificated salaries shall be ((1.1966)) 1.2011 and the rate for classified salaries shall be ((1.1503)) 1.1516.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for the 1991-92 school year, and further increased by 3.0 percent for the 1992-93 school year, as shown on LEAP Document 12A.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for the 1991-92 school year and further increased by 3.0 percent for the 1992-93 school year, as shown on LEAP Document 12A.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For the 1991-92 school year, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12A, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For the 1992-93 school year, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12A, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of
Service BA BA+15 BA+30 BA+45 BA+90

0	20,801	21,363	21,945	22,528	24,400
1	21,482	22,063	22,664	23,285	25,212
2	22,178	22,776	23,395	24,076	26,035
3	22,908	23,525	24,161	24,880	26,874
4	23,652	24,307	24,961	25,718	27,764
5	24,430	25,102	25,775	26,589	28,668

6	25,240	25,910	26,620	27,492	29,603
7	26,064	26,750	27,478	28,407	30,569
8	26,899	27,624	28,368	29,374	31,566
9	28,528	29,309	30,352	32,595	
10	30,262	31,379	33,653		
11	32,437	34,760			
12	33,461	35,897			
13	37,062				
14	38,233				
15 or more	39,227				

Years of

Service BA+135 MA MA+45 MA+90

or PHD

0	25,606	24,939	26,811	28,018	
1	26,434	25,696	27,624	28,846	
2	27,295	26,488	28,447	29,706	
3	28,188	27,292	29,286	30,600	
4	29,115	28,130	30,176	31,527	
5	30,073	29,000	1,080	32,485	
6	31,043	29,904	32,015	33,455	
7	32,065	30,818	32,981	34,476	
8	33,116	31,786	33,978	35,528	
9	34,198	32,762	35,007	36,609	
10	35,308	33,791	36,064	37,720	
11	36,449	34,849	37,172	38,861	
12	37,637	35,949	38,309	40,049	
13	38,854	37,086	39,474	41,265	
14	40,116	38,258	40,720	42,528	
15 or more	41,159	39,252	41,779	43,634	

1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of

Service BA+135 MA MA+45 MA+90

or PHD

0	26,514	25,824	27,762	29,012	
1	27,372	26,608	28,603	29,869	
2	28,263	27,428	29,456	30,759	
3	29,188	28,260	30,324	31,685	
4	30,148	29,128	31,246	32,645	
5	31,139	30,029	32,182	33,637	
6	32,144	30,965	33,150	34,642	
7	33,202	31,912	34,151	35,699	
8	34,290	32,913	35,183	36,788	
9	35,411	33,924	36,248	37,908	
10	36,561	34,989	37,344	39,058	
11	37,742	36,085	38,490	40,239	
12	38,972	37,224	39,667	41,469	
13	40,232	38,401	40,874	42,729	
14	41,539	39,615	42,165	44,036	
15 or more	42,619	40,644	43,261	45,181	

Years of

Service BA BA+15 BA+30 BA+45 BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,126	22,724	23,343	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,679

4	24,361	25,036	25,709	26,489	28,596
5	25,162	25,854	26,547	27,386	29,527
6	25,997	26,686	27,418	28,317	30,490
7	26,845	27,552	28,30	229,258	31,485
8	27,705	28,452	29,219	30,255	32,513
9	29,384	30,188	31,261	33,572	
10	31,169	32,320	34,661		
11	33,409	35,802			
12	34,464	36,973			
13	38,173				
14	39,379				
15 or more		40,403			

Years of
Service BA+135 MA MA+45 MA+90

or PHD

0	26,374	25,687	27,615	28,858	
1	27,226	26,467	28,452	29,710	
2	28,113	27,282	29,300	30,596	
3	29,033	28,110	30,163	31,517	
4	29,988	28,973	31,080	32,472	
5	30,974	29,870	32,011	33,458	
6	31,974	30,801	32,974	34,458	
7	33,026	31,742	33,969	35,510	
8	34,109	32,739	34,997	36,593	
9	35,223	33,744	36,056	37,707	
10	36,367	34,804	37,145	38,851	
11	37,542	35,893	38,286	40,026	
12	38,765	37,027	39,457	41,249	
13	40,018	38,197	40,657	42,502	
14	41,319	39,404	41,941	43,803	
15 or more	42,393	40,429	43,032	44,942	

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(10) The superintendent of public instruction, in cooperation with the legislative budget committee, shall conduct a study to verify the accuracy of education credits reported by school districts to the superintendent for purposes of calculating staff-mix ratios used in the 1991-93 biennial operating budget process. The study shall be presented to the fiscal committees of the senate and house of representatives by November 1, 1992.

NEW SECTION. **Sec. 503.** 1992 c 239 s 5 (uncodified) is repealed.

Sec. 504. 1992 c 232 s 504 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ~~((42,885,000))~~

42,986,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be the same as those specified in section 503(3) of this act.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by ~~\$(18.66)~~ 18.68 per pupil for the 1991-92 school year and by ~~\$(32.99)~~ 33.11 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by ~~\$(14.15)~~ 14.18 per pupil for the 1991-92 school year and by ~~\$(25.42)~~ 25.15 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by ~~\$(11.05)~~ 11.06 per pupil for the 1991-92 school year and by ~~\$(17.59)~~ 17.65 per pupil for the 1992-93 school year.

(d) Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by \$1.28 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

Sec. 505. 1992 c 232 s 505 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ ~~((84,890,000))~~

84,866,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$317.79 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$43.71 per month for the 1991-92 school year and an additional \$27.84 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional \$.25 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional \$6.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional \$2.13 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional \$4.51 per pupil for the 1992-93 school year.

Sec. 506. 1992 c 232 s 506 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((299,292,000))~~

303,484,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$26,183,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$873,000 may be expended for regional transportation coordinators.

(3) A maximum of \$65,000 may be expended for bus driver training.

(4) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.

(5) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(6) \$755,000 of the general fund--state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.

(7) \$90,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

Sec. 507. 1992 c 232 s 508 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation	\$ ((691,264,000))	<u>691,418,000</u>
General Fund--Federal Appropriation	\$ 83,900,000	
TOTAL APPROPRIATION	\$ ((775,164,000))	<u>775,318,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$62,792,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$192,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund--federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 508. 1992 c 232 s 509 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education		
Account Appropriation	\$ 8,358,000	
General Fund--State Appropriation	\$ ((2,203,000))	<u>2,002,000</u>
TOTAL APPROPRIATION	\$ ((40,561,000))	<u>10,360,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,086,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(3) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

(4) The remainder of the appropriation shall be expended to provide up to \$137.16 for other students completing the program. School districts receiving moneys from this appropriation may make refunds to traffic safety students for program fee increases implemented during the 1991-92 school year as a result of funding reductions under section 510, chapter 16, Laws of 1991 sp. sess.

Sec. 509. 1992 c 232 s 510 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ ~~((10,466,000))~~

10,478,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$475,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

Sec. 510. 1992 c 232 s 511 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ ~~((149,244,000))~~

149,578,000

The appropriation in this section is provided for state matching funds pursuant to RCW 28A.500.010.

Sec. 511. 1992 c 232 s 513 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ ~~((24,906,000))~~

25,036,000

General Fund--Federal Appropriation \$ 7,700,000

TOTAL APPROPRIATION \$ ~~((32,606,000))~~

32,736,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,071,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

(3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

Sec. 512. 1992 c 232 s 514 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ~~((9,926,000))~~

9,966,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$975,000 is for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 school year shall be distributed at a maximum rate of \$~~((397.16))~~ 397.48 per student and for the 1992-93 school year shall be distributed at a maximum rate of \$~~((355.77))~~ 356.70 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of \$494,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 513. 1992 c 232 s 517 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ~~((29,687,000))~~

29,808,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at the rates of ~~\$(508.82)~~ 509.37 and ~~\$(505.69)~~ 507.43, respectively, per eligible student.
- (3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.
- (4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 514. 1992 c 232 s 518 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((92,442,000))~~

93,529,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,817,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of ~~\$(426)~~ 426.77 and \$425 per unit, respectively, as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.
- (3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 515. 1992 c 232 s 520 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ ~~((57,740,000))~~

57,745,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:
 - (a) Prevention and intervention services in the elementary grades;
 - (b) Reduction of class size;
 - (c) Early childhood education;
 - (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
 - (e) Staff development and in-service programs;
 - (f) Student logical reasoning and analytical skill development;
 - (g) Programs for highly capable students;
 - (h) Programs involving students in community services;
 - (i) Senior citizen volunteer programs; and
 - (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

- (3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants

within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

- (i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
 - (ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
 - (ii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.
- (b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

NEW SECTION. Sec. 516. The appropriations in sections 501, 502, 504, 506, 507, 509, and 511 through 514 of this act include amounts sufficient for state retirement system contributions by school districts and educational service districts to implement the following:

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the retiree's age sixty-five allowance. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the retiree's age sixty-five allowance. This increase shall be calculated using the formulas and definitions contained in RCW 41.32.575 and 41.40.325 except that: (a) In calculating the increase to be paid from May 1, 1992, through June 30, 1993, to members who retired after age 65, "Index A" shall be the index for the calendar year prior to the year the member retired; and (b) the limitations imposed by RCW 41.32.575(2)(b) and 41.40.325(2)(b) do not apply. The increase provided in this subsection shall be effective for the remainder of the 1991-93 biennium.

(2) Chapter 234, Laws of 1992 (early retirement).

PART VI HIGHER EDUCATION

Sec. 601. 1992 c 238 s 1 is amended to read as follows:

HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2)(a) "Student quality standard" means, for each four-year institution and the community and technical colleges as a whole, the following amount divided by the budgeted enrollment levels specified in (b) of this subsection: The combined operating appropriations under this act from the general fund--state and the institutional operating fees account, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are excluded, and with the exception of the state board for community and technical colleges, where technical college operations and FTE enrollments, the Seattle vocational institute operations and FTE enrollments, and supplemental funding and enrollments for timber-dependent communities are excluded.

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus four percent or minus two percent (~~(, except each branch campus shall enroll within plus or minus twelve percent)~~). If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution (~~(or branch campus)~~) (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than four percent above or two percent below the budgeted amount, (~~(or twelve percent above or below the budgeted amount for each branch campus)~~) then an amount equal to the student quality standard multiplied by the number of full time equivalent students above or below the variances shall revert to the state general fund. The variance allowance for the state board for community and technical colleges excludes the technical colleges.

Average
1991-93
Budgeted
FTEs

University of Washington	<u>TOTAL 30,674</u>
Main campus	29,981
Tacoma branch	345
Bothell branch	348

Washington State University	<u>TOTAL 16,776</u>
Main campus	15,806
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	160
Eastern Washington University	7,281
Central Washington University	6,361
The Evergreen State College	3,159
Western Washington University	8,913
State Board for Community and Technical Colleges	88,350

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(3)(a) Each four-year institution of higher education shall reduce the amount of operating fee foregone revenue from tuition waivers by 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast.

(b) The state board for community and technical colleges shall reduce the amount of operating fee foregone revenue from tuition waivers, for the community college system as a whole, by 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast, excluding the adult basic education program.

(4)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993.

1991-92 1992-93

University of Washington	\$ 2,888,000	7,391,000
Washington State University	\$ 1,157,000	3,264,000
Eastern Washington University	\$ 435,000	1,084,000
Central Washington University	\$ 393,000	958,000
The Evergreen State College	\$ 185,000	459,000
Western Washington University	\$ 540,000	1,317,000

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, and 2.5 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address its most serious salary inequities among exempt staff within these classifications.

1991-92 1992-93

University of Washington	\$ 918,000	2,500,000
Washington State University	\$ 625,000	1,748,000
Eastern Washington University	\$ 118,000	320,000
Central Washington University	\$ 93,000	253,000
The Evergreen State College	\$ 79,000	212,000
Western Washington University	\$ 138,000	374,000
Higher Education Coordinating Board	\$ 25,000	69,000

(d) \$4,342,000 for fiscal year 1992 and \$10,657,000 for fiscal year 1993 are provided solely for the state board for community and technical colleges to provide faculty and exempt staff for the community college system as a whole excluding the technical colleges, average salary increases of 3.9 percent on January 1, 1992, and 3.0 percent on January 1, 1993.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(5)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.0 percent across-the-board increase effective January 1, 1993. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

University of Washington	\$ 1,422,000	4,068,000
Washington State University	\$ 868,000	2,496,000
Eastern Washington University	\$ 214,000	613,000
Central Washington University	\$ 172,000	494,000
The Evergreen State College	\$ 131,000	374,000
Western Washington University	\$ 232,000	683,000
State Board for Community and Technical Colleges	\$ 1,323,000	3,800,000
Higher Education Coordinating Board	\$ 12,000	34,000

(b) The salary increases granted in this subsection (5) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (5) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(6) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on January 3, 1991, and revised by the board on February 14, 1991. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

University of Washington	\$ 2,386,000
Washington State University	\$ 1,057,000
Eastern Washington University	\$ 239,000
Central Washington University	\$ 198,000
The Evergreen State College	\$ 265,000
Western Washington University	\$ 289,000
State Board for Community College Education	\$ 1,634,000
Higher Education Coordinating Board	\$ 26,000

Sec. 602. 1992 c 238 s 2 is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation	\$ ((735,024,000))	<u>735,984,000</u>
Community Colleges Operating Fees Account		
Appropriation	\$ 62,123,000	
General Fund--Federal Appropriation	\$ 4,700,000	
TOTAL APPROPRIATION	\$ ((801,847,000))	<u>802,807,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,549,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.

(2) \$1,463,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.

(3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community and technical colleges, and contained in the legislative budget notes.

(4) \$2,204,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber-dependent communities).

(5) \$1,000,000 of the general fund--state appropriation is provided solely for grants to the community college districts to fund unusually high start-up costs for training programs.

(6) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. ~~An ((maximum)) amount~~ of \$1,000,000 for fiscal years 1992 and 1993 and \$1,240,000 for fiscal year 1993 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community and technical colleges shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.

(7) \$78,731,000 of the general fund--state appropriation is provided solely for vocational programs and adult basic education at technical colleges. ~~((Of this amount, \$7,800,000 of expenditures may be accrued but not disbursed.))~~

(8) \$2,315,000 of the general fund--state appropriation is provided solely for technical college employee salary increases of four percent in fiscal year 1992 and three percent in fiscal year 1993.

(9) \$783,000 of the general fund--state appropriation is provided solely for technical college employees' insurance benefit increases. A maximum of \$307,325 is provided for fiscal year 1992 and \$475,675 is provided for fiscal year 1993.

(10) \$1,414,000 of the general fund--state appropriation is provided solely to lease computer equipment, reprogram software and data bases, and to provide for other initial operating costs necessary to merge the computer systems of the technical colleges into the community and technical college system created under chapter 238, Laws of 1991. The apportionment of this amount among the technical colleges shall be made by the director of the state board for community and technical colleges.

(11) \$1,481,000 of the general fund--state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, transportation, child care, and other support services.

(12) \$4,700,000 of the general fund--federal appropriation is provided solely for adult basic education and other related purposes as may be defined by federal regulations.

(13) \$3,064,000 of the general fund--state appropriation is provided solely for the Seattle vocational institute.

(14) The state board for community and technical colleges shall reduce spending for the entire system by \$625,000 for travel. These funds are to be used to mitigate enrollment reductions as part of the agency's 2.5 percent allotment reduction.

(15) \$585,000 of the general fund--state appropriation is provided solely for English instruction to non-English speaking immigrants.

(16) \$500,000 of the general fund--state appropriation is provided solely for 225 supplemental FTE enrollment slots for Grays Harbor Community College to expand educational and training opportunities for workers displaced from the timber and wood products industries.

(17) \$175,000 of the general fund--state appropriation is provided solely for mitigation of the effect of Renton Technical College business and technical building connection to the Renton sewer system.

(18) \$225,000 of the general fund--state appropriation is provided solely to Renton Technical College to settle a negotiated construction contract claim.

Sec. 603. 1992 c 238 s 3 is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$ ((596,503,000))	<u>598,810,000</u>
University of Washington Operating Fees Account		
Appropriation	\$ 73,803,000	
Medical Aid Fund Appropriation	\$ 3,818,000	
Accident Fund Appropriation	\$ 3,818,000	
Death Investigations Account Appropriation	\$ ((1,145,000))	<u>1,257,000</u>
Oil Spill Administration Account Appropriation	\$ 229,000	
TOTAL APPROPRIATION	\$ ((679,316,000))	<u>681,735,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,782,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) \$7,472,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(4) \$679,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(5) \$561,000 is provided solely to operate the Olympic natural resources center.

(6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).

(7) \$4,255,000 of the general fund appropriation is provided solely for evening degree program enrollment levels of 337 student FTEs in the first year and 375 student FTEs in the second year.

(8) The University of Washington shall reduce spending by \$630,000 for travel. These funds are to be used to mitigate enrollment reductions planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) \$40,000 of the general fund appropriation is provided solely for the planning for learning project.

Sec. 604. 1992 c 238 s 4 is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY		
General Fund Appropriation	\$ ((336,448,000))	<u>336,816,000</u>
Washington State University Operating Fees Account		
Appropriation	\$ 35,977,000	
Industrial Insurance Premium Refund Account		
Appropriation	\$ 27,920	
TOTAL APPROPRIATION	\$ ((372,125,000))	<u>372,820,920</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,719,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. At least \$500,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) \$6,947,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) \$6,929,000 of the general fund appropriation is provided solely to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(4) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$293,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$60,000 of the general fund appropriation is provided solely for the aquatic animal health program.

(7) \$779,000 of the general fund appropriation is provided solely to operate the international marketing program for agriculture commodities and trade (IMPACT). If House Bill No. 2316 (IMPACT sunset termination) is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) Washington State University shall reduce spending by \$562,000 for travel. These funds are to be used to mitigate enrollment reductions of planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) Funding for the agricultural experimental stations shall not be reduced by more than 2.5 percent from the initial 1991-93 biennial allotted level.

Sec. 605. 1992 c 238 s 6 is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY		
General Fund Appropriation	\$ ((75,926,000))	<u>76,059,000</u>
Central Washington University Operating Fees Account		
Appropriation	\$ 9,727,000	
Industrial Insurance Premium Refund Account		
Appropriation	\$ 13,000	
TOTAL APPROPRIATION	\$ ((85,653,000))	<u>85,799,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$147,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Central Washington University shall reduce spending by \$111,000 for travel. These funds are to be used to improve instruction.

Sec. 606. 1992 c 232 s 613 is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD		
General Fund--State Appropriation	\$ ((3,924,000))	<u>3,971,000</u>
General Fund--Federal Appropriation	\$ 33,067,000	
TOTAL APPROPRIATION	\$ ((36,988,000))	<u>37,038,000</u>

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. 1992 c 232 s 706 is amended to read as follows:

FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation	\$ ((1,503,000))	
		<u>3,003,000</u>
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation	\$ 850,000	
TOTAL APPROPRIATION	\$ ((2,353,000))	
		<u>3,853,000</u>

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, ~~((the state treasurer))~~ each affected agency is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 702. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

FOR THE GOVERNOR--FIRE PROTECTION CONTRACTS

General Fund--State Appropriation	\$ 155,000	
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The appropriation in this section is subject to the following conditions and limitations: The governor shall distribute the moneys appropriated in this section to agencies engaged in mandatory negotiations with cities for fire protection contracts. The funding is based on one cent per square foot valuation of state property subject to negotiations. State agencies may request the money from the office of financial management and the money will be released based on demonstrated need.

Sec. 703. 1992 c 232 s 707 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ ((762,000))

1,578,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Archives and Records Management Account	\$ ((874))	
		<u>1,005</u>
Winter Recreational Program Account	\$ 75	
Snowmobile Account	\$ 226	
Flood Control Assistance Account	\$ ((1,354))	
		<u>34,460</u>
Aquatic Lands Enhancement	\$ 110	
State Investment Board Expense Account	\$ ((1,995))	
		<u>4,330</u>
State Toxics Control Account	\$ ((674))	
		<u>161,542</u>
State Emergency Water Projects Revolving Account	\$ 16	
Charitable, Educational Penal (CEP), and Reformatory Institutions (RI) Account	\$ 19,384	
State and Local Improvement Revolving Account--Waste Disposal Facilities	\$ 384	
Local Toxics Control Account	\$ 51,879	
Litter Control Account	\$ ((299))	
		<u>1,564</u>
State Patrol Highway Account	\$ 120,300	
State Wildlife Fund	\$ 31,900	
Highway Safety Account	\$ 597	
Motor Vehicle Fund	\$ 46,932	
High Capacity Transportation Account	\$ 7,110	
Public Service Revolving Account	\$ ((3,038))	
		<u>5,346</u>
Insurance Commissioner's Regulatory Account	\$ ((2,079))	
		<u>13,041</u>
Water Quality Account	\$ ((88,565))	
		<u>89,017</u>

State Treasurer's Service Fund	\$ 546	
Drug Enforcement and Education Account	\$ 400	
Legal Services Revolving Fund	\$ 24,362	
Municipal Revolving Account	\$ ((6,249))	<u>9,512</u>
Department of Personnel Service Fund	\$ ((1,238))	<u>1,283</u>
State Auditing Services Revolving Account	\$ ((2,878))	<u>3,044</u>
Liquor Revolving Fund	\$ ((22,597))	<u>23,201</u>
Convention and Trade Center Operations		
Account	\$ 4,037	
Department of Retirement Systems		
Expense Fund	\$ 2,415	
Accident Fund	\$ ((3,034))	<u>4,994</u>
Medical Aid Fund	\$ ((3,034))	<u>4,994</u>
Hospital Commission Account	\$ 37	
Health Professions Account	\$ 3,952	
Grade Crossing Protective Account	\$ 33,791	
Vehicle Tire Recycling Account	\$ 149	
Water Quality Permit Account	\$ 12	
Solid Waste Management Account	\$ 1,127	
Hazardous Waste Assistance Account	\$ 98	
Puget Sound Ferry Operations Account	\$ 429	
Public Safety and Education Account	\$ 1,381	
Forest Development Account	\$ 2,034	
Resource Management Cost Account	\$ 7,734	
State Capital Historical Association Museum		
Account	\$ 37	
Special Wildlife Account	\$ 868	

Sec. 704. 1992 c 232 s 708 is amended to read as follows:

FOR SUNDRY CLAIMS The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law \$ 8,111.92

(2) State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180 \$ 1,715.72

(3) City of Tacoma, in settlement of all claims per Pierce County Superior Court, Cause No. 86-2-09014-8 \$ 758,052.07

(4) Charles Bauleke, for payment of claim number SCJ-91-13 \$ 3,347

(5) Carol Berg, for payment of claim number SCJ-91-18 \$ 5,120.22

(6) Denny Flatz, for payment of claim number SCJ-91-21 \$ 6,603.87

(7) Cynthia A. Fonken, for payment of claim numbers SCJ-91-17 and SCJ-91-15 \$ 6,815.93

(8) Wesley A. Grow, for payment of claim number SCJ-90-16 \$ 2,143

(9) Larry Harris, for payment of claim number SCJ-91-20 \$ 2,379

(10) Steve Allen Rice, for payment of claim number SCJ-91-25 \$ 4,031.11

(11) Mark Stewart, for payment of claim number SCJ-91-29 \$ 17,919.89

(12) Ryan Chapin, for payment of claim number
SCJ-92-05 \$ 4,765.81
(13) Gene Lindsey, for payment of claim number
SCJ-92-06 \$ 4,259.44
(14) Donald Inman, for payment of claim number
SCJ-92-07 \$ 8,115.72
(15) Jeffrey Turner, for payment of claim number
SCJ-92-08 \$ 20,778.30
(16) Anson Avery, for payment of claim number
SCJ-92-09 \$ 3,828.00
(17) Joseph Flarity, for payment of claim number
SCJ-92-12 \$ 70,018.03
(18) Al Smithson, for payment of claim number
SCJ-90-08 from the state wildlife account \$ 27,411.94
(19) Barbara Burton, for payment of claim number
SCJ-92-01 from the state wildlife account \$ 8,250.00
(20) Sound Anesthesia, for payment of claim number
SCJ-92-03 \$ 35,314.70
(21) Al Smithson, for payment of claim number
SCJ-93-01 from the state wildlife account \$ 21,056.88
(22) Pat L. Thompson, for payment of claim number
SCJ-92-10 \$ 10,278.93
(23) Kenneth G. Bussey, for payment of claim number
SCJ-93-01 \$ 11,386.98
(24) Ronald N. Wilson, for payment of claim number
SCJ-93-03 \$ 3,343.75
(25) John Peil (Goodman) for payment of claim number
SCJ-93-04 \$ 2,779.80
(26) Bob Klingenstein, for payment of claim number
SCG-93-05 from the state wildlife account \$ 4,459.00
(27) Lester Eaton, Jr., for payment of claim numbers
SCG-93-03 and SCG-93-04 from the state wildlife
account \$ 19,302.84
(28) Daniel Nix, for payment of claim number
SCJ-92-16 \$ 38,581.20
(29) Wyman K. Dobson, for payment of claim number
SCJ-93-09 \$ 6,946.38
(30) Gabriel Valdez, for payment of claim number
SCJ-93-05 \$ 3,141.57
(31) John Garrett, for payment of claim number
SCO-91-20 from the state wildlife account \$ 42,605.20
(32) Orion Corporation, for payment of claim number
SCJ-93-02 from the state building construction account,
including interest through April 30, 1993 \$ 3,570,000.00

NEW SECTION. Sec. 705. The following acts or parts of acts are each repealed:

- (1) 1992 c 232 s 705 (uncodified); and
- (2) 1992 c 232 s 712 (uncodified) and 1991 sp.s. c 16 s 716 (uncodified).

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 1992 c 232 s 802 is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State
 Treasurer's Service Account: For transfer to
 the general fund on or before June 30, 1993,
 an amount up to \$16,627,000 in excess of the
 cash requirements in the State Treasurer's Service
 Account for fiscal year 1994, for credit to the
 fiscal year in which earned \$ 16,627,000
 General Fund--State: For transfer to the Flood Control

Assistance Account \$ 3,700,000

Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund \$ 631,400

Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 14,500,000

Disability Accommodation Revolving Account: For transfer to the General Fund \$ 190,000

Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes \$ 2,003,000

State Employees' Insurance Account: For transfer to the general fund (Northwestern National Life Insurance Refund) \$ 8,310,000

Department of Personnel Service Fund: For transfer to the general fund \$ 820,000

Trust Land Purchase Account: For transfer to the general fund \$ 18,575,000

Motor Transport Account: For transfer to the general fund \$ 947,000

Resource Management Cost Account: For transfer to the agricultural permanent account, the University of Washington bond retirement account, the charitable, educational, penal and reformatory institutions account, the capitol building construction account, the normal school permanent account, and the scientific permanent account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources \$ 20,000,000

Sec. 802. 1991 sp.s. c 16 s 802 is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution \$ 4,600,000

General Fund Appropriation for public utility district excise tax distribution \$ 24,314,000

General Fund Appropriation for prosecuting attorneys' salaries \$ 2,704,000

General Fund Appropriation for motor vehicle excise tax distribution \$ 83,075,000

General Fund Appropriation for local mass transit assistance \$ 275,140,000

General Fund Appropriation for camper and travel trailer excise tax distribution \$ 2,585,000

General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution \$ 760,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 90,000

Liquor Excise Tax Fund Appropriation for liquor excise tax distribution \$ 22,000,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ 359,745,000

Liquor Revolving Fund Appropriation for liquor profits distribution \$ 45,645,850

Timber Tax Distribution Account Appropriation for

distribution to "Timber" counties	\$ 83,100,000	
Municipal Sales and Use Tax Equalization Account		
Appropriation	\$ 44,690,000	
County Sales and Use Tax Equalization Account		
Appropriation	\$ 15,100,000	
Death Investigations Account Appropriation for		
distribution to counties for publicly		
funded autopsies	\$ ((750,000))	
		<u>1,100,000</u>
County Criminal Justice Account Appropriation	\$ 56,152,000	
Municipal Criminal Justice Account Appropriation	\$ 22,460,000	
TOTAL APPROPRIATION	\$ ((1,042,940,850))	
		<u>1,043,260,850</u>

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. APPLICABILITY OF OTHER PROVISIONS. This act is subject to the provisions, definitions, conditions, and limitations of chapter 16, Laws of 1991 sp. sess., as amended by chapter 232, Laws of 1992, chapter 238, Laws of 1992, and this act.

NEW SECTION. Sec. 902. A new section is added to chapter 16, Laws of 1991 sp.s. to read as follows:

SPENDING CONTROLS. (1) All agencies, including those headed by elected officials and appointed boards or commissions, shall control costs to ensure that operating expenditures for capital outlays and noncapitalized fixed assets for the period beginning April 1, 1993, and ending June 30, 1993, will not exceed the sum of that agency's monthly allotments for capital outlays and noncapitalized fixed assets for that same time period.

(2) All agencies, including those headed by elected officials and appointed boards or commissions, shall control costs to ensure that expenditures of state general fund appropriations for the period beginning April 1, 1993, and ending June 30, 1993, will not exceed the sum of that agency's monthly allotments of state general fund expenditures for that same time period.

(3) All agencies over one hundred employees, including those headed by elected officials and appointed boards or commissions, are directed to place into reserve status one percent of their April through June allotments for salaries. It is intended that these savings be achieved through the fiscal limitations imposed in the Governor's January 13, 1993, directive. Expenditure control mechanisms are assumed to include attrition, administrative efficiencies, and reductions in nonessential travel and purchases. The office of financial management shall issue agency savings targets and instructions for allotment amendment submittals.

Exceptions for the limitations described in subsections (1) through (3) of this section may be granted by the office of financial management only in cases of preexisting legal obligations or emergency conditions.

For the purposes of this section, "allotments" are considered to be the January 31, 1993, office of financial management approved expenditure plan as revised for any 1993 supplemental appropriations.

NEW SECTION. Sec. 903. A new section is added to chapter 43.105 RCW to read as follows:

UNAUTHORIZED DATA PROCESSING EXPENDITURES. No state agency may expend any moneys for major information technology projects subject to review by the department of information services under RCW 43.105.190 unless specifically authorized by the legislature. An intentional or negligent violation of this section constitutes a violation of RCW 43.88.290 and shall subject the head of the agency to forfeiture of office and other civil penalties as provided under RCW 43.88.300.

If the director of information services intentionally or negligently approved an expenditure in violation of this section, then all sanctions described in this section and RCW 43.88.300 shall also apply to the director of information services.

NEW SECTION. Sec. 904. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 905. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Locke spoke in favor of adoption of the amendment and the amendment was adopted.

The bill was ordered engrossed.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1524.

Representative Locke spoke in favor of passage of the bill and Representatives Silver and Horn spoke against it.

Representative Silver again spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1524, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Long, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Casada, Chandler, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 32.

Excused: Representative Dorn - 1.

Second Engrossed Substitute House Bill No. 1524, having received the constitutional majority, was declared passed.

MOTION

Representative Peery moved the House consider the following bills in the following order: Senate Bill No. 5370, House Bill No. 2123 and Substitute Senate Bill No. 5968. The motion was carried.

SENATE BILL NO. 5370, by Senators Vognild, Nelson, Skratek and Talmadge

Authorizing state highway bonds.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5370.

Representative R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5370, and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Cole, G., Conway, Cothorn, Dellwo, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 63.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Lisk, Long, Mielke, Miller, Morton, Padden,

Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 34.

Excused: Representative Dorn - 1.

Senate Bill No. 5370, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

May 5, 1993

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2123 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.660 and 1979 ex.s. c 88 s 1 are each amended to read as follows:

(1) The ~~((regents or trustees))~~ governing boards of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. Except as provided in subsection (2) of this section, the premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

(2) A governing board of a public four-year institution of higher education may make available, and pay the costs of, health benefits for graduate students holding graduate service appointments, designated as such by the institution. Such health benefits may provide coverage for spouses and dependents of such graduate student appointees."

On page 1, line 1 of the title, after "appointments;" strike the remainder of the title and insert "and amending RCW 28B.10.660."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Jacobsen moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2123 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2123 as amended by the Senate.

Representative Jacobsen spoke in favor of passage of the bill and Representative Forner spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2123, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 95.

Voting nay: Representatives Brough and Forner - 2.

Excused: Representative Dorn - 1.

Engrossed House Bill No. 2123, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

May 5, 1993

Mr. Speaker:

The Senate has adopted:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8409,

Brad Hendrickson, Deputy Secretary

May 5, 1993

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,

Brad Hendrickson, Deputy Secretary

The Speaker (Representative R. Meyers presiding) declared the House to be at ease.

The Speaker (Representative R. Meyers presiding) called the House to order.

There being no objection, the House reverted to the fourth order of business.

FIRST AND SECOND SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

ESSB 5980 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Spanel and Rinehart; by request of Office of Financial Management)

Revising provisions relating to fishing licenses.

SCR 8409 by Senators Owen, Erwin, Franklin and Pelz

Concerning open pit metallic ore mining.

MOTION

Representative Peery moved that the rules be suspended and that Senate Concurrent Resolution No. 8409 and Engrossed Substitute Senate Bill No. 5980 be advanced to second reading. The motion was carried.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Owen, Erwin, Franklin and Pelz

Concerning open pit metallic ore mining.

The bill was read the second time.

Representatives Pruitt and Morton spoke in favor of adoption of the resolution.

Senate Concurrent Resolution No. 8409 was adopted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980, by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Spanel and Rinehart; by request of Office of Financial Management)

Revising provisions relating to fishing licenses.

The bill was read the second time.

Representative Riley moved adoption of the following amendment by Representative Riley and others:

On page 2, line 10, after "age" insert ", honorably discharged veterans with service-connected disabilities of thirty percent or more who have resided in the state for one year or more,"

On page 2, line 24, after "age" insert "or honorably discharged veterans with service-connected disabilities of thirty percent or more who have resided in the state for one year or more"

Representative Riley spoke in favor of adoption of the amendment and it was adopted.

Representative King moved adoption of the following amendment by Representatives King, Fuhrman and Basich:

On page 30, after line 22, insert:

NEW SECTION. Sec. 50. A new section is added to chapter 75.28 RCW to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Coastal crab" means Dungeness crab (*Cancer magister*) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh Line (a line from the western end of Cape Flattery to Tatoosh Island Lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver Island), Grays Harbor, Willapa Bay, and the Columbia river.

NEW SECTION. Sec. 51. A new section is added to chapter 75.28 RCW to read as follows:

Effective January 1, 1994, it is unlawful to fish for coastal crab in Washington state waters or to deliver coastal crab to a port in the state if the crab is harvested with a vessel equipped with more than four hundred crab pots. This section shall not apply to deliveries that are necessary due to bona fide emergencies as determined by the director.

NEW SECTION. Sec. 52. If the director of the department of fisheries develops proposed legislation as a result of its study on coastal crab pursuant to chapter 9, Laws of 1992, the director shall involve the commercial crab industry in the preparation of such legislation."

Representatives King and Fuhrman spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House.

Representative King spoke in favor of passage of the bill and Representative Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5980, as amended by the House, and the bill did not pass the House by the following vote: Yeas - 49, Nays - 49, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Jacobsen, Johnson, L., Johnson, R., Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Mastin, Meyers, R., Myers, H., Ogden, Orr, Peery, Pruitt, Riley, Roland, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 49.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Heavey, Holm, Horn, Johanson, Jones, Kremen, Lisk, Long, Ludwig, Mielke, Miller, Morris, Morton, Padden, Patterson, Quall, Rayburn, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 49.

Engrossed Substitute Senate Bill No. 5980, having failed to receive the constitutional majority, was declared failed.

MOTION FOR RECONSIDERATION

Representative Zellinsky, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 5980 failed to pass the House. The motion was carried.

RECONSIDERATION

The Speaker (Representative R. Meyers presiding) stated the question before the House to be reconsideration of final passage of Engrossed Substitute Senate Bill No. 5980 as amended by the House.

Representatives King, G. Cole and Basich spoke in favor of passage of the bill and Representatives Morton, Zellinsky, Long and Vance spoke against it.

Representative King again spoke in favor of passage of the bill.

Representative Fuhrman demanded an oral roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on reconsideration of final passage of Engrossed Substitute Senate Bill No. 5980 and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Jacobsen, Johnson, L., Johnson, R., Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 52.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Heavey, Holm, Horn, Johanson, Jones, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Patterson, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 46.

Engrossed Substitute House Bill No. 5980 on reconsideration, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

May 5, 1993

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 5, 1993

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5753,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5966,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,
SECOND ENGROSSED SENATE BILL NO. 5983,

and the same are herewith transmitted.

Marty Brown, Secretary

May 5, 1993

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2055,

and the same are herewith transmitted.

Marty Brown, Secretary

May 5, 1993

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,

and the same is herewith transmitted.

Marty Brown, Secretary

With the consent of the House, the House considered Second Engrossed Second Substitute Senate Bill No. 5521 on today's second reading calendar.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521, by Senate Committee on Government Operations (originally sponsored by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder)

Funding criminal justice programs.

The bill was read the second time.

Representative Padden moved adoption of the following amendment by Representative Padden and others:

On page 8, beginning on line 27, after "chapter" strike all material through "vote" on line 31, and insert "for a period of five years if the proposition authorizing the tax is validly submitted to and is approved by the voters of the county. The tax may be reimposed for five-year periods in the same manner"

Representatives Padden and Fuhrman spoke in favor of adoption of the amendment and Representative Sommers spoke against it.

Representative Fuhrman demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 8, line 27, to Second Engrossed Second Substitute Senate Bill No. 5521, and the amendment was not adopted by the following vote: Yeas - 33, Nays - 65, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Casada, Chandler, Cooke, Dyer, Flemming, Foreman, Forner, Fuhrman, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance and Van Luven - 33.

Voting nay: Representatives Anderson, Appelwick, Basich, Bray, Brown, Carlson, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon,

Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 65.

Representative Sommers moved adoption of the following amendment by Representative Sommers and others:

On page 10, line 36, strike "1998" and insert "1996"

Representative Sommers spoke in favor of adoption of the amendment and Representative Ballasiotes spoke against it.

Representative Vance demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final adoption of the amendment on page 10, line 36, to Second Engrossed Second Substitute Senate Bill No. 5521, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Brown, Cole, G., Cooke, Dellwo, Dunshee, Finkbeiner, Fisher, G., Fisher, R., Flemming, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Karahalios, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Riley, Roland, Rust, Shin, Sommers, Springer, Thibaudeau, Valle, Van Luven, Veloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 48.

Voting nay: Representatives Ballard, Ballasiotes, Bray, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Conway, Cothorn, Dorn, Dyer, Edmondson, Eide, Foreman, Forner, Fuhrman, Grant, Horn, Johanson, Jones, Kessler, Kremen, Lisk, Long, Ludwig, Mastin, Mielke, Miller, Morton, Padden, Patterson, Rayburn, Reams, Romero, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance and Wood - 50.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick and others:

On page 13, beginning on line 3, strike all of section 9

Representatives Appelwick and Padden spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Second Engrossed Second Substitute Senate Bill No. 5521 as amended by the House.

Representative Edmondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5521, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Ballasiotes, Basich, Bray, Brough, Brown, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Conway, Cooke, Cothorn, Dellwo, Dorn, Dunshee, Dyer, Edmondson, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Foreman, Forner, Fuhrman, Grant, Hansen, Heavey, Holm, Horn, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Lisk, Locke, Long, Ludwig, Mastin, Meyers, R., Mielke, Miller, Morris, Morton, Myers, H., Ogden, Orr, Padden, Patterson, Peery, Pruitt, Quall, Rayburn, Reams, Riley, Roland, Romero, Rust, Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Shin, Silver, Sommers, Springer, Stevens, Talcott, Tate, Thibaudeau, Thomas, Valle, Vance, Van Luven, Veloria, Wang, Wineberry, Wolfe, Wood, Zellinsky and Mr. Speaker - 98.

Second Engrossed Second Substitute Senate Bill No. 5521, as amended by the House, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SSB 5968

Date: May 5, 1993

Includes "new item": Yes

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5968, relating to fiscal matters, have had the same under consideration and we recommend that the House amendment (H-2714.1) adopted April 30, 1993, not be adopted and that the following Conference Committee striking amendment be adopted with the attached modifications (5968-S CONF MADS 2) and that the bill do pass as recommended by the Conference Committee:

On page 8, line 15, increase the General Fund--State Appropriation to the Office of Financial Management by \$592,000 and adjust the total appropriation accordingly.

On page 34, line 15, increase the General Fund--State Appropriation to the Department of Community Development by \$5,248,000 and adjust the total appropriation accordingly.

On page 46, line 19, increase the General Fund--State Appropriation to the Department of Ecology by \$1,000,000 and adjust the total appropriation accordingly.

On page 51, line 17, increase the General Fund Appropriation to the Environmental Hearings Office by \$25,000.

On page 51, line 23, increase the General Fund--State Appropriation to the Department of Trade and Economic Development by \$2,000,000 and adjust the total appropriation accordingly.

On page 91, line 26, increase the General Fund--State Appropriation to the Higher Education Coordinating Board by \$431,000 and adjust the total appropriation accordingly.

On page 98, after line 17, insert the following:

"NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--AGENCY COMMUTE TRIP REDUCTION

State Capital Vehicle Parking Account
Appropriation \$ 1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to assist state agencies in implementing commute trip reduction programs as required by RCW 70.94.521 through 70.94.551. Allocation of this appropriation will be made by the office of financial management after considering recommendations from the interagency task force for commute trip reduction."

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1993, and ending June 30, 1995, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1994" or "FY 1994" means the fiscal year ending June 30, 1994.

(b) "Fiscal year 1995" or "FY 1995" means the fiscal year ending June 30, 1995.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 46,189,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 35,457,000

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,067,000

Health Services Account Appropriation \$ 565,000

TOTAL APPROPRIATION \$ 2,632,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$565,000 of the health services account--state appropriation is provided solely for studies required by Engrossed Second Substitute Senate Bill No. 5304. If that bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

(2) \$18,800 is provided for the legislative budget committee to review the department of veterans affairs, the Washington soldiers' home, and the Washington veterans' home to implement Engrossed House Bill No. 1437 to the extent permitted by the amount provided.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,400,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense

Fund Appropriation \$ 1,649,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$150,000 is provided solely for an actuarial study of local government liabilities for law enforcement officers' and fire fighters' retirement system medical benefits.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 9,480,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 5,952,000

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided for the expenses of the law revision commission under chapter 1.30 RCW.

NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES. In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund Appropriation \$ 9,769,000

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,193,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 17,117,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 1,013,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 24,418,000

Public Safety and Education Account Appropriation \$ 36,102,000

Judicial Information System Account Appropriation \$ 655,000

Health Services Account Appropriation \$ 117,000

Drug Enforcement and Education Account Appropriation \$ 6,510,000

TOTAL APPROPRIATION \$ 67,802,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,107,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$20,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$110,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5753 (judgeship for Cowlitz county). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the drug enforcement and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) The administrator for the courts shall provide data processing support to the department of social and health services' division of juvenile rehabilitation in the allocation of grant moneys to local governments.

(5) \$9,820,000 of the public safety and education account is provided solely for the indigent appeals program.

(6) \$50,000 of the general fund appropriation is provided solely to implement the racial disproportionality study recommendations in Engrossed Substitute House Bill No. 1966.

(7) \$170,000 of the general fund appropriation is provided solely to implement sections 3 and 11 of Engrossed Substitute House Bill No. 1084 (jury source list). The office of the administrator for the courts shall allocate funds to the counties and the department of information services for the purposes of implementing these sections.

(8) \$117,000 of the health services account appropriation is provided solely for the implementation of section 418 of Engrossed Second Substitute Senate Bill No. 5304 (medical malpractice review). If section 418 of the bill is not enacted by June 30, 1993, the health services account appropriation shall lapse.

NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation \$ 6,138,000

The appropriation in this section is subject to the following conditions and limitations: \$186,000 is provided solely for mansion maintenance.

NEW SECTION. Sec. 115. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 484,000

NEW SECTION. Sec. 116. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,989,000

NEW SECTION. Sec. 117. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,049,000

Archives and Records Management Account

Appropriation \$ 3,160,000

Personnel Service Account Appropriation \$ 612,000

TOTAL APPROPRIATION \$ 11,821,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,532 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,095,465 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) The appropriation from the archives and records management account assumes that at least \$250,000 will be received from local governments during the second year of the biennium to cover the costs to the state archives program of locally generated archival materials.

(4) The productivity board shall not approve any payment to, or agreement with, state employees under the teamwork incentive program under chapter 41.60 RCW unless the board determines that all expenditures savings or revenue increases recognized under the teamwork incentive program award are attributable exclusively to participating employees. Awards under the teamwork incentive program shall not exceed two thousand five hundred dollars per participating employee.

NEW SECTION. Sec. 118. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 297,000

NEW SECTION. Sec. 119. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 336,000

NEW SECTION. Sec. 120. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 9,976,000

TOTAL APPROPRIATION \$ 10,020,000

The appropriations in this section are subject to the following conditions and limitations: \$284,000 of the state treasurer's service account appropriation is provided solely for the information systems project known as "upgrade mainframe." Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 121. FOR THE STATE AUDITOR

General Fund--State Appropriation \$ 20,000

General Fund--Federal Appropriation \$ 158,000

Motor Vehicle Fund Appropriation \$ 334,000

Municipal Revolving Fund Appropriation \$ 24,454,000

Auditing Services Revolving Fund Appropriation \$ 12,018,000

TOTAL APPROPRIATION \$ 36,984,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include a finding regarding the accuracy of student enrollment data and the experience and education of the district's certificated instructional staff reported to the superintendent of public instruction for the purposes of allocation of state funding.

(2) \$200,000 of the auditing services revolving fund appropriation is provided solely for the conduct of performance audits as directed in this act.

NEW SECTION. Sec. 122. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 66,000

NEW SECTION. Sec. 123. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation \$ 5,918,000

General Fund--Federal Appropriation \$ 1,632,000

Health Services Account Appropriation \$ 175,000

Public Safety and Education Account Appropriation \$ 1,249,000

Legal Services Revolving Fund Appropriation \$ 96,950,000

Motor Vehicle Fund Appropriation \$ 748,000

New Motor Vehicle Arbitration Account Appropriation \$ 1,784,000

TOTAL APPROPRIATION \$ 108,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing

period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,249,000 of the public safety and education account appropriation and \$406,000 of the general fund--state appropriation are provided solely for the attorney general's criminal litigation unit.

(4) The attorney general shall, in conjunction with the various state hearings boards, develop recommendations for more cost-efficient processing of administrative appeals and report such recommendations to appropriate committees of the legislature by November 15, 1993.

(5) The attorney general shall, in conjunction with state agencies, examine the efficiencies of consolidating support services within the office of the attorney general and report recommendations for consolidation to the office of financial management by April 1, 1994.

(6) \$175,000 of the health services account appropriation and \$350,000 of the legal services revolving fund appropriation are provided solely for anti-trust activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 124. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 815,000

NEW SECTION. Sec. 125. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation \$ 18,983,000

General Fund--Federal Appropriation \$ 918,000

Motor Vehicle Fund Appropriation \$ 109,000

Health Services Account Appropriation \$ 250,000

TOTAL APPROPRIATION \$ 20,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) All agencies that receive appropriations in this act shall report to the office of financial management by November 15, 1993, on the agency's implementation of funding adjustments made in this act to reflect administrative reductions or other efficiencies, as identified in the legislative budget notes. The office of financial management shall compile the reports and transmit them to the legislative fiscal committees by December 1, 1993. Institutions of higher education shall make this report pursuant to section 601 of this act.

(2) To facilitate the performance audit of state-wide administrative costs pursuant to section 904 of this act, the office of financial management shall develop and implement a state-wide reporting system to ensure uniform and consistent reporting of administrative costs and staffing levels by state agencies.

(3) The office of financial management shall evaluate the extent to which state employees could receive more efficient and less expensive service, as well as increased flexibility and return on their investments, from a deferred compensation program contracted with a private organization, and shall report its findings and recommendations to appropriate committees of the legislature by December 1, 1993.

(4) The efficiency commission shall undertake studies to determine the most effective means of delivering services currently provided by the state printer and the department of general administration's central stores.

(5) \$50,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1372 (state program evaluations). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(6) \$100,000 of the general fund--state appropriation is provided solely for an interim task force as provided for by Engrossed Substitute House Bill No. 2054 (civil service reform).

NEW SECTION. Sec. 126. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund

Appropriation \$ 12,535,000

The appropriation in this section is subject to the following conditions and limitations: \$655,000 of the appropriation is provided to address increased workload, but may be expended only if the office works in conjunction with the attorney general and other involved agencies to improve the efficiency and cost-effectiveness of administrative appeals processing by such measures as using teleconferencing and, where parties are represented by counsel, having counsel prepare findings of fact and conclusions of law.

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ 17,162,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) \$600,000 of the appropriation is provided solely for extended insurance benefits for permanent state employees separated through reduction-in-force. An eligible employee may receive a state subsidy of \$100 per month toward his or her insurance benefits purchased under the federal consolidated omnibus budget reconciliation

act (COBRA) for a period not to exceed six months from the date of separation. The state health care authority shall administer the insurance benefits and the department shall pay the subsidy through interagency reimbursement, subject to the level of appropriation.

(3) \$500,000 of the appropriation is provided solely for a career and employment transition program to assist permanent state employees who are separated due to reduction-in-force, including employee retraining, career counseling, and job placement services.

(4) \$32,000 is provided solely for creation, printing, and distribution of the personal benefits statement for state employees.

(5) From the department's nonappropriated data processing account, the department shall prepare a feasibility study for the design and implementation of a new human resource information system. Authority to expend funds for the feasibility study is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 128. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account Appropriation \$ 382,000

NEW SECTION. Sec. 129. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 19,745,000

NEW SECTION. Sec. 130. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 375,000

NEW SECTION. Sec. 131. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 271,000

NEW SECTION. Sec. 132. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation \$ 1,268,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 31,988,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,530,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project including an assessment of the savings the department is likely to achieve as a result of this project by January 15, 1994.

(2) \$1,136,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the office of financial management on the status of this project by January 15, 1995.

(3) \$404,000 is provided solely for the increased workload resulting from the *Bowles* decision.

(4) \$382,000 is provided solely for the temporary increased workload resulting from 1993 legislation providing for early retirement. If a bill providing for early retirement is not passed by June 30, 1993, this amount shall lapse.

(5) The appropriation contains sufficient funds to implement House Bill No. 2028 (restoration notification).

(6) The department shall adjust the retirement systems administrative rate during the 1993-95 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding of a study of LEOFF Plan I medical liabilities by the office of the state actuary.

(7) The department shall reduce its administrative charge rate from .22 percent to .17 percent for the 1993-95 biennium.

NEW SECTION. Sec. 134. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ 6,939,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 123,401,000

Timber Tax Distribution Account Appropriation \$ 4,358,000

State Toxics Control Account Appropriation \$ 76,000

Solid Waste Management Account Appropriation \$ 90,000

Pollution Liability Reinsurance Trust Account

Appropriation \$ 236,000
Vehicle Tire Recycling Account Appropriation \$ 128,000
Air Operating Permit Account Appropriation \$ 36,000
State Oil Spill Administration Account Appropriation \$ 20,000
Litter Control Account Appropriation \$ 96,000

TOTAL APPROPRIATION \$ 128,441,000

The appropriations in this section are subject to the following conditions and limitations: \$760,000 of the general fund appropriation is provided solely for the information systems project known as "revenue account management." Authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 136. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$ 1,340,000

NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$ 2,944,000

NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 47,000

NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Minority and Women's Business Revolving Fund Account
Appropriation \$ 2,103,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation \$ 393,000
General Fund--Federal Appropriation \$ 1,306,000
General Fund--Private/Local Appropriation \$ 392,000
Risk Management Account Appropriation \$ 2,246,000
State Capitol Vehicle Parking Account Appropriation \$ 740,000
Motor Transport Account Appropriation \$ 11,024,000
Air Pollution Control Account Appropriation \$ 149,000
General Administration Facilities and Services
Revolving Fund Appropriation \$ 21,356,000
Central Stores Revolving Account \$ 4,285,000

TOTAL APPROPRIATION \$ 41,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a consolidated travel contract with a single best bidder state-wide or best bidders within regions to allow agencies to participate in a rebate on processing and handling costs of booking travel, lodging, and rental vehicle services.

(2) \$870,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$154,000 of the risk management account appropriation is provided solely for the acquisition of a commercial software package to identify and analyze risk exposure and to administer the tort claims revolving fund and the self insurance liability fund.

(4) \$200,000 of the general administration facilities and services revolving fund appropriation is provided solely for security for the capitol's west campus area.

(5) \$252,000 of the general administration facilities and services revolving fund appropriation is provided solely for administration and provision of the volunteer capitol campus tours program.

(6) \$35,000 of the air pollution control account appropriation is provided solely for the purpose of hiring one full-time equivalent employee to develop procurement specifications consistent with the requirements of RCW 43.19.570, the national energy policy act of 1992 and, to the extent possible, with the procurement specifications of other states. If matching funds are not provided by the alternative fuels industry by July 1, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Fund Appropriation \$ 3,510,000

The appropriation in this section is subject to the following conditions and limitations: \$400,000 of the nonappropriated data processing revolving fund shall be provided for development and operation of a video

telecommunications center. The center shall be financially self-supporting and shall not receive any support from any state sources other than dedicated service fees specifically related to the use of the center.

NEW SECTION. Sec. 142. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation \$ 18,206,000

General Fund--Federal Appropriation \$ 104,000

TOTAL APPROPRIATION \$ 18,310,000

The appropriations in this section are subject to the following conditions and limitations: \$890,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement health care reform. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account Appropriation \$ 1,202,000

NEW SECTION. Sec. 144. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 14,000

NEW SECTION. Sec. 145. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,876,000

The appropriation in this section is subject to the following conditions and limitations: None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

NEW SECTION. Sec. 146. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 111,231,000

The appropriation in this section is subject to the following conditions and limitations: The liquor control board shall conduct a study that identifies possible savings in contracting outbound freight with a single or small number of carriers. The board shall report to the director of financial management and the fiscal committees of the legislature by September 1, 1994, on the findings of the study, including documentation of cost savings.

NEW SECTION. Sec. 147. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 29,239,000

Grade Crossing Protective Fund Appropriation \$ 320,000

TOTAL APPROPRIATION \$ 29,559,000

The appropriations in this section are subject to the following conditions and limitations: Subject to commission approval, no more than \$250,000 of the public service revolving fund appropriation may be spent to assist the legislature in studying the current statutes and administrative procedures for the optimum future capability for voice, video, and information services in Washington state.

NEW SECTION. Sec. 148. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension

Administrative Fund Appropriation \$ 398,000

NEW SECTION. Sec. 149. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ 8,365,000

General Fund--Federal Appropriation \$ 8,850,000

General Fund--Private/Local Appropriation \$ 186,000

TOTAL APPROPRIATION \$ 17,401,000

NEW SECTION. Sec. 150. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 1,771,000

Employment Relations Account Appropriation \$ 2,637,000

TOTAL APPROPRIATION \$ 4,408,000

NEW SECTION. Sec. 151. DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT. On July 1, 1994, all appropriations and all conditions and limitations contained in sections 217 and 308 of this act shall be provided for the department of community, trade, and economic development. If Engrossed Substitute Senate Bill No. 5868 or substantially similar legislation creating a department of community, trade, and economic development is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Fund Appropriation \$ 3,031,000

The appropriation in this section is subject to the following conditions and limitations: If Substitute Senate Bill No. 5270, or substantially similar legislation, creating a department of financial institutions is not enacted by July 1, 1993, the securities regulation fund appropriation shall be null and void and the department of licensing general fund--state appropriation shall be increased by \$3,031,000.

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1)

Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department shall identify social service programs administered by the department to be eliminated in fiscal year 1995. The funding for the identified programs will be used to establish a state social services block grant through which funds will be distributed state-wide on a formula basis to local consortiums, which may include public and private entities. By January 1, 1994, the department shall recommend the following to the appropriate legislative committees: (a) The list of identified programs; (b) a grant proposal process; (c) a method of distribution for the block grant funds including an allocation formula; and (d) a percentage of the block grant to be used for local administration. In developing the recommendations, the department shall consult with representatives of local governments and social service providers. The department's general fund--state appropriation has been reduced by \$1,000,000 to reflect savings which will result in fiscal year 1995 from the elimination of state administration of the identified programs. The department may transfer funds to the division of children and family services from other divisions to the extent that savings are realized in other divisions as a result of these reductions.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation \$ 292,004,000

General Fund--Federal Appropriation \$ 193,407,000

Drug Enforcement and Education Account Appropriation \$ 3,722,000

TOTAL APPROPRIATION \$ 489,133,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$854,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(2) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

(3) In the event that the department consolidates children's services offices, the department shall ensure that services continue to be accessible to isolated communities.

(4) \$14,984,000 of the general fund--state appropriation and \$14,632,000 of the general fund--federal appropriation are provided to establish a state child care block grant by July 1, 1994. The department shall develop a plan for administering the block grant which shall include: (a) A state-wide distribution formula; (b) a block grant application process that encourages the cooperative efforts of local governments, resource and referral agencies, and other not-for-profit organizations involved with child care; (c) recommendations about cost-effective ways to administer child care subsidies in rural areas of the state; and (d) recommendations for the percentage of the grant to be used for local administration. The plan shall be presented to the appropriate legislative committees by January 1, 1994.

(5) The department shall coordinate funding totaling \$400,000 from all available sources to initiate a residential teen welfare protection program in an urban county with a population over 550,000. The program shall be designed to improve employment and parenting skills of teenage mothers to reduce long-term welfare dependence. The department shall select a provider with experience in providing residential services to adolescent mothers and their infants.

(6) The family policy council under chapter 70.190 RCW shall establish procedures for locating appropriate counseling staff of participating agencies in public schools.

(7) The department shall reimburse child care providers at the 75th percentile of the 1992 market rate based on the market survey conducted by the department. The revised rate schedule shall be phased-in beginning on December 1, 1993, and shall be fully implemented by May 31, 1994.

(8) \$8,792,000 of the general fund--state appropriation is provided solely to implement the following programs: \$385,000 of this amount is provided for the medical training project on the evaluation and care of child sexual abuse, \$4,784,000 of this amount is provided for contracts for domestic violence shelters and comprehensive domestic violence service planning, \$2,841,000 of this amount is provided for early identification and treatment of child sexual abuse, and \$782,000 of this amount is provided for sexual assault centers.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 60,629,000
General Fund--Federal Appropriation \$ 6,639,000
Drug Enforcement and Education Account Appropriation \$ 1,552,000
TOTAL APPROPRIATION \$ 68,820,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 56,655,000
Drug Enforcement and Education Account Appropriation \$ 940,000
TOTAL APPROPRIATION \$ 57,595,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The division of juvenile rehabilitation shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 1993, on proposals to implement early release and structured transition services for juvenile offenders.

(b) The department of general administration, in conjunction with the division of juvenile rehabilitation and other state agencies, shall evaluate and make recommendations on the future use of the Green Hill school and/or property as a state facility. The recommendations shall be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 1993.

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 2,926,000
General Fund--Federal Appropriation \$ 156,000
Drug Enforcement and Education Account Appropriation \$ 342,000
TOTAL APPROPRIATION \$ 3,424,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 1,296,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation \$ 239,529,000
General Fund--Federal Appropriation \$ 168,680,000
General Fund--Local Appropriation \$ 9,000,000
TOTAL APPROPRIATION \$ 417,209,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$4,618,000 of the general fund--state appropriation and \$5,409,000 of the general fund--federal appropriation are provided solely for additional children's mental health services required in accordance with the medicaid early and periodic screening, diagnosis, and treatment program. By January 1, 1994, the secretary of social and health services shall issue practice guidelines to assist mental health regional support networks and providers determine the scope and duration of mental health services typically required by specific conditions for which mental health intervention is medically necessary.

(b) \$2,000,000 of the general fund--state appropriation, of which \$500,000 shall be from the 1993-95 current level allocation for regional support networks, and \$1,080,000 of the general fund--federal appropriation are provided solely for a risk pool fund to support a collaborative effort between the eastern Washington regional support networks and eastern state hospital. Moneys from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at eastern state hospital, or, to the extent such reductions are not made, to cover resulting budget deficits at the hospital. The intended reductions in hospital bed days, the expected reductions in costs in the state hospitals, and the amount and timing of payments shall be specified in contracts negotiated between the department and the eastern Washington regional support networks. Money from this fund shall not be used to meet any operating deficits at eastern state hospital resulting from causes unrelated to a failure of the regional support networks to reduce bed day usage as specified in contracts.

(c) The secretary of social and health services shall allot to the mental health division funds appropriated to the division of medical assistance for voluntary community psychiatric hospitalizations. The amount transferred shall be the total projected expenditures for voluntary psychiatric hospitalizations in the 1993-95 biennium. The mental health division shall work with mental health regional support networks to design and implement improved prevention, crisis intervention, diversion, and other strategies for reducing avoidable psychiatric hospitalizations. Regional support networks that succeed in reducing voluntary and involuntary hospitalization costs below the baseline level forecast for their region shall receive bonus payments for their performance. The mental health division shall seek approval from the federal government to include federal matching funds in the bonus payments under medicaid waivers.

(d) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$ 146,577,000
General Fund--Federal Appropriation	\$ 87,011,000
General Fund--Local Appropriation	\$ 42,498,000
Charitable, Educational, Penal and Reform Institutions Account Appropriation	\$ 3,000,000
Industrial Insurance Premium Refund Account Appropriation	\$ 507,000
TOTAL APPROPRIATION	\$ 279,593,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) From appropriations provided in this section and in section 208 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(c) The secretary of social and health services shall phase out operation of the PORTAL program at the northern state multi-service center. In accomplishing this phase down, the secretary shall:

(i) Work with regional support networks, families and advocacy groups, and other community service providers to assure that appropriate community services are in place for people transitioning out of the PORTAL program; and

(ii) Develop and implement a transition plan for state employees dislocated by the phase down of the PORTAL program. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security, retraining and placement into other state jobs, placement of state employees with private contractors, and small business assistance.

(d) The secretary of social and health services shall establish in contracts with the regional support networks a stop-loss arrangement to safeguard the regional support networks against increased admissions to the state psychiatric hospitals of persons who are eligible for services from the division of developmental disabilities or from the aging and adult services administration. Under this stop-loss arrangement, the cost of any state hospital usage by those populations in excess of 10 percent of the 1991-93 average level shall be charged to the funds appropriated to

the division of developmental disabilities and the aging and adult services administration, rather than to the regional support networks.

(e) \$560,000 of the general fund--state appropriation is provided solely to assist western Washington regional support networks in reducing the average daily population of western state hospital.

(3) CIVIL COMMITMENT

General Fund Appropriation \$ 5,718,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation \$ 1,899,000

General Fund--Federal Appropriation \$ 2,946,000

TOTAL APPROPRIATION \$ 4,845,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation \$ 4,882,000

General Fund--Federal Appropriation \$ 1,826,000

TOTAL APPROPRIATION \$ 6,708,000

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation \$ 204,081,000

General Fund--Federal Appropriation \$ 131,660,000

TOTAL APPROPRIATION \$ 335,741,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation \$ 121,133,000

General Fund--Federal Appropriation \$ 165,704,000

General Fund--Local Appropriation \$ 9,143,000

TOTAL APPROPRIATION \$ 295,980,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation \$ 5,665,000

General Fund--Federal Appropriation \$ 971,000

TOTAL APPROPRIATION \$ 6,636,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) The population of the state residential habilitation centers shall be reduced by at least 123 persons by January 1995. This shall be accomplished by providing appropriate community services for those residents who are most ready to move, and by closing the building and administration at Interlake School. In implementing this redeployment of resources, the secretary of social and health services shall assure that:

(i) No individual shall be moved from an institutional to a community setting until sufficient services and support arrangements are in place to assure the individual's health, safety, personal well-being, and continued growth and development on an ongoing basis;

(ii) The savings to general fund--state expenditures from the residential habilitation center consolidations shall exceed the additional costs of new community services for persons moving from the residential habilitation centers by at least \$1,200,000;

(iii) The needs of each institutional resident are assessed to identify the level of support needed to maintain the person in the most normal and least restrictive setting consistent with the person's needs. The secretary shall prioritize placement for those individuals whose needs can be addressed most cost-effectively in community-based settings;

(iv) A transition plan is developed and implemented for state employees dislocated by the redeployment. The plan shall be tailored to the situations of individual workers and shall include strategies such as individual employment counseling through the departments of personnel and employment security; retraining and placement into other state jobs; placement of state employees with private contractors; and assistance establishing private community service programs; and

(v) A report is submitted to appropriate committees of the legislature by October 1, 1993, and at the beginning of each biennial quarter thereafter, on specific plans for accomplishing the goals of this subsection (4)(a), and their outcomes.

(b) During the last eighteen months of the 1993-95 fiscal biennium, the per capita cost of community residential services shall be reduced by at least 6.7 percent below the amount expended during the last quarter of the 1991-93 biennium. In accomplishing this reconfiguration of community residential services and costs, the governor shall assure that:

(i) The number of persons receiving community residential services shall not be reduced below the end of fiscal year 1993 level, and shall be increased by the number of persons moving from residential habilitation centers;

(ii) The benchmark wage and benefits rate for contracted community residential providers shall not be reduced below the January 1993 level;

(iii) Reconfigurations are planned locally, with maximum flexibility to tailor residential support arrangements to fit local resources and opportunities and the needs of individual residents and families;

(iv) A working group representing all interested parties is convened to plan and oversee the reconfigurations. The working group shall additionally prepare recommendations for the governor and the legislature on organization of the developmental disabilities system.

(c) In addition to slots needed to accommodate persons moving from ICF/MR and nursing facilities, the secretary shall seek federal approval to expand by at least 500 the number of persons receiving services under federal medicaid home- and community-based services waivers. If the waiver request is not approved by the federal health care financing administration, the secretary is authorized to use up to \$15,000,000 of the general fund--state appropriation to develop intermediate care facilities for the mentally retarded, personal care, rehabilitative, and other services reimbursable under medicaid without a waiver of federal rules. The secretary shall report to the ways and means committee of the senate and the appropriations committee of the house of representatives by February 1, 1994, on the outcome of these efforts.

(d) The secretary shall report to appropriate committees of the legislature by January 1, 1994, on efforts to obtain federal approval to include living units at Fircrest school as group homes under medicaid home- and community-based services waivers.

(e) In developing employment support plans for individuals with developmental disabilities, counties shall utilize, for those who are programmatically eligible, social security work incentive programs such as plans for achieving self support (PASS) and impairment-related work expense (IRWE).

(f) Counties shall use a portion of the general fund--state appropriation for the implementation of working agreements with the vocational rehabilitation program to maximize the use of federal funding for vocational programs.

(g) \$2,210,000 of the general fund--state appropriation is provided solely for employment programs, or community access programs to the extent that the programs will lead to employment, for those persons who complete a high school curriculum during the 1993-95 biennium. Portions of this amount may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation \$ 618,987,000
General Fund--Federal Appropriation \$ 738,027,000
General Fund--Private/Local Appropriation \$ 2,004,000
TOTAL APPROPRIATION \$ 1,359,018,000

The appropriations in this section are subject to the following conditions and limitations: During the first quarter of the fiscal biennium, the department shall transfer recipients of the chore services program who require assistance with household tasks only to the volunteer chore services program. At least \$2,277,000 of the general fund--state appropriation shall be used solely for the volunteer chore services program.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 653,252,000
General Fund--Federal Appropriation \$ 599,986,000
TOTAL APPROPRIATION \$ 1,253,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more
Exemption: \$55 71 86 102 117 133 154 170

(2) Of the general fund--state appropriation, no more shall be expended for the state supplementary payment for supplemental security income (SSI) payments than is required to comply with 20 C.F.R. ch. III, s 416.2096(c)(1). The department shall adjust the state supplementary payment in order to comply with this subsection.

(3) \$600,000 of the general fund--state appropriation is provided solely to implement section 3 of Engrossed Substitute House Bill No. 1197 (public assistance).

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation \$ 15,355,000
General Fund--Federal Appropriation \$ 65,475,000

Drug Enforcement and Education Account

Appropriation \$ 68,572,000
TOTAL APPROPRIATION \$ 149,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$304,000 of the general fund--federal appropriation is provided to enact sections 3, 4, and 5 of Engrossed Substitute House Bill No. 2026 (high risk pregnancies). These funds will be used to implement three pilot projects involving pretreatment drug and alcohol services for women of child-bearing age.

(2) From appropriations provided in this section and in section 204 of this act, the secretary of social and health services shall establish a consolidated, privately-operated program specializing in the involuntary treatment of chemically dependent clients, and the voluntary treatment of mentally ill chemical abusers, on the grounds of the northern state multi-service center. In establishing this consolidated program with discrete treatment components, the secretary shall involve mental health and chemical dependency treatment providers, advocacy groups, and local system administrators in designing the program, developing its admission and discharge procedures, and selecting and monitoring the contractor.

(3) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation \$ 1,167,705,000
General Fund--Federal Appropriation \$ 1,804,308,000
General Fund--Local Appropriation \$ 361,996,000
Health Services Account Appropriation \$ 54,777,000
TOTAL APPROPRIATION \$ 3,388,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(2) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(3) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(4) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(5) \$148,000 of the general fund--state appropriation is provided solely to continue the DECODE program.

(6) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(7) \$50,240,000 of the health services account--state appropriation and \$61,404,000 of the general fund--federal appropriation are provided solely to expand medicaid eligibility to 200 percent of poverty for children through age 18, effective July 1, 1994. The appropriation in this subsection includes \$662,000 from the health services account--state and \$808,000 from general fund--federal to accelerate the implementation of managed care in the medicaid program. It also includes funds to administer the expanded caseload and to coordinate with the basic health plan. This subsection includes funds for full coverage of children enrolled in the basic health plan and eligible for medicaid under eligibility standards in place July 1, 1993. It is the intent of the legislature that children covered through this expanded coverage shall be enrolled in managed care plans to the maximum extent possible. The department shall seek to expand its managed care waivers to require children funded through this subsection to enroll in the basic health plan or other managed care systems. The department shall create a special eligibility category for children covered by this eligibility expansion, so that expenditures, unit costs and individuals served may be reported consistently over time. The department shall also provide for consistent reporting on other medicaid children served through the basic health plan.

(8) \$644,000 of the health services account appropriation is provided solely for costs associated with the waiver application required by health care reform.

(9) \$1,693,000 of the health services account appropriation is provided solely to expand maternity care services previously supported through the department of health.

(10) \$3,372,000 of the general fund--state appropriation and \$3,586,000 of the general fund--federal appropriation are provided for chiropractic services.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation \$ 15,406,000

General Fund--Federal Appropriation \$ 68,237,000
TOTAL APPROPRIATION \$ 83,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with mental health regional support networks and with community developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies. Of the funds appropriated in this section, \$7,859,000 of the general fund--federal appropriation is provided solely as match for state appropriations included in other sections of this act to implement these cooperative agreements.

(2) The division of vocational rehabilitation shall assure that individuals affected by reductions in the job support services (extended sheltered employment) program have access to services under the regular state and federal vocational rehabilitation program that will enable them to obtain and maintain ongoing competitive or supported employment.

(3) \$1,015,000 of the general fund--federal appropriation is provided solely for vocational rehabilitation services for individuals with severe disabilities who complete a high school curriculum during the 1993-95 biennium.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation \$ 46,547,000
General Fund--Federal Appropriation \$ 37,420,000
TOTAL APPROPRIATION \$ 83,967,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by December 1, 1993, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved return to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) The department shall enter an interagency agreement transferring \$100,000 to the human rights commission by August 1, 1993, to offset the cost of investigating claims filed with the commission by department employees and clients.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation \$ 219,837,000
General Fund--Federal Appropriation \$ 257,237,000
Health Services Account Appropriation \$ 793,000
TOTAL APPROPRIATION \$ 477,867,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,953,000 of the general fund--state appropriation and \$21,683,000 of the general fund--federal appropriation are provided solely for the development of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) The department shall distribute additional staff positions to community service offices to address increased workloads. In distributing the positions, the department shall ensure that additional staff are provided to the community service offices with the greatest workload in relation to current staff resources.

(3) \$793,000 of the health services account--state and \$969,000 of the general fund--federal appropriation are provided solely for the costs associated with expanding medicaid eligibility to 200 percent of poverty level for children through age 18, effective July 1, 1994.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation \$ 35,763,000
General Fund--Federal Appropriation \$ 178,043,000
General Fund--Local Appropriation \$ 280,000

TOTAL APPROPRIATION \$ 214,086,000

The appropriations in this section are subject to the following conditions and limitations: \$415,000 of the general fund--state appropriation and \$139,000 of the general fund--federal appropriation are provided solely to implement Senate Bill No. 5723 (increased recovery from social service clients). If the bill is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation \$ 30,935,000

General Fund--Federal Appropriation \$ 11,724,000

TOTAL APPROPRIATION \$ 42,659,000

The appropriations in this section are subject to the following conditions and limitations: The department may transfer up to \$1,810,000 of the general fund--state appropriation and \$416,000 of the general fund--federal appropriation from its various programs to implement reductions related to the consolidated mail service.

NEW SECTION. Sec. 215. FOR THE HEALTH CARE COMMISSION

Health Services Account--State Appropriation \$ 4,004,000

NEW SECTION. Sec. 216. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

General Fund Appropriation \$ 6,810,000

Health Services Account Appropriation \$ 139,368,000

State Health Care Authority Administrative Account

Appropriation \$ 10,045,000

TOTAL APPROPRIATION \$ 156,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) From the nonappropriated retired school employees insurance account, the health care authority shall reimburse the department of retirement systems through interagency agreements for enrolling K-12 retirees in a state-administered health benefits plan.

(2) \$1,205,000 of the health services account appropriation is provided solely for health care reform planning. If Engrossed Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(3) \$6,810,000 of the general fund appropriation and \$5,000,000 of the health services account appropriation are provided solely to implement the transfer of the community health clinics funding from the department of health provided in Engrossed Substitute Senate Bill No. 5304 (health care reform).

(4) \$222,000 of the health services account appropriation is provided solely to work with school districts in preparation of providing school employees state-administered health care plans, in accordance with Engrossed Substitute Senate Bill No. 5304 (health care reform).

(5) The health care authority shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$132,941,000 of the health services account appropriation is provided solely for health coverage through the subsidized portion of the basic health plan and program administration. Beginning July 1, 1993, the administrator shall coordinate coverage with the medical assistance division of the department of social and health services to earn federal matching funds and to provide full medical assistance services for eligible children.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation \$ 80,996,000

General Fund--Federal Appropriation \$ 185,242,000

General Fund--Private/Local Appropriation \$ 624,000

Public Safety and Education Account Appropriation \$ 8,402,000

Building Code Council Account Appropriation \$ 1,068,000

Public Works Assistance Account Appropriation \$ 1,192,000

Drug Enforcement and Education Account Appropriation \$ 3,908,000

Low Income Weatherization Account Appropriation \$ 6,582,000

Washington Housing Trust Fund Appropriation \$ 4,643,000

Enhanced 911 Account Appropriation \$ 20,042,000
Administrative Contingency Fund Appropriation \$ 1,476,000
TOTAL APPROPRIATION \$ 314,175,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$4,707,832 of the general fund--state appropriation is provided for emergency food assistance. Of this amount, \$300,000 shall be allocated to food banks in targeted areas as determined by the timber and targeted areas policy office and \$225,000 shall be allocated for food stamp outreach.
- (2) \$8,208,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1994 as follows:
 - (a) \$3,630,255 to local units of government to continue existing local drug task forces;
 - (b) \$1,086,240 to the Washington state patrol for coordination, training, and task force expansion to unserved areas of the state;
 - (c) \$697,128 to the department of community development to continue the state-wide drug prosecution assistance program;
 - (d) \$93,000 to the department of community development to establish a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
 - (e) \$279,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department;
 - (f) \$174,840 to the department of community development to establish the youth violence prevention and intervention project;
 - (g) \$214,830 to the department of community development for the state-wide drug offense indigent defense program;
 - (h) \$782,734 to the department of corrections for the expansion of correctional industries programs. It is the intent of the legislature that this program receive an equal amount of funding from the fiscal year 1995 drug control and system improvement formula grant program appropriation;
 - (i) \$479,000 to the department of community development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
 - (j) \$46,000 to the Washington state patrol for data collection; and
 - (k) \$410,400 to the office of financial management for the criminal history records improvement program.
 - (l) \$128,573 for continuation of the high impact offender prosecution project; and
 - (m) \$186,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.
- (3) \$20,000 of the general fund--state appropriation is provided for the Seattle children's museum.
- (4) \$70,000 of the general fund--state appropriation is provided for emergency medical services support to the Mt. St. Helens national volcanic monument area.
- (5) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$2,400,000 of federal community development block grant funds for distribution to local governments for distribution to community action agencies state-wide.
- (6) \$350,000 of the general fund--state appropriation is provided for financial assistance to local governments and nonprofit organizations to assist military dependent communities including, but not limited to Kitsap county, in diversifying their economies. In providing assistance, first priority shall be given to defense diversification and conversion projects which leverage additional federal funds.
- (7) Within the funds appropriated in this section the department shall use existing staff resources to research the availability of and apply for economic development grants from federal and private sources and to assist state and local organizations in doing the same.
- (8) \$5,118,000 of the general fund--state appropriation is provided for emergency shelter assistance.
- (9) \$12,328,000 of the general fund--state appropriation is provided for grants to local governments for comprehensive planning activities pursuant to the growth management act.
- (10) \$4,800,000 of the public safety and education account appropriation is provided solely for civil representation of indigent people.
- (11) \$3,600,000 of the public safety and education account appropriation is provided solely for the office of crime victim's advocacy and for sexual assault treatment services.
- (12) \$8,268,000 of the general fund--state appropriation and \$41,610,000 of the general fund--federal appropriation are provided for grant administration and grant assistance as authorized by the president under the federal disaster assistance program. It is the intent of the legislature that the disaster assistance unit continue to be funded as disasters occur not on a permanent basis, and that staffing for the unit be kept to only the minimum number of positions necessary to administer the grants and meet other federal and state requirements.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT--FIRE PROTECTION POLICY BOARD. \$4,865,000 is appropriated to the department of community development for the

purposes of the fire protection policy board. Of this amount, \$2,213,000 is from the general fund--state appropriation, \$1,750,000 is from the fire service training account appropriation, \$466,000 is from the state toxics control account appropriation, \$346,000 is from the oil spill administration account appropriation, and \$90,000 is from the fire service trust account appropriation. All expenditures from these funds are subject to the approval of the fire protection policy board. In the event of an across-the-board reduction in general fund allotments under RCW 43.88.110, the percentage reduction in the general--state allotments to the fire protection policy board shall not exceed the percentage reduction to the department's other general fund--state allotments.

NEW SECTION. Sec. 219. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation \$ 3,919,000
General Fund--Federal Appropriation \$ 1,009,000
General Fund--Private/Local Appropriation \$ 402,000
TOTAL APPROPRIATION \$ 5,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,964 of the general fund--private/local appropriation is provided solely for the provision of technical assistance services by the commission.

(2) \$102,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1443 (jurisdiction of the human rights commission). If the bill is not enacted by June 30, 1994, the amount provided in this subsection shall lapse.

(3) \$50,000 of the general fund--state appropriation is provided to implement Substitute House Bill No. 1966 (racial disproportionality study recommendations).

NEW SECTION. Sec. 220. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund Appropriation \$ 110,000
Worker and Community Right-to-Know Account
Appropriation \$ 20,000
Accident Fund Appropriation \$ 10,194,000
Medical Aid Fund Appropriation \$ 10,194,000
TOTAL APPROPRIATION \$ 20,518,000

NEW SECTION. Sec. 221. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000
Public Safety and Education Account Appropriation \$ 10,818,000
Drug Enforcement and Education Account Appropriation \$ 344,000
TOTAL APPROPRIATION \$ 11,200,000

The appropriations in this section are subject to the following conditions and limitations: The public safety and education account appropriation provides sufficient money to implement section 5 of Engrossed Substitute House Bill No. 1569 (malicious harassment).

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation \$ 9,241,000
Public Works Administration--State Appropriation \$ 1,175,000
Public Safety and Education Account State
Appropriation \$ 20,513,000
Public Safety and Education Account Federal
Appropriation \$ 4,783,000
Public Safety and Education Account Private/Local
Appropriation \$ 100,000
Accident Fund--State Appropriation \$ 144,374,000
Accident Fund--Federal Appropriation \$ 7,832,000
Electrical License Fund Appropriation \$ 18,219,000
Farm Labor Revolving Account Appropriation \$ 28,000
Medical Aid Fund--State Appropriation \$ 166,439,000
Medical Aid Fund--Federal Appropriation \$ 1,592,000
Plumbing Certificate Fund Appropriation \$ 227,000
Pressure Systems Safety Fund Appropriation \$ 1,981,000
Worker and Community Right-to-Know Fund
Appropriation \$ 2,170,000
TOTAL APPROPRIATION \$ 378,674,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the legislature by January 1, 1994, on strategies for reducing workers compensation costs in developmental disabilities, juvenile rehabilitation, and mental health facilities operated by the department of social and health services.

(2) The report shall identify the specific 1994-97 costs and savings associated with at least the following strategies for reducing workers compensation claims and costs: (a) Injury prevention strategies; (b) improved returned to work efforts; (c) more effective claims management through designation of a specific claims unit in the department of labor and industries; and (d) more effective claims management through delegation of claims management responsibility to the department of social and health services.

(3) The report shall also address the projected costs and benefits of at least the following strategies for financing injury and claims reduction efforts: (a) Upfront loss control credits; (b) post-biennial charges for actual costs rather than the current three-year actuarially adjusted method; (c) revised case reserve policies; and (d) reducing the number of state employee risk classifications.

(4) The report shall be submitted to the committees on ways and means and labor and commerce of the senate, and to the committees on appropriations and commerce and labor of the house of representatives.

(5) Expenditure of funds appropriated in this section for the information systems projects identified in agency budget requests as "prime migration," "state fund information system," and "safety and health information management system" is conditioned upon compliance with section 902 of this act.

(6) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education act funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) place benefit maximums on treatment; (d) coordinate with the department of social and health services to use public safety and education account funds as the match for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims; and (e) establish priorities for the provision of services to eligible claimants as follows:

- (i) Emergency medical services (inclusive of sexual assault examinations and emergency transportation);
- (ii) Nonemergency medical and outpatient mental health services;
- (iii) Family member mental health services;
- (iv) Direct compensation (wage loss and disability) benefits on future claims; and
- (v) Substance abuse and inpatient mental health services.

(7) \$470,000 of the medical aid fund--state appropriation is provided solely for activities required by Engrossed Second Substitute Senate Bill No. 5304 (health care reform). If the bill is not enacted by July 1, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 223. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation \$ 2,643,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation \$ 20,701,000
General Fund--Federal Appropriation \$ 16,099,000
General Fund--Private/Local Appropriation \$ 10,088,000
Industrial Insurance Premium Refund Account
Appropriation \$ 50,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation \$ 4,000
TOTAL APPROPRIATION \$ 46,942,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation \$ 92,520,000
General Fund--Federal Appropriation \$ 160,977,000
General Fund--Local Appropriation \$ 22,357,000
Hospital Commission Account Appropriation \$ 3,028,000
Medical Disciplinary Account Appropriation \$ 1,806,000
Health Professions Account Appropriation \$ 27,931,000
State Toxics Control Account Appropriation \$ 3,091,000
Drug Enforcement and Education Account Appropriation \$ 467,000
Medical Test Site Licensure Account Appropriation \$ 2,584,000
Safe Drinking Water Account Appropriation \$ 1,850,000
Public Health Services Account Appropriation \$ 20,000,000
Youth Tobacco Prevention Account Appropriation \$ 1,830,000
Water Quality Account Appropriation \$ 2,997,000
Health Services Account Appropriation \$ 11,171,000
TOTAL APPROPRIATION \$ 352,609,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,465,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.
- (2) \$3,900,000 of the public health services account appropriation is provided solely to implement Second Substitute Senate Bill No. 5239 (centralizing poison information services). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.
- (3) \$2,750,000 of the public health services account appropriation is provided solely for teen pregnancy prevention activities as provided in Engrossed Substitute House Bill No. 1408 (teen pregnancy prevention). The media campaign portion of the program shall be provided through a nonprofit corporation.
- (4) \$1,000,000 of the public health services account appropriation is provided solely for a counter message advertising campaign aimed at reducing high risk teen behaviors, reducing tobacco and substance abuse, and encouraging sexual abstinence. The media campaign shall be provided through a nonprofit corporation.
- (5) \$100,000 of the public health services account appropriation is provided solely for the community-based multicultural assistance program.
- (6) \$1,000,000 of the public health services account appropriation is provided solely for immunization programs to include: \$200,000 for provider and public education, \$200,000 for demonstration projects in low-income or economically distressed areas, and \$600,000 for competitive challenge grants to be matched on a one-to-one basis by applicant communities.
- (7) \$1,000,000 of the public health services account appropriation is provided solely for enhanced family planning services.
- (8) \$250,000 of the public health services account appropriation is provided solely for development of the public health services improvement plan.
- (9) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.
- (10) \$1,507,000 of the health services account appropriation is provided solely for improving recruitment and retention of primary care providers in rural and underserved areas.
- (11) \$1,948,000 of the health services account appropriation is provided solely for training emergency medical service personnel.
- (12) \$280,000 of the health services account appropriation is provided solely for malpractice insurance for volunteer primary care providers.
- (13) \$613,000 of the health services account appropriation is provided solely for development of the health personnel improvement plan.
- (14) \$1,918,000 of the health services account appropriation is provided solely for special services for children from throughout the state through Children's hospital.
- (15) \$3,530,000 of the health services account appropriation is provided solely for data activities associated with health care reform.
- (16) \$1,375,000 of the health services account appropriation is provided solely for the state board of health and health policy activities of the department of health.
- (17) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1993. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.
- (18) The department shall assess fees for certification and licensure of emergency medical service programs. Certification and licensure costs for volunteer personnel shall be paid from local government revenues under RCW 84.52.069.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund--State Appropriation	\$ 144,578,000
Drug Enforcement and Education Account Appropriation	\$ 114,000
TOTAL APPROPRIATION	\$ 144,692,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$ 516,108,000
Drug Enforcement and Education Account Appropriation	\$ 1,836,000

Transportation Account Appropriation \$ 1,075,000
TOTAL APPROPRIATION \$ 519,019,000

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund--State Appropriation \$ 25,754,000
Industrial Insurance Premium Refund Account
Appropriation \$ 147,000
TOTAL APPROPRIATION \$ 25,901,000

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation \$ 3,795,000

(5) REVOLVING FUNDS

General Fund--State Appropriation \$ 10,404,000

The appropriations in this section are subject to the following conditions and limitations: Within the appropriations, the department shall address the mental health needs of inmates.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation \$ 2,601,000
General Fund--Federal Appropriation \$ 8,552,000
General Fund--Private/Local Appropriation \$ 80,000
TOTAL APPROPRIATION \$ 11,233,000

NEW SECTION. Sec. 228. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation \$ 662,000

NEW SECTION. Sec. 229. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation \$ 1,397,000
General Fund--Federal Appropriation \$ 144,834,000
General Fund--Local Appropriation \$ 19,982,000
Administrative Contingency Fund--Federal
Appropriation \$ 7,528,000
Unemployment Compensation Administration Fund--Federal
Appropriation \$ 152,409,000
Employment Service Administration Account
Federal Appropriation \$ 11,272,000
Employment Training Trust Fund Appropriation \$ 7,804,000
TOTAL APPROPRIATION \$ 345,226,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(2) \$215,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(3) \$643,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(4) \$304,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$289,000 of the administrative contingency fund--federal appropriation is provided solely for programs authorized in sections 3, 4, 5, and 9 of chapter 315, Law of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits (timber AB screening - UI benefits extensions).

(6) \$671,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse coordinator.

(7) \$778,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse ex-offender program.

(8) \$313,000 of the administrative contingency fund--federal appropriation is provided solely for the corrections clearinghouse career awareness program.

(9) \$1,790,471 of the administrative contingency fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$270,000 of the unemployment compensation account--federal appropriation is provided solely for the resource center for the handicapped.

(11) The employment security department shall spend no more than \$13,778,541 of general fund--federal appropriation for the general unemployment insurance development effort (GUIDE) project.

(12) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1529 (timber programs reauthorization). If Engrossed Substitute House Bill No. 1529 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(13) \$275,000 of the general fund--state appropriation is provided solely to implement a youth gang prevention program. If Engrossed Substitute House Bill No. 1333 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) \$400,000 of the general fund--state appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities.

(15) \$400,000 of the general fund--state appropriation is provided solely to implement the Washington serves program. If Substitute House Bill No. 1969 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(16) \$2,000,000 of the employment and training trust fund appropriation is provided solely for the operation of thirteen job service centers located on community and technical college campuses.

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation	\$ 1,518,000
General Fund--Federal Appropriation	\$ 23,675,000
General Fund--Private/Local Appropriation	\$ 6,769,000
Geothermal Account--Federal Appropriation	\$ 41,000
Building Code Council Account Appropriation	\$ 92,000
Air Pollution Control Account Appropriation	\$ 6,007,000
Industrial Insurance Premium Refund Account Appropriation	\$ 4,000
Energy Efficiency Services Account Appropriation	\$ 1,056,000
TOTAL APPROPRIATION	\$ 39,162,000

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation	\$ 574,000
General Fund--Private/Local Appropriation	\$ 542,000
TOTAL APPROPRIATION	\$ 1,116,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation	\$ 54,625,000
General Fund--Federal Appropriation	\$ 45,061,000
General Fund--Private/Local Appropriation	\$ 1,103,000
Special Grass Seed Burning Research Account Appropriation	\$ 132,000
Reclamation Revolving Account Appropriation	\$ 1,696,000
Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s.	\$ 312,000
Litter Control Account Appropriation	\$ 6,388,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26)	\$ 2,680,000
Industrial Insurance Premium Refund Account Appropriation	\$ 42,000
State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38)	\$ 1,349,000

Stream Gaging Basic Data Fund Appropriation \$ 303,000
 Vehicle Tire Recycling Account Appropriation \$ 7,832,000
 Water Quality Account Appropriation \$ 2,700,000
 Wood Stove Education Account Appropriation \$ 1,382,000
 Worker and Community Right-to-Know Fund
 Appropriation \$ 410,000
 State Toxics Control Account--State Appropriation \$ 55,242,000
 Local Toxics Control Account Appropriation \$ 3,314,000
 Water Quality Permit Account Appropriation \$ 20,714,000
 Solid Waste Management Account Appropriation \$ 11,463,000
 Underground Storage Tank Account Appropriation \$ 2,970,000
 Hazardous Waste Assistance Account Appropriation \$ 4,112,000
 Air Pollution Control Account Appropriation \$ 14,217,000
 Oil Spill Response Account Appropriation \$ 7,256,000
 Oil Spill Administration Account Appropriation \$ 3,738,000
 Fresh Water Aquatic Weed Control Account
 Appropriation \$ 1,686,000
 Air Operating Permit Account Appropriation \$ 4,566,000
 Water Pollution Control Revolving Account--State
 Appropriation \$ 196,000
 Water Pollution Control Revolving Account--Federal
 Appropriation \$ 1,034,000
 Public Works Assistance Account Appropriation \$ 4,000,000
 TOTAL APPROPRIATION \$ 260,523,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,222,000 of the general fund--state appropriation and \$1,071,000 of the general fund--federal appropriation are provided for the implementation of the Puget Sound water quality management plan.

(2) \$7,800,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. Expenditure of the amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$400,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the regional pilot projects started in the 1991-93 biennium.

(4) \$3,100,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(5) \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1089, reauthorizing air operating permits. If Engrossed Substitute House Bill No. 1089 is not enacted by June 30, 1993, \$4,566,000 of the air operating permit fee account appropriation and \$642,000 of the air pollution control account appropriation shall lapse.

(6) Of the solid waste management account appropriation, \$6,100,000 is provided solely for grants to local governments to implement waste reduction and recycling programs, \$75,000 is provided solely for grants to local governments for costs related to contaminated oil collected from publicly used oil collection facilities, and \$40,000 is provided solely for school recycling awards. If Second Substitute Senate Bill No. 5288 is not enacted by June 30, 1993, \$10,200,000 of the solid waste management account appropriation and the amounts provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for the continued implementation of the water resources data management system.

(8) For fiscal year 1994, \$3,750,000 of the general fund--state appropriation is provided to administer the water rights permit program. For fiscal year 1995, not more than \$1,375,000 of the general fund--state appropriation may be expended for the program unless legislation to increase fees to fund fifty percent of the full cost of the water rights permit program, including data management, is enacted by June 30, 1994.

(9) \$1,175,000 of the reclamation revolving account appropriation is provided solely for the administration of the well drilling program. If House Bill No. 1806 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(10) The department of ecology shall cooperate with the department of community development and shall carry out its responsibility under the federally required April 20, 1992, flood hazard reduction mitigation plan.

Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirements, in consultation with the office of financial management.

(11) \$3,250,000 of the general fund--state appropriation is provided for funding labor-intensive environmental restoration projects, including projects using the Washington conservation corps. In awarding grant contracts, the department shall give priority to projects which implement watershed action plans. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.

(12) \$256,000 of the general fund--state appropriation is provided to identify and designate regional water resource planning areas in the central Puget Sound region and to prepare one or more comprehensive water resource plans for the designated area or areas. To assist in preparing the report, the department shall assemble representatives from state agencies, local governments and tribal governments. The report shall identify suggested boundaries, water resource issues relevant to each planning area, and public and private groups having specific interests in the region's water resource issues. The report shall be provided to the governor and the appropriate committees of the legislature by March 15, 1994. Within 90 days thereafter, the governor shall direct the development of a comprehensive water resources plan or plans required by RCW 90.54.040(1). Any amount of this appropriation in excess of \$156,000 shall not be expended unless matched by an equal amount from utilities and local governments.

(13) \$238,000 of the water quality permit account appropriation is provided solely for implementation of Substitute House Bill No. 1169 (marine finfish). If Substitute House Bill No. 1169 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(14) Within the appropriations provided in this section, sufficient funds are provided to implement sections 8 through 15 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program \$ 906,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation \$ 54,130,000
General Fund--Federal Appropriation \$ 1,948,000
General Fund--Private/Local Appropriation \$ 1,280,000
Winter Recreation Program Account Appropriation \$ 879,000
ORV (Off-Road Vehicle) Account Appropriation \$ 242,000
Snowmobile Account Appropriation \$ 1,636,000
Public Safety and Education Account Appropriation \$ 48,000
Litter Control Account Appropriation \$ 34,000
Motor Vehicle Fund Appropriation \$ 1,174,000
Oil Spill Administration Account Appropriation \$ 64,000
Aquatic Lands Enhancement Account Appropriation \$ 316,000
TOTAL APPROPRIATION \$ 61,751,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the general fund--state appropriation is provided to implement the Puget Sound water quality management plan.

(2) \$7,700,000 of the general fund--state appropriation is provided contingent upon the adoption and implementation of a fee schedule by the state parks and recreation commission that provides a like amount of revenue above the 1993-95 forecast for fees authorized under RCW 43.51.060(6) for fees in place as of January 1, 1993. Fees shall be based on the extent to which a facility is developed and maintained for year-round use. Maximum boat launch fees shall be assessed only at water access facilities where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis. Reduced fees may be assessed at water access facilities that are unimproved. Seasonal day area parking fees shall not be assessed. This subsection shall not preclude the assessment of a flat annual fee for use of all water access facilities and other state park facilities throughout the state.

(3) \$2,824,000 of the general fund--state appropriation is provided solely to address stewardship needs for state parks. Of this amount, \$1,800,000 is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation \$ 2,541,000
Outdoor Recreation Account--Federal Appropriation \$ 34,000
Firearms Range Account Appropriation \$ 25,000
TOTAL APPROPRIATION \$ 2,600,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ 1,180,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 is provided solely for the increased costs associated with a half-time administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation \$ 23,026,000

General Fund--Federal Appropriation \$ 458,000

General Fund--Local Appropriation \$ 40,000

Marketplace Account Appropriation \$ 150,000

Motor Vehicle Fund Appropriation \$ 582,000

Public Facilities Construction Loan Revolving

Account Appropriation \$ 238,000

Litter Control Account Appropriation \$ 3,310,000

State Convention/Trade Center Account Appropriation \$ 3,975,000

Solid Waste Management Account Appropriation \$ 701,000

TOTAL APPROPRIATION \$ 32,480,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided for operation of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$160,000 from port associations for the operation of the office. The appropriation is further contingent upon an additional expenditure of \$15,000 by port associations for promotional activities in direct support of the office.

(2) The entire litter control account appropriation and the entire solid waste management account appropriation are provided for operating the clean Washington center created in chapter 319, Laws of 1991.

(3) The department shall evaluate the progress of the forest products industry's transition into value-added manufacturing and report its findings to the appropriate legislative fiscal and policy committees by September 30, 1994. The report shall recommend strategies for sustaining the effort to increase value-added manufacturing in Washington while decreasing the reliance on state funding.

(4) \$6,065,000 of the general fund--state appropriation is provided for the Washington technology center.

(5) The marketplace account is created in the state treasury to collect fees and expend funds necessary to implement RCW 43.31.524. Fees and other revenue collected by the marketplace program shall be placed in the marketplace account and may be expended only after appropriation by the legislature. The entire marketplace account appropriation is provided to support the department's marketplace program.

(6) The entire amount from the state convention and trade center account appropriation is provided solely for the Seattle/King county visitor and convention bureau for marketing and promoting the facilities and services of the convention center and the locale as a convention and visitor destination, and related activities. The department shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3), less any amount specifically provided to the state convention and trade center under section 316 of this act. Projections and actual collections of such revenue shall be determined and updated by the department of revenue. The funds provided in this section are subject to enactment of a marketing agreement to be approved and administered by the state convention and trade center.

(7) \$1,000,000 of the general fund--state appropriation is provided to enhance the off-season tourism program.

(8) \$292,000 of the general fund--state appropriation and \$208,000 of the general fund--federal appropriation are provided for the local economic development capacity building initiative.

(9) \$250,000 of the general fund--state appropriation is provided for sections 5 and 6, and sections 16 through 27 of Engrossed Substitute House Bill No. 1493 (minority and women-owned businesses).

(10) \$50,000 of the general fund--state appropriation is provided for the department to work with the Tacoma world trade center for the purpose of assisting small and medium-sized businesses with export opportunities.

(11) Not more than \$774,000 of the general fund--state appropriation may be expended for the operation of the Pacific Northwest export assistance project. The department shall develop and implement a plan for assessing fees for services provided by the project. The amount provided in this subsection is contingent on the receipt of revenues equal to at least twenty-five percent of the expenditures for fiscal year 1995. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996, seventy-five percent of the expenditures in fiscal year 1997, and beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(12) \$40,000 of the general fund--state appropriation is provided to establish an overseas trade office to be located in the Russian far east. An additional \$40,000 of the general fund--state appropriation shall be held in reserve and shall be released only upon receipt of at least \$40,000 from the ports association or other public entities for the operation of the office. The office is expressly prohibited from accepting any gifts, contributions, or donations of private funds or assistance. It is also the legislature's intent that the trade office remain a publicly owned and operated office for the primary benefit of Russian and Washington state businesses.

(13) In implementing the appropriations set forth in this section, the department shall minimize disproportionate impacts on any programs.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation \$ 1,670,000
Water Quality Account Appropriation \$ 202,000
TOTAL APPROPRIATION \$ 1,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$371,800 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$750,000 of the general fund appropriation is provided solely for basic operation grants to conservation districts.

(4) \$158,000 of the general fund appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1309 (wild salmonid protection).

NEW SECTION. Sec. 310. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation \$ 3,059,000
General Fund--Federal Appropriation \$ 202,000
Water Quality Account Appropriation \$ 946,000
TOTAL APPROPRIATION \$ 4,207,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$232,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$681,000 of the general fund--state appropriation is provided solely to implement additional provisions of the Puget Sound water quality management plan.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation \$ 55,740,000
General Fund--Federal Appropriation \$ 25,048,000
General Fund--Private/Local Appropriation \$ 9,609,000
Aquatic Lands Enhancement Account Appropriation \$ 4,092,000
Oil Spill Administration Account Appropriation \$ 388,000
Recreational Fish Enhancement--State
Appropriation \$ 4,049,000
TOTAL APPROPRIATION \$ 98,926,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,136,418 of the general fund--state appropriation is provided to implement the Puget Sound water quality management plan.

(2) \$1,441,000 of the aquatic lands enhancement account appropriation is provided solely for wildstock restoration programs for salmon species outside of the Columbia river basin. Work will include the development, implementation and evaluation of specific stock restoration plans. The department of fisheries shall provide a progress report to the governor and appropriate legislative committees by September 6, 1994.

(3) \$546,000 of the aquatic lands enhancement account appropriation is provided solely for shellfish management and enforcement.

(4) \$200,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries in defending the state and public interest in tribal halibut litigation (*United States v. Washington* subproceeding 91-1 and *Makah v. Mosbacher*). The attorney general costs shall be paid as an interagency reimbursement.

(5) \$450,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(6) The department of fisheries shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan.

Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(7) Within the appropriations provided in this section, sufficient funds are provided to implement sections 1 through 6 of Second Engrossed Substitute House Bill No. 1309 (wild salmonids).

(8) \$3,200,000 of the general fund--state appropriation is contingent upon the enactment of Substitute Senate Bill No. 5980 (fishing licenses). If Substitute Senate Bill 5980 is not enacted by June 30, 1993, \$3,200,000 of the general fund--state appropriation shall lapse.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation \$ 10,226,000
ORV (Off-Road Vehicle) Account Appropriation \$ 480,000
Aquatic Lands Enhancement Account Appropriation \$ 1,112,000
Public Safety and Education Account Appropriation \$ 590,000
Wildlife Fund--State Appropriation \$ 50,723,000
Wildlife Fund--Federal Appropriation \$ 32,101,000
Wildlife Fund--Private/Local Appropriation \$ 12,402,000
Game Special Wildlife Account Appropriation \$ 1,012,000
Oil Spill Administration Account Appropriation \$ 548,000
TOTAL APPROPRIATION \$ 109,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$482,145 of the general fund appropriation is provided to implement the Puget Sound water quality management plan.

(2) The department of wildlife shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(3) \$1,000,000 of the general fund appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$900,000 is provided for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$140,000 of the general fund appropriation is provided for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

NEW SECTION. Sec. 313. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation \$ 49,394,000
General Fund--Federal Appropriation \$ 906,000
General Fund--Private/Local Appropriation \$ 264,000
ORV (Off-Road Vehicle) Account Appropriation \$ 3,092,000
Forest Development Account Appropriation \$ 37,652,000
Survey and Maps Account Appropriation \$ 1,519,000
Aquatic Lands Enhancement Account Appropriation \$ 2,524,000
Surface Mining Reclamation Account Appropriation \$ 1,271,000
Resource Management Cost Account Appropriation \$ 82,107,000
Aquatic Land Dredged Material Disposal Site
Account Appropriation \$ 830,000
Air Pollution Control Account Appropriation \$ 1,252,000
Natural Resources Conservation Areas Stewardship
Account Appropriation \$ 1,119,000
Oil Spill Administration Account Appropriation \$ 130,000
Litter Control Account Appropriation \$ 506,000
Industrial Insurance Premium Refund Account
Appropriation \$ 98,000
TOTAL APPROPRIATION \$ 182,664,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,072,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$993,000 of the appropriations in this section are provided to implement the Puget Sound water quality management plan.

(3) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.

(4) \$1,500,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$1,350,000 shall be expended for the Washington conservation corps program established under chapter 43.220 RCW.

(5) \$1,271,000 of the surface mining reclamation account is provided solely for surface mining regulation activities.

(6) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(7) \$3,250,000 of the general fund--state appropriation is provided solely to fund labor-intensive natural resource and forest restoration projects. In providing forest related employment opportunities, the department shall give first priority to hiring workers unemployed as a result of reduced timber supply. If the governor convenes an environmental restoration task force, then projects funded from the amount provided in this subsection shall be subject to review by the task force.

(8) The department of natural resources shall cooperate with the department of community development and shall carry out its responsibilities under the federally required April 20, 1992, flood hazard reduction mitigation plan. Specifically, the department shall implement the duties outlined in the flood reduction matrix dated December 18, 1992, or as amended by federal requirement, in consultation with the office of financial management.

(9) \$60,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system.

(10) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of Spartina.

(11) \$1,555,000 of the general fund--state appropriation is provided solely for increased workload associated with forest practice compliance and watershed management.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation \$ 13,462,000

General Fund--Federal Appropriation \$ 4,320,000

State Toxics Control Account Appropriation \$ 1,103,000

Weights and Measures Account Appropriation \$ 864,000

TOTAL APPROPRIATION \$ 19,749,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan element NP-6. The department shall provide technical assistance to local governments in the process of developing watershed management plans.

(2) \$300,000 of the general fund--state appropriation and the entire weights and measures account appropriation are provided solely for the department's weights and measures program.

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation \$ 19,471,000

The appropriation in this section is subject to the following conditions and limitations: \$810,000 of the revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3) is provided solely for marketing the facilities and services of the convention center and for promoting the locale as a convention and visitor destination, and for related activities.

NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation \$ 4,198,000

State Toxics Control Account Appropriation \$ 298,000

TOTAL APPROPRIATION \$ 4,496,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$963,000 of the oil spill administration account appropriation is provided solely for the implementation of a field operations program in accordance with Substitute House Bill No. 1144. The marine oversight board shall provide an assessment of the work plan to implement the office of marine safety's field operations program. A report containing the marine oversight board's assessment of the field operations program, including recommendations for the allocation of resources, shall be submitted to the office of financial management, the office of marine safety, and appropriate committees of the legislature by August 1, 1993.

(2) The marine oversight board shall prepare a report that prioritizes state agencies' spill prevention and response activities on the marine waters of the state. The report shall be submitted to the office of financial management and the appropriate committees of the legislature by October 1, 1994.

NEW SECTION. Sec. 318. FOR THE GROWTH PLANNING HEARINGS BOARD
General Fund Appropriation \$ 3,028,000

PART IV
TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING
General Fund Appropriation \$ 6,536,000
Architects' License Account Appropriation \$ 1,040,000
Cemetery Account Appropriation \$ 216,000
Health Professions Account Appropriation \$ 521,000
Funeral Directors and Embalmers Account
Appropriation \$ 521,000
Mortgage Broker Licensing Account
Appropriation \$ 187,000
Professional Engineers' Account Appropriation \$ 2,509,000
Real Estate Commission Account Appropriation \$ 7,155,000
Uniform Commercial Code Account Appropriation \$ 5,246,000
Real Estate Education Account Appropriation \$ 618,000
Master Licensing Account Appropriation \$ 6,747,000
TOTAL APPROPRIATION \$ 30,755,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) If House Bill No. 2119 (professional athletic commission) is not enacted by June 30, 1993, the general fund appropriation shall be reduced by \$54,000.
- (2) \$33,000 of the uniform commercial code account appropriation is provided solely to implement revisions to the uniform commercial code article governing bulk sales. If Substitute House Bill No. 1013 is not enacted by June 30, 1993, \$33,000 of the uniform commercial code account appropriation shall lapse.
- (3) \$9,000 of the general fund appropriation is provided solely to implement registration of employment listing agencies. If Engrossed Substitute House Bill No. 1496 is not enacted by June 30, 1993, \$9,000 of the general fund appropriation shall lapse.
- (4) \$87,000 of the general fund appropriation is provided solely to implement bail bond agent licensing. If Substitute House Bill No. 1870 is not enacted by June 30, 1993, \$87,000 of the general fund appropriation shall lapse.
- (5) If Substitute Senate Bill No. 5026 is not enacted by June 30, 1993, the entire funeral directors and embalmers account appropriation is null and void. If Substitute Senate Bill No. 5026 is enacted by June 30, 1993, the entire health professions account appropriation is null and void.
- (6) \$47,000 of the architects' license account appropriation is provided solely for implementing revised architect experience requirements. If Engrossed Senate Bill No. 5545 is not enacted by June 30, 1993, \$47,000 of the architects' license account appropriation shall lapse.
- (7) \$187,000 of the mortgage broker licensing account appropriation is provided solely to implement a temporary licensing program for mortgage brokers. If Substitute Senate Bill No. 5829 is not enacted by June 30, 1993, \$187,000 of the mortgage broker licensing account appropriation shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL
General Fund--State Appropriation \$ 14,223,000
General Fund--Federal Appropriation \$ 1,037,000
General Fund--Private/Local Appropriation \$ 184,000
Death Investigations Account Appropriation \$ 24,000
Public Safety and Education Account Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 16,468,000

The appropriations in this section are subject to the following conditions and limitations: \$802,000 of the general fund--state appropriation is provided solely for the lease purchased upgrade and capacity increase of the Automated Fingerprint Identification System subject to office of financial management approval of a completed feasibility study. The feasibility study will include: The steps and costs required to achieve interoperability with local government fingerprint systems, compliance with the proposed federal bureau of investigation fingerprint standards, a discussion of the issues and costs associated with the potential adoption of "live scan" technology as they relate to the proposed upgrade, the interruption of service that may occur during conversion to the proposed new system, and the long term stability of maintenance contract charges.

PART V
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation \$ 34,414,000
General Fund--Federal Appropriation \$ 33,106,000
Public Safety and Education Account Appropriation \$ 338,000
Drug Enforcement and Education Account Appropriation \$ 3,197,000
TOTAL APPROPRIATION \$ 71,055,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$304,000 of the general fund--state appropriation is provided solely to upgrade the student data collection capability of the superintendent of public instruction.

(b) \$423,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(c) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(d) \$70,000 of the general fund--federal appropriation is provided solely for special services demonstration projects and shall be expended in conformance with chapter II of the elementary and secondary school improvement amendments (P.L. 100-297).

(e) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(f) \$10,000 of the general fund--state appropriation is provided solely for a contract through the Washington State Institute for Public Policy at The Evergreen State College for a bilingual education conference to disseminate information on best practices in bilingual instruction, including model programs from other states, and to develop strategies for incorporating the most effective instructional methods into the state's bilingual curriculum.

(2) STATE-WIDE PROGRAMS

(a) \$100,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) \$62,000 of the general fund--state appropriation is provided for operation of a K-2 education program at Pt. Roberts by the Blaine school district.

(c) \$2,415,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific science center.

(d) \$70,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$2,949,000 of the general fund--state appropriation is provided for educational clinics, including state support activities.

(f) \$3,437,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(g) \$4,855,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30B as developed on May 4, 1993, at 11:00 a.m.

(h) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(i) Districts receiving allocations from subsection (2) (f) and (g) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 6,019,646,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for certificated staff salaries for the 1993-94 and 1994-95 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for grades K-12, excluding full time equivalent handicapped enrollment recognized for funding purposes under section 507 of this act;

(ii) 49 certificated instructional staff units, as required in RCW 28A.150.260(2)(b), for grades K-3, excluding full time equivalent handicapped students ages six through eight;

(iii) An additional 5.3 certificated instructional staff units for grades K-3;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater.

(B) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units for grades 4-12, excluding full time equivalent handicapped students ages nine and above; and

(b) For school districts with a minimum enrollment of 250 full time equivalent students whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and

additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1993-94 and 1994-95 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades K-12, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.29 percent in the 1993-94 school year and 21.29 percent in the 1994-95 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.73 percent in the 1993-94 school year and 18.73 percent in the 1994-95 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,251 per certificated staff unit in the 1993-94 school year and a maximum of \$7,468 per certificated staff unit in the 1994-95 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,817 per certificated staff unit in the 1993-94 school year and a maximum of \$14,231 per certificated staff unit in the 1994-95 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1993-94 school year and \$341 per year for the 1994-95 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1992-93 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$4,945,000 outside the basic education formula during fiscal years 1994 and 1995 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$409,000 may be expended in fiscal year 1994 and a maximum of \$410,000 may be expended in fiscal year 1995.

(b) For summer vocational programs at skills centers, a maximum of \$1,905,000 may be expended in fiscal year 1994 and a maximum of \$1,924,000 may be expended in fiscal year 1995.

(c) A maximum of \$297,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 1.0 percent from the 1992-93 school year to the 1993-94 school year, and 1.0 percent from the 1993-94 school year to the 1994-95 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12B, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12B.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12B" means the computerized tabulation of 1992-93, 1993-94, and 1994-95 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 5, 1993, at 04:19 hours.

(3)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1993-94 and 1994-95 school years:

1993-94 AND 1994-95 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of
Service BA BA+15 BA+30 BA+45 BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,127	22,724	23,344	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,680
4	24,361	25,036	25,710	26,490	28,597
5	25,162	25,854	26,548	27,386	29,528
6	25,997	26,687	27,418	28,317	30,491
7	26,845	27,552	28,302	29,259	31,486
8	27,706	28,452	29,219	30,255	32,513
9	29,384	30,188	31,262	33,572	
10	31,170	32,320	34,662		
11	33,410	35,803			
12	34,465	36,973			
13	38,173				
14	39,379				
15 or more		40,403			

Years of
Service BA+135 MA MA+45 MA+90

or PHD

0	26,374	25,687	27,616	28,858
1	27,227	26,467	28,452	29,711
2	28,113	27,282	29,300	30,597
3	29,034	28,110	30,164	31,518
4	29,988	28,974	31,081	32,472

5	30,975	29,870	32,012	33,459
6	31,974	30,801	32,975	34,458
7	33,026	31,743	33,970	35,510
8	34,109	32,739	34,997	36,593
9	35,223	33,745	36,057	37,707
10	36,367	34,804	37,146	38,851
11	37,542	35,894	38,287	40,026
12	38,766	37,027	39,458	41,250
13	40,019	38,198	40,657	42,503
14	41,319	39,405	41,942	43,803
15 or more	42,394	40,429	43,032	44,942

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(4) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1992-93 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(5) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(6) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(7) It is the intent of the legislature to freeze salaries for all employees above a certain salary level during the 1993-95 biennium. In order to maintain equity and fairness across all employee groups, the legislature encourages school districts and educational service districts not to grant salary increases to administrative employees who earn more than \$45,000 a year.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT ADJUSTMENTS

General Fund Appropriation \$ 22,570,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$317.79 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1994-95 school year, effective October 1, 1994, to a rate of \$350.25 as distributed pursuant to this section. The rates specified in this section are subject to revision each year by the legislature.

(a) Effective October 1, 1994, for the 1994-95 school year, an increase of \$32.46 in insurance benefit allocations per month is provided for state-funded staff units in the following programs: General apportionment under section 502(5) of this act; handicapped program under section 507 of this act; educational service districts under section 509 of this act; and institutional education under section 512 of this act.

(b) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1, 1994, the maximum rate adjustments provided on an annual basis under this section for the 1994-95 school year are:

(i) For pupil transportation, an increase of \$.30 per weighted pupil-mile for the 1994-95 school year;

(ii) For learning assistance, an increase of \$8.11 per pupil for the 1994-95 school year;

(iii) For education of highly capable students, an increase of \$2.06 per pupil for the 1994-95 school year;

(iv) For transitional bilingual education, an increase of \$5.25 per pupil for the 1994-95 school year.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 351,143,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) A maximum of \$795,000 may be expended for regional transportation coordinators. However, to the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.74 in the 1993-94 school year and \$1.80 in the 1994-95 school year per weighted pupil-mile.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the appropriate policy and fiscal committees of the legislature concerning the use of these moneys by November 1, 1993.

(5) The superintendent of public instruction shall evaluate current and alternative methods of purchasing school buses and propose the most efficient and effective method for purchasing school buses. The superintendent shall submit a report to the house appropriations committee and the senate ways and means committee by December 15, 1993. Any future proposals for purchasing school buses for schools in the state of Washington shall incorporate the most cost effective method found as a result of this evaluation.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation \$ 6,000,000

General Fund--Federal Appropriation \$ 183,616,000

TOTAL APPROPRIATION \$ 189,616,000

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation \$ 867,311,000

General Fund--Federal Appropriation \$ 98,684,000

TOTAL APPROPRIATION \$ 965,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1993-94 and 1994-95 school years in accordance with districts' handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 22, 1993, at 13:13 hours, and in accordance with Substitute Senate Bill No. 5727 (Title XIX funding), if enacted.

(3) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(5) The superintendent of public instruction shall distribute salary and fringe benefit allocations for state supported staff units in the handicapped education program in the same manner as is provided for basic education program staff.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation \$ 16,979,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Not more than \$507,000 may be expended for regional traffic safety education coordinators. To the extent practicable, the superintendent of public instruction shall consolidate the functions of the regional transportation coordinators and regional traffic safety education coordinators in order to increase efficiency in the delivery of services state-wide.

(3) A maximum of \$137.16 per student completing the program may be expended in the 1993-94 and 1994-95 school years.

(4) An additional \$66.81 may be expended to provide tuition assistance for students from low-income families who complete the program in the 1993-94 and 1994-95 school years.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 9,891,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$400,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5889 (collaborative development school projects). If the bill is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(4) \$400,000 in savings is assumed from implementation of the efficiency and boundary study as provided in section 521 of this act and RCW 28A.500.010.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 149,596,000

The appropriation in this section is provided for state matching funds pursuant to House Bill No. 2066 and in allocating this appropriation, the superintendent shall prorate these funds as required. However, in the 1993-95 biennium, each district shall receive at least 96.5 percent of the amount the district received in the 1991-93 biennium unless the district's eligibility for 1993-95 local effort assistance allocations under the current law (prior to the enactment of House Bill No. 2066) would be less than the district's 1991-93 allocations.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation \$ 197,950,000

(1) Education Consolidation and Improvement Act \$ 197,580,000

(2) Education of Indian Children \$ 370,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ 22,869,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 31,417,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) Average staffing ratios for each category of institution shall not exceed the rates specified in the legislative budget notes.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 8,983,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1992-93 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full time equivalent basic education act enrollment.

(3) \$435,000 of the appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 46,940,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) The superintendent shall distribute a maximum of \$628.90 per eligible bilingual student in the 1993-94 and the 1994-95 school years.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 108,456,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.
- (3) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1993-94 and 1994-95 school years at a maximum rate of \$470 per student eligible for learning assistance programs.
- (4) The superintendent of public instruction shall develop a new allocation formula as required under section 520 of this act.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund Appropriation \$ 47,832,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1992-93 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.
- (3) Allocations to school districts shall be calculated on the basis of full time enrollment at an annual rate of up to \$26.30 per student. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
 - (a) Enrollment of not more than 60 average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
 - (b) Enrollment of not more than 20 average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
 - (c) Enrollment of not more than 60 average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.
- (4) Receipt by a school district of one-fourth of the district's allocation of funds under this section for the 1994-95 school year, as determined by the superintendent of public instruction, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to Substitute Senate Bill No. 5727 (Title XIX funding). If Substitute Senate Bill No. 5727 is not enacted by June 30, 1993, the limitations imposed by this subsection shall not take effect.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATIONAL REFORM PROGRAMS

General Fund Appropriation \$ 57,990,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$23,000,000 is provided solely for resources and planning time for the 1994-95 school year for certificated staff to implement education reform under the requirements of Engrossed Substitute House Bill No. 1209 (education reform).
- (2) \$2,190,000 is provided solely for paraprofessional training for classified staff. Resources and planning time for classified staff will be provided through the paraprofessional training program funded in this act.
- (3) \$3,900,000 is provided solely for the twenty-first century pilot programs for the remaining months of the 1992-93 school year and for the 1993-94 school year.

(4) \$3,317,000 is provided solely for the operation of the commission on student learning under Engrossed Substitute House Bill No. 1209 (education reform). The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(5) \$1,683,000 is provided solely for development of assessments as required in Engrossed Substitute House Bill No. 1209 (education reform).

(6) \$1,800,000 is provided for school-to-work transition projects in the common schools, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform) and Engrossed Substitute House Bill No. 1820 (school-to-work transition).

(7) \$3,300,000 is provided for mentor teacher assistance, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform). Of this amount, \$400,000 is provided to establish one to three pilot projects pairing full-time mentor teachers with experienced teachers who are having difficulties and full-time mentor teachers with beginning teachers, as authorized under section 402 of Engrossed Substitute House Bill No. 1209.

(8) \$900,000 is provided for superintendent and principal internships, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(9) \$4,500,000 is provided for improvement of technology infrastructure and educational technology support centers, including state support activities, under Engrossed Substitute House Bill No. 1209 (education reform).

(10) \$8,000,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to part IX of Engrossed Substitute House Bill No. 1209 (education reform).

(11) \$5,000,000 is provided solely for the meals for kids program under Substitute Senate Bill No. 5971 (school meals) and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs.

(b) \$4,558,000 is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(12) \$400,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction as specified in section 501 of Engrossed Substitute House Bill No. 1209.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The appropriations in sections 502, 505, 507, 509, 512, 513, 515, and 516 of this act include amounts sufficient for state retirement system contributions by school districts and educational service districts to implement Engrossed Substitute Senate Bill No. 5888 (pension improvements).

Sec. 520. RCW 28A.165.070 and 1990 c 33 s 150 are each amended to read as follows:

Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs.

(1) For the 1993-94 and 1994-95 school years, the superintendent of public instruction shall distribute funds appropriated for the learning assistance program in accordance with the biennial appropriations act.

(2) For the 1995-96 school year and thereafter and unless modified under subsection (4) of this section, the superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to RCW 28A.155.010 through 28A.155.100, in distributing state funds for learning assistance.

(3) The distribution formula in this section is for allocation purposes only.

(4) The superintendent of public instruction shall recommend to the legislature a new allocation formula for use in the 1995-97 fiscal biennium that uses additional elements consistent with performance-based education and the new assessment system developed by the commission on student learning. The superintendent may request a delay in development of the new allocation formula if the commission's assessment system is not available for use in the 1995-97 biennium.

NEW SECTION. Sec. 521. EDUCATIONAL SERVICE DISTRICTS. It is the intent of the legislature that the superintendent of public instruction in conjunction with the state board of education conduct a study of educational service district boundaries. The purpose of the study shall be to develop a more cost effective and efficient service delivery system for educational service district programs. As soon as practicable, the superintendent

of public instruction shall develop and submit a reorganization proposal to the state board of education for implementation by July 1, 1994.

Sec. 522. RCW 28A.310.020 and 1990 c 33 s 270 are each amended to read as follows:

The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010(~~(:—PROVIDED, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot)~~). Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: (1) Size, population, topography, and climate of the proposed district; and (2) costs associated with the governance, administration, and operation of the educational service district system in whole or part.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

PART VI
HIGHER EDUCATION

NEW SECTION. Sec. 601. HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.

(2) The general fund--state appropriations in sections 602 through 608 of this act represent significant reductions in current funding levels. In order to provide each institution of higher education with the capability of effectively managing within their unique requirements, some flexibility in implementing these reductions is permitted. This will assure the continuation of the highest quality higher education system possible within available resources. In establishing spending plans for the next biennium, each institution shall address the needs of its students in keeping with the following directives: (a) Establishing reductions of a permanent nature by avoiding short term solutions; (b) not reducing enrollments below budgeted levels; (c) maintaining the current resident to nonresident student proportions; (d) protecting undergraduate programs and support services; (e) protecting assessment activities; (f) protecting minority recruitment and retention efforts; (g) protecting the state's investment in facilities; (h) using institutional strategic plans as a guide for reshaping institutional expenditures; and (i) increasing efficiencies through administrative reductions, program consolidation, the elimination of duplication, the use of other resources, and productivity improvements. Each institution of higher education and the state board for community and technical colleges shall submit a report to the legislative fiscal committees by July 1, 1993, on their spending plans for the 1993-95 biennium. The report should address the approach taken with respect to each of the directives in this subsection. A second report responding to the same directives shall be submitted by November 1, 1993, which describes the implementation of the spending plan and its effects.

(3) The appropriations in sections 602 through 608 of this act provide state general fund support for student full time equivalent enrollments at each institution of higher education. The state general fund budget is further premised on a level of specific student tuition revenue collected into and expended from the institutions of higher education--general local accounts. Listed below are the annual full time equivalent student enrollments by institution assumed in this act.

1993-94 1994-95
Annual Annual
Average Average
FTE FTE

University of Washington		
Main campus	29,762	29,826
Evening Degree Program	465	525
Tacoma branch	450	490
Bothell branch	427	449
Washington State University		
Main campus	15,965	15,991
Spokane branch	248	258
Tri-Cities branch	519	541
Vancouver branch	511	595

Central Washington University 6,666 6,810
Eastern Washington University 7,429 7,573

The Evergreen State College 3,226 3,258
Western Washington University 9,216 9,360
State Board for Community and
Technical Colleges 107,670 110,386
Higher Education Coordinating
Board 50 50

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation \$ 676,763,000
General Fund--Federal Appropriation \$ 11,403,000
Industrial Insurance Premium Refund
Account Appropriation \$ 12,000
Employment and Training Trust
Fund Appropriation \$ 35,120,000

TOTAL APPROPRIATION \$ 723,298,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,883,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).
- (2) \$35,120,000 of the employment and training trust fund appropriation is provided solely for training and related support services specified in Engrossed Substitute House Bill No. 1988 (employment and training). Of this amount:
 - (a) \$27,630,000 shall provide enrollment opportunity for 3,500 full time equivalent students in fiscal year 1994 and 5,000 full time equivalent students in fiscal year 1995. The state board for community and technical colleges shall allocate the enrollments, with a minimum of 225 each year to Grays Harbor College;
 - (b) \$3,245,000 shall provide child care for the children of the student enrollments funded in (a) of this subsection;
 - (c) \$500,000 shall provide transportation funding for the student enrollments funded in (a) of this subsection;
 - (d) \$3,745,000 shall provide financial aid for the student enrollments funded in (a) of this subsection.If Engrossed Substitute House Bill No. 1988 is not enacted by June 30, 1993, this appropriation shall lapse.
- (3) \$3,425,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.
- (4) \$1,412,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.
- (5) For purposes of RCW 28B.15.515(2), there is no upper enrollment variance limit and college districts may enroll students above the general fund--state level.
- (6) The appropriations in this section shall not be used for salary increases including increments, but may be used for increments required to be paid under chapter 41.06 RCW except as restricted under section 913 of this act.
- (7) \$150,000 of the general fund--state appropriation is provided solely for the two-plus-two program at Olympic College.
- (8) \$3,364,000 of the general fund--state appropriation is provided solely for instructional equipment for technical colleges.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ 507,618,000
Medical Aid Fund Appropriation \$ 3,756,000
Accident Fund Appropriation \$ 3,762,000
Death Investigations Account Appropriation \$ 1,282,000
Oil Spill Administration Account Appropriation \$ 236,000
Health Services Account Appropriation \$ 5,800,000
TOTAL APPROPRIATION \$ 522,454,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,004,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus.
- (2) \$10,499,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.
- (3) The University of Washington shall prepare a plan to remedy the cause of disparate market gaps in compensation for professional/exempt employees and librarians. The plan shall be presented to the legislative fiscal and policy committees by January 1, 1994.
- (4) \$2,300,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5304 (health care reform) to increase the supply of primary health care

providers. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(5) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(6) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.

(7) \$2,900,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(9) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(10) The University of Washington shall maintain essential requirements level funding for the family practice residency network within the school of medicine.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 292,460,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ 293,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,338,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$6,420,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$7,062,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$85,000 of the general fund appropriation is provided solely for the implementation of section 7 of Second Engrossed Substitute House Bill No. 1309 or substantially similar legislation.

(7) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

(8) \$262,000 of the general fund appropriation is provided solely for the poultry diagnostic lab.

(9) \$120,000 of the general fund appropriation is provided solely for the aquaculture certification center.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 72,813,000

Health Services Account Appropriation \$ 200,000

TOTAL APPROPRIATION \$ 73,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 66,482,000

Health Services Account Appropriation \$ 140,000

TOTAL APPROPRIATION \$ 66,622,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$140,000 of the health services account appropriation is provided solely for health for benefits teaching and research assistants pursuant to Engrossed House Bill No. 2123.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 37,207,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$410,000 of the general fund--state appropriation is provided solely for the public schools partnership program.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 81,618,000
Health Services Account Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 81,818,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provide solely to recruit and retain minorities.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to Engrossed House Bill No. 2123.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ 4,018,000
General Fund--Federal Appropriation \$ 265,000
TOTAL APPROPRIATION \$ 4,283,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$717,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full time equivalent students per fiscal year.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation \$ 125,884,000
General Fund--Federal Appropriation \$ 6,381,000
Health Services Account Appropriation \$ 2,230,000
State Education Grant Account Appropriation \$ 40,000
TOTAL APPROPRIATION \$ 134,535,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.
- (2) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, health professional conditional scholarship program. If Engrossed Second Substitute Senate Bill No. 5304 (health care reform) is not enacted by June 30, 1993, this appropriation shall lapse.
- (3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan. If Engrossed Second Substitute Senate Bill No. 5304 is not enacted by June 30, 1993, this appropriation shall lapse.
- (4) \$124,840,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:
 - (a) \$95,039,000 is provided solely for the state need grant program. The board shall, to the best of its ability, rank and serve students eligible for the state need grant in order from the lowest family income to the highest family income. Any state need grant moneys not awarded by April 1st of each year may be transferred to the state work study program.
 - (b) \$24,200,000 is provided solely for the state work study program.
 - (c) \$1,000,000 is provided solely for educational opportunity grants.
 - (d) A maximum of \$2,698,000 may be expended for financial aid administration.
- (4) \$2,800,000 of the general fund--federal appropriation is provided solely for state need grants for students participating in the federal job opportunities and basic skills program (JOBS).
- (5) \$50,000 of the general fund--state appropriation is provided solely for a demonstration project that matches money raised for scholarships by new local chapters of the Citizen's Scholarship Foundation of America. To be eligible to receive a state matching grant, the new chapter must be created after June 30, 1993. Each chapter is limited to one matching grant and must raise at least \$2,000 before receiving matching funds.
- (6) \$288,000 of the general fund--state appropriation is provided solely for the educator's excellence awards, which includes \$53,000 transferred from the office of the superintendent of public instruction.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation \$ 711,000

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation \$ 3,517,000
General Fund--Federal Appropriation \$ 34,651,000
TOTAL APPROPRIATION \$ 38,168,000

The appropriations in this section are subject to the following conditions and limitations: In order for the agency to accomplish both its federally assigned and state responsibilities under chapter 28C.18 RCW, it may, with the concurrence of the office of financial management, exercise discretion in restructuring its general fund--state and general fund--federal resources within allowed FTE staff totals.

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund
Appropriation \$ 1,898,000

The appropriation in this section is subject to the following conditions and limitations: On July 1, 1993, the appropriation contained in this section shall be provided to the department of personnel, and shall be used solely to provide personnel services to institutions of higher education and related boards. If Engrossed Substitute House Bill No. 2054 (civil service reform) is not enacted by June 30, 1993, this limitation shall have no effect.

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation \$ 14,062,000
General Fund--Federal Appropriation \$ 4,796,000
General Fund--Private/Local Appropriation \$ 46,000
TOTAL APPROPRIATION \$ 18,904,000

The appropriations in this section are subject to the following conditions and limitations: \$2,385,516 of the general fund--state appropriation and \$54,000 from federal funds are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation \$ 4,274,000
General Fund--Federal Appropriation \$ 934,000
TOTAL APPROPRIATION \$ 5,208,000

The appropriations in this section are subject to the following conditions and limitations: The portion of the general fund appropriation provided for the institutional and organizational support programs shall be awarded to applicants that have not added to any accumulated deficit in the most recently completed fiscal year. Applicants that provide artistic services to communities that are otherwise artistically underserved, are integral to the arts community in which they are based, or that have budgets of less than \$250,000 shall be exempt from this requirement.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 2,321,000

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation \$ 873,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation \$ 12,566,000
General Fund--Private/Local Appropriation \$ 40,000
TOTAL APPROPRIATION \$ 12,606,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation \$ 6,862,000
General Fund--Private/Local Appropriation \$ 26,000
TOTAL APPROPRIATION \$ 6,888,000

PART VII
SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 736,118,685

This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Appropriation \$ 24,071,715
Accident Account Appropriation \$ 5,340,254
Medical Aid Account Appropriation \$ 5,340,254
TOTAL APPROPRIATION \$ 34,752,223

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 28,156,178
Community College Refunding Bond Retirement
Fund 1974 Appropriation \$ 9,856,110
Community College Capital Construction Bond
Retirement Fund 1975, 1976, 1977 Appropriation \$ 10,304,798
Higher Education Bond Retirement Fund 1979
Appropriation \$ 6,354,922
Washington State University Bond Redemption
Fund 1977 Appropriation \$ 516,452
Higher Education Refunding Bond Redemption
Fund 1977 Appropriation \$ 6,245,701
State General Obligation Bond Retirement
1979 Appropriation \$ 65,033,822
TOTAL APPROPRIATION \$ 126,467,983

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Transportation Capital Facilities Account
Appropriation \$ 536,264
Highway Bond Retirement Fund Appropriation \$ 191,018,885
Ferry Bond Retirement 1977 Appropriation \$ 35,180,173
TOTAL APPROPRIATION \$ 226,735,322

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund
1967 Appropriation \$ 6,923,625
State Building Bond Redemption Fund 1967
Appropriation \$ 654,200
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,456,980
TOTAL APPROPRIATION \$ 10,034,805

NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,258,314
Higher Education Construction Account
Appropriation \$ 185,130
State Convention and Trade Center Appropriation \$ 88,050
Excess Earnings Account Appropriation \$ 1,195,400
State Building Construction Account Appropriation \$ 35,298,012
Economic Development Account Appropriation \$ 162,000
Puget Sound Capital Construction Account
Appropriation \$ 2,716,792
Motor Vehicle Fund Appropriation \$ 2,849,751
Special Category C Account Appropriation \$ 974,359
Energy Efficiency Construction Account
Appropriation \$ 515,362

Common School Reimbursable Construction Account
Appropriation \$ 5,666,853
Higher Education Reimbursable Construction Account
Appropriation \$ 4,312,476
Energy Efficiency Services Account Appropriation \$ 51,282
TOTAL APPROPRIATION \$ 55,273,781

Total Bond Retirement and Interest
Appropriations contained in sections 701
through 706 of this act \$ 1,181,971,582

NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation \$ 5,141,000
Motor Vehicle Fund Appropriation \$ 6,234,000
Wildlife Fund Appropriation \$ 148,000
Marine Operating Account Appropriation \$ 2,206,000
Liquor Revolving Fund Appropriation \$ 114,000
Basic Data Account Appropriation \$ 16,000
Resource Management Cost Account Appropriation \$ 132,000
Public Service Revolving Account Appropriation \$ 18,000
Accident Account Appropriation \$ 110,000
TOTAL APPROPRIATION \$ 14,119,000

The appropriations in this section are subject to the following conditions and limitations: The amount of the transfer for the motor vehicle fund and the marine operating account is to be actuarially based and transferred proportionately into the tort claims revolving fund quarterly or as necessary to meet cash flow needs.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

General Fund--State Appropriation \$ 500,000
Americans with Disabilities Special Revolving
Fund Appropriation \$ 425,000
TOTAL APPROPRIATION \$ 925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall be used solely to fund requests from state agencies complying with the program requirements of the federal americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--EMERGENCY TRAVEL FUND

General Fund--State Appropriation \$ 3,553,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used solely for providing for the cost of travel, lodgings, and related expenses for agencies that demonstrate a critical agency-related need as a result of the reductions in travel funding made by this act. Allocations from this appropriation shall be reported quarterly to the legislative fiscal committees.

NEW SECTION. Sec. 710. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ 2,500,000
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,000,000
TOTAL APPROPRIATION \$ 3,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation \$ 1,500,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 712. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 713. FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows: King county, in settlement of a claim under RCW 43.135.060, Claim No. SCO-89-12 \$ 1,950,000

NEW SECTION. Sec. 714. FOR SUNDRY CLAIMS--DEPARTMENT OF LABOR AND INDUSTRIES. The department of labor and industries is directed to pay, as a legislative relief claim under chapter 4.92 RCW, to Mrs. Esther A. Levang an industrial insurance death benefit, from the effective date of this act, under RCW 51.32.050 for the death of her husband following an industrial chemical exposure (L & I Claim No. F282511).

NEW SECTION. Sec. 715. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS
General Fund--State Appropriation \$ 8,960,000
General Fund--Federal Appropriation \$ 3,216,000
Special Fund Salary and Insurance Contribution
Increase Revolving Fund Appropriation \$ 6,871,000
TOTAL APPROPRIATION \$ 19,047,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) The appropriations in this section shall be distributed by the office of financial management to state agencies to fund the 1993-95 increased costs of health care benefits, administration, and margin in the self-insured medical and dental plans.

(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$317.79 per eligible employee for fiscal year 1994, and \$350.25 for fiscal year 1995.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.91 per eligible employee for fiscal year 1994, and \$6.21 for fiscal year 1995.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1993-95 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) A maximum of \$587,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for benefit increases for ferry workers consistent with the 1993-95 transportation appropriations act.

NEW SECTION. Sec. 716. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1994	FY 1995
General Fund Appropriation.	\$ 76,794,000	82,985,000
TOTAL APPROPRIATION	\$ 159,779,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$4,766,000 is provided solely to pay the increased retirement contributions resulting from Substitute House Bill No. 1294 (LEOFF II age reduction). If Substitute House Bill No. 1294 is not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(b) The appropriations in this subsection reflect the retirement contribution rate reduction for the law enforcement officers' and fire fighters' retirement system contained in Engrossed Substitute Senate Bill No. 5888 (pension improvements).

(2) There is appropriated for contributions to the judicial retirement system:

FY 1994 FY 1995

General Fund Appropriation \$ 4,450,000 4,450,000
TOTAL APPROPRIATION \$ 8,900,000

(3) There is appropriated for contributions to the judges retirement system:

FY 1994 FY 1995

General Fund Appropriation \$ 650,000 650,000
TOTAL APPROPRIATION \$ 1,300,000

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

FY 1994 FY 1995

General Fund--State Appropriation \$ 1,800,000 2,187,000
General Fund--Federal Appropriation \$ 455,000 557,000
Special Retirement Contribution Increase

Revolving Fund Appropriation \$ 1,279,000 1,400,000
TOTAL APPROPRIATION \$ 7,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,735,000 of the general fund--state appropriation, \$454,000 of the general fund--federal appropriation, and \$970,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from sections 2 and 3 of Engrossed Substitute Senate Bill No. 5888 (ad hoc COLA). If sections 2 and 3 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(2) \$1,508,000 of the general fund--state appropriation, \$360,000 of the general fund--federal appropriation, and \$758,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from section 1 of Engrossed Substitute Senate Bill No. 5888 (February COLA). If section 1 of Engrossed Substitute Senate Bill No. 5888 is not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(3) \$201,000 of the general fund--state appropriation, \$49,000 of the general fund--federal appropriation, and \$109,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from sections 4 and 6 of Engrossed Substitute Senate Bill No. 5888 (early retirement). If sections 4 and 6 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amounts provided in this subsection shall lapse.

(4) \$519,000 of the special retirement contribution increase revolving fund appropriation is provided solely to pay the increased retirement contributions for the Washington state patrol retirement system resulting from sections 17 through 21 of Engrossed Substitute Senate Bill No. 5888 (pension contribution rates). If sections 17 through 21 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

(5) \$543,000 of the general fund--state appropriation, \$149,000 of the general fund--federal appropriation, and \$323,000 of the special retirement contribution increase revolving fund appropriation are provided solely to pay the increased retirement contributions resulting from sections 15 and 16 of Engrossed Substitute Senate Bill No. 5888 (city portability). If sections 15 and 16 of Engrossed Substitute Senate Bill No. 5888 are not enacted by June 30, 1993, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

(1) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$5,539,000 from the general fund--state appropriations, \$1,494,000 from the general fund--federal appropriations, and \$3,211,000 from appropriations from other funds, to reflect savings realized by the reduction in retirement contribution rates required for the teachers' and public employees' retirement systems pursuant to sections 17 through 21 of Engrossed Substitute Senate Bill No. 5888 (pension contribution rates).

(2) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$945,000 from the general fund--state appropriations, \$251,000 from the general fund--federal appropriations, and \$539,000 from appropriations from other funds, to reflect savings realized by the administrative rate reduction contained in section 133 of this act.

(3) The office of financial management shall reduce the appropriations to the agencies and institutions of the state by \$1,056,000 from the general fund--state appropriations, \$275,000 from the general fund--federal

appropriations, and \$588,000 from appropriations from other funds, to correct erroneous retirement contribution rates required for the teachers' and public employees' retirement systems that were assumed in each agency's 1993-95 budget request.

NEW SECTION. Sec. 719. SALARY INCREMENT INCREASES. (1) The office of financial management shall reduce the appropriations for the agencies of the state by \$1,040,000 from the general fund--state appropriations and \$1,128,000 from appropriations from other funds to reflect the freeze on increment increases that would have been provided to classified state employees whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

(2) The office of financial management shall reduce the appropriations for the institutions of higher education of the state by \$274,000 from the general fund--state appropriations to reflect the freeze on increment increases that would have been provided to classified employees of higher education institutions whose monthly salary is greater than \$3,750, as provided in section 913 of this act.

NEW SECTION. Sec. 720. FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the
Convention and Trade Center Operating Account \$ 2,830,000
General Fund Appropriation--For transfer to the
Community College Capital Projects Account \$ 4,550,000
TOTAL APPROPRIATION \$ 7,380,000

PART VIII
OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation \$ 1,369,050
Water Pollution Control Facilities Bond Redemption
Fund 1967 Appropriation \$ 640,313
State Building (Expo 74) Bond Redemption Fund 1973A
Appropriation \$ 374,968
State Building Bond Redemption Fund 1973
Appropriation \$ 3,815,320
State Higher Education Bond Redemption Fund 1973
Appropriation \$ 4,395,023
State Building Authority Bond Redemption Fund
Appropriation \$ 9,397,425
Community College Capital Improvement Bond
Redemption Fund 1972 Appropriation \$ 7,528,400
State Higher Education Bond Redemption Fund 1974
Appropriation \$ 1,187,200
Waste Disposal Facilities Bond Redemption Fund
Appropriation \$ 50,473,075
Water Supply Facilities Bond Redemption Fund
Appropriation \$ 11,109,893
Recreation Improvements Bond Redemption Fund
Appropriation \$ 6,033,190
Social and Health Services Facilities 1972 Bond
Redemption Fund Appropriation \$ 3,713,865
Outdoor Recreation Bond Redemption Fund 1967
Appropriation \$ 1,593,098
Indian Cultural Center Construction Bond
Redemption Fund 1976 Appropriation \$ 127,231
Fisheries Bond Redemption Fund 1976 Appropriation \$ 760,015
Higher Education Bond Redemption Fund 1975
Appropriation \$ 2,168,025
State Building Bond Retirement Fund 1975
Appropriation \$ 422,360
Social and Health Services Bond Redemption Fund
1976 Appropriation \$ 9,464,773

Emergency Water Projects Bond Retirement Fund 1977
 Appropriation \$ 2,639,480
 Higher Education Bond Redemption Fund 1977
 Appropriation \$ 13,296,100
 Salmon Enhancement Bond Redemption Fund 1977
 Appropriation \$ 3,706,950
 Fire Service Training Center Bond Retirement Fund
 1977 Appropriation \$ 745,706
 State General Obligation Bond Retirement Bond 1979
 Appropriation \$ 601,579,585
TOTAL APPROPRIATION \$ 736,118,685

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

State General Obligation Bond Retirement
 1979 Appropriation \$ 28,156,178

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
 premiums tax distribution \$ 4,382,550
 General Fund Appropriation for public utility
 district excise tax distribution \$ 29,254,986
 General Fund Appropriation for prosecuting
 attorneys' salaries \$ 3,300,000
 General Fund Appropriation for motor vehicle
 excise tax distribution \$ 96,445,099
 General Fund Appropriation for local mass
 transit assistance \$ 294,186,744
 General Fund Appropriation for camper and
 travel trailer excise tax distribution \$ 3,112,351
 General Fund Appropriation for boating
 safety/education and law enforcement
 distribution \$ 789,528
 Aquatic Lands Enhancement Account Appropriation
 for harbor improvement revenue distribution \$ 154,000
 Liquor Excise Tax Fund Appropriation for
 liquor excise tax distribution \$ 24,307,934
 Motor Vehicle Fund Appropriation for motor
 vehicle fuel tax and overload penalties
 distribution \$ 552,082,000
 Liquor Revolving Fund Appropriation for liquor
 profits distribution \$ 53,570,000
 Timber Tax Distribution Account Appropriation
 for distribution to "Timber" counties \$ 121,724,800
 Municipal Sales and Use Tax Equalization Account
 Appropriation \$ 51,882,670
 County Sales and Use Tax Equalization Account
 Appropriation \$ 17,476,268
 Death Investigations Account Appropriation
 for distribution to counties for publicly
 funded autopsies \$ 1,400,000
 County Criminal Justice Account Appropriation \$ 16,145,834
 Municipal Criminal Justice Account Appropriation \$ 6,458,226
TOTAL APPROPRIATION \$ 1,276,672,990

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$ 56,516,000
General Fund Appropriation for federal flood control funds distribution \$ 46,000
General Fund Appropriation for federal grazing fees distribution \$ 52,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99 \$ 400,000
TOTAL APPROPRIATION \$ 57,014,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Flood Control Assistance Account: For transfer to the General Fund--State \$ 300,000
State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$ 5,699,000
Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 21,500,000
Trust Land Purchase Account: For transfer to the General Fund \$ 24,000,000
General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the General Fund on or before July 20, 1995, an amount up to \$7,400,000 in excess of the cash requirements of the state treasurer's service account \$ 7,400,000
Public Works Assistance Account: For transfer to the General Fund \$ 35,000,000
Health Services Account: For transfer to the Public Health Services account \$ 20,000,000
TOTAL APPROPRIATION \$ 113,899,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the department of retirement systems expense fund \$ 18,000
Motor Vehicle Fund--State Patrol Highway Account: For transfer to the department of retirement systems expense fund \$ 135,000

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1993-95 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems projects in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspect critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committee.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. (1) The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

(2) The office of financial management shall encourage and maximize opportunities for state agencies to use the services of the department of information services video conference centers to reduce travel-related

expenditures. The office of financial management, in conjunction with the department of information services, shall report to the legislative fiscal committees by November 30, 1994, on the monthly usage volume and the respective costs and benefits of the video conference centers. The office of financial management shall document any savings, project potential savings by each agency, and incorporate the savings in development of the 1995-97 biennial budget.

NEW SECTION. Sec. 904. PERFORMANCE AUDITS. (1) Pursuant to Engrossed Substitute House Bill No. 1372, performance audits shall be conducted during the 1993-95 biennium on the following elements of state government:

- (a) The department of ecology;
- (b) State-funded public health programs; and
- (c) State-wide administrative staffing levels and costs.

(2) The performance audits shall be directed by a steering committee consisting of the majority and minority leaders of the senate and house of representatives. For each performance audit conducted under this section, the steering committee shall determine the nature and scope of the audit and may assign staff responsibilities to the staff of the legislative policy and fiscal committees, the legislative budget committee, the legislative evaluation and accountability program committee, the state auditor's office, and the office of financial management.

(3) The performance audit of state-wide administrative staffing levels and costs shall result in a report to the legislature that provides, at a minimum, the following information or recommendations:

- (a) The number of supervisors, managers, and exempt positions, as defined by the department of personnel, for each agency of state government;
- (b) The number of clerical and support staff, for each state agency, that serve the supervisors, managers, and exempt positions identified in (a) of this subsection;
- (c) The amount of total compensation, including wages and benefits, for each state agency, attributable to the personnel identified in (a) and (b) of this subsection;
- (d) For each state agency the total amount of all other overhead costs attributable to the personnel identified in (a) and (b) of this subsection, including the cost of office space, equipment, utilities, travel, per diem, etc.;
- (e) Each agency's compensation and overhead costs under (c) and (d) of this subsection, expressed as a percentage of the agency's total compensation and overhead costs;
- (f) A recommendation, expressed as a percentage of an agency's total compensation and overhead costs, that represents the maximum amount of administrative compensation and overhead costs that would be incurred by an efficiently operated agency. This recommendation may distinguish types or categories of state agencies, including such categories as regulatory agencies, agencies providing direct services, and administrative agencies;
- (g) The savings, both to the general fund and to other funds, that could be realized in each agency and functional area of state government if the recommended level of maximum costs under (f) of this subsection was implemented; and
- (h) A plan to implement the identified reductions in administrative costs, including the effect the plan may have on employee attrition and civil service reversion rates.

NEW SECTION. Sec. 905. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS.

(1) No moneys appropriated in this act may be expended by any agency for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW or under other installment purchase agreements unless the office of financial management has determined, for each purchase, that:

- (a) The method of acquisition offers a significant financial advantage to the state; and
- (b) The term of the installment contract does not exceed the useful life of the item being purchased.

(2) The total principal value of new equipment purchased by the state, as defined in RCW 39.94.020(4), during the 1993-95 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed thirty-five million dollars. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) This section does not apply to contracts entered into prior to July 1, 1993, or to the refinancing of property purchased prior to July 1, 1993.

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest

on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1993.

NEW SECTION. Sec. 910. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 911. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1993 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, and 1991 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 912. RCW 7.68.070 and 1992 c 203 s 1 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony;

or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW

51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed forty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services or, during the 1993-95 fiscal biennium, to the extent necessary to provide matching funds for federal medicaid reimbursement.

(17) In addition to other benefits provided under this chapter, immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Payment of counseling benefits under this section may not be provided to the perpetrator of the homicide. The benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992.

Sec. 913. RCW 41.06.150 and 1990 c 60 s 103 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. However, beginning July 1, 1993, through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds \$3,750;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 914. RCW 43.03.040 and 1986 c 155 s 12 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the committee on agency officials' salaries. Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993.

NEW SECTION. Sec. 915. SALARY FREEZE. (1) Beginning July 1, 1993, and until June 30, 1995, no state agency may grant a salary increase to any employee who is exempt from chapter 41.06 RCW and whose

monthly salary on or after July 1, 1993, exceeds \$3,750, except exempt employees whose salaries are determined by an elected state official or the judicial branch.

(2) Beginning July 1, 1993, and until June 30, 1995, no institution of higher education may provide, from appropriations in this act, a salary increase to any employee who is exempt from chapter 41.06 RCW and whose monthly salary on or after July 1, 1993, exceeds \$3,750.

(3) It is the intent of the legislature to freeze salaries for all employees whose annual salary is greater than \$45,000. In order to maintain equity and fairness across all employee groups, the legislature encourages state-wide elected officials and the judicial branch not to grant salary increases to employees who earn more than \$45,000 a year.

Sec. 916. RCW 41.50.255 and 1991 c 35 s 73 are each amended to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the public employees' retirement system, the teachers' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, the judges' retirement system, or the law enforcement officers' and fire fighters' retirement system lawful obligations of the appropriate system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the appropriate trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

During the period from July 1, 1993, until June 30, 1995, the director may pay from the interest earnings of the trust funds specified in this section costs incurred in investigating fraud and collecting overpayments, including expenses incurred to review and investigate cases of possible fraud against the trust funds and collection agency fees and other costs incurred in recovering overpayments.

Sec. 917. RCW 43.08.250 and 1992 c 54 s 3 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. ~~((During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services))~~ During the fiscal biennium ending June 30, 1995, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

Sec. 918. RCW 43.70.110 and 1989 1st ex.s. c 9 s 263 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 919. RCW 43.88.535 and 1982 1st ex.s. c 36 s 3 are each amended to read as follows:

(1) Money in the budget stabilization account may be appropriated by a favorable vote of sixty percent of the members elected to each house of the legislature for the following purposes:

(a) To provide for the continuation of agency programs at or near levels of existing appropriations when state revenues decline below projections;

(b) To provide the governor with reserve expenditure authority for the purpose specified in subsection (1)(a) of this section;

(c) For labor force training; and

(d) For any other purpose which the legislature finds would reduce unemployment caused by the state's economic cycle.

(2) By January 1, 1994, the state treasurer shall transfer twenty-five million dollars from the state general fund to the budget stabilization account. In addition to the purposes specified in subsection (1) of this section, the moneys deposited in the budget stabilization account under this subsection may be appropriated for the continuing costs of any state retirement system benefits in effect on July 1, 1993.

(3) The legislature by appropriation may provide for, or the governor may authorize, the waiver of deposits in any fiscal quarter to the stabilization account in the event of an expenditure from the account during such quarter.

Sec. 920. RCW 43.101.200 and 1989 c 299 s 2 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 (~~and 43.101.160~~). For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Sec. 921. RCW 43.155.050 and 1985 c 471 s 8 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1993-95 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 922. RCW 43.210.110 and 1991 c 314 s 12 are each amended to read as follows:

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under RCW 43.210.100(3):

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in RCW 43.31.601. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of

expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in RCW 43.210.070 and 43.210.100 through 43.210.120; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the

purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund. However, during the 1993-95 fiscal biennium, the receipts of the project shall be deposited into the small business export finance assistance center fund under RCW 43.210.070.

Sec. 923. RCW 70.146.020 and 1987 c 436 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the 1993-1995 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

Sec. 924. RCW 70.146.080 and 1991 sp.s. c 16 s 923 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal (~~year 1992~~) years 1992 and 1993 and for fiscal year 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 925. RCW 70.170.080 and 1991 sp.s. c 13 s 71 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under *chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

During the 1993-1995 fiscal biennium, moneys in the hospital data collection account may be expended, pursuant to appropriation, for hospital data analysis and the administration of the health information program.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 926. RCW 74.20A.030 and 1989 c 360 s 14 are each amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation.

(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

(4) No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(7). For the period July 1, 1993, through June 30, 1995, a collection action may be taken against parents of children with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care. The child support obligation shall be calculated pursuant to chapter 26.19 RCW.

Sec. 927. RCW 79.24.580 and 1987 c 350 s 1 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be distributed as follows: (1) To the state building bond redemption fund such amounts necessary to retire bonds issued pursuant to RCW 79.24.630 through 79.24.647 prior to January 1, 1987, and for which tide and harbor area revenues have been pledged, and (2) all moneys not deposited for the purposes of subsection (1) of this section shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 928. RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1995-97 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be

spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the 1993-95 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

Sec. 929. RCW 20.01.130 and 1986 c 178 s 8 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted hereunder or for departmental administrative expenses during the 1993-95 biennium. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

NEW SECTION. Sec. 930. MINORITY AND WOMEN'S BUSINESS ENTERPRISES. Chapter . . . (House Bill No. 1800), Laws of 1993 is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 931. LICENSING OF FUNERAL DIRECTORS AND EMBALMERS. Chapter 43 (Substitute Senate Bill No. 5026), Laws of 1993 is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

NEW SECTION. Sec. 932. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 933. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for section 308(5) of this act which shall take effect immediately.

On page 1, line 1 of the title, after "1995;" strike the remainder of the title and insert "amending RCW 28A.165.070, 28A.310.020, 7.68.070, 41.06.150, 43.03.040, 41.50.255, 43.08.250, 43.70.110, 43.88.535, 43.101.200, 43.155.050, 43.210.110, 70.146.020, 70.146.080, 70.170.080, 74.20A.030, 79.24.580, 86.26.007, and 20.01.130; creating new sections; providing effective dates; and declaring an emergency."

Signed by Senators Rinehart, Drew; Representatives Locke, Ebersole.

MOTION

Representative Locke moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5968. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5968 as recommended by the Conference Committee.

Representatives Locke, Dorn, Appelwick, Leonard, Jacobsen, J. Kohl and Hansen spoke in favor of passage of the bill and Representatives Silver, Vance, Carlson, Van Luven, Horn, Schmidt, Morton, Long and Padden spoke against it.

The Speaker assumed the chair.

Pursuant to Joint Rule No. 29, Representative Peery gave notice of intent to amend the joint rules on the next working day.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1969,
ENGROSSED HOUSE BILL NO. 2114,
HOUSE BILL NO. 2129,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Peery, the House adjourned until 12:10 a.m., Thursday May 6, 1993.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

TENTH DAY, May 5, 1993

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST SPECIAL SESSION

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, May 6, 1993

The House was called to order at 12:10 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andy Demko and Adam Brickell. Prayer was offered by Representative Wineberry.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

The House resumed consideration of Substitute Senate Bill No. 5968.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5968.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5968, and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Leonard, Linville, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe and Mr. Speaker - 52.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Foreman, Forner, Fuhrman, Horn, Johanson, Kremen, Lemmon, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Patterson, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 46.

Substitute Senate Bill No. 5968, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I inadvertently pushed the "YEA" button for the budget when I intended to vote "NAY" on Substitute Senate Bill No. 5968 and I would like to have my "NAY" vote placed in the record.

KELLI LINVILLE, 42nd District

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4422 by Representative Peery

Amending the joint rules.

ESSB 5724 by Senate Committee on Ways & Means (originally sponsored by Senator Rinehart; by request of Department of Social and Health Services)

Modifying nursing home auditing and reimbursement.

SCR 8416 by Senators Gaspard and Sellar

Returning measures to their house of origin.

SCR 8417 by Senators Gaspard and Sellar

Adjourning the 1st special session of the Fifty-third Legislature Sine Die.

MOTION

On motion of Representative Peery, the rules were suspended and the bills listed on today's introduction sheet under the fourth order of business were advanced to the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

MOTION

Representative Peery moved the House immediately consider House Concurrent Resolution No. 4422 on the second reading calendar. The motion was carried.

HOUSE CONCURRENT RESOLUTION NO. 4422, by Representative Peery

Amending the joint rules.

The resolution was read the second time.

Representative Padden moved adoption of the following amendment by Representative Padden:

On page 2, line 2, after "May 6, 1993," insert "conference reports which have been signed by five or more members may be considered before twenty-four hours have elapsed if approved"

Representative Padden and Fuhrman spoke in favor of adoption of the amendment and Representative Peery spoke against it. The amendment was not adopted.

With the consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

The Speaker stated the question before the House to be final passage of House Concurrent Resolution No. 4422.

Representatives Peery and Appelwick spoke in favor of adoption of the resolution and Representatives Vance and Van Luven spoke against it.

House Concurrent Resolution No. 4422 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

CONFERENCE COMMITTEE REPORT

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, have had the same under consideration and we recommend that the House amendment (5967-S.E AMH FISG LONG 196) adopted April 30, 1993, not be adopted and that the following Conference Committee Striking amendment be adopted with the following amendment:

On page 8, line 17, of 5967-S.E2 AMC CONF S3548.6 strike subsection (b) and insert:
"(b) Computer services, including but not limited to computer programming, custom software modification, custom software installation, custom software maintenance, custom software repair, training in the use of custom software, computer systems design, and custom software update services."
and that the bill do pass as recommended by the Conference Committee.

Strike everything after the enacting clause and insert the following:

"PART I
CURRENT BUSINESS AND
OCCUPATION SURTAXES INCORPORATED INTO BASE

Sec. 101. RCW 82.04.230 and 1971 ex.s. c 281 s 2 are each amended to read as follows:

EXTRACTORS. Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of (~~forty-four one-hundredths of one~~) 0.484 percent(;;).

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 102. RCW 82.04.240 and 1981 c 172 s 1 are each amended to read as follows:

MANUFACTURERS. Upon every person except persons taxable under (~~subsections~~) RCW 82.04.260 (2), (3), (4), (5), (7), (8), or (9) (~~of RCW 82.04.260~~) engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of (~~forty-four one-hundredths of one~~) 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 103. RCW 82.04.250 and 1981 c 172 s 2 are each amended to read as follows:

RETAILERS. (1) Upon every person except persons taxable under RCW 82.04.260(8) or subsection (2) of this section engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of (~~forty-four one-hundredths of one~~) 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

Sec. 104. RCW 82.04.260 and 1993 c ____ (Engrossed Second Substitute Senate Bill No. 5304) s 304 are each amended to read as follows:

MISCELLANEOUS BUSINESSES. (1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of (~~one one-hundredth of one~~) 0.011 percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of (~~one eighth of one~~) 0.138 percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of (~~(one-quarter of one)~~) 0.275 percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of (~~(one-eighth of one)~~) 0.138 percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of (~~(three-tenths of one)~~) 0.33 percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of (~~(forty-four one-hundredths of one)~~) 0.484 percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of (~~(twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one)~~) 0.138 percent (~~(thereafter)~~).

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of (~~(twenty-five one-hundredths of one)~~) 0.275 percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of (~~(twenty-five one-hundredths of one)~~) 0.275 percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of (~~(twenty-five one-hundredths of one)~~) 0.275 percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of (~~(thirty-three one-hundredths of one)~~) 0.363 percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of (~~(thirty-three one-hundredths of one)~~) 0.363 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of (~~(fifteen percent)~~

~~(a) The rate specified in this subsection shall be reduced to ten percent on May 20, 1991.~~

~~(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992.~~

~~(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.)~~ 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of ~~((one))~~ 1.1 percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of ~~((seventy-five one-hundredths of one))~~ 0.75 percent through June 30, 1995, and ~~((one and five-tenths))~~ 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.____ (section 469, chapter ____ (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993).

Sec. 105. RCW 82.04.270 and 1981 c 172 s 4 are each amended to read as follows:

WHOLESALE, DISTRIBUTORS. (1) Upon every person except persons taxable under subsections (1) or (8) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of ~~((forty-four one-hundredths of one))~~ 0.484 percent.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying ~~((forty-four one-hundredths of one))~~ 0.484 percent of the value of the article so distributed as of the time of such distribution: PROVIDED, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

Sec. 106. RCW 82.04.280 and 1986 c 226 s 2 are each amended to read as follows:

PRINTING AND PUBLISHING. Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(~~(, as now or hereafter amended)~~); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of ~~((forty-four one-hundredths of one))~~ 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance.

Sec. 107. RCW 82.02.030 and 1993 c ____ (Engrossed Second Substitute Senate Bill No. 5304) s 312 are each amended to read as follows:

ADDITIONAL TAX RATES. The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), ((82.04.2901,)) 82.16.020(2), 82.27.020(5), and 82.29A.030(2) shall be seven percent.

NEW SECTION. Sec. 108. The following acts or parts of acts are each repealed:

REPEALS--ADDITIONAL TAXES. (1) RCW 82.04.2901 and 1985 c 32 s 4; and

(2) RCW 82.04.2904 and 1985 c 32 s 5, 1983 2nd ex.s. c 3 s 3, & 1983 c 9 s 3.

PART II ADDITIONAL EXCISE TAXES

NEW SECTION. Sec. 201. A new section is added to chapter 82.04 RCW to read as follows:

SELECTED BUSINESS SERVICES DEFINED. (1) "Selected business services" means:

- (a) Stenographic, secretarial, and clerical services.
- (b) Computer services, including but not limited to computer programming, software modification, software installation, software maintenance, software repair, training in the use of custom software, computer systems design, and software update services.
- (c) Data processing services, including but not limited to word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. Data processing services also includes the use of a computer or computer time for data processing whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service.
- (d) Information services, including but not limited to electronic data retrieval or research that entails furnishing financial or legal information, data or research, general or specialized news, or current information unless such news or current information is furnished to a newspaper publisher or to a radio or television station licensed by the federal communications commission.
- (e) Legal, arbitration, and mediation services, including but not limited to paralegal services, legal research services, and court reporting services.
- (f) Accounting, auditing, actuarial, bookkeeping, tax preparation, and similar services.
- (g) Design services whether or not performed by persons licensed or certified, including but not limited to the following:
 - (i) Engineering services, including civil, electrical, mechanical, petroleum, marine, nuclear, and design engineering, machine designing, machine tool designing, and sewage disposal system designing;
 - (ii) Architectural services, including but not limited to: Structural or landscape design or architecture, interior design, building design, building program management, and space planning.
 - (h) Business consulting services. Business consulting services are those primarily providing operating counsel, advice, or assistance to the management or owner of any business, private, nonprofit, or public organization, including but not limited to those in the following areas: Administrative management consulting, general management consulting, human resource consulting or training, management engineering consulting, management information systems consulting, manufacturing management consulting, marketing consulting, operations research consulting, personnel management consulting, physical distribution consulting, site location consulting, economic consulting, motel, hotel, and resort consulting, restaurant consulting, government affairs consulting, and lobbying.
 - (i) Business management services, including but not limited to administrative management, business management, and office management, but not including property management or property leasing, motel, hotel, and resort management, or automobile parking management.
 - (j) Protective services, including but not limited to detective agency services and private investigating services, armored car services, guard or protective services, lie detection or polygraph services, and security system, burglar, or fire alarm monitoring and maintenance services.
 - (k) Public relations or advertising services, including but not limited to layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, marketing research, marketing, or production supervision, but excluding services provided as part of broadcast or print advertising.
- (l) Aerial and land surveying, geological consulting, and real estate appraising.
- (2) Subsection (1) of this section notwithstanding, the term "selected business services" does not include:
 - (a) The provision of either permanent or temporary employees.
 - (b) Services provided by a public benefit nonprofit organization, as defined in RCW 82.04.366, to the state of Washington, its political subdivisions, municipal corporations, or quasi-municipal corporations.
 - (c) Services related to the identification, investigation, or cleanup arising out of the release or threatened release of hazardous substances when the services are remedial or response actions performed under federal or

state law, or when the services are performed to determine if a release of hazardous substances has occurred or is likely to occur.

(d) Services provided to or performed for, on behalf of, or for the benefit of a collective investment fund such as: (i) A mutual fund or other regulated investment company as defined in section 851(a) of the Internal Revenue Code of 1986, as amended; (ii) an "investment company" as that term is used in section 3(a) of the Investment Company Act of 1940 as well as an entity that would be an investment company under section 3(a) of the Investment Company Act of 1940 except for the section 3(c)(1) or (11) exemptions, or except that it is a foreign investment company organized under laws of a foreign country; (iii) an "employee benefit plan," which includes any plan, trust, commingled employee benefit trusts, or custodial arrangement that is subject to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., or that is described in sections 125, 401, 403, 408, 457, and 501(c)(9) and (17) through (23) of the Internal Revenue Code of 1986, as amended, or similar plan maintained by state or local governments, or plans, trusts, or custodial arrangements established to self-insure benefits required by federal, state, or local law; (iv) a fund maintained by a tax exempt organization as defined in section 501(c)(3) or 509(a) of the Internal Revenue Code of 1986, as amended, for operating, quasi-endowment, or endowment purposes; or (v) funds that are established for the benefit of such tax exempt organization such as charitable remainder trusts, charitable lead trusts, charitable annuity trusts, or other similar trusts.

(e) Research or experimental services eligible for expense treatment under section 174 of the Internal Revenue Code of 1986, as amended.

(f) Financial services provided by a financial institution. The term "financial institution" means a corporation, partnership, or other business organization chartered under Title 30, 31, 32, or 33 RCW, or under the National Bank Act, as amended, the Homeowners Loan Act, as amended, or the Federal Credit Union Act, as amended, or a holding company of any such business organization that is subject to the Bank Holding Company Act, as amended, or the Homeowners Loan Act, as amended, or a subsidiary or affiliate wholly owned or controlled by one or more financial institutions, as well as a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act, as amended. The term "financial services" means those activities authorized by the laws cited in this subsection (2)(f) and includes services such as mortgage servicing, contract collection servicing, finance leasing, and services provided in a fiduciary capacity to a trust or estate.

Sec. 202. RCW 82.04.255 and 1985 c 32 s 2 are each amended to read as follows:

TAX ON REAL ESTATE BROKERS. Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((4.50))~~ 2.0 percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 203. RCW 82.04.290 and 1985 c 32 s 3 are each amended to read as follows:

TAX ON SELECTED BUSINESS, FINANCIAL, AND OTHER BUSINESSES OR SERVICES--NEW RATE.

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 2.5 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of 1.70 percent.

(3) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1) and (2) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((4.50))~~ 2.0 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. Sec. 204. A new section is added to chapter 82.04 RCW to read as follows:

TEMPORARY BUSINESS AND OCCUPATION SURTAXES. There is levied and shall be collected for the period July 1, 1993, through June 30, 1997, from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.280 and 82.04.290(3), except RCW 82.04.250(1) and 82.04.260(15), an additional tax equal to 6.5 percent multiplied by the tax payable under those sections.

To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 205. RCW 82.04.300 and 1992 c 206 s 7 are each amended to read as follows:

BUSINESS AND OCCUPATION TAX THRESHOLD. This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required, according to rules adopted by the department, to file returns even though no tax may be due. The department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

PART III RETAIL SALES AND USE TAXES

Sec. 301. RCW 82.04.050 and 1988 c 253 s 1 are each amended to read as follows:

SALE AT RETAIL--SERVICES--DEFINED. (1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person((:)); or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person((:)); or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale((:)); or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon((:)); or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) ((above)) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280((,subsections)) (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but ~~((excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also))~~ excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of

installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) ~~The~~ charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) ~~The~~ sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) ~~The~~ sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) ~~The~~ sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same;

(g) ~~The~~ sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) ~~((above))~~ of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this ~~((paragraph))~~ subsection shall be construed to modify ~~((the first paragraph))~~ subsection (1) of this section and nothing contained in ~~((the first paragraph))~~ subsection (1) of this section shall be construed to modify this ~~((paragraph))~~ subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal₁, business₂, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation ~~((businesses))~~ services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows₂, and others;

(b) Abstract, title insurance₂ and escrow ~~((businesses))~~ services;

(c) Credit bureau ~~((businesses))~~ services;

(d) Automobile parking and storage garage ~~((businesses))~~ services;

(e) Landscape maintenance and horticultural services but excluding horticultural services provided to farmers;

(f) Service charges associated with tickets to professional sporting events;

(g) Guided tours and guided charters; and

(h) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, massage services, steam bath services, turkish bath services, escort services, and dating services.

(4) The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(7) The term shall also not include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture, or to ((persons)) farmers for the purpose of producing for sale any agricultural product ((whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330)), nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

~~((7))~~ (8) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority

created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

NEW SECTION. Sec. 302. A new section is added to chapter 82.04 RCW to read as follows:

AGRICULTURAL PRODUCT--FARMER--DEFINED. (1) "Agricultural product" means any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.

(2) "Farmer" means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber.

Sec. 303. RCW 82.04.280 and 1993 c ... s 106 (section 106 of this act) are each amended to read as follows:

PRINTING AND PUBLISHING. Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers (~~(, periodicals or magazines)~~); (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance.

NEW SECTION. Sec. 304. A new section is added to chapter 82.04 RCW to read as follows:

NEWSPAPER DEFINED. "Newspaper" means a publication issued regularly at stated intervals at least once a week and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind.

Sec. 305. RCW 82.04.330 and 1988 c 253 s 2 are each amended to read as follows:

AGRICULTURAL EXEMPTIONS. This chapter shall not apply to any (~~person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such~~

products)) farmer that sells any agricultural product at wholesale ((by such grower, producer, or raiser thereof)). This exemption shall not apply to any person selling such products at retail ((or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession)).

This chapter shall also not apply to any persons who participate in the federal conservation reserve program or its successor administered by the United States department of agriculture with respect to land enrolled in that program.

Sec. 306. RCW 82.08.0273 and 1988 c 96 s 1 are each amended to read as follows:

SALES TO NONRESIDENTS OF TANGIBLE PERSONAL PROPERTY FOR USE OUTSIDE OF STATE-- EXEMPTION LIMITED. (1) The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser (a) is a bona fide resident of a state or possession or Province of Canada other than the state of Washington and such state, possession, or Province of Canada is contiguous to the state of Washington and does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (b) agrees, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

(2)(a) Any person claiming exemption from retail sales tax under the provisions of this section must display proof of his or her current nonresident status as herein provided.

(b) Acceptable proof of a nonresident person's status shall include two pieces of identification: (i) A valid driver's license from the jurisdiction in which the out-of-state residency is claimed or a valid identification card which has a photograph of the holder and is issued by the out-of-state jurisdiction and (ii) a credit card, checks, or other reliable identification. Identification under (i) of this subsection (2)(b) must show the holder's residential address and have as one of its legal purposes the establishment of residency in that out-of-state jurisdiction.

(3) Nothing in this section requires the vendor to make tax exempt retail sales to nonresidents. A vendor may choose to make sales to nonresidents, collect the sales tax, and remit the amount of sales tax collected to the state as otherwise provided by law. If the vendor chooses to make a sale to a nonresident without collecting the sales tax, the vendor shall, in good faith, examine the proof of nonresidence, determine whether the proof is acceptable under subsection (2)(b) of this section, and maintain records for each nontaxable sale which shall show the type of proof accepted, including any identification numbers where appropriate, and the expiration date, if any.

(4)(a) Any person making fraudulent statements, which includes the offer of fraudulent identification or fraudulently procured identification to a vendor, in order to purchase goods without paying retail sales tax shall be guilty of perjury. Any person making tax exempt purchases under this section by displaying proof of identification not his or her own, or counterfeit identification, with intent to violate the provisions of this section, shall be guilty of a misdemeanor and, in addition, shall be liable for the tax and subject to a penalty equal to the greater of one hundred dollars or the tax due on such purchases.

(b) Any vendor who makes sales without collecting the tax to a person who does not hold valid identification establishing out-of-state residency, and any vendor who fails to maintain records of sales to nonresidents as provided in this section, shall be personally liable for the amount of tax due. Any vendor who makes sales without collecting the retail sales tax under this section and who has actual knowledge that the purchaser's proof of identification establishing out-of-state residency is fraudulent shall be guilty of a misdemeanor and, in addition, shall be liable for the tax and subject to a penalty equal to the greater of one thousand dollars or the tax due on such sales. In addition, both the purchaser and the vendor shall be liable for any penalties and interest assessable under chapter 82.32 RCW.

NEW SECTION. Sec. 307. FINDING--PRESCRIPTION DRUGS. The legislature finds that prevention is a significant element in the reduction of health care costs. The legislature further finds that taxing some physician prescriptions and not others is unfair to patients. It is, therefore, the intent of the legislature to remove the taxes from prescriptions issued for family planning purposes.

Sec. 308. RCW 82.08.0281 and 1980 c 37 s 46 are each amended to read as follows:

RETAIL SALES TAX EXEMPTION--PRESCRIPTION DRUGS. The tax levied by RCW 82.08.020 shall not apply to sales of prescription drugs, including sales to the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ((ordered by)), or for use for family planning purposes, including the prevention of conception, supplied:

(1) By a family planning clinic that is under contract with the department of health to provide family planning services; or

(2) Under the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions((7)); or

((2)) (3) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist((7)); or

((3)) (4) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist((7)); or

((4)) (5) By physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

Sec. 309. RCW 82.12.0275 and 1980 c 37 s 73 are each amended to read as follows:

USE TAX EXEMPTION--PRESCRIPTION DRUGS. The provisions of this chapter shall not apply in respect to the use of prescription drugs, including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients by prescription without charge. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans (~~ordered by~~), or for use for family planning purposes, including the prevention of conception, supplied:

(1) By a family planning clinic that is under contract with the department of health to provide family planning services; or

(2) Under the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions((7)); or

((2)) (3) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist((7)); or

((3)) (4) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist((7)); or

((4)) (5) By physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses intended to aid or correct visual defects or anomalies of humans.

PART IV SALES TAX DEFERRAL PROGRAMS

NEW SECTION. Sec. 401. A new section is added to chapter 43.63A RCW to read as follows:

NEIGHBORHOOD REINVESTMENT AREA--APPLICATION. (1) The department, in cooperation with the department of revenue, the employment security department, and the office of financial management, shall approve applications submitted by local governments for designation as a neighborhood reinvestment area under this section. The application shall be in the form and manner and contain such information as the department may prescribe, provided that the application for designation shall:

(a) Contain information sufficient for the director to determine if the criteria established in section 402 of this act have been met.

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government.

(c) Contain a five-year neighborhood reinvestment plan that describes the proposed designated neighborhood reinvestment area's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.

The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(d) Certify that neighborhood residents were given the opportunity to participate in the development of the five-year neighborhood reinvestment strategy required under (c) of this subsection.

(2) No local government shall submit more than two neighborhoods to the department for possible designation as a designated neighborhood reinvestment area under this section.

(3)(a) Within ninety days after January 1, 1994, the director may designate up to six designated neighborhood reinvestment areas from among the applications eligible for designation as a designated neighborhood reinvestment area under this section. The director shall make determinations of designated neighborhood reinvestment areas on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year neighborhood reinvestment plan required under this section.

(ii) The level of private commitments by private entities of additional resources and contribution to the designated neighborhood reinvestment area.

(iii) The potential for reinvestment in the area as a result of designation as a designated neighborhood reinvestment area.

(iv) Other factors the director of the department of community development deems necessary.

(b) The determination of the director as to the areas designated as neighborhood reinvestment areas shall be final.

NEW SECTION. Sec. 402. A new section is added to chapter 43.63A RCW to read as follows:

NEIGHBORHOOD REINVESTMENT AREA--REQUIREMENTS. (1) The director may not designate an area as a designated neighborhood reinvestment area unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year neighborhood reinvestment plan for the area that meets the requirements of section 401(1)(c) of this act and as further defined by the director must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this section are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

Sec. 403. RCW 82.60.020 and 1988 c 42 s 16 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent ~~((-- Applications under this subsection (3)(b) shall be filed by April 30, 1989))~~; or (c) a designated neighborhood reinvestment area approved under section 401 of this act.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure ~~((-- PROVIDED, That))~~. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the

production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 404. RCW 82.60.050 and 1988 c 41 s 5 are each amended to read as follows:

EXPIRATION--TAX DEFERRAL CERTIFICATE. RCW 82.60.030 and 82.60.040 shall expire July 1, ~~((1994))~~ 1998.

Sec. 405. RCW 82.61.010 and 1988 c 41 s 1 are each amended to read as follows:

DEFINITIONS--THRESHOLD DATE MODIFIED--ELIGIBLE PROJECTS MODIFIED. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Person" has the meaning given in RCW 82.04.030.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means:

(a) Construction of new buildings and the acquisition of new related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ~~((1994))~~ 1998; or

(b) Acquisition prior to December 31, ~~((1994))~~ 1998, of new machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure(~~(-- PROVIDED, That))~~. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(c) Acquisition of all new or used machinery, equipment, or other personal property for use in the production or casting of aluminum at an aluminum smelter or at facilities related to an aluminum smelter, if the plant was in operation prior to 1975 and has ceased operations or is in imminent danger of ceasing operations for economic reasons, as determined by the department, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represented employees of the plant pursuant to a collective bargaining agreement that was in effect either immediately prior to the time the plant ceased operations or during the period when the plant was in imminent danger of ceasing operations, on the proposed operation of the plant and on the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(d) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, which are commenced after May 19, 1987, and are intended to increase the operating efficiency of existing plants which are either aluminum smelters or aluminum rolling mills or of facilities related to such plants, if the plant was in operation prior to 1975, and if the person applying for a deferral (i) has consulted with any collective bargaining unit that represents employees of the plant on the proposed operation of the plant and the terms and conditions of employment for wage and salaried employees and (ii) has obtained a written concurrence from the bargaining unit on the decision to apply for a deferral under this chapter; or

(e) Acquisition of all new or used machinery, equipment, or other personal property for use in the production of pulp and paper-related products if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management;
or

(f) Modernization projects involving construction, acquisition, or upgrading of equipment or machinery, including services and labor, that are commenced after the effective date of this section and are intended to increase

the operating efficiency of existing pulp and paper mills or facilities, if the plant was in operation prior to 1960 and is located in a county with a population between forty thousand and seventy thousand as last determined by the office of financial management.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) "Machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this chapter, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment may be treated as new equipment and machinery if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(12) "Operationally complete" means constructed or improved to the point of being functionally useable for the intended purpose.

(13) "Initiation of construction" means that date upon which on-site construction commences.

Sec. 406. RCW 82.61.020 and 1987 c 497 s 2 are each amended to read as follows:

APPLICATION PROCESS. Application for deferral of taxes under this chapter shall be made before initiation of the construction of the investment project or acquisition of equipment or machinery or plant. Application for deferral of taxes for modernization projects as defined in RCW 82.61.010(4)(d) and (f) shall be made during the calendar year in which construction begins or acquisition of equipment or machinery occurs. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

Sec. 407. RCW 82.61.030 and 1987 c 497 s 3 are each amended to read as follows:

TAX DEFERRAL ELIGIBILITY. Except for eligible projects within the definitions in RCW 82.61.010(4) (c) ~~((or (d)))~~ through (f), a tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, shall also be ineligible to receive a tax deferral certificate.

Sec. 408. RCW 82.61.040 and 1988 c 41 s 2 are each amended to read as follows:

EXPIRATION--TAX DEFERRAL ELIGIBILITY. RCW 82.61.020 and 82.61.030 shall expire July 1, ~~((1994))~~ 1998.

Sec. 409. RCW 82.61.070 and 1988 c 41 s 3 are each amended to read as follows:

REPORTS. The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1 of each year through ~~((1995))~~ 1999.

Sec. 410. RCW 82.62.010 and 1988 c 42 s 17 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; ~~((or))~~ (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent~~((-- Applications under this subsection (3)(b) shall be filed by April 30, 1989))~~; (c) a designated neighborhood reinvestment area approved under section 401 of this act; or (d) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility~~((-- PROVIDED, That))~~, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 411. RCW 82.62.040 and 1988 c 41 s 4 are each amended to read as follows:

EXPIRATION--APPLICATIONS AND ELIGIBILITY. RCW 82.62.020 ~~((and 82.62.030))~~ shall expire July 1, ~~((1994))~~ 1998.

PART V REAL ESTATE EXCISE TAX

NEW SECTION. Sec. 501. FINDINGS--INTENT. (1) The legislature finds that transfers of ownership of entities may be essentially equivalent to the sale of real property held by the entity. The legislature further finds that all transfers of possession or use of real property should be subject to the same excise tax burdens.

(2) The legislature intends to apply the real estate excise tax of chapter 82.45 RCW to transfers of entity ownership when the transfer of entity ownership is comparable to the sale of real property. The legislature intends to equate the excise tax burdens on all sales of real property and transfers of entity ownership essentially equivalent to a sale of real property under chapter 82.45 RCW.

Sec. 502. RCW 82.45.010 and 1981 c 93 s 1 are each amended to read as follows:

SALE--DEFINED. (1) As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person ~~((by his))~~ at the purchaser's direction, ~~((which))~~ and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration. For purposes of this subsection, all acquisitions of persons acting in concert shall be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department of revenue shall adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department shall consider the following:

(a) Persons shall be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(b) When persons are not commonly owned or controlled, they shall be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions shall be considered separate acquisitions.

(3) The term "sale" shall not include:

(a) A transfer by gift, devise, or inheritance~~((;))~~.

(b) A transfer of any leasehold interest other than of the type mentioned above~~((;))~~.

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage ~~((or the assumption by a grantee of the balance owing on an obligation which is secured by a mortgage or deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration passes otherwise or))~~.

(d) The partition of property by tenants in common by agreement or as the result of a court decree~~((, any transfer, conveyance, or))~~.

(e) The assignment of property or interest in property from one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement ~~((incident thereto))~~.

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved~~((;))~~.

(g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation~~((;))~~.

(h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof~~((;))~~.

(i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage~~((;))~~ or deed of trust.

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration~~((, nor))~~.

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed~~((; nor))~~.

(l) The sale of any grave or lot in an established cemetery~~((, nor))~~.

(m) A sale by ~~((or to))~~ the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

~~((The term sale shall further not include)) (n) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or children: PROVIDED, That if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (1) the transferor and/or the transferor's spouse or children, (2) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (3) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within ~~((five))~~ three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes shall become due and payable on the original transfer as otherwise provided by law.~~

(o) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of section 332, 337, 351, 368(a)(1), 721, or 731 of the Internal Revenue Code of 1986, as amended.

Sec. 503. RCW 82.45.030 and 1969 ex.s. c 223 s 28A.45.030 are each amended to read as follows:

SELLING PRICE--DEFINED. (1) As used in this chapter, the term "selling price" means the ~~((consideration, including))~~ true and fair value of the property conveyed. If property has been conveyed in an arm's length transaction between unrelated persons for a valuable consideration, a rebuttable presumption exists that the selling price is equal to the total consideration paid or contracted to be paid to the transferor, or to another for the transferor's benefit.

(2) If the sale is a transfer of a controlling interest in an entity with an interest in real property located in this state, the selling price shall be the true and fair value of the real property owned by the entity and located in this state. If the true and fair value of the real property located in this state cannot reasonably be determined, the selling price shall be determined according to subsection (4) of this section.

(3) As used in this section, "total consideration paid or contracted to be paid" includes money or anything of value, paid or delivered or contracted to be paid or delivered in return for the ~~((transfer of the real property or estate or interest in real property))~~ sale, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale.

~~((The term))~~ Total consideration shall not include the amount of any outstanding lien or incumbrance in favor of the United States, the state, or a municipal corporation for ~~((the))~~ taxes, special benefits, or improvements.

(4) If the total consideration for the sale cannot be ascertained or the true and fair value of the property to be valued at the time of the sale cannot reasonably be determined, the market value assessment for the property maintained on the county property tax rolls at the time of the sale shall be used as the selling price.

Sec. 504. RCW 82.45.032 and 1986 c 211 s 1 are each amended to read as follows:

REAL ESTATE--REAL PROPERTY--DEFINED. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" or "real property" means ~~((real property but includes))~~ any interest, estate, or beneficial interest in land or anything affixed to land, including the ownership interest or beneficial interest in any entity which itself owns land or anything affixed to land. The term includes used mobile homes ~~((and)),~~ used floating homes, and improvements constructed upon leased land.

(2) "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) "Mobile home" means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(4) "Used floating home" means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

(5) "Floating home" means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located.

NEW SECTION. Sec. 505. A new section is added to chapter 82.45 RCW to read as follows:

CONTROLLING INTEREST--DEFINED. As used in this chapter, the term "controlling interest" has the following meaning:

(1) In the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and

(2) In the case of a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

Sec. 506. RCW 82.45.090 and 1991 c 327 s 6 are each amended to read as follows:

SALE OF BENEFICIAL INTEREST IN REAL PROPERTY--NO RECORDED INSTRUMENT. (1) Except for a sale of a beneficial interest in real property where no instrument evidencing the sale is recorded in the official real property records of the county in which the property is located, the tax imposed by this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold~~((said))~~. In collecting the tax the treasurer ~~((acting))~~ shall act as agent for the state. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the

county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

(2) For a sale of a beneficial interest in real property where a tax is due under this chapter and where no instrument is recorded in the official real property records of the county in which the property is located, the sale shall be reported to the department of revenue within five days from the date of the sale on such returns or forms and according to such procedures as the department may prescribe. Such forms or returns shall be signed by both the transferor and the transferee and shall be accompanied by payment of the tax due. Any person who intentionally makes a false statement on any return or form required to be filed with the department under this chapter shall be guilty of perjury.

Sec. 507. RCW 82.45.100 and 1988 c 286 s 5 are each amended to read as follows:

LIABILITY FOR TAX NOT RECEIVED--EXCEPTIONS. (1) The tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within thirty days thereafter shall bear interest at the rate of one percent per month from the time of sale until the date of payment.

(2) In addition to the interest described in subsection (1) of this section, if the payment of any tax is not received by the county treasurer or the department of revenue, as the case may be, within thirty days of the date due, there shall be assessed a penalty of five percent of the amount of the tax; if the tax is not received within sixty days of the date due, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within ninety days of the date due, there shall be assessed a total penalty of twenty percent of the amount of the tax. The payment of the penalty described in this subsection shall be collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(3) If the tax imposed under this chapter is not received by the due date, the transferee shall be personally liable for the tax, along with any interest as provided in subsection (1) of this section, unless:

(a) An instrument evidencing the sale is recorded in the official real property records of the county in which the property conveyed is located; or

(b) Either the transferor or transferee notifies the department of revenue in writing of the occurrence of the sale within thirty days following the date of the sale.

(4) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department shall assess against the taxpayer the additional amount found to be due plus interest and penalties as provided in subsections (1) and (2) of this section. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable under this chapter, an additional penalty of fifty percent of the additional tax found to be due shall be added.

~~((4))~~ (5) No assessment or refund may be made by the department more than four years after the date of sale except upon a showing of:

(a) Fraud or ((e)) misrepresentation of a material fact by the taxpayer ((e));

(b) A failure by the taxpayer to record documentation of a sale or otherwise report the sale to the county treasurer; or

(c) A failure of the transferor or transferee to report the sale under RCW 82.45.090(2).

~~((5))~~ (6) Penalties collected pursuant to subsection (2) of this section shall be deposited in the housing trust fund as described in chapter 43.185 RCW.

NEW SECTION. Sec. 508. TAX IMPOSED BY ORDINANCE--APPLICATION. Any ordinance imposing a tax under chapter 82.46 RCW which is in effect on the effective date of this section shall apply to all sales taxable under chapter 82.45 RCW on the effective date of this section at the rate specified in the ordinance, until such time as the ordinance is otherwise amended or repealed.

Sec. 509. RCW 82.45.150 and 1981 c 167 s 1 are each amended to read as follows:

TAX AFFIDAVIT--FORM. All of chapter 82.32 RCW, except RCW 82.32.030, 82.32.040, 82.32.050, 82.32.140, and 82.32.270 and except for the penalties and the limitations thereon imposed by RCW 82.32.090, applies to the tax imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the tax imposed by this chapter. The department of revenue shall by rule provide for the effective administration of this chapter. The rules shall ~~((also include a manual which defines transactions which are taxable under))~~ prescribe and furnish a real estate excise tax affidavit form verified by both the seller and the buyer, or agents of each, to be used by each county, or the department, as the case may be, in the collection of the tax imposed by this chapter. The department of revenue shall annually conduct audits of transactions and affidavits filed under this chapter.

Sec. 510. RCW 82.45.180 and 1991 c 245 s 15 are each amended to read as follows:

DISTRIBUTION. (1) For taxes collected by the county under this chapter, the county treasurer shall collect a two-dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. The county treasurer shall place one percent of the proceeds of the tax imposed by this chapter and the treasurer's fee in the county current expense fund to defray costs of collection and shall pay over to the state treasurer and account to the department of revenue for the remainder of the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. ((The proceeds of the tax on any sale occurring prior to September 1, 1981, when the proceeds have not been certified by an educational service district superintendent for school districts prior to September 1, 1981, shall be included in the amount remitted to the state treasurer.)) The state treasurer shall deposit the proceeds in the general fund for the support of the common schools.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund for the support of the common schools. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

Sec. 511. RCW 43.84.092 and 1993 c 4 s 9 are each amended to read as follows:

INTEREST ON LOCAL REAL ESTATE EXCISE TAX ACCOUNT. (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway

account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 512. REPORTING, APPLICATION, COLLECTION, AFFIDAVIT STANDARDS-- OWNERSHIP TRANSFER OF A CORPORATION--REPEALED. The following acts or parts of acts are each repealed:

- (1) 1991 sp.s. c 22 s 1 (uncodified);
- (2) RCW 82.45A.010 and 1991 sp.s. c 22 s 2;
- (3) RCW 82.45A.020 and 1991 sp.s. c 22 s 3;
- (4) RCW 82.45A.030 and 1991 sp.s. c 22 s 4; and
- (5) RCW 82.45.120 and 1981 c 167 s 5, 1980 c 134 s 1, & 1969 ex.s. c 223 s 28A.45.120.

NEW SECTION. Sec. 513. REPEALS--NO EFFECT ON EXISTING RIGHT, LIABILITY, OBLIGATION. The repeals in section 512 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections repealed or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

PART VI INSURANCE PREMIUMS AND PREPAYMENTS TAXES

Sec. 601. RCW 48.14.--- and 1993 c ... (Engrossed Second Substitute Senate Bill No. 5304) s 301 are each amended to read as follows:

TAX ON PREMIUMS AND PREPAYMENTS. (1) As used in this section, "taxpayer" means a health maintenance organization, as defined in RCW 48.46.020, a health care service contractor, as defined in RCW 48.44.010, or a certified health plan certified under RCW 48.---.--- (section 434, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993).

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.---.--- (section 469, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993) after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act. This exemption shall expire July 1, 1997.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020. This exemption does not apply to amounts received under a certified health plan certified under RCW 48.---.--- (section 434, chapter . . . (Engrossed Second Substitute Senate Bill No. 5304), Laws of 1993).

Sec. 602. RCW 48.14.080 and 1993 c ____ (Engrossed Second Substitute Senate Bill No. 5304) s 302 are each amended to read as follows:

PREMIUM TAX IN LIEU OF OTHER FORMS. As to insurers, other than title insurers and taxpayers under section 601 of this act, the taxes imposed by this title shall be in lieu of all other taxes, except taxes on real and

tangible personal property, excise taxes on the sale, purchase or use of such property, and the tax imposed in RCW 82.04.260(15).

Sec. 603. 1993 c ... (Engrossed Second Substitute Senate Bill No. 5304) s 495 (uncodified) is amended to read as follows:

EFFECTIVE DATE OF PREPAYMENTS TAX IN ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

- (1) Sections 234 through 257 of this act, which shall take effect July 1, 1995; and
- (2) Sections 301 through 303 of this act, which shall take effect January 1, ~~((1996))~~ 1994.

PART VII RESALE CERTIFICATE ABUSE CURTAILED

Sec. 701. RCW 82.04.470 and 1983 2nd ex.s. c 3 s 29 are each amended to read as follows:

RESALE CERTIFICATES. (1) Unless a seller has taken from the ~~((purchaser))~~ buyer a resale certificate ~~((signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide)),~~ the burden of proving that a sale of tangible personal property, or of ~~((telephone))~~ services ~~((as defined in RCW 82.04.065)),~~ was not a sale at retail shall be upon the person who made it.

(2) If a seller does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of sales tax.

(3) Resale certificates shall be valid for a period of four years from the date the certificate is provided to the seller.

(4) The department may provide by rule for suggested forms for resale certificates or equivalent documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.

(5) As used in this section, "resale certificate" means documentation provided by a buyer to a seller stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information:

(a) The name and address of the buyer;

(b) The uniform business identifier or revenue registration number of the buyer, if the buyer is required to registered;

(c) The type of business engaged in;

(d) The categories of items or services to be purchased for resale or that are exempt, unless the buyer is in a business classification that may present a blanket resale certificate as provided by the department by rule;

(e) The date on which the certificate was provided;

(f) A statement that the items or services purchased either: (i) Are purchased for resale in the regular course of business; or (ii) are exempt from tax pursuant to statute;

(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale or exemption privilege claimed on the certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law;

(h) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(i) The signature of the authorized individual; and

(j) The name of the seller.

NEW SECTION. Sec. 702. A new section is added to chapter 82.08 RCW to read as follows:

RESALE CERTIFICATE--PURCHASE AND RESALE. If a buyer normally is engaged in both consuming and reselling certain types of articles of tangible personal property and is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a resale certificate for the entire purchase if the buyer principally resells the articles according to the general nature of the buyer's business. The buyer shall account for the value of any articles purchased with a resale certificate that are used by the buyer and remit the sales tax on the articles to the department.

A buyer who pays a tax on all purchases and subsequently resells an article at retail, without intervening use by the buyer, shall collect the tax from the purchaser as otherwise provided by law and is entitled to a deduction on

the buyer's tax return equal to the cost to the buyer of the property resold upon which retail sales tax has been paid. The deduction is allowed only if the taxpayer keeps and preserves records that show the names of the persons from whom the articles were purchased, the date of the purchase, the type of articles, the amount of the purchase, and the tax that was paid. The department shall provide by rule for the refund or credit of retail sales tax paid by a buyer for purchases that are later sold at wholesale without intervening use by the buyer.

NEW SECTION. Sec. 703. A new section is added to chapter 82.32 RCW to read as follows:

PENALTY. Any person who uses a resale certificate to purchase items or services without payment of sales tax and who is not entitled to use the certificate for the purchase shall be assessed a penalty of fifty percent of the tax due, in addition to all other taxes, penalties, and interest due, on the improperly purchased item or service. The department may waive the penalty imposed under this section if it finds that the use of the certificate was due to circumstances beyond the taxpayer's control or if the certificate was properly used for purchases for dual purposes. The department shall define by rule what circumstances are considered to be beyond the taxpayer's control.

Sec. 704. RCW 82.08.050 and 1992 c 206 s 2 are each amended to read as follows:

SELLER TO COLLECT TAX. The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax, unless the seller has taken from the buyer in good faith a properly executed resale certificate under RCW 82.04.470.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

PART VIII
BUSINESS & OCCUPATION AND PUBLIC UTILITY TAX
DEDUCTIONS FOR CAPITAL CONTRIBUTIONS REPEALED

NEW SECTION. Sec. 801. EXEMPTION OF AMOUNTS PAID TO POLITICAL SUBDIVISIONS FOR CAPITAL FACILITIES. RCW 82.04.417 and 1969 ex.s. c 156 s 1 are each repealed.

PART IX
REPEAL OF INSURANCE PREMIUMS TAX CREDIT FOR
PAYMENTS TO GUARANTY ASSOCIATIONS

Sec. 901. RCW 48.32.145 and 1977 ex.s. c 183 s 1 are each amended to read as follows:

CREDIT AGAINST PREMIUM TAX. Every member insurer (~~which during any calendar year~~) that prior to April 1, 1993, shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) ((as now or hereafter amended)) shall be entitled to take, as a credit against any premium tax falling due under RCW 48.14.020, one-fifth of the aggregate amount of such aggregate assessments during such calendar year for each of the five

consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid(~~(- PROVIDED, That)~~). Whenever an assessment or uncredited portion ((~~thereof~~) of an assessment is or becomes less than one thousand dollars, the entire amount may be credited against the premium tax at the next time the premium tax is paid.

This section shall expire January 1, 1999.

Sec. 902. RCW 48.32A.090 and 1990 c 51 s 6 are each amended to read as follows:

CERTIFICATES OF CONTRIBUTION. (1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution issued prior to April 1, 1993, shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve(~~(- PROVIDED, That)~~). Unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

- 100% for the calendar year of issuance;
- 80% for the first calendar year after the year of issuance;
- 60% for the second calendar year after the year of issuance;
- 40% for the third calendar year after the year of issuance;
- 20% for the fourth calendar year after the year of issuance; and
- 0% for the fifth and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and (~~by him~~) then deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

PART X MISCELLANEOUS

NEW SECTION. Sec. 1001. TRANSFER TO BUDGET STABILIZATION ACCOUNT. If the revenues generated under this act during the biennium exceed the amounts projected to be generated, the department of revenue shall certify the excess to the state treasurer as soon as the excess is known and the state treasurer shall transfer an amount equal to the excess from the general fund to the budget stabilization account.

NEW SECTION. Sec. 1002. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1003. EFFECTIVE DATES. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except:

- (1) Sections 901 and 902 of this act take effect immediately.
- (2) Sections 601 through 603 of this act take effect January 1, 1994.

NEW SECTION. Sec. 1004. PART HEADINGS AND CAPTIONS. Part headings and captions as used in this act constitute no part of the law."

On page 1, beginning on line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280, 82.02.030, 82.04.255, 82.04.290, 82.04.300, 82.04.050, 82.04.280, 82.04.330, 82.08.0273, 82.08.0281, 82.12.0275, 82.60.020, 82.60.050, 82.61.010, 82.61.020, 82.61.030, 82.61.040, 82.61.070, 82.62.010, 82.62.040, 82.45.010, 82.45.030, 82.45.032, 82.45.090, 82.45.100, 82.45.150, 82.45.180, 43.84.092, 48.14.--, 48.14.080, 82.04.470, 82.08.050, 48.32.145, and 48.32A.090; amending 1993 c ... (Engrossed Second Substitute Senate Bill No. 5304) s 495 (uncodified); adding new sections to chapter 82.04 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.32 RCW; creating new

sections; repealing RCW 82.04.2901, 82.04.2904, 82.45A.010, 82.45A.020, 82.45A.030, 82.45.120, and 82.04.417; repealing 1991 sp.s. c 22 s 1 (uncodified); prescribing penalties; providing effective dates; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rinehart, Owen; Representatives G. Fisher, Sommers.

MOTION

Representative G. Fisher moved that the House adopt the Report of the Conference Committee on Second Engrossed Substitute Senate Bill No. 5967 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5967 as recommended by the Conference Committee.

Representatives G. Fisher, Sommers, Wineberry, Appelwick, Locke, Cothorn, Dorn and J. Kohl spoke in favor of passage of the bill and Representatives Foreman, Reams, Ballard, Thomas, Edmondson, Dyer, Forner, Silver and Brough spoke against it.

Representative Reams again spoke against the bill.

Representative Miller demanded an oral roll call vote and the demand was sustained.

POINT OF INQUIRY

Representative Silver yielded to a question by Representative Locke.

Representative Locke: Representative Silver, You indicated earlier that through your scrubbing of the budget you could find 900 million dollars of savings and that therefore the 668 million tax package is unnecessary. My question to you is, how much were you proposing to cut from the Department of Agriculture.

Representative Silver: Representative from the 37th District, you know you could have asked me this question in Conference Committee and I would have been delighted to answer it for you. We could have asked a lot of other questions and you and I could of had a really good response along with Nita, and I think we probably would have been a big help to Nita. Senator McDonald and I might have been a big help with Nita in the negotiations with you. We would have had many questions we could probably have resolved. Well, you just think of that for next time and we'll all be in the conference, not just omitting two people.

Representative Locke: Representative Silver, how much were you proposing to cut from the Department of Trade and Economic Development? Representative Silver, how much were you proposing to cut from the State Patrol? Representative Silver, how much were you proposing to cut from higher education and our colleges and universities.

POINT OF INQUIRY

Representative G. Fisher yielded to a question by Representative King

Representative King: Is it your understanding that the cost of the business and occupation tax increase that is collected on payments made by the state on behalf of medicaid patients in nursing homes will be current funded?

Representative G. Fisher: Yes, this increase as it relates to medicaid patients will be "current funded". This will insure that the federal government will pay their component of the increased cost.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5967, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 50, Nays - 48, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Fisher, G., Fisher, R., Grant, Hansen, Heavey, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Ogden, Orr, Peery, Pruitt, Quall, Rayburn, Riley, Romero, Rust, Scott, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 50.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cooke, Dyer, Edmondson, Eide, Finkbeiner, Flemming, Foreman, Forner, Fuhrman, Holm, Horn, Johanson, Kremen, Lemmon, Linville, Lisk, Long, Mastin, Mielke, Miller, Morton, Padden, Patterson, Reams, Roland, Schmidt, Schoesler, Sehlín, Sheahan, Sheldon, Shin, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 48.

Second Engrossed Substitute Senate Bill No. 5967, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the House considered Engrossed Substitute Senate Bill No. 5724 on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5724, by Senator Rinehart; by request of Department of Social and Health Services

Changing nursing home auditing and cost reimbursement provisions.

The bill was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 33, after line 9, insert the following:

"NEW SECTION. Sec. 20. The department of social and health services shall provide a prospective rate enhancement for nursing homes meeting all of the following conditions: (1) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (2) the lessee purchased the leased facility after January 1, 1980; (3) the lessor defaulted on its loan or mortgage for the assets of the facility; (4) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate enhancement increase shall be effective July 1, 1993. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this section shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis."

On page 1, beginning on line 5 of the title, after "creating" strike "a new section" and insert "new sections"

Representatives G. Fisher and Ballard spoke in favor of adoption of the amendment and Representative Locke spoke against it. The amendment was adopted.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5724 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5724, as amended by the House, and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Campbell, Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Finkbeiner, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Heavey, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Lemmon, Leonard, Linville, Locke, Ludwig,

Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Rayburn, Riley, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Veloria, Wang, Wineberry, Wolfe and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Carlson, Casada, Chandler, Chappell, Cole, G., Cooke, Dyer, Edmondson, Foreman, Forner, Fuhrman, Horn, Johanson, Kremen, Lisk, Long, Mielke, Miller, Morton, Padden, Quall, Reams, Roland, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven, Wood and Zellinsky - 41.

Engrossed Substitute Senate Bill No. 5724, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

CONFERENCE COMMITTEE REPORT

SSB 5717 Date: May 5, 1993

Includes "new item": Yes

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5717, adopting the capital budget, have had the same under consideration and we recommend that the House amendments not be adopted and that the following Conference Committee amendment (5717-S AMC CONF H2676.5) be adopted with the attached changes and that the bill do pass as recommended by the Conference Committee:

On page 14, line 35, after "park" strike all material through "park" on line 36

On page 79, line 16, strike "\$25,000,000" and insert "\$32,500,000"

On page 79, line 20, strike "\$20,525,800" and insert "\$28,025,800"

On page 79, line 43, strike "\$45,525,800" and insert "\$60,525,800"

On page 79, line 47, strike "\$50,000,000" and insert "\$65,000,000"

On page 80, line 1, strike "\$250,000,000" and insert "\$265,000,000"

On page 118, line 10, after "inconsistent" strike all material through "area" on line 11 and insert "with the recommendations of the higher education coordinating board"

On page 128, after line 44, insert the following:

"NEW SECTION. Sec. 784. FOR WASHINGTON STATE UNIVERSITY

International Marketing Program for Agricultural Commodities and Trade (IMPACT): For expenses of the IMPACT program.

Appropriation:

General Fund State \$ 148,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 148,000"

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 21. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1995, out of the several funds specified in this act.

NEW SECTION. Sec. 22. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Fruit Comm Fac Acct" means Fruit Commission Facility Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account-- Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dairy Prod Comm Fac Acct" means Washington State Dairy Products Commission Facilities Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;
"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.
Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS
Division III: Vault enlargement (93-2-001)

Appropriation:

St Bldg Constr Acct \$ 65,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 65,000

NEW SECTION. Sec. 102. FOR THE SECRETARY OF STATE
Central Washington Regional Archives--Central Washington University Campus (93-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 3,934,000

Prior Biennia (Expenditures) \$ 259,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,343,000

NEW SECTION. Sec. 103. FOR THE SECRETARY OF STATE
Northwest Washington Regional Branch Archives (90-1-003)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 3,199,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,399,000

NEW SECTION. Sec. 104. FOR THE SECRETARY OF STATE
Puget Sound Regional Branch Archives predesign and maintenance (94-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of this appropriation shall be used to conduct a predesign study to determine if the agency should remodel the existing facility, build a new structure, or relocate to a new leased or other state-owned facility. The study shall determine the availability of existing state land and cost of adapting an existing regional archives design.

(2) \$100,000 of this appropriation is for critical deferred maintenance at the existing Puget Sound Regional Archives.

Appropriation:

St Bldg Constr Acct \$ 140,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,839,000
TOTAL \$ 3,979,000

NEW SECTION. Sec. 105. FOR THE SECRETARY OF STATE
Eastern Washington Regional Archives predesign (94-2-002)

Appropriation:

St Bldg Constr Acct \$ 58,200

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,000,000
TOTAL \$ 6,058,200

NEW SECTION. Sec. 106. FOR THE OFFICE OF FINANCIAL MANAGEMENT

To purchase land for new higher education institution

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property for a new institution of higher education to meet the higher education needs of the north King and south Snohomish county area. A minimum of four sites shall be evaluated by the higher education coordinating board for purchase with this appropriation;

(2) The appropriation in this section shall not be expended to purchase property unless the office of financial management has made a reasonable determination that potential storm water and flood water will not damage property or buildings to be constructed on the proposed site, result in mitigation actions that cost more than comparable property in the general area, or possess characteristics which require extraordinary environmental mitigation or engineering safeguards;

(3) The appropriation in this section shall not be expended to purchase property until a site development plan is proposed for the site that accommodates all proposed buildings outside of any potential flood plain;

(4) The legislature recognizes that additional appropriations may be required for development of the new institution in future biennia; and

(5) The office of financial management may consider any studies, whether or not still in progress, relevant to this appropriation.

Appropriation:

St Bldg Constr Acct	\$ 4,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 4,500,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground storage tank pool (94-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Reappropriation:

St Bldg Constr Acct	\$ 1,748,146
CEP & RI Acct	\$ 150,000
Subtotal Reappropriation	\$ 1,898,146

Appropriation:

St Bldg Constr Acct	\$ 3,120,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 6,000,000
TOTAL	\$ 11,018,146

NEW SECTION. Sec. 108. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos removal or abatement pool (94-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The moneys provided in this section shall be allocated to agencies and institutions for asbestos removal or abatement projects.

(2) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(3) Subsection (2) of this section does not apply to moneys reappropriated in this act for projects for which the design has been completed, bids have been requested, or a contract has been entered into before the effective date of this act.

Reappropriation:

St Bldg Constr Acct	\$ 2,338,088
CEP & RI Acct	\$ 268,500
Subtotal Reappropriation	\$ 2,606,588

Appropriation:

St Bldg Constr Acct \$ 7,020,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 23,626,588

NEW SECTION. Sec. 109. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Americans with disabilities act modifications pool (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 9,360,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 31,000,000

TOTAL \$ 40,360,000

NEW SECTION. Sec. 110. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Capital budget system improvements (94-2-002)

Reappropriation:

St Bldg Constr Acct \$ 100,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,600,000

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Cherberg Building remodel (88-2-040)

The reappropriation in this section is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:

St Bldg Constr Acct \$ 2,960,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:

East Cap Constr Acct \$ 750,000

Prior Biennia (Expenditures) \$ 72,250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Highways-Licenses Building: To complete the construction to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The appropriation shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 18,000,000

Prior Biennia (Expenditures) \$ 4,938,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,938,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus minor works: Boiler plant structural repairs (92-5-901)

Reappropriation:

Cap Bldg Constr Acct \$ 75,000
Prior Biennia (Expenditures) \$ 2,790,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,865,000

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Condition assessment: By December 31, 1993, develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance (92-2-007)

Reappropriation:

St Bldg Constr Acct \$ 500,000
Cap Bldg Constr Acct \$ 340,000

Subtotal Reappropriation \$840,000

Prior Biennia (Expenditures) \$ 251,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,091,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Inadequate building systems and Northern State multiservice center repairs (92-5-900)

Reappropriation:

St Bldg Constr Acct \$ 270,000
Prior Biennia (Expenditures) \$ 8,559,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,829,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza garage: Elevator repairs (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 1,500,000
Prior Biennia (Expenditures) \$ 133,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,633,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Campus control system improvements: Phase 2 (92-2-014)

Reappropriation:

Cap Bldg Constr Acct \$ 850,000
Prior Biennia (Expenditures) \$ 521,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,371,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Capitol Campus voltage improvements (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 9,484,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 10,484,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-2-015)

Reappropriation:

St Bldg Constr Acct \$ 1,100,000
Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,125,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Utilities and grounds (92-2-016)

Reappropriation:

Cap Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 1,287,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,487,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Tumwater Satellite Campus Land Acquisition: To purchase in fee simple real property for future state development in the city of Tumwater **(92-5-000)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for land acquisition, and shall not be expended until the office of financial management has approved a specific plan for development of the Tumwater satellite campus.

(2) Before expending any moneys from the appropriations, the department shall obtain a written agreement from the city of Tumwater, the port of Olympia, and the Tumwater school district requiring the consent of the office of financial management for any state responsibility or liability associated with general infrastructure development or facility relocation within the Tumwater campus planning area.

Reappropriation:

St Bldg Constr Acct \$ 890,000

Appropriation:

St Bldg Constr Acct \$ 3,600,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,490,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 200,000
Cap Bldg Constr Acct \$ 300,000
Subtotal Reappropriation \$ 500,000
Prior Biennia (Expenditures) \$ 1,485,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,985,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building interior repairs (92-2-018)

Reappropriation:

Cap Bldg Constr Acct \$ 160,000
St Bldg Constr Acct \$ 450,000
Subtotal Reappropriation \$ 610,000
Prior Biennia (Expenditures) \$ 1,917,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,527,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building mechanical system improvements (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 200,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Collocation and consolidation of state facilities: To identify the current locations of major concentrations of state facilities within the state and determine where state facilities can be collocated and consolidated **(92-5-004)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall prepare policy recommendations and cost estimates for opportunities to collocate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts.

(2) The appropriations shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

(3) The reappropriation is provided solely to complete phase one of the project, begun in the 1991-93 biennium.

Reappropriation:

St Bldg Constr Acct \$ 105,000

Appropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 120,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 525,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake: To develop a dredging plan and to dredge Capitol Lake (92-3-019)

\$200,000 of the appropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State facilities--Thurston county: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100)

This appropriation is provided solely to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for collocation with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Capitol satellite campuses: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-101)

The appropriation in this section is provided to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater, and a facility plan, developed in consultation with the city of Olympia, which includes mixed use in the downtown Olympia area. The plans shall provide for the siting of consumer services within walking distance of the major areas of concentration of state employees.

Reappropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 650,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 750,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Business park facilities: Master plan (92-5-102)

Reappropriation:

St Bldg Constr Acct \$ 175,000

Prior Biennia (Expenditures) \$ 75,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 131. TO THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park: Acquisition. To complete the purchase of property for Heritage Park (92-5-105)

The appropriations in this section are provided solely to complete acquisition of the property forming the southern boundary of the park and to update the predesign for the park to reflect the reduced size of the park. The appropriations shall not be used to purchase the two residential properties along Columbia street.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000

Appropriation:

St Bldg Constr Acct \$ 330,000

Prior Biennia (Expenditures) \$ 2,200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,030,000

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus geotechnical and hydrologic survey (92-5-108)**

Reappropriation:

St Bldg Constr Acct \$ 185,000

Prior Biennia (Expenditures) \$ 15,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Office Building 2: To upgrade the air supply system by rebuilding the existing system, changing the emergency diesel exhaust system and investigating energy savings to reduce operating and maintenance costs (93-2-025)

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Small and emergency repairs (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 275,000

Cap Bldg Constr Acct \$ 671,000

Subtotal Appropriation \$ 946,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,373,380

TOTAL \$ 5,319,380

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multiservice center (94-1-007)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 90,000

CEP & RI Acct \$ 60,000

Subtotal Appropriation \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
CFC/Halon fire control systems: Removal and replacement (94-1-009)**

Appropriation:

Cap Bldg Constr Acct \$ 464,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,534,000

TOTAL \$ 1,998,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus preservation (94-1-010)

Appropriation:

St Bldg Constr Acct \$ 3,037,000
Cap Bldg Constr Acct \$ 388,000
Subtotal Appropriation \$ 3,425,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 27,259,550
TOTAL \$ 30,684,550

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building preservation (94-1-011)**

Appropriation:

St Bldg Constr Acct \$ 304,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 304,000

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Temple of Justice preservation (94-1-012)**

Appropriation:

St Bldg Constr Acct \$ 147,000
Cap Bldg Constr Acct \$ 277,000
Subtotal Appropriation \$ 424,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 424,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life/safety and preservation projects (94-1-014)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall report to the legislature by November 1, 1994, with options for the disposition of the nonstate-occupied portions of the campus after the reduction or closure of state programs.

(2) The appropriation shall not be spent until the office of financial management has approved a facility repair and preservation plan for the campus.

Appropriation:

CEP & RI Acct \$ 872,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 872,000

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Office Building 2 preservation (94-1-015)**

Appropriation:

St Bldg Constr Acct \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,339,000
TOTAL \$ 2,589,000

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Modular Building preservation (94-1-016)**

Appropriation:

St Bldg Constr Acct \$ 251,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000
TOTAL \$ 1,051,000

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Employment Security Building preservation (94-1-017)**

Appropriation:

St Bldg Constr Acct \$ 74,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 575,000
TOTAL \$ 649,000

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Plaza garage: Repair and study (94-1-023)**

Appropriation:

St Bldg Constr Acct \$ 235,000
Motor Vehicle Acct \$ 26,000
Subtotal Appropriation \$ 261,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,627,000
TOTAL \$ 3,888,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Old Capitol Building preservation (94-1-025)**

Appropriation:

St Bldg Constr Acct \$ 1,179,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,179,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Burien conference center preservation (94-1-026)**

Appropriation:

St Bldg Constr Acct \$ 238,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,675,000
TOTAL \$ 1,913,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Lacey light industrial park acquisition (94-2-003)**

Appropriation:

St Bldg Constr Acct \$ 1,100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 18,200,000
TOTAL \$ 19,300,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
General Administration Engineering and Architectural Services Division: Project management (94-2-**

010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or projects that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

Appropriation:

St Bldg Constr Acct \$ 8,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 38,563,092
TOTAL \$ 46,563,092

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Library for the Blind and Physically Handicapped: To acquire and renovate space for the Washington library for the blind and physically handicapped **(92-5-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The facility acquired under this section shall be owned, operated, managed, and maintained by the city of Seattle.

(2) The appropriation in this section shall complete the state's capital obligation for the facility.

(3) In accepting the ownership of the facility and the renovation funding provided in this section, the city of Seattle agrees to provide rent-free space to the library for the blind and physically handicapped equal to the same amount as the library currently occupies for as long as the state contracts services from the Seattle public library.

Reappropriation:

St Bldg Constr Acct \$ 1,900,000

Appropriation:

St Bldg Constr Acct \$ 1,400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000

NEW SECTION. Sec. 150. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Floor voids and wall repair (94-1-002)

Appropriation:

Liquor Revolving Acct \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000

NEW SECTION. Sec. 151. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Appropriation:

Liquor Revolving Acct \$ 28,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800

NEW SECTION. Sec. 152. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Receiving dock cut-outs (94-1-004)

Appropriation:

Liquor Revolving Acct \$ 40,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 40,000

NEW SECTION. Sec. 153. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Warehouse reroof (94-1-005)

Appropriation:

Liquor Revolving Acct \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT

Armory life and safety code compliance projects (88-1-005)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 260,000

Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 1,535,000

TOTAL \$ 2,820,000

NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT

Minor works (92-5-900)

In support of federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-004) (86-2-004)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 288,624
General Fund--Federal \$ 615,000
Subtotal Reappropriation \$ 903,624
Prior Biennia (Expenditures) \$ 9,305,376
Future Biennia (Projected Costs) \$ 8,691,000
TOTAL \$ 18,900,000

NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT

Minors works: Support of federal construction projects (93-1-007)

Appropriation:

St Bldg Constr Acct \$ 406,200
General Fund--Federal \$ 3,998,000
Subtotal Appropriation \$ 4,404,200
Prior Biennia (Expenditures) \$ 8,456,500
Future Biennia (Projected Costs) \$ 17,777,000
TOTAL \$ 30,637,700

NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT

State-wide preservation (93-1-008)

Appropriation:

St Bldg Constr Acct \$ 2,518,400
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 1,766,000
TOTAL \$ 5,084,400

NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT

Buckley Armory construction (93-2-001)

Reappropriation:

St Bldg Constr Acct \$ 1,127,000
General Fund--Federal \$ 1,728,000
Subtotal Reappropriation \$ 2,855,000

Appropriation:

General Fund--Federal \$ 311,000
Prior Biennia (Expenditures) \$ 170,245
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,336,245

NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT

Grandview Armory construction (93-2-002)

Reappropriation:

St Bldg Constr Acct \$ 1,102,000
General Fund--Federal \$ 1,602,000
Subtotal Reappropriation \$ 2,704,000

Appropriation:

General Fund--Federal \$ 225,000
Prior Biennia (Expenditures) \$ 162,130
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,091,130

NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT

Moses Lake Armory construction (93-2-003)

Reappropriation:

St Bldg Constr Acct \$ 1,206,000
General Fund--Federal \$ 1,804,000
Subtotal Reappropriation \$ 3,010,000

Appropriation:

General Fund--Federal \$ 229,000
Prior Biennia (Expenditures) \$ 177,245
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,416,245

NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT

Camp Murray--Agency Headquarters predesign (93-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1994.

(2) The department shall ensure the continued preservation of the exterior appearance of building number one at Camp Murray.

Appropriation:

St Bldg Constr Acct \$ 102,948
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,579,000
TOTAL \$ 8,681,948

NEW SECTION. Sec. 162. FOR THE WASHINGTON HORSE RACING COMMISSION

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) No expenditure from this appropriation may be made to construct horse race or related facilities until the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Appropriation:

**Washington Thoroughbred
Racing Fund \$ 8,200,000**
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,200,000

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Development loan fund recapitalization (88-2-002)

The appropriations in this section are subject to the following conditions and limitations: One million dollars of the state building construction account appropriation is provided solely for loans to minority and women-owned businesses under Engrossed Substitute House Bill No. 1493.

Appropriation:

St Bldg Constr Acct \$ 2,000,000
WA St Dev Loan Acct \$ 2,000,000
Subtotal Appropriation \$ 4,000,000
Prior Biennia (Expenditures) \$ 5,429,699
Future Biennia (Projected Costs) \$ 17,000,000
TOTAL \$ 26,429,699

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Grays Harbor dredging (88-3-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers

pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct	\$ 5,688,000
Prior Biennia (Expenditures)	\$ 4,312,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 10,000,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Housing assistance program (88-5-015)

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$2,000,000 appropriation from the charitable, educational, penal, and reformatory institutions account is provided to promote development of at least 120 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall convene an advisory group of developmental disabilities service agencies and family members to plan implementation of this initiative.

(2) The department of community development shall conduct a study on the feasibility of providing financial guarantees to housing authorities. The department shall submit its findings to the appropriate legislative committees by December 15, 1993.

(3) It is the intent of the legislature that, in addition to the moneys provided under subsection (1) of this section, a portion of the state building construction account appropriation be used to develop safe and affordable housing for the developmentally disabled.

Reappropriation:

St Bldg Constr Acct	\$ 22,000,000
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Appropriation:

St Bldg Constr Acct	\$ 34,000,000
CEP & RI Acct	\$ 2,000,000
Subtotal Appropriation	\$ 36,000,000
Prior Biennia (Expenditures)	\$ 35,449,197
Future Biennia (Projected Costs)	\$ 136,000,000
TOTAL	\$ 229,449,197

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
A Contemporary Theatre, Seattle (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations: This reappropriation is provided solely for the construction or renovation of a new theater in Seattle.

Reappropriation:

St Bldg Constr Acct	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,000,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct	\$ 6,525,000
Prior Biennia (Expenditures)	\$ 1,975,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 8,500,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Mystic Lake Flood Assistance: For mitigation of development-induced flooding of the lake (92-2-000)

Reappropriation:

St Bldg Constr Acct \$ 39,000
Prior Biennia (Expenditures) \$ 14,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 53,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian Resource Center: To construct an Asian Resource Center in Seattle (92-2-002)

This reappropriation shall be matched by at least \$600,000 cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 50,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 150,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income weatherization: For the low-income weatherization program under chapter 70.164 RCW (92-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,500,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000
Prior Biennia (Expenditures) \$ 4,500,000
Future Biennia (Projected Costs) \$ 32,000,000
TOTAL \$ 48,000,000

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Emergency Management Building: Minor works (92-2-009)

Reappropriation:

St Bldg Constr Acct \$ 120,000
General Fund--Federal \$ 69,000
Subtotal Reappropriation \$ 189,000
Prior Biennia (Expenditures) \$ 97,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 286,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Meeker Mansion (92-2-500)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be matched by at least \$100,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(2) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 200,000

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tacoma Educational Enrichment Center (92-2-999)**

The reappropriation in this section shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this section is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000
Prior Biennia (Expenditures) \$ 700,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,200,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Resource center for the handicapped: To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: No expenditure may be made until an equal amount of nonstate moneys dedicated to the purchase of the facility have been raised. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Reappropriation:

St Bldg Constr Acct \$ 1,200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,200,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia river dredging feasibility study: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 600,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 600,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tears of Joy Theatre (92-5-018)

The reappropriation in this section shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 1,850,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,950,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Carolyn Downs Family Medical Center (92-5-021)

The reappropriation in this section shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000
Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia River Renaissance (93-5-001)

The reappropriation in this section shall be matched by an equal amount of money from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 900,000
Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,800,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Pacific Science Center (93-5-002)

Each dollar expended from the reappropriation in this section shall be matched by at least three dollars from nonstate sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 1,061,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,061,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least two million eight hundred thousand dollars provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 1,800,000

Appropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,800,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Whatcom Museum (93-5-004)

Expenditures from the reappropriation in this section shall not exceed fifteen percent of the total estimated capital costs of the project. The remaining portions of the project costs shall be a match from nonstate sources. The match may include cash and land value received after January 1, 1990.

Reappropriation:

St Bldg Constr Acct \$ 6,750
Prior Biennia (Expenditures) \$ 293,250

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 300,000

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Martin Luther King Jr. Memorial (93-5-005)**

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 100,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Challenger Learning Center (93-5-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 800,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Science Hall, Walla Walla (93-5-007)**

The reappropriation in this section is provided solely for a grant to the Downtown Walla Walla Foundation for facade restoration and preservation of Science Hall, the site of the 1878 constitutional convention. The appropriation in this section shall be matched by an equal amount of nonstate moneys.

Reappropriation:

St Bldg Constr Acct \$ 75,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 75,000

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Fire Training Academy preservation (94-1-016)**

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 1,350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,639,904
TOTAL \$ 4,989,904

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building preservation (94-1-018)**

Appropriation:

St Bldg Constr Acct \$ 85,084
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000
TOTAL \$ 285,084

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Public works trust fund loans (94-2-001)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,000,000 of the reappropriation is provided solely for the purposes of chapter 314, Laws of 1991.

(2) \$7,500,000 of the appropriation may be used for projects authorized in House Bill No. 1790 (chapter 3, Laws of 1993).

Reappropriation:

Public Works Assistance Acct \$ 76,357,632

Appropriation:

Public Works Assistance Acct \$ 93,876,640

Prior Biennia (Expenditures) \$ 81,376,520

Future Biennia (Projected Costs) \$ 583,400,000

TOTAL \$ 835,010,792

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Affordable housing program (94-2-019)

Reappropriation:

St Bldg Constr Acct \$ 6,000,000

Appropriation:

St Bldg Constr Acct \$ 8,000,000

Prior Biennia (Expenditures) \$ 2,000,000

Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 40,000,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Building for the arts-Phases 1 and 2 (92-5-100) (94-2-021)

For grants to local performing arts and art museum organizations for facility improvements or additions.

The appropriations in this section are subject to the following conditions and limitations:

(1) Grants are limited to the following projects:

Phase 1 (92-5-100)

Estimated Total State State
Capital Cost Grant Share

@ 15%

Seattle Children's Theatre \$ 8,000,000 \$ 1,200,000 15%
Admiral Theatre (Bremerton) \$ 4,261,000 \$ 639,000 15%
Pacific Northwest Ballet \$ 7,500,000 \$ 1,125,000 15%
Seattle Symphony \$ 54,000,000 \$ 8,100,000 15%
Seattle Repertory Theatre
(Phase 1) \$ 4,000,000 \$ 600,000 15%
Intiman Theatre \$ 800,000 \$ 120,000 15%
Broadway Theatre District
(Tacoma) \$ 11,800,000 \$ 1,770,000 15%
Allied Arts of Yakima \$ 500,000 \$ 75,000 15%
Spokane Art School \$ 454,000 \$ 68,000 15%
Seattle Art Museum \$ 4,862,500 \$ 729,000 15%
Total \$ 96,177,500 \$ 14,426,000

Phase 2 (94-2-021)

Estimated Total State State
Capital Cost Grant Share

@ 15%

Bainbridge Performing
Arts Center \$ 1,200,000 \$ 180,000 15%
The Children's Museum \$ 2,850,000 \$ 427,500 15%
Everett Community Theatre \$ 12,119,063 \$ 1,817,859 15%
Kirkland Center for
the Performing Arts \$ 2,500,000 \$ 375,000 15%
Makah Cultural and
Research Center \$ 1,600,000 \$ 240,000 15%
Mount Baker Theatre Center \$ 1,581,000 \$ 237,150 15%
Seattle Group Theatre \$ 334,751 \$ 50,213 15%
Seattle Opera Association \$ 985,000 \$ 147,750 15%
Seattle Repertory Theatre
(Phase 2) \$ 4,000,000 \$ 600,000 15%

Tacoma Little Theatre \$ 1,250,000 \$ 187,500 15%
 Valley Museum of Northwest
 Art \$ 1,100,000 \$ 165,000 15%
 Village Theatre \$ 6,000,000 \$ 900,000 15%
 The Washington Center
 for the Performing Arts \$ 400,000 \$ 60,000 15%
 Whidbey Island Center
 for the Arts \$ 1,200,000 \$ 180,000 15%
 Total \$ 38,119,814 \$ 5,567,972

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1995-97 capital budget. The list shall result from a competitive grants program developed by the department providing for:

(a) A maximum state funding amount of \$4 million in the 1995-97 biennium for new projects not previously authorized by the legislature. Maximum state grant awards shall be limited to fifteen percent of the total cost of each qualified project;

(b) Uniform criteria for the selection of projects and awarding of grants. The criteria shall address, at a minimum: The administrative and financial capability of the organization to complete and operate the project; local community support for the project; the contribution the project makes to the diversity of performing arts, museum, and cultural organizations operating in the state; and the geographic distribution of projects; and

(c) A process to provide information describing application procedures to performing arts, museum, and cultural organizations state-wide.

The department may consult with and utilize existing arts organizations to assist with developing the grant criteria and administering the grant program.

Reappropriation:

St Bldg Constr Acct \$ 9,475,000

Appropriation:

St Bldg Constr Acct \$ 5,961,086

Prior Biennia (Expenditures) \$ 1,773,900

Future Biennia (Projected Costs) \$ 2,783,986

TOTAL \$ 19,993,972

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Emergency management building replacement predesign (94-2-026)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 53,425

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,900,000

TOTAL \$ 8,953,425

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Tall ships tourist attraction (86-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(2) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(3) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

(4) The reappropriation in this subsection is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Historic community theaters (90-5-014)

The reappropriation in this section is provided solely for grants to preserve historic community theaters. No portion of the reappropriation in this section may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the total amount shall be expended for renovation of the Admiral Theatre in West Seattle.

Reappropriation:

St Bldg Constr Acct \$ 25,000
Prior Biennia (Expenditures) \$ 475,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Childhaven: Therapeutic Child Day Treatment and Family Support Center (94-2-051)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the capital costs of a new facility to house a treatment program for abused and neglected preschool children.

(2) Each dollar expended from the appropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Appropriation:

St Bldg Constr Acct \$ 975,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 975,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Daybreak Star Center Remodel (94-2-100)

Appropriation:

St Bldg Constr Acct \$ 227,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 227,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sisters of Visitation Monastery and Retreat Center: For the City of Federal Way to provide up to fifteen percent of the cost of acquiring the Sisters of Visitation Monastery and Retreat Center.

The appropriation in this section is subject to the following conditions and limitations: The city of Federal Way shall ensure public access to the grounds of the monastery and retreat center during standard accepted park operating hours.

Appropriation:

St Bldg Constr Acct \$ 405,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 405,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Sand Point Naval Station Planning: For the city of Seattle for community liaison committee planning related to future use of the Sand Point Naval Station on Lake Washington. No more than one percent of the appropriation may be expended by the department of community development and the city of Seattle for administrative costs.

Appropriation:

St Bldg Constr Acct \$ 30,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 30,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors. The appropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Appropriation:

St Bldg Constr Acct \$ 308,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 308,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Camp North Bend: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center.

The appropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 200,000

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Camelot Community Flooding Assistance: To provide financial assistance to King county to relieve flooding in the Camelot community.

The appropriation in this section is subject to the following conditions and limitations: Each dollar expended from the appropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Appropriation:

St Bldg Constr Acct \$ 75,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 75,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Olympic Peninsula Natural History Museum: For development of the museum.

The appropriation in this section is subject to the following conditions and limitations:

- (1) Each two dollars expended from this appropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.
- (2) It is the intent of the legislature that this appropriation represents a one time grant for this project.

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 300,000

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Kitsap Mental Health Services

The appropriation in this section is subject to the following conditions and limitations: Each dollar expended from the appropriation shall be matched by at least eight dollars from nonstate sources for the same purpose.

Appropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access.

The appropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Appropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 30,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 130,000

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Seventh Street Hoquiam Theatre (90-2-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be matched by at least \$400,000 from nonstate sources. The match may include cash or in-kind contributions.

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 250,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 550,000

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Boren Field Repairs: To provide financial assistance to the Seattle school district for repairs to Boren

Field.

The appropriation in this section shall be matched by at least \$50,000 from nonstate sources.

Appropriation:

St Bldg Constr Acct \$ 275,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 275,000

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Complete Labor and Industries Headquarters Building in Tumwater (90-4-004)

Reappropriation:

L&I Constr Acct \$ 900,000
Prior Biennia (Expenditures) \$ 62,100,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 63,000,000

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects for Division of Alcohol and Substance Abuse (90-3-010)

Reappropriation:

CEP & RI Acct \$ 336,728

Prior Biennia (Expenditures) \$ 13,272
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 350,000

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Childrens' Center: Security improvements (90-5-002)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 475,000
Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital--Ward phase 5 remodel (92-1-314)

Reappropriation:

St Bldg Constr Acct \$ 12,669,000
Prior Biennia (Expenditures) \$ 1,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 13,669,000

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital--Ward phase 3 remodel (92-1-340)

Reappropriation:

St Bldg Constr Acct \$ 6,328,000
Prior Biennia (Expenditures) \$ 1,250,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,578,000

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Alcohol and Substance Abuse Division (92-2-010)

Reappropriation:

CEP & RI Acct \$ 375,000
Prior Biennia (Expenditures) \$ 102,840
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 477,840

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Construct a 64-bed, level one security facility (92-2-225)

Reappropriation:

St Bldg Constr Acct \$ 6,215,800
Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,715,800

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School: Construct 48-bed, level 2 security facility (92-2-230)

Reappropriation:

St Bldg Constr Acct \$ 1,553,500
Prior Biennia (Expenditures) \$ 1,553,500
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,107,000

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Study and Treatment Center: Design and construct high school (92-2-319)**

Reappropriation:

St Bldg Constr Acct \$ 3,825,000
Prior Biennia (Expenditures) \$ 617,300
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,442,300

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child care facilities for state employees, including higher education employees (92-4-050)**

Reappropriation:

St Bldg Constr Acct \$ 1,700,000

Appropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,500,000

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor capital preservation (94-1-004)**

Reappropriation:

CEP & RI Acct \$ 1,261,951

Appropriation:

St Bldg Constr Acct \$ 928,000
CEP & RI Acct \$ 3,000,000
Subtotal Appropriation \$ 3,928,000
Prior Biennia (Expenditures) \$ 3,735,931
Future Biennia (Projected Costs) \$ 22,727,750
TOTAL \$ 31,653,632

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Environmental management and planning (94-1-005)**

Reappropriation:

CEP & RI Acct \$ 137,576
Prior Biennia (Expenditures) \$ 221,424
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 359,000

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Energy conservation management and planning (94-1-006)**

Reappropriation:

CEP & RI Acct \$ 230,476
Prior Biennia (Expenditures) \$ 330,624
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 561,100

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency repairs (94-1-007)**

Appropriation:

CEP & RI Acct \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,266,250
TOTAL \$ 1,516,250

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Chlorofluorocarbon abatement (94-1-008)

Appropriation:

CEP & RI Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 250,000
TOTAL \$ 350,000

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Predesign for future projects (94-1-009)

The agency shall conduct a predesign of future projects in accordance with the predesign manual published by the office of financial management. Future appropriations for these projects are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 350,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 350,000

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Juvenile Rehabilitation Division (94-1-020)

Reappropriation:

CEP & RI Acct \$ 245,719

Appropriation:

St Bldg Constr Acct \$ 2,079,600
Prior Biennia (Expenditures) \$ 1,177,843
Future Biennia (Projected Costs) \$ 11,237,000
TOTAL \$ 14,740,162

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Mental Health Division (94-1-030)

Reappropriation:

CEP & RI Acct \$ 621,164

Appropriation:

St Bldg Constr Acct \$ 1,845,300
Prior Biennia (Expenditures) \$ 74,872
Future Biennia (Projected Costs) \$ 15,338,000
TOTAL \$ 17,879,336

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor projects for Developmental Disabilities Division (94-1-040)

Reappropriation:

CEP & RI Acct \$ 203,902

Appropriation:

CEP & RI Acct \$ 1,361,500
Prior Biennia (Expenditures) \$ 504,596
Future Biennia (Projected Costs) \$ 14,389,000
TOTAL \$ 16,458,998

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Removal of underground storage tanks (94-1-060)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 40,290

Appropriation:

CEP & RI Acct \$ 410,000

Prior Biennia (Expenditures) \$ 104,710

Future Biennia (Projected Costs) \$ 350,000

TOTAL \$ 905,000

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Remodel of administrative building (94-1-127)

The appropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Appropriation:

St Bldg Constr Acct \$ 3,273,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,273,500

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Remodel apartment building (94-1-142)

Appropriation:

CEP & RI Acct \$ 2,133,112

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (94-1-150)

Reappropriation:

CEP & RI Acct \$ 109,947

Appropriation:

CEP & RI Acct \$ 309,500

Prior Biennia (Expenditures) \$ 182,853

Future Biennia (Projected Costs) \$ 518,000

TOTAL \$ 1,120,300

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Design and construct a wastewater treatment plant (94-1-201)

Appropriation:

St Bldg Constr Acct \$ 772,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Design and construct a water system (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 1,165,694

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center: Remodel and construct addition to clinic (94-1-207)

Appropriation:

St Bldg Constr Acct \$ 1,086,614
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,086,614

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake: Replace wastewater treatment plant (94-1-301)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 750,444
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,250,000
TOTAL \$ 8,000,444

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: Remodel administration building (94-1-306)

Appropriation:

CEP & RI Acct \$ 777,600
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 777,600

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Remodel ward, phase 6 (94-1-316)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,151,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,151,000

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Remodel ward, phase 4 (94-1-341)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 9,266,900
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,266,900

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances H. Morgan Center: Remodel facility (94-1-402)

Appropriation:

St Bldg Constr Acct \$ 1,721,300
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,721,300

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Sanitary sewer (88-2-400)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 190,000
Prior Biennia (Expenditures) \$ 2,119,238
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,309,238

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)**

Reappropriation:

St Bldg Constr Acct \$ 75,000
Prior Biennia (Expenditures) \$ 46,927
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 121,927

**NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Naselle Youth Camp: Eagle Lodge Replacement**

Appropriation:

St Bldg Constr Acct \$ 2,100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,100,000

**NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Green Hill School Repairs**

The appropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Appropriation:

St Bldg Constr Acct \$ 240,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 240,000

**NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF HEALTH
Referendum 38 water bonds (86-2-099)**

Reappropriation:

LIRA, Water Sup Fac \$ 5,366,855
Prior Biennia (Expenditures) \$ 3,742,099
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,108,954

**NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF HEALTH
Laboratory expansion, phase 2 (92-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 780,000

Appropriation:

St Bldg Constr Acct \$ 12,583,468
Prior Biennia (Expenditures) \$ 420,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 13,783,468

NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF HEALTH
Fircrest Campus: Preservation of health laboratory (94-1-001)

Reappropriation:

CEP & RI Acct \$ 251,318

Appropriation:

CEP & RI Acct \$ 615,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,043,460

TOTAL \$ 2,909,778

NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF HEALTH
Remodel regional office in Wenatchee (94-1-002)

Appropriation:

CEP & RI Acct \$ 91,947

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 91,947

NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Complete facility improvements on building nine at Soldiers' Home (90-1-009)

Reappropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Minor works at veterans' homes (92-2-008)

Reappropriation:

CEP & RI Acct \$ 30,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,000

NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Underground storage tank replacement (92-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

CEP & RI Acct \$ 88,280

Prior Biennia (Expenditures) \$ 11,720

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Emergency repairs (94-1-018)

Appropriation:

CEP & RI Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To replace underground storage tanks (94-1-019)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

CEP & RI Acct \$ 155,902
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 293,320
TOTAL \$ 449,222

NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair mechanical, electrical, and heating, ventilation, and air conditioning systems at Soldiers' Home (94-1-100)

Appropriation:

CEP & RI Acct \$ 837,057
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,821,835
TOTAL \$ 2,658,892

NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair building exterior at Soldiers' Home (94-1-101)

Appropriation:

CEP & RI Acct \$ 541,570
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 937,546
TOTAL \$ 1,479,116

NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To remodel building interior at Soldiers' Home (94-1-102)

Appropriation:

CEP & RI Acct \$ 162,659
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 162,659

NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To make grounds improvements at Soldiers' Home (94-4-103)

Appropriation:

CEP & RI Acct \$ 275,595
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,446,123
TOTAL \$ 1,721,718

NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair mechanical, electrical and heating, ventilation, and air conditioning systems at Veterans' Home (94-1-200)

Appropriation:

CEP & RI Acct \$ 1,246,611
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 726,722
TOTAL \$ 1,973,333

NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To repair building exterior at Veterans' Home (94-1-201)

Appropriation:

CEP & RI Acct \$ 377,895

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 605,939
TOTAL \$ 983,834

**NEW SECTION. Sec. 296. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To remodel building interiors at Veterans' Home (94-1-202)**

Appropriation:

CEP & RI Acct \$ 135,084
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 188,464
TOTAL \$ 323,548

**NEW SECTION. Sec. 297. FOR THE DEPARTMENT OF VETERANS AFFAIRS
To make grounds improvements at Veterans' Home (94-1-203)**

Appropriation:

CEP & RI Acct \$ 139,485
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 949,612
TOTAL \$ 1,089,097

**NEW SECTION. Sec. 298. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Korean War Memorial: To complete the erection of the memorial on the capitol campus**

Appropriation:

St Bldg Constr Acct \$ 20,000
Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 70,000

**NEW SECTION. Sec. 299. FOR THE DEPARTMENT OF CORRECTIONS
To make regulatory and code compliance improvements for the preservation of correctional facilities
(94-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 4,390,000
CEP & RI Acct \$ 300,000
Subtotal Reappropriation \$ 4,690,000

Appropriation:

St Bldg Constr Acct \$ 10,736,573
CEP & RI Acct \$ 1,225,953
Subtotal Appropriation \$ 11,962,526
Prior Biennia (Expenditures) \$ 25,863,968
Future Biennia (Projected Costs) \$ 61,726,068
TOTAL \$ 104,242,562

**NEW SECTION. Sec. 300. FOR THE DEPARTMENT OF CORRECTIONS
To make small repairs and improvements to correctional facilities (94-1-002)**

The reappropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 10,650,000

Appropriation:

St Bldg Constr Acct \$ 9,697,577
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 44,652,002
TOTAL \$ 64,999,579

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF CORRECTIONS

To replace roofs and associated building improvements for the preservation of correctional facilities (94-1-003)

Reappropriation:

St Bldg Constr Acct \$ 900,000

Appropriation:

St Bldg Constr Acct \$ 4,938,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 35,037,216

TOTAL \$ 40,875,216

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF CORRECTIONS

To repair internal building systems for the preservation of correctional facilities (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 8,779,445

CEP & RI Acct \$ 431,568

Subtotal Appropriation \$ 9,211,013

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 65,561,403

TOTAL \$ 74,772,416

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF CORRECTIONS

Underground storage tanks (90-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 256,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,500

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF CORRECTIONS

To repair or replace leaking underground storage tanks (94-1-005)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 513,848

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 989,089

TOTAL \$ 1,502,937

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF CORRECTIONS

To continue to implement the master plan for capital improvements to McNeil Island Correctional Facility (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 7,936,000

Appropriation:

St Bldg Constr Acct \$ 12,878,689

Prior Biennia (Expenditures) \$ 36,153,201

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 56,967,890

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF CORRECTIONS
For state-wide repairs and improvements (94-2-002)**

The reappropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 9,742,000

Appropriation:

St Bldg Constr Acct \$ 17,767,557

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 110,387,730

TOTAL \$ 137,897,287

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF CORRECTIONS

Western Washington prerelease: For the acquisition and design of the replacement facility and necessary repairs at the current facility at Western State Hospital (94-2-003)

The appropriations in this section shall not be expended for a replacement facility until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,839,510

Prior Biennia (Expenditures) \$ 249,091

Future Biennia (Projected Costs) \$ 14,780,396

TOTAL \$ 18,868,997

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF CORRECTIONS

Dayton: 300-bed minimum security facility (94-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 2,783,000

Future Biennia (Projected Costs) \$ 19,388,011

TOTAL \$ 22,471,011

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF CORRECTIONS

Develop a predesign for a 356-bed reception center at the Washington Corrections Center (94-2-008)

The appropriation in this section shall be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 266,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 39,851,000

TOTAL \$ 40,117,400

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF CORRECTIONS

Continuation of master plan implementation at the Washington Corrections Center for Women (94-2-015)

Reappropriation:

St Bldg Constr Acct \$ 6,157,000

Prior Biennia (Expenditures) \$ 6,682,943

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,839,943

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF CORRECTIONS

Continue construction of Airway Heights and begin site preparation work for a 512-bed addition (94-2-016)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 19,033,000
Prior Biennia (Expenditures) \$ 75,104,993
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 94,137,993

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF CORRECTIONS

New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds and to begin site preparation work for a 512-bed addition to the Airway Height correctional center **(90-2-001)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 6,072,000
Prior Biennia (Expenditures) \$ 48,010,052
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 54,082,052

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: For initiation of a feasibility study for relocation of program and living space at the honor farm **(92-2-029)**

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 30,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 230,000

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights: 512-Bed addition

To design a 512-bed addition to the Airway Heights Corrections Center utilizing existing designs and for site preparation work. The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 4,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 26,971,000
TOTAL \$ 30,971,000

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF CORRECTIONS

1,936-Bed Multi-Custody Facility: Predesign and Site Selection (94-2-007)

To predesign and begin site selection for a 1,936-bed multi-custody facility. The predesign shall be conducted in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 100,020,760
TOTAL \$ 101,020,760

PART 3

NATURAL RESOURCES

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE ENERGY OFFICE

Energy partnerships: Planning, development, and contract review of cogeneration projects, and development and financing of conservation capital projects, for schools and state agencies **(92-1-003) (92-1-004) (94-1-002)**

The reappropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the energy efficiency construction account reappropriation is provided solely for financing conservation capital projects for schools under chapter 39.35C RCW.

Reappropriation:

St Bldg Constr Acct \$ 358,000
Energy Eff Constr Acct \$ 3,000,000
Subtotal Appropriation \$ 3,358,000
Prior Biennia (Expenditures) \$ 620,424
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,978,424

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA, Waste Disp Fac \$ 8,236,396

Appropriation:

LIRA, Waste Disp Fac \$ 104,186
Prior Biennia (Expenditures) \$ 228,031,960
Future Biennia (Projected Costs) \$ 863,843
TOTAL \$ 237,236,385

NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

Reappropriation:

LIRA, Water Sup Fac \$ 11,300,000
Prior Biennia (Expenditures) \$ 57,081,346
Future Biennia (Projected Costs) \$ 13,824,661
TOTAL \$ 82,206,007

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF ECOLOGY

State emergency water project revolving account (76-2-003)

Reappropriation:

Emergency Water Proj \$ 8,835,351

Appropriation:

Emergency Water Proj \$ 636,879
Prior Biennia (Expenditures) \$ 17,395,945
Future Biennia (Projected Costs) \$ 223,290
TOTAL \$ 27,091,465

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 waste disposal facilities 1980 bond issue (82-2-005)

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac \$ 29,116,174

Appropriation:

LIRA, Waste Disp Fac \$ 42,000

Prior Biennia (Expenditures) \$ 426,649,138

Future Biennia (Projected Costs) \$ 28,000

TOTAL \$ 455,835,312

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund: Water Quality Account (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(a) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(b) Give second priority to projects that reduce combined sewer overflows; and

(c) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both subsections (1) and (2) of this section.

(2) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(a) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(c) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(d) Not more than ten percent for activities that control nonpoint source water pollution;

(e) Ten percent and such sums as may be remaining from the categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(4) The department shall develop and implement a strategy for increasing the percentage of loans from the centennial clean water program.

(5) No later than December 1, 1993, the department of ecology shall provide to the appropriate committees of the legislature an implementation plan for making administrative efficiencies and service improvements to the grant and loan programs currently administered by the department. The plan shall include but not be limited to actions which: (a) Simplify application and funding cycle procedures; (b) eliminate duplicative oversight functions; (c) consolidate planning requirements as appropriate to be consistent with the growth management act; (d) reduce state and local administrative costs; (e) encourage demand management strategies; and (f) develop watershed or regional mechanisms for solving as completely as possible a community's environmental needs through coordinated cross program prioritization and administration of funding programs. The plan shall identify actions which the department has taken to implement administrative efficiencies and service improvements to the grant and loan programs. At the same time the implementation plan is submitted to the legislature, the department shall provide recommendations for any statutory changes that are needed to implement the plan. Recommendations may include a new method for distributing water quality account money after the current statutory allocation formula expires.

Reappropriation:

Water Quality Acct \$ 87,820,000

Appropriation:

Water Quality Acct \$ 63,899,000
Prior Biennia (Expenditures) \$ 183,982,825
Future Biennia (Projected Costs) \$ 305,676,000
TOTAL \$ 641,377,825

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF ECOLOGY

Local toxics control account (88-2-008)

Reappropriation:

Local Toxics Control Acct \$ 55,848,951

Appropriation:

Local Toxics Control Acct \$ 41,167,432

Prior Biennia (Expenditures) \$ 49,584,365

Future Biennia (Projected Costs) \$ 192,012,768

TOTAL \$ 337,613,516

NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF ECOLOGY

Water pollution control facility loans (90-2-002)

Reappropriation:

Water Pollution Cont Rev

Fund--State \$ 13,044,335

Water Pollution Cont Rev

Fund--Federal \$ 65,206,025

Subtotal Reappropriation \$ 78,250,360

Appropriation:

Water Pollution Cont Rev Fund--

State \$ 19,961,601

Water Pollution Cont--Federal \$ 78,689,866

Subtotal Appropriation \$ 98,651,467

Prior Biennia (Expenditures) \$ 54,871,279

Future Biennia (Projected Costs) \$ 283,370,816

TOTAL \$ 515,143,921

NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF ECOLOGY

Improved water drainage and repair access roads, walks, and parking lots at the Padilla Bay Interpretive Center (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

NEW SECTION. Sec. 411. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide potable water system improvements (88-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

LIRA, Water Sup Fac \$ 42,488
St Bldg Constr Acct \$ 85,000
Subtotal Reappropriation \$ 127,488
Prior Biennia (Expenditures) \$ 53,563
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 181,051

NEW SECTION. Sec. 412. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide sewer facility remodel (92-5-900)

Reappropriation:

LIRA, Waste Fac 1980 \$ 118,226
St Bldg Constr Acct \$ 40,000
Subtotal Reappropriation \$ 158,226
Prior Biennia (Expenditures) \$ 35,458
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 193,684

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION

Construct state-wide boat pumpout facilities (92-5-901)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 96,131
ORA--State \$ 203,419
Subtotal Reappropriation \$ 299,550
Prior Biennia (Expenditures) \$ 128,275
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 427,825

NEW SECTION. Sec. 414. FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill State Park development (88-5-035)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 829,563
Prior Biennia (Expenditures) \$ 83,413
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 912,976

NEW SECTION. Sec. 415. FOR THE STATE PARKS AND RECREATION COMMISSION

Crystal Falls: Acquisition and development (88-5-057)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 24,761
Prior Biennia (Expenditures) \$ 239
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 25,000

NEW SECTION. Sec. 416. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide water supply facilities remodel (89-1-101)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 127,516
Prior Biennia (Expenditures) \$ 33,387
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 160,903

NEW SECTION. Sec. 417. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide sanitary facilities renovation (89-1-102)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 87,460
Prior Biennia (Expenditures) \$ 60,692
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 148,152

NEW SECTION. Sec. 418. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide electrical wiring and hookups (89-1-103)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 48,716
Prior Biennia (Expenditures) \$ 28,172
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 76,888

NEW SECTION. Sec. 419. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide Clean Water Act code compliance (89-1-116)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 125,000
Prior Biennia (Expenditures) \$ 316,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 441,000

NEW SECTION. Sec. 420. FOR THE STATE PARKS AND RECREATION COMMISSION

Sacajawea: Launch, pilings, and float repair (89-1-129)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 180,000
Prior Biennia (Expenditures) \$ 10,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 190,000

NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide general construction (89-2-107)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 208,320
Prior Biennia (Expenditures) \$ 188,948
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 397,268

NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide special construction (89-2-109)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 114,782
Prior Biennia (Expenditures) \$ 65,898
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 180,680

NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven: Comfort station and parking construction (89-2-119)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 311,349
Prior Biennia (Expenditures) \$ 85,448
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 396,797

NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish: Boat launch repairs (89-2-139)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 51,387
Prior Biennia (Expenditures) \$ 62,613
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 114,000

NEW SECTION. Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide site/environmental protection (89-3-104)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 150,475
Prior Biennia (Expenditures) \$ 104,917
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 255,392

NEW SECTION. Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide acquisition (92-5-904)

Reappropriation:

St Bldg Constr Acct \$ 50,256
General Fund--Federal \$ 450,000
Subtotal Reappropriation \$ 500,256
Prior Biennia (Expenditures) \$ 7,950,930
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,451,186

**NEW SECTION. Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden: Rebuild boat launch (89-3-135)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 275,219
Prior Biennia (Expenditures) \$ 13,639
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 288,858

**NEW SECTION. Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION
Larrabee development (89-5-002)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 275,000
ORA--State \$ 140,540
Subtotal Reappropriation \$ 415,540
Prior Biennia (Expenditures) \$ 65,350
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 480,890

**NEW SECTION. Sec. 429. FOR THE STATE PARKS AND RECREATION COMMISSION
Blake Island fire protection (89-1-050)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 29,312
Prior Biennia (Expenditures) \$ 73,386
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 102,698

**NEW SECTION. Sec. 430. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Canby initial development (89-5-115)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 232,813
Prior Biennia (Expenditures) \$ 26,774
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 259,587

**NEW SECTION. Sec. 431. FOR THE STATE PARKS AND RECREATION COMMISSION
Ocean beach access (89-5-120)**

Reappropriation:

ORA--State \$ 286,195
St Bldg Constr Acct \$ 250,000
Subtotal Reappropriation \$ 536,195
Prior Biennia (Expenditures) \$ 27,191
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 563,386

NEW SECTION. Sec. 432. FOR THE STATE PARKS AND RECREATION COMMISSION
Spokane Centennial Trail (89-5-166)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 223,507
Prior Biennia (Expenditures) \$ 3,456
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 226,963

NEW SECTION. Sec. 433. FOR THE STATE PARKS AND RECREATION COMMISSION
Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)

Reappropriation:

St Bldg Constr Acct \$ 40,000
Prior Biennia (Expenditures) \$ 725,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 765,000

NEW SECTION. Sec. 434. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide facilities preservation (90-1-001)

Reappropriation:

St Bldg Constr Acct \$ 352,835
Prior Biennia (Expenditures) \$ 7,165
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 360,000

NEW SECTION. Sec. 435. FOR THE STATE PARKS AND RECREATION COMMISSION
Dougs Beach initial development (90-1-171)

Reappropriation:

St Bldg Constr Acct \$ 62,206
Prior Biennia (Expenditures) \$ 57,440
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 119,646

NEW SECTION. Sec. 436. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide--Omnibus facility contingency (90-2-002)

Reappropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 89,400
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 239,400

NEW SECTION. Sec. 437. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tanks removal (90-2-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,445,725
Prior Biennia (Expenditures) \$ 454,275
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,900,000

NEW SECTION. Sec. 438. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide minor works preservation (92-5-905)

Reappropriation:

St Bldg Constr Acct \$ 2,814,016
Prior Biennia (Expenditures) \$ 922,284
Future Biennia (Projected Costs) \$ 6,698,000
TOTAL \$ 10,434,300

NEW SECTION. Sec. 439. FOR THE STATE PARKS AND RECREATION COMMISSION
Deception Pass repairs (91-2-006)

Reappropriation:

St Bldg Constr Acct \$ 1,179,216
Prior Biennia (Expenditures) \$ 72,464
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,251,680

NEW SECTION. Sec. 440. FOR THE STATE PARKS AND RECREATION COMMISSION
Triton Cove remodel (91-2-008)

Reappropriation:

ORA--State \$ 572,000
Prior Biennia (Expenditures) \$ 10,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 582,000

NEW SECTION. Sec. 441. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (91-2-009)

Reappropriation:

ORA--State \$ 274,221
Prior Biennia (Expenditures) \$ 104,779
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 379,000

NEW SECTION. Sec. 442. FOR THE STATE PARKS AND RECREATION COMMISSION
St. Edwards--Gym remodel (92-2-501)

Reappropriation:

St Bldg Constr Acct \$ 575,079
Prior Biennia (Expenditures) \$ 89,921
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 665,000

NEW SECTION. Sec. 443. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark Equestrian Center predesign (92-5-502)

Reappropriation:

St Bldg Constr Acct \$ 140,000
Prior Biennia (Expenditures) \$ 60,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 200,000

NEW SECTION. Sec. 444. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide sewer facilities improvements (93-2-001)

Reappropriation:

LIRA, Waste Fac 1980 \$ 1,313,681
Prior Biennia (Expenditures) \$ 272,139
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,585,820

NEW SECTION. Sec. 445. FOR THE STATE PARKS AND RECREATION COMMISSION
Saltwater State Park flood control (93-2-091)

Reappropriation:

St Bldg Constr Acct \$ 399,269
Prior Biennia (Expenditures) \$ 97,731
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 497,000

NEW SECTION. Sec. 446. FOR THE STATE PARKS AND RECREATION COMMISSION
Chuckanut Hill: Planning and acquisition for addition to Larrabee state park (93-5-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for property acquisition, may not be used to acquire development rights, and is subject to chapter 43.99 RCW.

(2) Before the expenditure of any funds provided from this section, Whatcom county shall have acquired under forest board ownership a majority of the 1200-acre parcel of privately owned land adjacent and to the north of Larrabee state park. The county shall also have entered into an agreement with the board of natural resources committing the county to manage these lands, adjacent to Larrabee state park, as county park land under RCW 76.12.072.

(3) Before the expenditure of any funds provided from this section, either the city of Bellingham or Whatcom county shall have made application to the interagency committee for outdoor recreation for funding available through the wildlife and recreation program so that the city or county may acquire park lands adjacent to Larrabee state park. The application may provide for management of the lands by the state parks and recreation commission.

(4) No additional state funds may be expended for this acquisition unless authorized by the interagency committee for outdoor recreation in accordance with chapter 43.98A RCW.

Reappropriation:

ORA--State \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 447. FOR THE STATE PARKS AND RECREATION COMMISSION
Olmstead Place Interpretive Center (93-5-002)

Reappropriation:

St Bldg Constr Acct \$ 92,000
Prior Biennia (Expenditures) \$ 1,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 93,000

NEW SECTION. Sec. 448. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide emergency and unforeseen needs (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,400,000
TOTAL \$ 1,900,000

NEW SECTION. Sec. 449. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide underground storage tank remediation (94-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 800,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 800,000

NEW SECTION. Sec. 450. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide building systems preservation (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 3,400,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,969,800
TOTAL \$ 17,369,800

NEW SECTION. Sec. 451. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide preservation (94-1-004)

Appropriation:

St Bldg Constr Acct \$ 1,223,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,620,068
TOTAL \$ 15,843,568

NEW SECTION. Sec. 452. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide roadway preservation (94-1-005)

Appropriation:

Motor Vehicle Acct \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,957,673
TOTAL \$ 17,957,673

NEW SECTION. Sec. 453. FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide utility preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 4,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,195,890
TOTAL \$ 20,695,890

NEW SECTION. Sec. 454. FOR THE STATE PARKS AND RECREATION COMMISSION
San Juan Islands--Phase 1 and 2 boating facilities (94-1-055)

Appropriation:

ORA--State \$ 1,212,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,212,500

NEW SECTION. Sec. 455. FOR THE STATE PARKS AND RECREATION COMMISSION
Puget Sound/Northwest Washington--Phase 1 and 2 boating facilities (94-1-056)

Appropriation:

ORA--State \$ 1,080,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,080,400

NEW SECTION. Sec. 456. FOR THE STATE PARKS AND RECREATION COMMISSION
Hood Canal to the coast--Phase 1 boating facilities (94-1-057)

Appropriation:

ORA--State \$ 488,100
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 488,100

NEW SECTION. Sec. 457. FOR THE STATE PARKS AND RECREATION COMMISSION. Expenditures by the state parks and recreation commission to develop utilities and other camping facilities specific to recreation vehicle use at a state park on the Miller peninsula in Clallam county shall be limited such that the annual debt service payments relating to those expenditures shall not exceed the anticipated revenues to be derived from the completed park.

**NEW SECTION. Sec. 458. FOR THE STATE PARKS AND RECREATION COMMISSION
Steamboat Rock remodel (95-2-182)**

Reappropriation:

St Bldg Constr Acct \$ 120,000
Prior Biennia (Expenditures) \$ 19,060
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 139,060

**NEW SECTION. Sec. 459. FOR SPECIAL LAND PURCHASES AND COMMON SCHOOL
CONSTRUCTION**

Special land purchases and common school construction (94-2-000)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$27,424,000 of the total appropriation is provided to the state parks and recreation commission ("commission") solely to acquire the following trust lands that have been identified by the department of natural resources and the commission as appropriate for state park use:

- (i) Squak mountain, King county;
- (ii) Miller peninsula, Clallam county;
- (iii) Hoko river, Clallam county;
- (iv) Cascade island, Skagit county;
- (v) Skykomish river, Snohomish county;
- (vi) Leadbetter point, Pacific county;
- (vii) Square lake, Kitsap county;
- (viii) Iron Horse/Ragner, King county;
- (ix) Robe gorge, Snohomish county.

(b) Acquisitions shall be made in priority order, as determined by the commission in consultation with the department of natural resources.

(c) \$4,975,000 of the total appropriation is provided to the department of wildlife solely to acquire the following trust lands that have been identified by the department of natural resources and the department of wildlife as appropriate for wildlife habitat:

- (i) Cabin creek, Kittitas county;
- (ii) Riffe lake, Lewis county;
- (iii) Divide ridge, Yakima county.

(d) \$17,953,000 of the total appropriation is provided to the department of natural resources solely to acquire the following prioritized list of trust lands appropriate for natural area preserve, natural resource conservation area, and/or recreation use:

- (i) Mount Pilchuck, Snohomish county;
- (ii) Mt. Si, King county.

(2) Lands acquired under this section shall be transferred in fee simple. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Property transferred under this section shall be appraised and transferred at fair market value. The proceeds from the value of the timber transferred shall be deposited by the department of natural resources in the

same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the value of the land transferred shall be used by the department of natural resources to acquire real property of equal value to be managed as common school trust land.

(4) The proceeds from the value of the land transferred under this section shall be deposited in the park land trust revolving account to be utilized by the department of natural resources for the exclusive purpose of acquiring replacement common school trust land.

(5) The department of natural resources shall attempt to maintain an aggregate ratio of 85:15 timber-to-land value in these transactions.

(6) Intergrant exchanges between common school and noncommon school trust lands of equal value may occur if the noncommon school trust land meets the criteria established by the commission and the departments of natural resources and wildlife for selection of sites and if the exchange is in the interest of both trusts.

(7) Lands and timber purchased under subsection (1)(d) of this section shall be managed under chapter 79.68, 79.70, or 79.71 RCW as determined by the department of natural resources.

(8) The state parks and recreation commission shall identify appropriate sites for a new marine state park in south Puget Sound as an alternative to the Squaxin Island state park or may enter into agreements which will provide permanent public access to Squaxin Island state park. Moneys provided under subsection (1)(a) of this section may be expended for these purposes pursuant to subsections (2) through (6) of this section.

Appropriation:

St Bldg Constr Acct	\$ 45,798,000
Aquatic Lands Acct	\$ 4,554,000
Subtotal Appropriation	\$ 50,352,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 50,352,000

NEW SECTION. Sec. 460. FOR THE STATE PARKS AND RECREATION COMMISSION
Timberland purchases and common school purchases (94-2-001)

This reappropriation is provided solely and expressly to reimburse the department of natural resources for administrative expenses incurred for the replacement of timberland and common school lands.

Reappropriation:

Trust Land Purchase Acct	\$ 750,000
Prior Biennia (Expenditures)	\$ 49,250,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 50,000,000

NEW SECTION. Sec. 461. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms range program and grants to public agencies (90-2-001)

Reappropriation:

Firearms Range Acct	\$ 389,875
ORA--Federal	\$ 43,634
Subtotal Reappropriation	\$ 433,509

Appropriation:

Firearms Range Acct	\$ 245,000
Prior Biennia (Expenditures)	\$ 608,501
Future Biennia (Projected Costs)	\$ 1,050,000
TOTAL	\$ 2,337,010

NEW SECTION. Sec. 462. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (90-5-002)

Reappropriation:

ORA--State	\$ 1,265,227
Habitat Conservation Acct	\$ 1,426,962
Subtotal Reappropriation	\$ 2,692,189

Prior Biennia (Expenditures) \$ 32,425,345
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 35,117,534

**NEW SECTION. Sec. 463. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (92-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 6,048,754
ORA--Federal \$ 700,000
ORA--State \$ 3,715,970
Firearms Range Acct \$ 136,892
Subtotal Reappropriation \$ 10,601,616
Prior Biennia (Expenditures) \$ 5,979,136
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 16,580,752

**NEW SECTION. Sec. 464. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (92-5-002)**

Reappropriation:

ORA--State \$ 14,152,287
Habitat Conservation Acct \$ 5,738,486
Subtotal Reappropriation \$ 19,890,773
Prior Biennia (Expenditures) \$ 30,109,227
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 50,000,000

**NEW SECTION. Sec. 465. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Clear creek dam: To rebuild the dam according to plans approved by the United States bureau of
reclamation (93-2-002)**

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources. The state shall not be obligated for project costs that exceed this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,550,000

**NEW SECTION. Sec. 466. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Grants to public agencies (94-3-001) (94-3-005)**

Appropriation:

ORA--Federal \$ 1,000,000
ORA--State \$ 5,653,614
Subtotal Appropriation \$ 6,653,614
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,653,614

**NEW SECTION. Sec. 467. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Initiative 215 (94-3-003)**

Appropriation:

ORA--State \$ 3,694,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,400,000
TOTAL \$ 19,094,000

**NEW SECTION. Sec. 468. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
NOVA projects (94-3-004)**

Appropriation:

ORA--State \$ 4,996,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,500,000
TOTAL \$ 30,496,000

**NEW SECTION. Sec. 469. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington wildlife and recreation program (94-5-002)**

(1) \$25,000,000 of the state building construction account appropriation in this section shall be deposited into and is hereby appropriated from the habitat conservation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW. \$20,525,800 of the state building construction account appropriation and all of the aquatic lands enhancement account appropriation shall be deposited into and is hereby appropriated from the state outdoor recreation account for the Washington wildlife and recreation program as established under chapter 43.98A RCW.

(2) \$1,000,000 of the outdoor recreation account appropriation shall be expended for nonhighway projects and shall be included in the calculation of expenditure limitations in RCW 46.09.170(1)(d)(iii).

(3) \$1,000,000 of the outdoor recreation account appropriation shall be expended for marine recreation and water access projects and shall be part of the distribution of RCW 43.99.080(2).

(4) \$2,028,000 of the outdoor recreation account appropriation shall be expended for marine recreation and water access projects and shall be part of the distribution of RCW 43.99.080(1).

(5) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(6) The following projects are deleted from the approved list of projects established under chapter 43.98A RCW:

(a) That portion of mule deer winter range (project number 92-638A) other than mule deer migration corridors in the Methow Valley.

(b) Sharptailed grouse phase 2 (project number 92-636A).

Appropriation:

St Bldg Constr Acct \$ 45,525,800
ORA--State \$ 4,028,200
Aquatic Lands Acct \$ 446,000
Subtotal Appropriation \$ 50,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000,000
TOTAL \$ 250,000,000

**NEW SECTION. Sec. 470. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Community economic revitalization board (86-1-001)**

\$2,000,000 of the public works assistance account appropriation and the entire public facility construction loan revolving account appropriation in this section are provided solely for communities defined as timber-impact areas under chapter 314, Laws of 1991. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Reappropriation:

St Bldg Constr Acct \$ 5,911,000
Public Fac Constr Loan Rev Acct \$ 2,940,000
Subtotal Reappropriation \$ 8,851,000

Appropriation:

Public Works Assistance Acct \$ 4,000,000
Public Fac Constr Loan Rev Acct \$ 1,195,000
Subtotal Appropriation \$ 5,195,000
Prior Biennia (Expenditures) \$ 7,460,462
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,506,462

**NEW SECTION. Sec. 471. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington Technology Center (88-1-003) (92-5-001) (94-2-002)**

The appropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct \$ 3,158,144

Appropriation:

St Bldg Constr Acct \$ 1,266,000

Prior Biennia (Expenditures) \$ 7,243,571

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,667,715

**NEW SECTION. Sec. 472. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Timber ports capital asset improvement (94-2-004)**

To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities.

The appropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this appropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port Amount

Port of Grays Harbor \$ 564,000

Port of Port Angeles \$1,500,000

Port of Longview \$1,855,400

Appropriation:

St Bldg Constr Acct \$ 3,900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000

**NEW SECTION. Sec. 473. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Johnston Ridge Observatory--Mt. St. Helens National Volcanic Monument (94-2-010)**

Funds provided by the state to assist in accelerating the project are subject to restoration by the federal government when the total federal appropriation for the project is made available.

Appropriation:

St Bldg Constr Acct \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 474. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects: Provides grants to local conservation districts for resource conservation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$3,000,000 is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

Reappropriation:

Water Quality Acct--State \$ 348,652

Appropriation:

Water Quality Acct--State \$ 5,224,000

Prior Biennia (Expenditures) \$ 1,791,348

Future Biennia (Projected Costs) \$ 9,120,000

TOTAL \$ 13,484,000

NEW SECTION. Sec. 475. FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access renovation (86-3-028)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 190,000
Prior Biennia (Expenditures) \$ 21,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 211,000

NEW SECTION. Sec. 476. FOR THE DEPARTMENT OF FISHERIES

Shorefishing access (88-5-018)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 400,000
Prior Biennia (Expenditures) \$ 671,946
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,071,946

NEW SECTION. Sec. 477. FOR THE DEPARTMENT OF FISHERIES

Ilwaco boat access expansion (90-2-023)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

ORA--State \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 300,000

NEW SECTION. Sec. 478. FOR THE DEPARTMENT OF FISHERIES

Minter Creek hatchery phase 1 reconstruction (92-2-016)

Reappropriation:

St Bldg Constr Acct \$ 2,700,000

Appropriation:

St Bldg Constr Acct \$ 1,400,000
Prior Biennia (Expenditures) \$ 600,000
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 5,700,000

NEW SECTION. Sec. 479. FOR THE DEPARTMENT OF FISHERIES

Willapa Interpretive Center construction (92-2-020)

Reappropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 300,000

NEW SECTION. Sec. 480. FOR THE DEPARTMENT OF FISHERIES

Strait of Juan de Fuca shoreline acquisition (92-5-901)

Reappropriation:

ORA--State \$ 350,000

Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 430,000

NEW SECTION. Sec. 481. FOR THE DEPARTMENT OF FISHERIES

Minor works: Code compliance (94-1-001)

Reappropriation:

St Bldg Constr Acct \$ 300,000

Appropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 2,128,887

Future Biennia (Projected Costs) \$ 5,200,000

TOTAL \$ 9,128,887

NEW SECTION. Sec. 482. FOR THE DEPARTMENT OF FISHERIES

Facilities rehabilitation and acquisition (94-1-002)

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of wildlife. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

Reappropriation:

St Bldg Constr Acct \$ 650,000

Appropriation:

St Bldg Constr Acct \$ 2,185,000

Prior Biennia (Expenditures) \$ 1,127,200

Future Biennia (Projected Costs) \$ 22,000,000

TOTAL \$ 25,962,200

NEW SECTION. Sec. 483. FOR THE DEPARTMENT OF FISHERIES

Sunset Falls fishway remodel (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 690,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 690,000

NEW SECTION. Sec. 484. FOR THE DEPARTMENT OF FISHERIES

Skagit salmon hatchery facility upgrade (94-1-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) Subject to the passage of Substitute House Bill No. 2055 or substantially similar legislation, combining the Departments of Fisheries and Wildlife, the appropriation in this section shall not be expended until July 1, 1994.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 722,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 722,000

NEW SECTION. Sec. 485. FOR THE DEPARTMENT OF FISHERIES

Dungeness hatchery facility upgrade (94-1-005)

Appropriation:

St Bldg Constr Acct \$ 837,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 610,000
TOTAL \$ 1,447,000

NEW SECTION. Sec. 486. FOR THE DEPARTMENT OF FISHERIES
Fishing reef marker buoys replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct \$ 15,000

Appropriation:

St Bldg Constr Acct \$ 50,000

Prior Biennia (Expenditures) \$ 60,000
Future Biennia (Projected Costs) \$ 150,000
TOTAL \$ 275,000

NEW SECTION. Sec. 487. FOR THE DEPARTMENT OF FISHERIES
Underground storage tanks: Removal and replacement (94-1-008)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 225,000
Future Biennia (Projected Costs) \$ 720,000
TOTAL \$ 1,145,000

NEW SECTION. Sec. 488. FOR THE DEPARTMENT OF FISHERIES
Pathogen-free water and incubation isolation systems development (94-2-001)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 1,900,000
TOTAL \$ 2,400,000

NEW SECTION. Sec. 489. FOR THE DEPARTMENT OF FISHERIES
Tidelands acquisition (94-2-003)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 490. FOR THE DEPARTMENT OF FISHERIES
Fish protection facilities replacement (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 5,000

Appropriation:

General Fund--Federal \$ 1,000,000

St Bldg Constr Acct \$ 600,000

Subtotal Appropriation \$ 1,600,000
Prior Biennia (Expenditures) \$ 445,894
Future Biennia (Projected Costs) \$ 9,270,100
TOTAL \$ 11,320,994

NEW SECTION. Sec. 491. FOR THE DEPARTMENT OF FISHERIES

Habitat and salmon enhancement program (94-2-006)

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 1,565,000

General Fund--Federal \$ 800,000

General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 3,165,000

Prior Biennia (Expenditures) \$ 2,021,243

Future Biennia (Projected Costs) \$ 13,510,000

TOTAL \$ 18,716,243

NEW SECTION. Sec. 492. FOR THE DEPARTMENT OF FISHERIES

Habitat management shop building construction (94-3-007)

Appropriation:

St Bldg Constr Acct \$ 415,000

Prior Biennia (Expenditures) \$ 432,041

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 847,041

NEW SECTION. Sec. 493. FOR THE DEPARTMENT OF FISHERIES

Coast and Puget Sound wild stock restoration (94-2-008)

Reappropriation:

St Bldg Constr Acct \$ 1,480,397

Appropriation:

St Bldg Constr Acct \$ 2,800,000

Prior Biennia (Expenditures) \$ 2,144,411

Future Biennia (Projected Costs) \$ 4,500,000

TOTAL \$ 10,924,808

NEW SECTION. Sec. 494. FOR THE DEPARTMENT OF FISHERIES

Field services storage units acquisition (94-2-012)

Reappropriation:

St Bldg Constr Acct \$ 94,500

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 225,500

Future Biennia (Projected Costs) \$ 220,000

TOTAL \$ 690,000

NEW SECTION. Sec. 495. FOR THE DEPARTMENT OF FISHERIES

Clam and Oyster Beach enhancement and acquisition (95-2-004)

Reappropriation:

St Bldg Constr Acct \$ 30,000

Appropriation:

St Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 2,005,699

Future Biennia (Projected Costs) \$ 3,300,000

TOTAL \$ 6,535,699

NEW SECTION. Sec. 496. FOR THE DEPARTMENT OF FISHERIES

Ringold water--John Day Dam mitigation (95-2-015)

Appropriation:

General Fund--Federal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

**NEW SECTION. Sec. 497. FOR THE DEPARTMENT OF FISHERIES
Klickitat acclimation pond (95-2-016)**

Appropriation:

General Fund--Federal \$ 2,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 498. FOR THE DEPARTMENT OF FISHERIES
Water access and development (95-2-017)**

The entire state and local improvement revolving account--public recreation facilities appropriation is provided solely for improvements to the boat ramp and associated facilities at the Boston Harbor boat launch.

Reappropriation:

ORA--State \$ 1,200,000

Appropriation:

General Fund--Federal \$ 280,000
ORA--State \$ 150,000
LIRA, Public Rec Fac \$ 25,000
Subtotal Appropriation \$ 655,000
Prior Biennia (Expenditures) \$ 250,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,905,000

**NEW SECTION. Sec. 499. FOR THE DEPARTMENT OF FISHERIES
South Sound net pens replacement (94-1-006)**

Appropriation:

St Bldg Constr Acct \$ 345,000
Prior Biennia (Expenditures) \$ 178,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 523,000

**NEW SECTION. Sec. 500. FOR THE DEPARTMENT OF WILDLIFE
Aberdeen hatchery expansion (89-5-017)**

Reappropriation:

Game Spec Wildlife Acct \$ 8,554
Prior Biennia (Expenditures) \$ 731,446
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 740,000

**NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF WILDLIFE
Skagit wildlife area dike repair (93-3-008)**

Reappropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 21,250
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 171,250

**NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing access flood repair (92-5-016)**

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

St Bldg Constr Acct \$ 40,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 40,000

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF WILDLIFE
Luhrs Landing interpretive center (92-5-017)

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 405,029
Prior Biennia (Expenditures) \$ 44,971
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 450,000

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF WILDLIFE
Hood Canal wetlands center construction (93-5-001)

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 491,000
Prior Biennia (Expenditures) \$ 9,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF WILDLIFE
Health, safety, and code compliance (94-1-001)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 20,000

Appropriation:

St Bldg Constr Acct \$ 830,000
Prior Biennia (Expenditures) \$ 1,080,000
Future Biennia (Projected Costs) \$ 3,900,000
TOTAL \$ 5,830,000

NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF WILDLIFE
Minor works: Emergency repair (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 349,233
Future Biennia (Projected Costs) \$ 1,625,000
TOTAL \$ 2,474,233

NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF WILDLIFE
Fishing access area redevelopment (94-1-003)

The appropriation in this section is subject to the conditions and limitations of section 1017(2) (a) and (b) of this act.

Reappropriation:

Wildlife Acct--Federal \$ 107,000
ORA--State \$ 959,000

Subtotal Reappropriation \$ 1,066,000

Appropriation:

ORA--State \$ 887,000

Wildlife Acct--Federal \$ 500,000

Subtotal Appropriation \$ 1,387,000

Prior Biennia (Expenditures) \$ 1,456,000

Future Biennia (Projected Costs) \$ 7,333,400

TOTAL \$ 10,176,400

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF WILDLIFE

Hatchery remodel (94-1-004)

(1) \$100,000 of the state building construction account appropriation in this section shall be used for a study on the consolidation of fish production facilities with the department of fisheries. The study shall consider existing and future water quality issues, condition of facilities, disease containment policies, wild stock restoration plans, and production goals. The department shall provide a progress report to the appropriate legislative committees by January 1994.

(2) No funds are provided for increased residential capacity at state hatchery facilities.

Reappropriation:

St Bldg Constr Acct \$ 740,000

Wildlife Acct--Federal \$ 300,000

Subtotal Reappropriation \$ 1,040,000

Appropriation:

St Bldg Constr Acct \$ 2,275,000

Wildlife Acct--Federal \$ 1,000,000

Subtotal Appropriation \$ 3,275,000

Prior Biennia (Expenditures) \$ 1,672,155

Future Biennia (Projected Costs) \$ 12,600,000

TOTAL \$ 18,587,155

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF WILDLIFE

State-wide fence repair (94-1-005)

Reappropriation:

Wildlife Acct--State \$ 92,000

Appropriation:

St Bldg Constr Acct \$ 122,500

Prior Biennia (Expenditures) \$ 1,375,000

Future Biennia (Projected Costs) \$ 1,100,000

TOTAL \$ 2,687,500

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF WILDLIFE

Wildlife area repair (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 574,000

Wildlife Acct--Federal \$ 50,000

Subtotal Appropriation \$ 624,000

Prior Biennia (Expenditures) \$ 265,000

Future Biennia (Projected Costs) \$ 2,900,000

TOTAL \$ 3,789,000

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF WILDLIFE

Sprague Lake access area development (94-2-008)

Appropriation:

Wildlife Acct--Federal \$ 55,000

ORA--State \$ 118,000

Subtotal Appropriation \$ 173,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 173,000

NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF WILDLIFE
State-wide fence construction (94-2-009)

Appropriation:

St Bldg Constr Acct \$ 627,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,500,000
TOTAL \$ 2,127,500

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF WILDLIFE
Habitat acquisition (94-2-011)

Reappropriation:

Wildlife Acct--State \$ 599,920

Appropriation:

Wildlife Acct--State \$ 1,300,000
Prior Biennia (Expenditures) \$ 996,562
Future Biennia (Projected Costs) \$ 7,800,000
TOTAL \$ 10,696,482

NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF WILDLIFE
Migratory waterfowl habitat acquisition (94-2-013)

Appropriation:

Wildlife Acct--State \$ 350,000
Prior Biennia (Expenditures) \$ 949,335
Future Biennia (Projected Costs) \$ 1,700,000
TOTAL \$ 2,999,335

NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF WILDLIFE
Regional office construction (94-2-010)

Appropriation:

Wildlife Acct--State \$ 138,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 138,000

NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF WILDLIFE
Mitigation and dedicated fund projects (94-2-013)

Appropriation:

Wildlife--Federal \$ 6,000,000
Wildlife--Priv/Loc \$ 5,000,000
Game Spec Wildlife Acct--State \$ 50,000
Subtotal Appropriation \$ 11,050,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 44,800,000
TOTAL \$ 55,850,000

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF WILDLIFE
Game farm remodel (95-1-007)

Appropriation:

St Bldg Constr Acct \$ 275,000

Prior Biennia (Expenditures) \$ 850,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,125,000

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF WILDLIFE
Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this section is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

Reappropriation:

St Bldg Constr Acct \$ 4,500,000
Prior Biennia (Expenditures) \$ 184,166
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,684,166

NEW SECTION. Sec. 519. FOR THE DEPARTMENT OF WILDLIFE
Gloyd Seeps Fish Hatchery:

For the purchase of the property by the Department of Wildlife

The appropriation in this section shall not be expended until the Department of Wildlife has made a determination that:

- (1) The water rights to the property being transferred to the Department of Wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

Appropriation:

St Bldg Constr Acct \$ 1,870,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,870,000

NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic land enhancement (86-3-030)

Reappropriation:

Aquatic Lands Acct \$ 1,123,000
Prior Biennia (Expenditures) \$ 6,124,236
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,247,236

NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 1 development (90-5-202)

Reappropriation:

ORA--State \$ 747,600
Prior Biennia (Expenditures) \$ 2,400
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 750,000

NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (92-2-410)

Reappropriation:

Res Mgmt Cost Acct \$ 569,000
Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 609,000

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mountains to Sound acquisition (92-2-550)

The appropriation in this section shall be matched by \$2,000,000 in cash, land, or other consideration from nonstate moneys provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

Reappropriation:

St Bldg Constr Acct \$ 999,000

Appropriation:

St Bldg Constr Acct \$ 1,500,000

Prior Biennia (Expenditures) \$ 1,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF NATURAL RESOURCES

Cedar River dredging (92-3-000)

The appropriation in this section is contingent upon a match of at least \$500,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 700,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic land enhancement grants (93-3-501)

Reappropriation:

Aquatic Lands Acct \$ 1,762,000

Prior Biennia (Expenditures) \$ 4,798,884

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,560,884

NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation sites construction (92-5-201)

The appropriation in this section is subject to the conditions and limitations of section 1017(2)(a) of this act.

Reappropriation:

St Bldg Constr Acct \$ 144,000

ORA--State \$ 200,000

Subtotal Reappropriation \$ 344,000

Prior Biennia (Expenditures) \$ 506,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF NATURAL RESOURCES

Americans with Disabilities Act modifications (94-1-101)

Appropriation:

St Bldg Constr Acct \$ 31,000

Res Mgmt Cost Acct \$ 54,500

For Dev Acct \$ 14,500

Subtotal Appropriation \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 400,000

TOTAL \$ 500,000

NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF NATURAL RESOURCES

Underground storage tanks removal (94-1-103)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 20,000
Res Mgmt Cost Acct \$ 15,600
For Dev Acct \$ 14,400
Subtotal Appropriation \$ 50,000
Prior Biennia (Expenditures) \$ 581,500
Future Biennia (Projected Costs) \$ 408,000
TOTAL \$ 1,039,500

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF NATURAL RESOURCES
State-wide emergency repairs (94-1-104)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct \$ 54,500
For Dev Acct \$ 14,500
Subtotal Appropriation \$ 100,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 400,000
TOTAL \$ 600,000

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF NATURAL RESOURCES
Environmental protection: Design and construction (94-1-105)

Appropriation:

St Bldg Constr Acct \$ 33,800
Res Mgmt Cost Acct \$ 25,100
For Dev Acct \$ 23,600
Subtotal Appropriation \$ 82,500
Prior Biennia (Expenditures) \$ 208,600
Future Biennia (Projected Costs) \$ 945,100
TOTAL \$ 1,236,200

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF NATURAL RESOURCES
Snowbird: Well plug (94-1-106)

Appropriation:

St Bldg Constr Acct \$ 179,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 179,500

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repair (94-1-107)

Appropriation:

St Bldg Constr Acct \$ 391,200
Res Mgmt Cost Acct \$ 384,700
For Dev Acct \$ 146,100
Subtotal Appropriation \$ 922,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,445,200
TOTAL \$ 5,267,200

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF NATURAL RESOURCES
Small repairs and improvements (94-1-108)

Appropriation:

St Bldg Constr Acct \$ 31,000
Res Mgmt Cost Acct--State \$ 54,500
For Dev Acct \$ 14,500
Subtotal Appropriation \$ 100,000
Prior Biennia (Expenditures) \$ 100,100
Future Biennia (Projected Costs) \$ 400,000
TOTAL \$ 600,100

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation sites: Emergency repairs (94-4-201)

Appropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 600,000
TOTAL \$ 800,000

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural resource conservation areas: Emergency repairs (94-1-202)

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000
TOTAL \$ 1,000,000

NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural area preserve management (94-1-203)

Appropriation:

St Bldg Constr Acct \$ 150,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 150,000

NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation: Health and safety (94-1-204)

Appropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 1,300,000

NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate property: Small repairs and improvements (94-1-401)

Appropriation:

Res Mgmt Cost Acct \$ 200,000
Prior Biennia (Expenditures) \$ 181,000
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 1,381,000

NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation: Emergency repairs (94-1-402)

Appropriation:

Res Mgmt Cost Acct \$ 200,000
Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 500,000
TOTAL \$ 780,000

**NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate tenant improvements (94-1-403)**

Appropriation:

Res Mgmt Cost Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,700,000
TOTAL \$ 3,400,000

**NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication site repair (94-1-404)**

Appropriation:

Res Mgmt Cost Acct \$ 190,000
For Dev Acct \$ 110,000
Subtotal Appropriation \$ 300,000
Prior Biennia (Expenditures) \$ 480,000
Future Biennia (Projected Costs) \$ 385,000
TOTAL \$ 1,165,000

**NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation system replacement (94-1-405)**

Appropriation:

Res Mgmt Cost Acct \$ 300,000
Prior Biennia (Expenditures) \$ 682,000
Future Biennia (Projected Costs) \$ 1,175,000
TOTAL \$ 2,157,000

**NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous waste cleanup on state lands (94-1-406)**

Appropriation:

Res Mgmt Cost Acct \$ 350,000
For Dev Acct \$ 150,000
Subtotal Appropriation \$ 500,000
Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 1,585,000
TOTAL \$ 2,135,000

**NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road maintenance (94-1-801)**

Appropriation:

ORV Acct \$ 126,500
Access Road Revolving Acct \$ 802,000
Subtotal Appropriation \$ 928,500
Prior Biennia (Expenditures) \$ 89,000
Future Biennia (Projected Costs) \$ 400,000
TOTAL \$ 1,417,500

**NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF NATURAL RESOURCES
Fire control facilities upgrades (94-2-102)**

Appropriation:

St Bldg Constr Acct \$ 170,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 126,200
TOTAL \$ 296,200

**NEW SECTION. Sec. 546. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Facilities and site repairs (94-2-103)**

Appropriation:

St Bldg Constr Acct \$ 66,500
Res Mgmt Cost Acct \$ 63,500
For Dev Acct \$ 36,000
Subtotal Appropriation \$ 166,000
Prior Biennia (Expenditures) \$ 412,400
Future Biennia (Projected Costs) \$ 2,822,000
TOTAL \$ 3,400,400

**NEW SECTION. Sec. 547. FOR THE DEPARTMENT OF NATURAL RESOURCES
Long Lake phase 3 development (94-2-201)**

Appropriation:

ORA--State \$ 223,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 223,000

**NEW SECTION. Sec. 548. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 2 development (94-2-202)**

Appropriation:

ORA--State \$ 900,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 900,000

**NEW SECTION. Sec. 549. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial development: Local improvement district (94-2-401)**

Appropriation:

Res Mgmt Cost Acct \$ 920,000
Prior Biennia (Expenditures) \$ 1,284,000
Future Biennia (Projected Costs) \$ 2,840,000
TOTAL \$ 5,044,000

**NEW SECTION. Sec. 550. FOR THE DEPARTMENT OF NATURAL RESOURCES
Rights of way acquisition (94-2-402)**

Appropriation:

Res Mgmt Cost Acct \$ 582,000
For Dev Acct \$ 611,000
Subtotal Appropriation \$ 1,193,000
Prior Biennia (Expenditures) \$ 1,048,000
Future Biennia (Projected Costs) \$ 4,400,000
TOTAL \$ 6,641,000

**NEW SECTION. Sec. 551. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication sites construction (94-2-403)**

Appropriation:

Res Mgmt Cost Acct \$ 160,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 735,000

TOTAL \$ 895,000

**NEW SECTION. Sec. 552. FOR THE DEPARTMENT OF NATURAL RESOURCES
Irrigation development (94-2-404)**

Appropriation:

Res Mgmt Cost Acct \$ 336,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,150,000
TOTAL \$ 5,486,000

**NEW SECTION. Sec. 553. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Resources Real Property Replacement Account (94-2-405)**

Appropriation:

Nat Res Prop Repl Acct \$ 25,000,000
Prior Biennia (Expenditures) \$ 10,000,000
Future Biennia (Projected Costs) \$ 125,000,000
TOTAL \$ 160,000,000

**NEW SECTION. Sec. 554. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land bank acquisition (94-2-406)**

Appropriation:

Res Mgmt Cost Acct \$ 18,000,000
Prior Biennia (Expenditures) \$ 21,176,000
Future Biennia (Projected Costs) \$ 60,000,000
TOTAL \$ 99,176,000

**NEW SECTION. Sec. 555. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mineral resource testing (94-2-407)**

Appropriation:

Res Mgmt Cost Acct \$ 10,000
For Dev Acct \$ 10,000
Subtotal Appropriation \$ 20,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 104,000
TOTAL \$ 124,000

**NEW SECTION. Sec. 556. FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic lands enhancement grants (94-2-501)**

Appropriation:

Aquatic Lands Acct \$ 2,776,000
Prior Biennia (Expenditures) \$ 3,541,000
Future Biennia (Projected Costs) \$ 32,885,000
TOTAL \$ 39,202,000

**NEW SECTION. Sec. 557. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor works: Road construction and improvement (94-2-801)**

Appropriation:

Res Mgmt Cost Acct \$ 641,500
For Dev Acct \$ 172,500
Subtotal Appropriation \$ 814,000
Prior Biennia (Expenditures) \$ 232,000
Future Biennia (Projected Costs) \$ 4,500,000
TOTAL \$ 5,546,000

NEW SECTION. Sec. 558. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center construction (89-5-001)

Reappropriation:

St Conv & Trade Ctr Acct \$ 348,250
Prior Biennia (Expenditures) \$ 2,651,750
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 559. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center conversion (89-5-002)

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,900,000
Prior Biennia (Expenditures) \$ 9,897,364
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,797,364

NEW SECTION. Sec. 560. FOR THE STATE CONVENTION AND TRADE CENTER
Convention and Trade Center expansion (89-5-003)

Reappropriation:

St Conv & Trade Ctr Acct \$ 461,190
Prior Biennia (Expenditures) \$ 11,755,390
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,216,580

NEW SECTION. Sec. 561. FOR THE STATE CONVENTION AND TRADE CENTER
Eagles Building exterior cleanup (89-5-005)

Reappropriation:

St Conv & Trade Ctr Acct \$ 267,360
Prior Biennia (Expenditures) \$ 32,640
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 300,000

NEW SECTION. Sec. 562. FOR THE STATE CONVENTION AND TRADE CENTER
Refunding of parking garage note

Reappropriation:

St Conv & Trade Ctr Acct \$ 387,076
Prior Biennia (Expenditures) \$ 1,912,924
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,300,000

NEW SECTION. Sec. 563. FOR THE STATE CONVENTION AND TRADE CENTER
Minor works (93-2-001)

Reappropriation:

St Conv & Trade Ctr Acct \$ 1,010,000
Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,050,000

NEW SECTION. Sec. 564. FOR THE STATE CONVENTION AND TRADE CENTER

The appropriation in this section is subject to the following conditions and limitations:

- (1) The state convention and trade center shall assist in the rehabilitation of the Eagles building by transferring the state's right and title to the land and building as is, at no cost, to A Contemporary Theatre (ACT) and the Seattle Housing Resource Group (SHRG) subject to and following final action by the city of Seattle to grant a new

contract rezone for not less than ten years, on terms deemed acceptable to the state convention and trade center for the site rezoned under city ordinance 115663.

(2) \$2,700,000 is provided solely for payments to ACT and SHRG for the purchase by the state convention and trade center of a minimum of 225,000 square feet of theatre and housing floor area ratio bonuses to be generated by the restoration and development of the Eagles land and building by ACT and SHRG.

Appropriation:

St Conv & Trade Ctr Acct	\$ 2,700,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,700,000

NEW SECTION. Sec. 565. FOR THE WASHINGTON STATE FRUIT COMMISSION

For land acquisition, design, construction, furnishing, equipping, and other costs related to the acquisition of a new headquarters and visitor center facility

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation may be spent only after the director of financial management has: (a) Certified that, based on the future income from the assessments levied under chapter 15.28 RCW, and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments on the bonds issued for the project; and (b) approved the plans for the facility.

(2) The appropriation shall be matched by at least \$200,000 from the commission's general operating fund provided for the capital costs of the project.

Appropriation:

Fruit Comm Fac Acct	\$ 1,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,500,000

NEW SECTION. Sec. 566. FOR THE WASHINGTON STATE DAIRY PRODUCTS COMMISSION

Acquire permanent facility: To acquire a permanent facility to house the offices and operations of the commission (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations: At least one dollar from the commission's operating funds shall be spent for each three dollars spent from this appropriation.

Reappropriation:

Wa St Dairy Prod Comm Fac Acct	\$ 900,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 900,000

PART 4
TRANSPORTATION

NEW SECTION. Sec. 601. FOR THE WASHINGTON STATE PATROL

To construct a new district headquarters building in Everett (90-2-018)

Reappropriation:

St Bldg Constr Acct	\$ 90,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 90,000

NEW SECTION. Sec. 602. FOR THE WASHINGTON STATE PATROL

To construct a new crime lab in Tacoma (92-2-003)

Reappropriation:

St Bldg Constr Acct	\$ 1,940,000
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Prior Biennia (Expenditures) \$ 77,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,017,000

NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF TRANSPORTATION
Funds to continue Mt. St. Helens recovery program (87-1-001)

Reappropriation:

St Bldg Constr Acct \$ 370,000
Prior Biennia (Expenditures) \$ 5,579,161
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,949,161

PART 5
EDUCATION

NEW SECTION. Sec. 701. FOR THE STATE BOARD OF EDUCATION
Public school building construction (83-2-001)

Reappropriation:

Common School Constr Fund \$ 110,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 110,000

NEW SECTION. Sec. 702. FOR THE STATE BOARD OF EDUCATION
Public school building construction (85-2-001)

Reappropriation:

Common School Constr Fund \$ 830,000
Prior Biennia (Expenditures) \$ 270,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,100,000

NEW SECTION. Sec. 703. FOR THE STATE BOARD OF EDUCATION
Public school building construction (87-2-001)

Reappropriation:

Common School Constr Fund \$ 2,346,000
Prior Biennia (Expenditures) \$ 1,654,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,000,000

NEW SECTION. Sec. 704. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund \$ 7,294,260
Prior Biennia (Expenditures) \$ 21,712,889
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 29,007,159

NEW SECTION. Sec. 705. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-002)

Reappropriation:

Common School Constr Fund \$ 4,266,450
Prior Biennia (Expenditures) \$ 16,734,725
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 21,001,175

**NEW SECTION. Sec. 706. FOR THE STATE BOARD OF EDUCATION
Public school building construction (89-2-003)**

Reappropriation:

Common School Constr Fund \$ 15,000,000
Prior Biennia (Expenditures) \$ 64,708,899
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 79,708,899

**NEW SECTION. Sec. 707. FOR THE STATE BOARD OF EDUCATION
Public school building construction (91-2-001)**

Reappropriation:

Common School Reimb Constr Acct \$ 124,101,800
Common School Constr Fund \$ 85,817,008
Subtotal Reappropriation \$ 209,918,808
Prior Biennia (Expenditures) \$ 198,435,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 408,353,808

**NEW SECTION. Sec. 708. FOR THE STATE BOARD OF EDUCATION
Common schools: Design and construction (94-2-001)**

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) Not more than \$106,000,000 of this appropriation may be obligated in fiscal year 1994 for school district project design and construction.
- (2) A maximum of \$1,250,000 may be expended for direct costs of state administration of school construction funding.
- (3) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction or architectural experience to assist in evaluation of project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.
- (4) A maximum of \$75,000 is provided solely for development of an automated state inventory and facility condition management database. This database shall utilize information obtained through implementation of the new priority system developed in the 1991-93 biennium and periodic updating.
- (5) Projects approved for state assistance by the state board after the effective date of this section, in which new construction will be in lieu of modernization of an existing instructional facility or space, shall receive state assistance only if the district certifies that the existing facility or space will not be used for instructional purposes, and that the facility or space will be ineligible for any future state financial assistance. Further, if the district does return the facility or space to instructional purposes, the district shall become ineligible for state construction financial assistance for a period of at least five years as determined by the state board of education. The state board shall adopt regulations to implement this subsection.

Appropriation:

Common School Constr Fund \$ 233,179,000
St Bldg Constr Acct \$ 4,821,000
Subtotal Appropriation \$ 238,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 238,000,000

**NEW SECTION. Sec. 709. FOR THE STATE SCHOOL FOR THE BLIND
Demolish museum building (92-1-002)**

Reappropriation:

St Bldg Constr Acct \$ 237,051
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 237,051

**NEW SECTION. Sec. 710. FOR THE STATE SCHOOL FOR THE BLIND
Elevator in administration building (92-1-003)**

Reappropriation:

St Bldg Constr Acct \$ 234,745
Prior Biennia (Expenditures) \$ 149,716
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 384,461

**NEW SECTION. Sec. 711. FOR THE STATE SCHOOL FOR THE BLIND
Campus preservation (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 2,688,400
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,520,781
TOTAL \$ 19,209,181

**NEW SECTION. Sec. 712. FOR THE STATE SCHOOL FOR THE BLIND
Demolish commissary building (94-1-002)**

Appropriation:

St Bldg Constr Acct \$ 547,455
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 547,455

**NEW SECTION. Sec. 713. FOR THE STATE SCHOOL FOR THE DEAF
Campus heating system repairs (92-2-008)**

Reappropriation:

St Bldg Constr Acct \$ 16,500
Prior Biennia (Expenditures) \$ 15,845
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 32,345

**NEW SECTION. Sec. 714. FOR THE STATE SCHOOL FOR THE DEAF
Campus preservation (94-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 200,000

Appropriation:

St Bldg Constr Acct \$ 1,553,415
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,518,336
TOTAL \$ 15,271,751

**NEW SECTION. Sec. 715. FOR THE STATE SCHOOL FOR THE DEAF
Building demolition of Mary Roberts Hospital (94-1-008)**

Appropriation:

St Bldg Constr Acct \$ 59,566
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 59,566

**NEW SECTION. Sec. 716. FOR THE HIGHER EDUCATION COORDINATING BOARD
Campus Planning**

Appropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 170,000

The higher education coordinating board shall evaluate a variety of organizational models for meeting the higher education and work force training needs of the people in the North King/South Snohomish county area. The goal is to design the most effective delivery system of education opportunities for students and the region's population. By November 30, 1993, the board shall recommend the preferred organizational model, and report its decision to the governor, appropriate legislative committees, and affected institutions of higher education.

In developing the model, the board shall consider, but need not be limited to, the following:

- (1) Previously identified short and long-range higher education needs, including upper and lower division, graduate programs, work force training, and basic skills as updated for current circumstances;
- (2) Previous community studies, including their conclusion that a new community college is needed in the area;
- (3) Teaching as the primary mission;
- (4) The smooth and convenient student transfer, as appropriate, between lower and upper division programs and courses;
- (5) The capacity of nearby existing public institutions;
- (6) Transportation and growth management principles;
- (7) The consolidation of capital investment through a single campus, whether permanently or temporarily collocated, and consider potential future need for an additional site;
- (8) Alternative organizational arrangements; and
- (9) Recommendations of the community siting committee.

NEW SECTION. Sec. 717. FOR THE UNIVERSITY OF WASHINGTON
H Wing addition (86-2-021)

Reappropriation:

St Bldg Constr Acct \$ 24,500,000
UW Building Acct--State \$ 1,500,000
Subtotal Reappropriation \$ 26,000,000
Prior Biennia (Expenditures) \$ 25,000,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 51,000,000

NEW SECTION. Sec. 718. FOR THE UNIVERSITY OF WASHINGTON
Health Sciences Center H Wing remodel (88-2-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 632,999
Future Biennia (Projected Costs) \$ 16,518,000
TOTAL \$ 17,250,999

NEW SECTION. Sec. 719. FOR THE UNIVERSITY OF WASHINGTON
Power plant boiler (88-2-022)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 16,500,000
Prior Biennia (Expenditures) \$ 4,357,491
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 20,857,491

**NEW SECTION. Sec. 720. FOR THE UNIVERSITY OF WASHINGTON
Biomedical Sciences Research Building financing (90-1-001)**

The appropriations in this section are provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:

H Ed Constr Acct \$ 24,500,000

Appropriation:

H Ed Constr Acct \$ 20,000,000

Prior Biennia (Expenditures) \$ 20,500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 65,000,000

**NEW SECTION. Sec. 721. FOR THE UNIVERSITY OF WASHINGTON
Power generation, chiller, data communications, electrical distribution (90-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 5,440,000

Prior Biennia (Expenditures) \$ 11,457,222

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,897,222

**NEW SECTION. Sec. 722. FOR THE UNIVERSITY OF WASHINGTON
Physics/Astronomy Building construction (90-2-009)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

H Ed Reimb Constr Acct \$ 32,000,000

Prior Biennia (Expenditures) \$ 40,564,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000

**NEW SECTION. Sec. 723. FOR THE UNIVERSITY OF WASHINGTON
Chemistry Building construction (90-2-011)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 28,500,000

Prior Biennia (Expenditures) \$ 10,652,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000

**NEW SECTION. Sec. 724. FOR THE UNIVERSITY OF WASHINGTON
Electrical Engineering/Computer Sciences Engineering Building construction (90-2-013)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,547,000

Appropriation:

St Bldg Constr Acct \$ 89,997,000

UW Bldg Acct \$ 536,000

Subtotal Appropriation \$ 90,533,000

Prior Biennia (Expenditures) \$ 2,711,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 95,791,000

NEW SECTION. Sec. 725. FOR THE UNIVERSITY OF WASHINGTON
Nuclear reactor decommissioning (92-1-022)

Reappropriation:

St Bldg Constr Acct \$ 230,000
Prior Biennia (Expenditures) \$ 5,000
Future Biennia (Projected Costs) \$ 2,551,000
TOTAL \$ 2,786,000

NEW SECTION. Sec. 726. FOR THE UNIVERSITY OF WASHINGTON
Kincaid basement (zoology) (92-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,500,000
Prior Biennia (Expenditures) \$ 1,814,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,314,000

NEW SECTION. Sec. 727. FOR THE UNIVERSITY OF WASHINGTON
Old Physics Hall design and construction (92-2-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Appropriation:

St Bldg Constr Acct \$ 30,914,000
UW Bldg Acct \$ 1,650,000
Subtotal Appropriation \$ 32,564,000
Prior Biennia (Expenditures) \$ 143,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 35,107,000

NEW SECTION. Sec. 728. FOR THE UNIVERSITY OF WASHINGTON
Comparative medicine facility (92-2-017)

Reappropriation:

St Bldg Constr Acct \$ 690,000
Prior Biennia (Expenditures) \$ 10,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 700,000

NEW SECTION. Sec. 729. FOR THE UNIVERSITY OF WASHINGTON
Ocean and Fishery Sciences II predesign (92-2-027)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management and for infrastructure improvements in the southwest campus. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

St Bldg Constr Acct \$ 1,550,000
Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 70,531,000
TOTAL \$ 72,381,000

NEW SECTION. Sec. 730. FOR THE UNIVERSITY OF WASHINGTON
Olympic Natural Resource Center design and construction (92-2-202)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 5,450,000
Prior Biennia (Expenditures) \$ 225,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,675,000

NEW SECTION. Sec. 731. FOR THE UNIVERSITY OF WASHINGTON
Parrington Hall exterior (92-3-018)

Reappropriation:

UW Bldg Acct \$ 1,675,000
Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,759,000

NEW SECTION. Sec. 732. FOR THE UNIVERSITY OF WASHINGTON
Meany Hall exterior renovation (92-3-019)

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

UW Bldg Acct \$ 7,200,000
Prior Biennia (Expenditures) \$ 38,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,238,000

NEW SECTION. Sec. 733. FOR THE UNIVERSITY OF WASHINGTON
Denny Hall exterior repair (92-3-020)

Reappropriation:

UW Bldg Acct \$ 1,550,000
Prior Biennia (Expenditures) \$ 835,508
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,385,508

NEW SECTION. Sec. 734. FOR THE UNIVERSITY OF WASHINGTON
Underground storage tanks (92-5-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 300,000
Prior Biennia (Expenditures) \$ 800,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,100,000

NEW SECTION. Sec. 735. FOR THE UNIVERSITY OF WASHINGTON
Henry Gallery addition (93-2-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.
- (2) The appropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 250,000

Appropriation:

St Bldg Constr Acct \$ 8,316,000
Prior Biennia (Expenditures) \$ 50,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,616,000

**NEW SECTION. Sec. 736. FOR THE UNIVERSITY OF WASHINGTON
Burke Museum (93-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 2,175,000
Prior Biennia (Expenditures) \$ 25,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 737. FOR THE UNIVERSITY OF WASHINGTON
Business Administration expansion (93-2-006)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

(2) The appropriations in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 500,000

Appropriation:

St Bldg Constr Acct \$ 6,850,000

Prior Biennia (Expenditures) \$ 150,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,500,000

**NEW SECTION. Sec. 738. FOR THE UNIVERSITY OF WASHINGTON
Minor repairs preservation (94-1-003)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 10,000,000
UW Bldg Acct \$ 6,300,000
Subtotal Reappropriation \$ 16,300,000

Appropriation:

St Bldg Constr Acct \$ 3,148,000
UW Bldg Acct \$ 299,000
Subtotal Appropriation \$ 3,447,000
Prior Biennia (Expenditures) \$ 4,942,625
Future Biennia (Projected Costs) \$ 20,981,375
TOTAL \$ 45,671,000

**NEW SECTION. Sec. 739. FOR THE UNIVERSITY OF WASHINGTON
Minor repairs (94-1-004)**

Reappropriation:

St Bldg Constr Acct \$ 3,000,000
UW Bldg Acct \$ 4,500,000
Subtotal Reappropriation \$ 7,500,000

Appropriation:

UW Bldg Acct \$ 8,250,000
Prior Biennia (Expenditures) \$ 1,025,000

Future Biennia (Projected Costs) \$ 33,221,000
TOTAL \$ 49,996,000

NEW SECTION. Sec. 740. FOR THE UNIVERSITY OF WASHINGTON
Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct \$ 420,000

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 31,347,000

TOTAL \$ 34,807,000

NEW SECTION. Sec. 741. FOR THE UNIVERSITY OF WASHINGTON
Suzzallo Library predesign (94-1-015)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 196,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,684,000

TOTAL \$ 25,880,000

NEW SECTION. Sec. 742. FOR THE UNIVERSITY OF WASHINGTON
Condon Law Library predesign (94-2-017)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 128,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,655,000

TOTAL \$ 16,783,000

NEW SECTION. Sec. 743. FOR THE UNIVERSITY OF WASHINGTON
Minor repairs (94-2-005)

Reappropriation:

St Bldg Constr Acct \$ 3,000,000

UW Bldg Acct \$ 3,300,000

Subtotal Reappropriation \$ 6,300,000

Appropriation:

UW Bldg Acct \$ 7,071,000

Prior Biennia (Expenditures) \$ 4,403,000

Future Biennia (Projected Costs) \$ 46,204,000

TOTAL \$ 63,978,000

NEW SECTION. Sec. 744. FOR THE UNIVERSITY OF WASHINGTON
Harborview Medical Center Research and Training Building--Design (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 3,620,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 63,283,000
TOTAL \$ 66,903,000

NEW SECTION. Sec. 745. FOR THE UNIVERSITY OF WASHINGTON

Branch campuses (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the organization model recommended by the higher education coordinating board for the King-Snohomish county area.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act and the allotment requirements of section 1016 of this act have been met.

(3) Of the appropriation in this section, \$23,000,000 is provided for the Bothell branch campus. The remaining \$30,983,320 is provided for the Tacoma branch campus.

Reappropriation:

St Bldg Constr Acct \$ 8,741,680

Appropriation:

St Bldg Constr Acct \$ 53,983,320
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 106,000,000
TOTAL \$ 168,725,000

NEW SECTION. Sec. 746. FOR THE UNIVERSITY OF WASHINGTON

Thomas Burke Memorial Washington State Museum: For a study of the museum's space needs, long-term physical facility needs, and options for future expansion

Appropriation:

St Bldg Constr Acct \$ 200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000
TOTAL \$ 200,000

NEW SECTION. Sec. 747. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes:

(1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 748. FOR WASHINGTON STATE UNIVERSITY

Branch campus acquisition (90-5-002)

Reappropriation:

St Bldg Constr Acct \$ 933,731
Prior Biennia (Expenditures) \$ 896,469
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,830,200

NEW SECTION. Sec. 749. FOR WASHINGTON STATE UNIVERSITY

East campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation **(92-1-015)**

Reappropriation:

WSU Bldg Acct \$ 235,625
Prior Biennia (Expenditures) \$ 434,375
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 670,000

NEW SECTION. Sec. 750. FOR WASHINGTON STATE UNIVERSITY

Smith Gym electrical system replacement: To replace the entire building-wide electrical system **(92-1-017)**

Reappropriation:

WSU Bldg Acct \$ 713,645
Prior Biennia (Expenditures) \$ 405,708
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,119,353

NEW SECTION. Sec. 751. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct \$ 1,241,524
Prior Biennia (Expenditures) \$ 101,476
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,343,000

NEW SECTION. Sec. 752. FOR WASHINGTON STATE UNIVERSITY

Coliseum asbestos removal (92-1-020)

Reappropriation:

WSU Bldg Acct \$ 675,444
Prior Biennia (Expenditures) \$ 837,556
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,513,000

NEW SECTION. Sec. 753. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices **(92-2-021)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 673,109

Appropriation:

St Bldg Constr Acct \$ 12,162,400
WSU Bldg Acct \$ 3,478,000
Subtotal Appropriation \$ 15,640,400
Prior Biennia (Expenditures) \$ 688,891
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 17,002,400

NEW SECTION. Sec. 754. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall/Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space **(92-1-022)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 655,590

Appropriation:

St Bldg Constr Acct \$ 12,511,500

Prior Biennia (Expenditures) \$ 301,410

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,468,500

NEW SECTION. Sec. 755. FOR WASHINGTON STATE UNIVERSITY

Holland Library renewal predesign (92-2-003)

The reappropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Reappropriation:

WSU Bldg Acct \$ 98,553

Prior Biennia (Expenditures) \$ 770,447

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 869,000

NEW SECTION. Sec. 756. FOR WASHINGTON STATE UNIVERSITY

Holland Library addition (90-2-013)

Reappropriation:

St Bldg Constr Acct \$ 8,535,913

Prior Biennia (Expenditures) \$ 21,955,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 30,491,733

NEW SECTION. Sec. 757. FOR WASHINGTON STATE UNIVERSITY

Veterinary teaching hospital construction: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery **(92-2-013)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 32,310

H Ed Reimb Constr Acct \$ 24,947,571

Subtotal Reappropriation \$ 24,979,881

Prior Biennia (Expenditures) \$ 2,430,703

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,442,894

NEW SECTION. Sec. 758. FOR WASHINGTON STATE UNIVERSITY

Child care facility: Design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall **(92-2-014)**

Reappropriation:

St Bldg Constr Acct \$ 1,806,825

Prior Biennia (Expenditures) \$ 364,175

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,171,000

NEW SECTION. Sec. 759. FOR WASHINGTON STATE UNIVERSITY

Student services addition: To design and construct a building for consolidated student service functions **(92-2-027)**

The reappropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 15,000,000
WSU Bldg Acct \$ 789,353
Subtotal Reappropriation \$ 15,534,772
Prior Biennia (Expenditures) \$ 177,647
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 15,967,000

NEW SECTION. Sec. 760. FOR WASHINGTON STATE UNIVERSITY

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage **(92-2-028)**

Reappropriation:

WSU Bldg Acct \$ 1,657,046
Prior Biennia (Expenditures) \$ 103,954
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,761,000

NEW SECTION. Sec. 761. FOR WASHINGTON STATE UNIVERSITY

WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at Wenatchee Valley College in Wenatchee **(92-2-908)**

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Reappropriation:

WSU Bldg Acct \$ 1,331,176
Prior Biennia (Expenditures) \$ 989,824
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,321,000

NEW SECTION. Sec. 762. FOR WASHINGTON STATE UNIVERSITY

Dairy and forage facility: Design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms **(92-3-024)**

Reappropriation:

WSU Bldg Acct \$ 2,269,663
Prior Biennia (Expenditures) \$ 444,337
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,714,000

NEW SECTION. Sec. 763. FOR WASHINGTON STATE UNIVERSITY

Chilled water storage facility: Design and construct a 2,820,000-gallon chilled water storage tank **(92-4-022)**

Reappropriation:

St Bldg Constr Acct \$ 818,728
Prior Biennia (Expenditures) \$ 2,031,272
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,850,000

NEW SECTION. Sec. 764. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct \$ 1,485,000

Appropriation:

St Bldg Constr Acct \$ 6,000,000

Prior Biennia (Expenditures) \$ 4,015,000

Future Biennia (Projected Costs) \$ 23,000,000

TOTAL \$ 34,500,000

NEW SECTION. Sec. 765. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym predesign (94-1-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 49,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,000,000

TOTAL \$ 5,049,000

NEW SECTION. Sec. 766. FOR WASHINGTON STATE UNIVERSITY

Thompson Hall design (94-1-024)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 697,000

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 8,485,000

TOTAL \$ 9,262,000

NEW SECTION. Sec. 767. FOR WASHINGTON STATE UNIVERSITY

Prosser: Septic system (94-1-500)

Appropriation:

WSU Bldg Acct \$ 1,250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

NEW SECTION. Sec. 768. FOR WASHINGTON STATE UNIVERSITY

Minor works (94-2-001)

Appropriation:

St Bldg Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,420,000

TOTAL \$ 19,420,000

NEW SECTION. Sec. 769. FOR WASHINGTON STATE UNIVERSITY

Chemical storage building predesign (94-2-005)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 56,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,934,000
TOTAL \$ 4,990,000

NEW SECTION. Sec. 770. FOR WASHINGTON STATE UNIVERSITY
Hazardous waste facilities predesign (94-2-006)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

WSU Bldg Acct \$ 211,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,603,000
TOTAL \$ 15,814,000

NEW SECTION. Sec. 771. FOR WASHINGTON STATE UNIVERSITY
Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct \$ 2,412,890

Appropriation:

WSU Bldg Acct \$ 6,000,000
Prior Biennia (Expenditures) \$ 4,087,110
Future Biennia (Projected Costs) \$ 24,500,000
TOTAL \$ 37,000,000

NEW SECTION. Sec. 772. FOR WASHINGTON STATE UNIVERSITY
Pathological and biomedical incinerator: Design and construction (94-2-012)

Appropriation:

St Bldg Constr Acct \$ 3,443,000
Prior Biennia (Expenditures) \$ 455,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,898,000

NEW SECTION. Sec. 773. FOR WASHINGTON STATE UNIVERSITY
Communication infrastructure renewal: Campus network system (94-2-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 8,104,101

Appropriation:

WSU Bldg Acct \$ 5,000,000
St Bldg Constr Acct \$ 7,000,000
Subtotal Appropriation \$ 12,000,000
Prior Biennia (Expenditures) \$ 1,895,899
Future Biennia (Projected Costs) \$ 3,000,000
TOTAL \$ 25,000,000

NEW SECTION. Sec. 774. FOR WASHINGTON STATE UNIVERSITY
Engineering teaching and research lab building design (94-2-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

WSU Bldg Acct \$ 1,200,000
Prior Biennia (Expenditures) \$ 170,000

Future Biennia (Projected Costs) \$ 17,061,000
TOTAL \$ 18,431,000

NEW SECTION. Sec. 775. FOR WASHINGTON STATE UNIVERSITY
Chemical waste collection facilities: Design and construction (94-2-016)

Appropriation:

WSU Bldg Acct \$ 2,337,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 3,337,000

NEW SECTION. Sec. 776. FOR WASHINGTON STATE UNIVERSITY
Bohler Gym addition: Design (94-2-017)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 900,000
Prior Biennia (Expenditures) \$ 94,000
Future Biennia (Projected Costs) \$ 8,630,000
TOTAL \$ 9,624,000

NEW SECTION. Sec. 777. FOR WASHINGTON STATE UNIVERSITY
Animal science laboratory building design (94-2-018)

Appropriation:

WSU Bldg Acct \$ 515,000
Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 6,643,000
TOTAL \$ 7,238,000

NEW SECTION. Sec. 778. FOR WASHINGTON STATE UNIVERSITY
WSU-Vancouver: New campus construction (94-2-902)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act and the allotment requirements of section 1016 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 4,917,900

Appropriation:

St Bldg Constr Acct \$ 29,656,462
Prior Biennia (Expenditures) \$ 1,448,000
Future Biennia (Projected Costs) \$ 54,843,091
TOTAL \$ 90,865,453

NEW SECTION. Sec. 779. FOR WASHINGTON STATE UNIVERSITY
Infrastructure projects savings (94-1-999)

Projects that are completed in accordance with section 1014 of this act which have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes:

(1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam/utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 780. FOR WASHINGTON STATE UNIVERSITY
Greehhouse replacement repair (94-2-027)

Appropriation:

St Bldg Constr Acct \$ 2,241,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,241,000

NEW SECTION. Sec. 781. FOR WASHINGTON STATE UNIVERSITY
Carpenter Hall equipment (94-2-020)

Appropriation:

WSU Bldg Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 700,000

NEW SECTION. Sec. 782. FOR WASHINGTON STATE UNIVERSITY

Consolidated Information Center: For design of a new facility on the Tri-Cities campus

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided in anticipation of federal matching money to provide fifty percent of the construction costs for the project;
- (2) Prior to requesting construction funds, Washington State University will have an agreement that includes a commitment from state, federal, and private scientific organizations that substantially all future operating costs of the project, exceeding Washington State's University's present operating costs, will be provided from nonstate general fund sources; and
- (3) The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,224,000
WSU Bldg Acct \$ 186,000
Subtotal Appropriation \$ 1,410,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,724,500
TOTAL \$ 9,134,500

NEW SECTION. Sec. 783. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: For constructing and equipping a new nursing education facility at Yakima

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.
- (2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Appropriation:

St Bldg Constr Acct \$ 3,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 784. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall design and construction: To design the remodeling of Sutton Hall for offices and classroom space **(81-2-002)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 275,337

Appropriation:

St Bldg Constr Acct \$ 4,875,000

Prior Biennia (Expenditures) \$ 13,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,163,992

NEW SECTION. Sec. 785. FOR EASTERN WASHINGTON UNIVERSITY

Science Building Addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building **(83-1-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 9,000,000

Prior Biennia (Expenditures) \$ 12,035,472

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,472

NEW SECTION. Sec. 786. FOR EASTERN WASHINGTON UNIVERSITY

Electrical system renewal (86-1-002)

Reappropriation:

St Bldg Constr Acct \$ 279,000

Prior Biennia (Expenditures) \$ 551,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 830,506

NEW SECTION. Sec. 787. FOR EASTERN WASHINGTON UNIVERSITY

Roof replacement and preservation: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school **(94-1-003)**

Appropriation:

St Bldg Constr Acct \$ 450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 788. FOR EASTERN WASHINGTON UNIVERSITY

Energy conservation (86-2-006)

Reappropriation:

St H Ed Constr Acct \$ 124,000

Prior Biennia (Expenditures) \$ 630,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 754,000

NEW SECTION. Sec. 789. FOR EASTERN WASHINGTON UNIVERSITY

Life and safety code compliance asbestos (88-1-001)

Reappropriation:

EWU Cap Proj Acct \$ 597,180
Prior Biennia (Expenditures) \$ 252,820
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 850,000

**NEW SECTION. Sec. 790. FOR EASTERN WASHINGTON UNIVERSITY
Telecommunications: Cable replacement (90-2-004)**

Reappropriation:

St Bldg Constr Acct \$ 1,400,000
EWU Acct \$ 97,000
Subtotal Reappropriation \$ 1,497,000

Appropriation:

EWU Cap Proj Acct \$ 1,000,000
Prior Biennia (Expenditures) \$ 1,087,392
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,584,392

**NEW SECTION. Sec. 791. FOR EASTERN WASHINGTON UNIVERSITY
Seventh Street replacement (90-3-001)**

Reappropriation:

EWU Cap Proj Acct \$ 26,000
Prior Biennia (Expenditures) \$ 312,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 338,000

**NEW SECTION. Sec. 792. FOR EASTERN WASHINGTON UNIVERSITY
Minor capital renewal (90-3-002)**

Reappropriation:

EWU Cap Proj Acct \$ 304,000
Prior Biennia (Expenditures) \$ 846,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,150,000

**NEW SECTION. Sec. 793. FOR EASTERN WASHINGTON UNIVERSITY
JFK Library remodel and addition design (90-5-003)**

Reappropriation:

EWU Cap Proj Acct \$ 24,000

Appropriation:

St Bldg Constr Acct \$ 2,050,000
Prior Biennia (Expenditures) \$ 165,000
Future Biennia (Projected Costs) \$ 19,950,000
TOTAL \$ 22,189,000

**NEW SECTION. Sec. 794. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-1-001)**

Reappropriation:

EWU Cap Proj Acct \$ 1,330,000
Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 795. FOR EASTERN WASHINGTON UNIVERSITY
Small repair projects (92-1-002)**

Reappropriation:

EWU Cap Proj Acct \$ 660,000
Prior Biennia (Expenditures) \$ 340,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 796. FOR EASTERN WASHINGTON UNIVERSITY
Underground storage tank code compliance (92-1-003)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

EWU Cap Proj Acct \$ 243,000
Prior Biennia (Expenditures) \$ 7,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

NEW SECTION. Sec. 797. FOR EASTERN WASHINGTON UNIVERSITY
Minor works (92-3-004)

Reappropriation:

St Bldg Constr Acct \$ 1,800,000
Prior Biennia (Expenditures) \$ 200,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 798. FOR EASTERN WASHINGTON UNIVERSITY
EWU Spokane Center: Fire egress and remodel (92-5-008)

Reappropriation:

EWU Cap Proj Acct \$ 183,000
Prior Biennia (Expenditures) \$ 1,617,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,800,000

NEW SECTION. Sec. 799. FOR EASTERN WASHINGTON UNIVERSITY

Property acquisition: To acquire property within the campus boundary from the Department of Natural Resources (92-5-001)

The reappropriation in this section is in addition to the appropriation for same purpose in section 36, chapter 14, Laws of 1991 sp.s.

Reappropriation:

EWU Cap Proj Acct \$ 175,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 175,000

NEW SECTION. Sec. 800. FOR EASTERN WASHINGTON UNIVERSITY
Utility expansion joints and utility lines replacement (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,753,000
TOTAL \$ 3,253,000

NEW SECTION. Sec. 801. FOR EASTERN WASHINGTON UNIVERSITY

Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Appropriation:

St Bldg Constr Acct \$ 2,410,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,900,000
TOTAL \$ 4,310,000

NEW SECTION. Sec. 802. FOR EASTERN WASHINGTON UNIVERSITY
Building exterior preservation (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 255,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000
TOTAL \$ 2,255,000

NEW SECTION. Sec. 803. FOR EASTERN WASHINGTON UNIVERSITY
Electrical systems and transformers and emergency lighting (94-1-010)

Appropriation:

EWU Cap Proj Acct \$ 900,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 849,000
TOTAL \$ 1,749,000

NEW SECTION. Sec. 804. FOR EASTERN WASHINGTON UNIVERSITY
Minor works preservation projects (94-1-014)

Appropriation:

EWU Cap Proj Acct \$ 2,924,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 23,970,800
TOTAL \$ 26,894,800

NEW SECTION. Sec. 805. FOR EASTERN WASHINGTON UNIVERSITY
Minor works program projects (94-2-012)

Appropriation:

EWU Cap Proj Acct \$ 3,700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 23,900,000
TOTAL \$ 27,600,000

NEW SECTION. Sec. 806. FOR CENTRAL WASHINGTON UNIVERSITY
Handicap modifications (88-1-007)

Reappropriation:

CWU Cap Proj Acct \$ 50,000
Prior Biennia (Expenditures) \$ 554,300
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 604,300

NEW SECTION. Sec. 807. FOR CENTRAL WASHINGTON UNIVERSITY
Psychology animal research facility (90-1-060)

Reappropriation:

St Bldg Constr Acct \$ 80,000
Prior Biennia (Expenditures) \$ 1,620,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,700,000

NEW SECTION. Sec. 808. FOR CENTRAL WASHINGTON UNIVERSITY
Telecommunications phase II (90-2-003)

Reappropriation:

CWU Cap Proj Acct \$ 300,000
Prior Biennia (Expenditures) \$ 1,143,600
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,443,600

NEW SECTION. Sec. 809. FOR CENTRAL WASHINGTON UNIVERSITY
Shaw/Smyser Hall remodel (90-2-005)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000
H Ed Reimb Constr Acct \$ 7,027,000
CWU Cap Proj Acct \$ 250,000
Subtotal Reappropriation \$ 8,277,000
Prior Biennia (Expenditures) \$ 5,008,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 13,285,000

NEW SECTION. Sec. 810. FOR CENTRAL WASHINGTON UNIVERSITY
Life safety (92-1-030)

Reappropriation:

CWU Cap Proj Acct \$ 335,000
Prior Biennia (Expenditures) \$ 165,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 811. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (92-1-040)

Reappropriation:

CWU Cap Proj Acct \$ 350,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 750,000

NEW SECTION. Sec. 812. FOR CENTRAL WASHINGTON UNIVERSITY
Barge Hall remodel (92-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,550,000
Prior Biennia (Expenditures) \$ 9,031,970
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,581,970

NEW SECTION. Sec. 813. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 2,750,000
Prior Biennia (Expenditures) \$ 3,572,595
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,322,595

NEW SECTION. Sec. 814. FOR CENTRAL WASHINGTON UNIVERSITY

Bouillon Hall asbestos abatement (94-1-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 4,950,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,950,000

**NEW SECTION. Sec. 815. FOR CENTRAL WASHINGTON UNIVERSITY
Asbestos and PCB abatement (94-1-003)**

Reappropriation:

CWU Cap Proj Acct \$ 100,000
Prior Biennia (Expenditures) \$ 1,605,388
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,705,388

**NEW SECTION. Sec. 816. FOR CENTRAL WASHINGTON UNIVERSITY
Minor works (94-1-005)**

Appropriation:

CWU Cap Proj Acct \$ 3,562,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 26,432,000
TOTAL \$ 29,994,000

**NEW SECTION. Sec. 817. FOR CENTRAL WASHINGTON UNIVERSITY
Underground storage tank replacement (94-1-007)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 276,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 276,000

**NEW SECTION. Sec. 818. FOR CENTRAL WASHINGTON UNIVERSITY
Electrical cable replacement (94-1-008)**

Reappropriation:

CWU Cap Proj Acct \$ 600,000

Appropriation:

St Bldg Constr Acct \$ 950,000
Prior Biennia (Expenditures) \$ 400,000
Future Biennia (Projected Costs) \$ 1,900,000
TOTAL \$ 3,850,000

**NEW SECTION. Sec. 819. FOR CENTRAL WASHINGTON UNIVERSITY
Steamline replacement (94-1-009)**

Appropriation:

St Bldg Constr Acct \$ 850,000
Prior Biennia (Expenditures) \$ 819,924
Future Biennia (Projected Costs) \$ 850,000
TOTAL \$ 2,519,924

NEW SECTION. Sec. 820. FOR CENTRAL WASHINGTON UNIVERSITY

Chilled water expansion (94-1-011)

Reappropriation:

St Bldg Constr Acct \$ 600,000
Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 800,000
TOTAL \$ 1,900,000

NEW SECTION. Sec. 821. FOR CENTRAL WASHINGTON UNIVERSITY

Science facility design and construction (94-2-002)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 54,200,000
CWU Cap Proj Acct \$ 4,000,000
Subtotal Appropriation \$ 58,200,000
Prior Biennia (Expenditures) \$ 193,500
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 58,393,500

NEW SECTION. Sec. 822. FOR CENTRAL WASHINGTON UNIVERSITY

Computing infrastructure (94-2-004)

Appropriation:

CWU Cap Proj Acct \$ 950,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 950,000

NEW SECTION. Sec. 823. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 400,000

Appropriation:

St Bldg Constr Acct \$ 65,000
CWU Cap Proj Acct \$ 2,507,000
Subtotal Appropriation \$ 2,572,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,174,000
TOTAL \$ 20,146,000

NEW SECTION. Sec. 824. FOR CENTRAL WASHINGTON UNIVERSITY

Black Hall predesign (94-2-010)

The appropriation in this section may be expended solely to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1994.

Appropriation:

CWU Cap Proj Acct \$ 159,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,000,000
TOTAL \$ 13,159,000

NEW SECTION. Sec. 825. FOR THE EVERGREEN STATE COLLEGE

Lab annex: Metal and wood shops (90-5-008)

Reappropriation:

St Bldg Constr Acct \$ 320,000
Prior Biennia (Expenditures) \$ 652,100
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 972,100

NEW SECTION. Sec. 826. FOR THE EVERGREEN STATE COLLEGE
Life safety and code compliance (92-1-001)

Reappropriation:

St Bldg Constr Acct \$ 119,000
Prior Biennia (Expenditures) \$ 1,647,500
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,766,500

NEW SECTION. Sec. 827. FOR THE EVERGREEN STATE COLLEGE
Minor works: Failed systems (92-2-004)

Reappropriation:

St Bldg Constr Acct \$ 50,000
Prior Biennia (Expenditures) \$ 917,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 967,000

NEW SECTION. Sec. 828. FOR THE EVERGREEN STATE COLLEGE
Campus preservation (94-1-001)

Appropriation:

St Bldg Constr Acct \$ 1,749,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,749,000

NEW SECTION. Sec. 829. FOR THE EVERGREEN STATE COLLEGE
Failed systems (94-1-006)

Appropriation:

St Bldg Constr Acct \$ 955,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,700,000
TOTAL \$ 5,655,000

NEW SECTION. Sec. 830. FOR THE EVERGREEN STATE COLLEGE
Emergency repairs (94-1-007)

Appropriation:

TESC Cap Proj Acct \$ 264,499
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,014,000
TOTAL \$ 1,278,499

NEW SECTION. Sec. 831. FOR THE EVERGREEN STATE COLLEGE
Small repairs and improvements (94-1-010)

Appropriation:

TESC Cap Proj Acct \$ 272,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 966,000
TOTAL \$ 1,238,500

NEW SECTION. Sec. 832. FOR THE EVERGREEN STATE COLLEGE

Capital renewal (94-1-012)

Appropriation:

St Bldg Constr Acct \$ 306,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,320,000
TOTAL \$ 3,626,000

**NEW SECTION. Sec. 833. FOR THE EVERGREEN STATE COLLEGE
Longhouse classroom facility (94-2-008)**

Appropriation:

St Bldg Constr Acct \$ 2,200,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 834. FOR THE EVERGREEN STATE COLLEGE
Campus computer network phase II (94-2-009)**

Appropriation:

St Bldg Constr Acct \$ 390,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 162,000
TOTAL \$ 552,000

**NEW SECTION. Sec. 835. FOR THE JOINT CENTER FOR HIGHER EDUCATION
Spokane Intercollegiate Research and Technology Institute (SIRTI)**

Reappropriation:

St Bldg Constr Acct \$ 8,200,000
Prior Biennia (Expenditures) \$ 2,914,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,114,000

**NEW SECTION. Sec. 836. FOR THE JOINT CENTER FOR HIGHER EDUCATION
Riverpoint Campus: Design and construction (94-2-001)**

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act and the allotment requirements of section 1016 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 17,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 49,000,000
TOTAL \$ 66,000,000

**NEW SECTION. Sec. 837. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase I construction (90-1-001)**

Reappropriation:

St Bldg Constr Acct \$ 3,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 838. FOR WESTERN WASHINGTON UNIVERSITY
Institute of Wildlife Toxicology (90-2-003)**

Reappropriation:

WWU Cap Proj Acct \$ 650,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 650,000

NEW SECTION. Sec. 839. FOR WESTERN WASHINGTON UNIVERSITY
Wilson Library asbestos abatement (92-1-002)

Reappropriation:

St Bldg Constr Acct \$ 2,000,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 840. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase II construction (92-1-007)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 20,500,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 20,500,000

NEW SECTION. Sec. 841. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III design (92-1-008)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 450,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 450,000

NEW SECTION. Sec. 842. FOR WESTERN WASHINGTON UNIVERSITY
Minor works (94-2-028)

Reappropriation:

WWU Cap Proj Acct \$ 4,300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,300,000

NEW SECTION. Sec. 843. FOR WESTERN WASHINGTON UNIVERSITY
Fire detection systems preservation (94-1-030)

Appropriation:

St Bldg Constr Acct \$ 743,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,300,000
TOTAL \$ 3,043,000

NEW SECTION. Sec. 844. FOR WESTERN WASHINGTON UNIVERSITY
Underground storage tank removal (94-1-032)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct \$ 60,000
Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 60,000

**NEW SECTION. Sec. 845. FOR WESTERN WASHINGTON UNIVERSITY
Pool chlorine gas system replacement (94-1-033)**

Appropriation:

WWU Cap Proj Acct \$ 35,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 35,000

**NEW SECTION. Sec. 846. FOR WESTERN WASHINGTON UNIVERSITY
Exterior envelope and roofing (94-1-034)**

Appropriation:

St Bldg Constr Acct \$ 601,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,400,000
TOTAL \$ 3,001,000

**NEW SECTION. Sec. 847. FOR WESTERN WASHINGTON UNIVERSITY
Electrical preservation (94-1-035)**

Appropriation:

WWU Cap Proj Acct \$ 900,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 900,000

**NEW SECTION. Sec. 848. FOR WESTERN WASHINGTON UNIVERSITY
Utility upgrade (94-1-037)**

Appropriation:

St Bldg Constr Acct \$ 405,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000
TOTAL \$ 2,405,000

**NEW SECTION. Sec. 849. FOR WESTERN WASHINGTON UNIVERSITY
Interior renewal (94-1-038)**

Appropriation:

WWU Cap Proj Acct \$ 98,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 800,000
TOTAL \$ 898,000

**NEW SECTION. Sec. 850. FOR WESTERN WASHINGTON UNIVERSITY
Flooring (94-1-039)**

Appropriation:

WWU Cap Proj Acct \$ 410,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000
TOTAL \$ 2,410,000

**NEW SECTION. Sec. 851. FOR WESTERN WASHINGTON UNIVERSITY
Interior painting (94-1-041)**

Appropriation:

WWU Cap Proj Acct \$ 401,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,950,000
TOTAL \$ 2,351,000

NEW SECTION. Sec. 852. FOR WESTERN WASHINGTON UNIVERSITY
Science facility phase III construction (94-2-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 12,263,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,263,000

NEW SECTION. Sec. 853. FOR WESTERN WASHINGTON UNIVERSITY
Haggard Hall renovation and abatement design (94-2-015)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct \$ 1,116,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,197,000
TOTAL \$ 17,313,000

NEW SECTION. Sec. 854. FOR WESTERN WASHINGTON UNIVERSITY
Minor works (92-1-022)

Appropriation:

WWU Cap Proj Acct \$ 6,100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 31,000,000
TOTAL \$ 37,100,000

NEW SECTION. Sec. 855. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Stadium Way facility preservation (94-1-002)

Appropriation:

St Bldg Constr Acct \$ 632,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,075,692
TOTAL \$ 3,707,692

NEW SECTION. Sec. 856. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Union Station Museum design and construction (94-2-001)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met. A portion of the appropriation may be used by the Washington State Historical Society as a match toward a challenge grant from the National Endowment for the Humanities.

Reappropriation:

St Bldg Constr Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 27,551,867
Prior Biennia (Expenditures) \$ 5,698,000
Future Biennia (Projected Costs) \$ 280,000
TOTAL \$ 33,679,867

**NEW SECTION. Sec. 857. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Capital Museum: Replacement of building systems (92-1-003)**

Reappropriation:

St Bldg Constr Acct \$ 14,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 14,000

**NEW SECTION. Sec. 858. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Coach House preservation (94-1-001)**

Appropriation:

St Bldg Constr Acct \$ 107,500
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 533,994
TOTAL \$ 641,494

**NEW SECTION. Sec. 859. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
State Capital Museum preservation (94-1-013)**

Appropriation:

St Bldg Constr Acct \$ 265,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 210,800
TOTAL \$ 475,800

**NEW SECTION. Sec. 860. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel Tech Building at Skagit Valley (86-3-022)**

Reappropriation:

St Bldg Constr Acct \$ 27,458
Prior Biennia (Expenditures) \$ 1,811
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 29,269

**NEW SECTION. Sec. 861. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior walls (88-3-003)**

Reappropriation:

St Bldg Constr Acct \$ 95,762
Prior Biennia (Expenditures) \$ 16,263
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 112,025

**NEW SECTION. Sec. 862. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair mechanical, ventilation, and air conditioning systems (88-3-004)**

Reappropriation:

St Bldg Constr Acct \$ 45,672
Prior Biennia (Expenditures) \$ 179,294
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 224,966

**NEW SECTION. Sec. 863. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Clark College (88-3-012)**

Reappropriation:

St Bldg Constr Acct \$ 50,740
Prior Biennia (Expenditures) \$ 248,184
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 298,924

**NEW SECTION. Sec. 864. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct extension center at Yakima Valley (88-3-013)**

Reappropriation:

St Bldg Constr Acct \$ 86,507
Prior Biennia (Expenditures) \$ 7,111
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 93,618

**NEW SECTION. Sec. 865. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct math and science building at Spokane Falls (88-3-015)**

Reappropriation:

St Bldg Constr Acct \$ 57,192
Prior Biennia (Expenditures) \$ 161,650
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 218,842

**NEW SECTION. Sec. 866. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning resource center at Spokane (88-3-016)**

Reappropriation:

St Bldg Constr Acct \$ 31,780
Prior Biennia (Expenditures) \$ 243,224
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 275,004

**NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct Whidbey Island learning resource center for Skagit Valley (88-5-020)**

Reappropriation:

St Bldg Constr Acct \$ 781,285
Prior Biennia (Expenditures) \$ 1,341,714
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,122,999

**NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct science and fine arts building at South Puget Sound (88-5-021)**

Reappropriation:

St Bldg Constr Acct \$ 238,424
Prior Biennia (Expenditures) \$ 5,759,575
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,997,999

**NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an early childhood education facility at Shoreline (88-5-022)**

Reappropriation:

St Bldg Constr Acct \$ 1,247,598
Prior Biennia (Expenditures) \$ 77,936
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,325,534

**NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library at Columbia Basin (88-5-023)**

Reappropriation:

St Bldg Constr Acct \$ 113,307

Prior Biennia (Expenditures) \$ 1,869,398
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,982,705

NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational shop building at Centralia (88-5-024)

Reappropriation:

St Bldg Constr Acct \$ 216,393
Prior Biennia (Expenditures) \$ 1,855,432
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,071,825

NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel and make additions to library resource center at Tacoma (88-5-025)

Reappropriation:

St Bldg Constr Acct \$ 366,605
Prior Biennia (Expenditures) \$ 1,382,293
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,748,898

NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct vocational food addition at Lower Columbia (88-5-026)

Reappropriation:

St Bldg Constr Acct \$ 1,591,782
Prior Biennia (Expenditures) \$ 1,402,254
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,994,033

NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct business education building at Spokane (88-5-027)

Reappropriation:

St Bldg Constr Acct \$ 819,778
Prior Biennia (Expenditures) \$ 5,492,190
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,311,968

NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct student activity center and physical education facility at Seattle Central (88-5-028)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 10,520,500
Prior Biennia (Expenditures) \$ 680,399
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,200,899

NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs at various colleges (90-1-004)

Reappropriation:

St Bldg Constr Acct \$ 220,194
Prior Biennia (Expenditures) \$ 150,747
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 370,941

**NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remove minor asbestos problems at various colleges (90-1-008)**

Reappropriation:

St Bldg Constr Acct \$ 2,625,390
Prior Biennia (Expenditures) \$ 566,394
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,191,784

**NEW SECTION. Sec. 878. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs and structures at various colleges (90-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 318,665
Prior Biennia (Expenditures) \$ 396,628
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 715,293

**NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair air conditioning, heating, and ventilation systems at various colleges (90-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 421,926
Prior Biennia (Expenditures) \$ 576,457
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 998,383

**NEW SECTION. Sec. 880. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair electrical systems (90-2-005)**

Reappropriation:

St Bldg Constr Acct \$ 14,355
Prior Biennia (Expenditures) \$ 55,399
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 69,754

**NEW SECTION. Sec. 881. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make small repairs and improvements at various colleges (90-3-001)**

Reappropriation:

St Bldg Constr Acct \$ 138,013
Prior Biennia (Expenditures) \$ 690,756
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 828,769

**NEW SECTION. Sec. 882. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct learning assistance resource center at Centralia (90-3-006)**

Reappropriation:

St Bldg Constr Acct \$ 4,410
Prior Biennia (Expenditures) \$ 13,566
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 17,976

**NEW SECTION. Sec. 883. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make minor repairs at various facilities (90-3-007)**

Reappropriation:

St Bldg Constr Acct \$ 57,314
Prior Biennia (Expenditures) \$ 470,702
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016

NEW SECTION. Sec. 884. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To perform minor works for the preservation of community college facilities (90-5-009)

Reappropriation:

St Bldg Constr Acct \$ 447,631
Prior Biennia (Expenditures) \$ 2,577,893
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,025,524

NEW SECTION. Sec. 885. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire site and construct technology center building at Whatcom (90-5-010)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 247,562

Appropriation:

St Bldg Constr Acct \$ 4,913,000
Prior Biennia (Expenditures) \$ 29,868
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,190,430

NEW SECTION. Sec. 886. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct physical education facility at North Seattle (90-5-011)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 104,673

Appropriation:

St Bldg Constr Acct \$ 8,352,200
Prior Biennia (Expenditures) \$ 97,327
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,554,200

NEW SECTION. Sec. 887. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct applied arts facility at Spokane Falls (90-5-012)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 291,510

Appropriation:

St Bldg Constr Acct \$ 5,191,000
Prior Biennia (Expenditures) \$ 9,579
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,492,089

NEW SECTION. Sec. 888. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct an industrial technology facility at Spokane (90-5-013)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 296,143

Appropriation:

St Bldg Constr Acct \$ 6,625,000

Prior Biennia (Expenditures) \$ 10,932
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,932,075

NEW SECTION. Sec. 889. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct vocational arts facility at Shoreline (90-5-014)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 88,719

Appropriation:

St Bldg Constr Acct \$ 2,886,000

Prior Biennia (Expenditures) \$ 90,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405

NEW SECTION. Sec. 890. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a business education facility at Clark (90-5-015)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 250,836

Appropriation:

St Bldg Constr Acct \$ 5,953,000

Prior Biennia (Expenditures) \$ 87,430

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266

NEW SECTION. Sec. 891. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a student center at South Seattle (90-5-016)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 248,817

Appropriation:

St Bldg Constr Acct \$ 5,122,000

Prior Biennia (Expenditures) \$ 11,276

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093

NEW SECTION. Sec. 892. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a library addition at Skagit Valley (90-5-017)

Reappropriation:

St Bldg Constr Acct \$ 43,627

Appropriation:

St Bldg Constr Acct \$ 1,890,000

Prior Biennia (Expenditures) \$ 72,372

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999

NEW SECTION. Sec. 893. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To remodel business complex at Clover Park (91-2-001)

Reappropriation:

St Bldg Constr Acct \$ 2,427,982

Prior Biennia (Expenditures) \$ 72,017
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,499,999

**NEW SECTION. Sec. 894. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To design and construct a vocational technical institute at Bellingham (91-3-002)**

Reappropriation:

St Bldg Constr Acct \$ 1,561,287
Prior Biennia (Expenditures) \$ 50,713
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,612,000

**NEW SECTION. Sec. 895. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for child care facility in Centralia (92-1-602)**

Reappropriation:

St Bldg Constr Acct \$ 390
Prior Biennia (Expenditures) \$ 77,610
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 78,000

**NEW SECTION. Sec. 896. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire auto shop at Olympic (92-1-604)**

Reappropriation:

St Bldg Constr Acct \$ 700,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 700,000

**NEW SECTION. Sec. 897. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property and construct graphic arts building at Skagit (92-1-605)**

Reappropriation:

St Bldg Constr Acct \$ 27,172
Prior Biennia (Expenditures) \$ 252,828
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 280,000

**NEW SECTION. Sec. 898. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To renovate or replace underground storage tanks (92-2-102)**

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Reappropriation:

St Bldg Constr Acct \$ 765,978
Prior Biennia (Expenditures) \$ 630,874
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,396,852

**NEW SECTION. Sec. 899. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair campus facilities to meet legal and code requirements (92-2-103)**

Reappropriation:

St Bldg Constr Acct \$ 506,163
Prior Biennia (Expenditures) \$ 665,837
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,172,000

**NEW SECTION. Sec. 900. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair roofs at various colleges (92-2-104)**

Reappropriation:

St Bldg Constr Acct \$ 2,629,340
Prior Biennia (Expenditures) \$ 4,827,660
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,457,000

**NEW SECTION. Sec. 901. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair exterior structures at various colleges (92-2-105)**

Reappropriation:

St Bldg Constr Acct \$ 454,837
Prior Biennia (Expenditures) \$ 362,163
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 817,000

**NEW SECTION. Sec. 902. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating, ventilation, and air conditioning systems at various colleges (92-2-106)**

Reappropriation:

St Bldg Constr Acct \$ 2,727,942
Prior Biennia (Expenditures) \$ 346,057
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,073,999

**NEW SECTION. Sec. 903. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair electrical systems at various colleges (92-2-107)**

Reappropriation:

St Bldg Constr Acct \$ 1,524,807
Prior Biennia (Expenditures) \$ 782,193
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,307,000

**NEW SECTION. Sec. 904. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make mechanical repairs at various colleges (92-2-108)**

Reappropriation:

St Bldg Constr Acct \$ 1,991,612
Prior Biennia (Expenditures) \$ 516,388
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,508,000

**NEW SECTION. Sec. 905. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make fire and security repairs (92-2-109)**

Reappropriation:

St Bldg Constr Acct \$ 665,234
Prior Biennia (Expenditures) \$ 26,765
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 691,999

**NEW SECTION. Sec. 906. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair interiors at various community colleges (92-2-110)**

Reappropriation:

St Bldg Constr Acct \$ 860,557
Prior Biennia (Expenditures) \$ 579,442
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999

NEW SECTION. Sec. 907. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make site repairs at various colleges (92-2-111)

Reappropriation:

St Bldg Constr Acct \$ 626,461
Prior Biennia (Expenditures) \$ 702,538
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,328,999

NEW SECTION. Sec. 908. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair pool at Pierce College (92-2-112)

Reappropriation:

St Bldg Constr Acct \$ 100,562
Prior Biennia (Expenditures) \$ 499,438
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 600,000

NEW SECTION. Sec. 909. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for emergency and unforeseen repairs at various colleges (92-5-001)

Reappropriation:

St Bldg Constr Acct \$ 3,715,444
Prior Biennia (Expenditures) \$ 2,540,556
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,256,000

NEW SECTION. Sec. 910. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct an addition to administration building at Lake Washington (92-5-003)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 2,337,110
Prior Biennia (Expenditures) \$ 6,805,089
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,142,199

NEW SECTION. Sec. 911. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To construct a business technology building in Renton (92-5-004)

Reappropriation:

St Bldg Constr Acct \$ 2,701,102
Prior Biennia (Expenditures) \$ 1,283,898
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,985,000

NEW SECTION. Sec. 912. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor improvement projects at various colleges (92-5-200)

Reappropriation:

St Bldg Constr Acct \$ 9,092,760
Prior Biennia (Expenditures) \$ 7,837,239
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 16,929,999

NEW SECTION. Sec. 913. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire property for new college (92-5-701)

Reappropriation:

St Bldg Constr Acct \$ 35,130
Prior Biennia (Expenditures) \$ 264,870
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 300,000

**NEW SECTION. Sec. 914. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide equipment for L.H. Bates Technical College (93-2-001)**

Reappropriation:

St Bldg Constr Acct \$ 108,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 108,000

**NEW SECTION. Sec. 915. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make roof repairs at Clover Park (93-2-002)**

Reappropriation:

St Bldg Constr Acct \$ 174,355
Prior Biennia (Expenditures) \$ 14,644
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 188,999

**NEW SECTION. Sec. 916. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To make electrical repairs at Olympic (93-2-003)**

Reappropriation:

St Bldg Constr Acct \$ 3,347
Prior Biennia (Expenditures) \$ 96,652
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 99,999

**NEW SECTION. Sec. 917. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To repair heating system at Columbia Basin (93-2-004)**

Reappropriation:

St Bldg Constr Acct \$ 29,117
Prior Biennia (Expenditures) \$ 252,483
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 281,600

**NEW SECTION. Sec. 918. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To conduct Seattle Vocational Institute study at District 6 (93-5-001)**

Reappropriation:

St Bldg Constr Acct \$ 72,617
Prior Biennia (Expenditures) \$ 27,383
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 100,000

**NEW SECTION. Sec. 919. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Washington Higher Education telecommunications system (93-5-002)**

Reappropriation:

St Bldg Constr Acct \$ 241,422
Prior Biennia (Expenditures) \$ 8,578
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

NEW SECTION. Sec. 920. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs: For small repairs and improvements; roof repairs; heating, ventilation, and air conditioning system repairs; mechanical repairs; electrical repairs; exterior repairs; interior repairs; site improvement repairs, and other repairs at various colleges.

The appropriation in this section shall not be allotted to the state board for community and technical colleges until the board submits for approval by the office of financial management a list describing the proposed projects to be funded from this appropriation. The office of financial management shall base its approval of listed projects on the severity ranking system implemented by the state board for community and technical colleges, recognizing the most current information available regarding repair needs.

Appropriation:

St Bldg Constr Acct	\$ 37,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 46,000,000
TOTAL	\$ 83,000,000

NEW SECTION. Sec. 921. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for removal or replacement of underground storage tanks (94-1-370)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 107 of this act.

Appropriation:

St Bldg Constr Acct	\$ 202,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 202,000

NEW SECTION. Sec. 922. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funds for asbestos abatement (94-1-390)

Appropriation:

St Bldg Constr Acct	\$ 451,327
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 451,327

NEW SECTION. Sec. 923. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for facility upgrades at Seattle Vocational Institute, including acquisition of property for parking (94-1-733)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Appropriation:

St Bldg Constr Acct	\$ 7,583,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 7,583,000

NEW SECTION. Sec. 924. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor project enhancements (94-2-400)

Appropriation:

St Bldg Constr Acct	\$ 11,478,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 83,740,000
TOTAL	\$ 95,218,000

NEW SECTION. Sec. 925. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To provide funding for minor work projects (94-2-500)

Appropriation:

St Bldg Constr Acct \$ 629,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 629,000

NEW SECTION. Sec. 926. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for Puyallup Campus phase II at Pierce College (94-2-601)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 1,650

Appropriation:

St Bldg Constr Acct \$ 969,920
Prior Biennia (Expenditures) \$ 55,350
Future Biennia (Projected Costs) \$ 11,742,847
TOTAL \$ 12,769,767

NEW SECTION. Sec. 927. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for vocational building at Skagit Valley (94-2-602)

Reappropriation:

St Bldg Constr Acct \$ 110

Appropriation:

St Bldg Constr Acct \$ 169,044
Prior Biennia (Expenditures) \$ 24,890
Future Biennia (Projected Costs) \$ 1,942,079
TOTAL \$ 2,136,123

NEW SECTION. Sec. 928. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for learning research center/arts/student center building at Whatcom (94-2-603)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 11,944

Appropriation:

St Bldg Constr Acct \$ 560,636
Prior Biennia (Expenditures) \$ 33,055
Future Biennia (Projected Costs) \$ 7,422,880
TOTAL \$ 8,028,515

NEW SECTION. Sec. 929. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for classroom and laboratory building at Edmonds (94-2-604)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 36,010

Appropriation:

St Bldg Constr Acct \$ 808,636
Prior Biennia (Expenditures) \$ 21,989
Future Biennia (Projected Costs) \$ 10,270,930
TOTAL \$ 11,137,565

NEW SECTION. Sec. 930. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for technical education facility at South Puget Sound (94-2-605)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,608

Appropriation:

St Bldg Constr Acct \$ 606,067

Prior Biennia (Expenditures) \$ 38,392

Future Biennia (Projected Costs) \$ 6,632,000

TOTAL \$ 7,280,067

NEW SECTION. Sec. 931. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Design funds for information technology center at Green River (94-2-606)

The appropriation in this section shall not be expended until the capital project review requirements of section 1015 of this act have been met.

Reappropriation:

St Bldg Constr Acct \$ 3,124

Appropriation:

St Bldg Constr Acct \$ 1,335,729

Prior Biennia (Expenditures) \$ 54,876

Future Biennia (Projected Costs) \$ 14,608,996

TOTAL \$ 16,002,725

NEW SECTION. Sec. 932. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
Infrastructure project savings (94-1-999)

Projects which are completed in accordance with section 1014 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes:

(1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management.

Appropriation:

St Bldg Constr Acct \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 933. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To predesign major construction projects

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for predesign for the system's highest priority design and construction projects that will be included in the community and technical college system's 1995-97 capital budget request;

(2) The predesign documents shall be in accordance with the predesign manual published by the office of financial management; and

(3) Future appropriations for these predesigned projects are subject to submittal of completed predesign documents to the office of financial management by July 1, 1994.

Appropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

**NEW SECTION. Sec. 934. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To purchase land for child care facilities at Green River College, Walla Walla College at Clarkston,
and Centralia College**

Appropriation:

St Bldg Constr Acct \$ 509,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 509,000

**NEW SECTION. Sec. 935. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
To acquire parcels No. 3 and 4 of the Flett Dairy to be used as an outdoor environmental lab and
education center for Clover Park Technical College**

Appropriation:

St Bldg Constr Acct \$ 2,750,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,750,000

PART 6
MISCELLANEOUS

NEW SECTION. Sec. 1001. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$17,035,207 during the 1993-95 fiscal period; \$100,789,559 during the 1995-97 fiscal period; \$143,219,500 during the 1997-99 fiscal period; \$143,148,641 during the 1999-2001 fiscal period; and \$143,068,817 during the 2001-03 fiscal period.

NEW SECTION. Sec. 1002. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies takes place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

(1) Department of social and health services:

(a) Lease-develop with option to purchase or lease-purchase a new West Seattle customer service office to combine staff currently housed in three locations for \$6,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility;

(b) Lease-develop the remodeling and expansion of the Mt. Vernon multiservice center for \$3,000,000;

(c) Enter into a long-term lease with option to purchase the existing facility used by the office of revenue collections in Olympia for \$11,000,000;

(d) Lease-develop with option to purchase or lease-purchase expanded office space for the office of revenue collections in Olympia for \$11,000,000;

(e) Lease-develop with option to purchase or lease-purchase space for consolidation of Thurston county service delivery programs for \$13,000,000. The department of social and health services and the employment security department shall evaluate collocation in this facility. The department shall follow the established office of financial management predesign process and receive approval from the office of financial management before initiating design of the project; and

(f) Lease-develop with option to purchase or lease-purchase space for consolidation of department programs in south Grays Harbor county for \$1,800,000. The department shall consider collocation with other state agencies in this facility.

- (2) Department of ecology: Lease-purchase the eastern regional office facility currently leased by the department for \$2,300,000.
- (3) Department of general administration:
 - (a) Lease-purchase and upgrade an existing building, and purchase adjacent property and develop a new building in Yakima for a state government service center for \$24,800,000;
 - (b) Lease-purchase the 9th and Columbia, 13th and Jefferson, and Capital Plaza buildings in Olympia for \$11,100,000. The department shall prepare an engineering evaluation, cost-benefit study, and life-cycle cost analysis reviewing the maintenance, utility, and future renovation costs for each building. The authority to acquire the buildings is contingent on approval of these studies by the office of financial management; and
 - (c) Refinance and upgrade the 600 Franklin street building in Olympia for \$527,000.
- (4) Department of corrections:
 - (a) Lease-purchase property from the department of natural resources at the Cedar Creek, Indian Ridge, Larch, and Olympic correctional centers for \$1,000,000;
 - (b) Lease-develop with option to purchase or lease-purchase 296 work release beds in facilities located throughout the state for \$9,898,758.
- (5) Western Washington University: Lease-purchase property adjacent to the campus for future expansion for \$5,000,000.
- (6) Community and technical colleges:
 - (a) Lease-develop or lease-purchase off-campus program space for Clark College for \$6,000,000;
 - (b) Enter into a long-term lease for Green River Community College off-campus programs for approximately \$143,700 during the 1993-95 biennium;
 - (c) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;
 - (d) Lease-purchase a facility to provide instructional, meeting, and office space for Skagit Valley Community College on San Juan Island for \$600,000;
 - (e) Lease-purchase property on Whidbey Island for program space for Skagit Valley Community College for \$252,000;
 - (f) Lease-develop or lease-purchase space for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$250,000;
 - (g) Lease-purchase 6 acres of property contiguous to Wenatchee Valley College for \$265,000;
 - (h) Lease-develop with option to purchase or lease-purchase expanded classroom space for Yakima Valley College in Ellensburg for \$625,000;
 - (i) Lease-develop or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000 subject to approval of the office of financial management; and
 - (j) Lease-purchase 55 acres adjacent to Green River Community College for \$200,000.

NEW SECTION. Sec. 1003. STUDY OF POTENTIAL FUTURE LONG-TERM LEASES, LEASE-PURCHASES, AND LEASE-DEVELOPMENTS. The department of general administration and the office of the state treasurer, after consulting with the office of financial management, shall provide technical assistance to the community and technical colleges in analyzing the feasibility of entering into long-term lease, lease-purchase, or lease-development agreements in future biennia for the following projects. This section does not imply a future legislative commitment to develop these projects.

- (1) Acquisition of a building currently leased for instruction and administration purposes at Edmonds Community College;
- (2) Acquisition of land and two buildings, known as the South Annex, at Seattle Central Community College;
- (3) Acquisition of approximately 1.72 acres of land and 108,721 square feet of buildings, known as the United Graphics property, at Seattle Central Community College;
- (4) Long-term lease of aviation maintenance facilities at Boeing Field for South Seattle Community College;
- (5) Acquisition of approximately 11 acres of trust land adjacent to the Duwamish Branch of South Seattle Community College;
- (6) Acquisition of property for future expansion adjacent to Skagit Valley College;
- (7) Acquisition or development of approximately 3,600 square feet of instructional space in Sunnyside for Yakima Valley Community College;
- (8) Acquisition of approximately 12,000 square feet of space in Colville for training and retraining programs for the community colleges of Spokane;

- (9) Acquisition of approximately 6.66 acres adjacent to South Puget Sound Community College;
- (10) Acquisition of two dormitories on approximately 2.5 acres adjacent to Wenatchee Valley College; and
- (11) Lease-development or acquisition of approximately 50,000 square feet of instruction space and up to 10 acres of land at the Tacoma Narrows Airport for Clover Park Technical College.

NEW SECTION. Sec. 1004. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies. A coordinated capital plan shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by September 15, 1993, for projects included in the 1993-95 capital budget. A coordinated evaluation policy and criteria for service improvement shall be submitted by the department of licensing, the Washington state patrol, and the department of ecology by June 30, 1994.

NEW SECTION. Sec. 1005. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards of directors.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency. For department of corrections construction projects, the Washington state arts commission shall give priority to selecting works of art produced by inmates.

(4) At least 85% of the moneys spent by the Washington state arts commission during the 1993-95 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 1006. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 1007. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1993, in the 1991-93 biennial appropriations for each project.

NEW SECTION. Sec. 1008. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 1009. As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease-development and lease-purchase projects to the office of financial management.

NEW SECTION. Sec. 1010. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 1011. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

NEW SECTION. Sec. 1012. Notwithstanding any other provisions of law, for the 1993-95 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 1013. Any capital improvements or capital project involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 1014. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 1015. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

The office of financial management shall provide to the house of representatives capital budget committee and the senate ways and means committee a list of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management.

NEW SECTION. Sec. 1016. Appropriations for design and construction of facilities on higher education branch campuses shall be allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time

equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 1017. (1) Agencies shall expedite the expenditure of reappropriations and appropriations in order to: (a) Rehabilitate infrastructure in a timely manner and prevent further deterioration of public facilities and resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(2) In order to meet the goals of this section, the following conditions apply to appropriations which reference this section:

(a) To the extent feasible, agencies are directed to manage accelerated expenditure rates at the current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(b) Reappropriations which reference this subsection (2)(b) shall lapse on June 30, 1994. In developing the 1995-97 capital budget, the office of financial management shall consider all project requests which have been an element of an appropriation which references this section as a request for a new appropriation.

(3) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 1995:

(a) A listing of reappropriations in the governor's 1995-97 capital budget recommendation that have been reappropriated one or more times and have ten percent or more of the original appropriation unexpended; and

(b) An explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 1018. The higher education coordinating board shall develop and maintain an inventory system to account for all space in the state's higher education system. The institutions of higher education shall provide to the higher education coordinating board a complete inventory of space in the form determined by the higher education coordinating board.

NEW SECTION. Sec. 1019. DEPARTMENT OF FISH AND WILDLIFE. On July 1, 1994, all appropriations and all conditions and limitations in this act for the department of fisheries and the department of wildlife shall be provided for the department of fish and wildlife. If Substitute House Bill No. 2055 or substantially similar legislation creating a department of fish and wildlife is not enacted by July 1, 1994, this section shall have no effect.

NEW SECTION. Sec. 1020. \$1,200,000 of the state and local improvement revolving account--waste disposal facilities and \$6,300,000 of the state and local improvement revolving account--waste disposal facilities 1980 are transferred to the water quality account, and shall be used for extended grant payments for public waste disposal facilities that discharge directly into marine waters. The funds shall be subject to the conditions and limitations set forth in section 406 of this act. These funds shall qualify as tax receipts in any calculation under RCW 70.146.080.

NEW SECTION. Sec. 1021. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating

board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 1022. The state investment board shall evaluate the feasibility of investing in office buildings expressly built for use by state agencies. The evaluation shall be performed in cooperation with the office of financial management, the department of general administration, and other appropriate state agencies and shall consider financing and construction alternatives to ensure cost-effective facilities for the state and an acceptable return on the investment for the state investment board. The evaluation shall also consider opportunities for collocating and consolidating state agencies under section 1013 of this act. Upon completion of the evaluation, the state investment board shall report its findings to the senate ways and means and house capital budget committees.

Sec. 1023. RCW 90.70.011 and 1990 c 115 s 2 are each amended to read as follows:

(1) There is established the Puget Sound water quality authority composed of eleven members. Nine members shall be appointed by the governor and confirmed by the senate. In addition, the commissioner of public lands or the commissioner's designee and the director of ecology or the director's designee shall serve as ex officio members. Three of the members shall include a representative from the counties, a representative from the cities, and a tribal representative. The director of ecology shall be chair of the authority. In making these appointments, the governor shall seek to include representation of the variety of interested parties concerned about Puget Sound water quality. Of the appointed members, at least one shall be selected from each of the six congressional districts surrounding Puget Sound. Members shall serve four-year terms. Of the initial members appointed to the authority, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Members representing cities, counties, and the tribes shall also serve four-year staggered terms, as determined by the governor. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. The executive director of the authority shall be selected by the governor and shall serve at the pleasure of the governor. The executive director shall not be a member of the authority.

(2) Members shall be compensated as provided in RCW 43.03.250. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The executive director of the authority shall be a full-time employee responsible for the administration of all functions of the authority, including hiring and terminating staff, contracting, coordinating with the governor, the legislature, and other state and local entities, and the delegation of responsibilities as deemed appropriate. The salary of the executive director shall be fixed by the governor, subject to RCW 43.03.040.

(4) The authority shall prepare a budget and a work plan.

(5) Not more than four employees of the authority may be exempt from the provisions of chapter 41.06 RCW.

(6) The executive director and staff of the authority shall be located in the Olympia area ~~(, as space becomes available. The department of general administration shall house the authority within the department of ecology).~~

NEW SECTION. Sec. 1024. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1025. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the capital improvements; amending RCW 90.70.011; creating new sections; and declaring an emergency."

Signed by: Senators Snyder, Quigley; Representatives Wang, Ogden.

MOTION

Representative Wang moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5717 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5717 as recommended by the Conference Committee.

Representative Wang spoke in favor of passage of the bill and Representatives Sehlin, Morton, Vance and Miller spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5717, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brough, Brown, Conway, Cothorn, Dellwo, Dorn, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Romero, Rust, Scott, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 58.

Voting nay: Representatives Ballard, Ballasiotes, Brumsickle, Campbell, Carlson, Casada, Chandler, Chappell, Cole, G., Cooke, Dunshee, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Heavey, Horn, Johanson, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Schmidt, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 40.

Substitute Senate Bill No. 5717, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

May 6, 1993

Mr. Speaker:

The Senate concurred in the House amendments to SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521 and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 6, 1993

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,

and the same is herewith transmitted.

Marty Brown, Secretary

May 6, 1993

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5980 and passed the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 6, 1993

Mr. Speaker:

The Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 4422,

and the same is herewith transmitted.

Marty Brown, Secretary

May 5, 1993

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1969,
ENGROSSED HOUSE BILL NO. 2114,
HOUSE BILL NO. 2129,

and the same are herewith transmitted.

Marty Brown, Secretary

May 5, 1993

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same is herewith transmitted.

Marty Brown, Secretary

May 5, 1993

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5724 and pass the bill as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 5, 1993

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5724,

and the same are herewith transmitted.

Marty Brown, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1458,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761,
ENGROSSED HOUSE BILL NO. 2123,
HOUSE CONCURRENT RESOLUTION NO. 4422,
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5724,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5980,
SENATE CONCURRENT RESOLUTION NO. 8409,

MESSAGE FROM THE SENATE

May 6, 1993

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SENATE BILL NO. 5719,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

2ESB 5719 by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management

Authorizing general obligation bonds for costs incidental to the 1993-95 biennium.

With the consent of the House, the rules were suspended and Second Engrossed Senate Bill No. 5719 was advanced to the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SECOND ENGROSSED SENATE BILL NO. 5719, by Senators Rinehart, Bluechel and Snyder; by request of Office of Financial Management

Authorizing general obligation bonds for costs incidental to the 1993-95 biennium.

The bill was read the second time.

With the consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5719.

Representative Wang spoke in favor of passage of the bill and Representative Sehlin spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5719, and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Bray, Brown, Chappell, Cole, G., Conway, Cothorn, Dellwo, Dorn, Dunshee, Eide, Fisher, G., Fisher, R., Flemming, Grant, Hansen, Holm, Jacobsen, Johanson, Johnson, L., Johnson, R., Jones, Karahalios, Kessler, King, Kohl, J., Kremen, Lemmon, Leonard, Linville, Locke, Ludwig, Mastin, Meyers, R., Morris, Myers, H., Ogden, Orr, Patterson, Peery, Pruitt, Quall, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Shin, Sommers, Springer, Thibaudeau, Valle, Voloria, Wang, Wineberry, Wolfe, Zellinsky and Mr. Speaker - 61.

Voting nay: Representatives Ballard, Ballasiotes, Brough, Brumsickle, Campbell, Carlson, Casada, Chandler, Cooke, Dyer, Edmondson, Finkbeiner, Foreman, Forner, Fuhrman, Heavey, Horn, Lisk, Long, Mielke, Miller, Morton, Padden, Reams, Romero, Schmidt, Schoesler, Sehlin, Sheahan, Silver, Stevens, Talcott, Tate, Thomas, Vance, Van Luven and Wood - 37.

Second Engrossed Senate Bill No. 5719, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8416,
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Marty Brown, Secretary

With the consent of the House, the rules were suspended and Senate Concurrent Resolution No. 8416 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8416, by Senators Gaspard and Sellar

Returning measures to their house of origin.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8416 was adopted.

With the consent of the House, the rules were suspended, and Senate Concurrent Resolution No. 8417 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Gaspard and Sellar

Adjourning the 1st special session of the Fifty-third Legislature Sine Die.

With the consent of the House, the rules were suspended, the second reading considered the third, and the resolution was advanced to final adoption.

Senate Concurrent Resolution No. 8417 was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8416,
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGES FROM THE SENATE

May 6, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5968 and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 6, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5967 and pass the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Marty Brown, Secretary

May 6, 1993

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5717 and pass the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Marty Brown, Secretary

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5717,
SECOND ENGROSSED SENATE BILL NO. 5719,
SUBSTITUTE SENATE BILL NO. 5753,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5966,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
SUBSTITUTE SENATE BILL NO. 5968,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker has signed:

SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5717,

SECOND ENGROSSED SENATE BILL NO. 5719,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5724,
SUBSTITUTE SENATE BILL NO. 5753,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5781,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5966,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
SUBSTITUTE SENATE BILL NO. 5968,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,
SECOND ENGROSSED SENATE BILL NO. 5983,
SENATE CONCURRENT RESOLUTION NO. 8416,
SENATE CONCURRENT RESOLUTION NO. 8417,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Peery, the House adjourned Sine Die.

ALAN THOMPSON, Chief Clerk

BRIAN EBERSOLE, Speaker

ELEVENTH DAY, May 6, 1993

JOURNAL OF THE HOUSE